

## Article 2

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### Zone Regulations

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#### Section 201                    AGRICULTURAL ZONE (A)

201.1.                    Purpose - The purpose of the Agricultural Zone is to promote the continuation of agricultural activities and the protection of agricultural land in those areas most suitable for farming. Areas included in the Agricultural Zone have been specifically identified as possessing valuable and nonrenewable natural and cultural resources. The Agricultural Zone also intends to protect and stabilize the Township's viable agricultural economy by eliminating uses that are incompatible with farming, but permitting farm occupations and limited agricultural support businesses. Consequently, residential uses are limited and any future inhabitants in the Agricultural Zone must be willing to accept the impacts associated with normal farming practices, and related businesses. The provisions of the Agricultural Zone have been specifically formulated to further the objectives of the Municipalities Planning Code which provides that local zoning ordinances shall be designed "to preserve prime agriculture and farmland considering topography, soil type and classification, and present use." Lands within the Agricultural Zone are not suitable for the provision of public sewer or water.

201.2.                    Uses Permitted by Right

In the Agricultural Zone a building, or multiple buildings, may be erected, altered or used and land may be used for any one, or a combination, of the following uses and no other:

1.                    Agriculture (excluding intensive agriculture, as defined in Section 112, herein) horticulture and forestry-related uses, including timber harvesting.
2.                    Single-family detached dwellings (See Section 201.7).
3.                    Conservation or natural areas.
4.                    Bed and breakfasts, subject to the specific criteria of Section 506 of this Ordinance.

5. One room schoolhouses which are accessory to a farm as defined herein.

201.3. Conditional Uses

All applications for conditional use shall be subject to the review procedures of Section 804 of this Ordinance.

1. Public utilities structures with the exception of public sewer and water plants and lines.
2. Wildlife refuges or fish hatcheries.
3. Alternative wastewater and community water systems.
4. Parks and playgrounds.
5. Natural Gas Compressor Stations (Subject to Section 552) **(Amended by Ordinance 2015-3 adopted May 7, 2015)**
6. Two-family conversions, as defined in Section 112, herein, subject to the following criteria:
  - A. The applicant shall furnish evidence that an approved system of water supply and sewage disposal will be utilized.
  - B. No extensions or modifications to the external appearance of the building, except fire escapes, which would alter its residential character shall be permitted.
  - C. All floors above and below grade shall have direct means of escape to ground level.
  - D. Four (4) off-street parking spaces shall be provided.
7. Golf courses (see Section 520).
8. Communication antennas, including cell towers, on Township owned land.
9. Hunting preserves (see Section 548).

10. Principal Anaerobic Digesters (See Section 551)

201.4 Special Exceptions Uses

All applications for special exception uses shall be subject to the review procedures of Section 704.3.

- 1. Extended family housing, as defined in Section 112, herein, subject to the following criteria:
  - A. All sewage disposal, water supply, and other utilities shall be physically connected to those systems serving the dwelling; no separate utility systems or connections shall be constructed or used. All connections shall meet the applicable utility company standards.
  - B. The applicant shall submit evidence to the Zoning Officer showing that the total number of occupants in the dwelling will not exceed the maximum capacities for which the one-unit systems were designed, unless those systems are to be expanded, in which case, the expansion approvals are to be submitted. Any connection to or addition to an existing on-site sewer system shall be subject to the review and approval of the Sewage Enforcement Officer.
  
- 2. Temporary farm employee housing, as defined in Section 112, herein, subject to the following criteria:
  - A. For each farm, one (1) manufactured home is permitted for the use of farm workers, and their families, who are employed by the owner of the farm, for such time as the employee works the land of the owner.
  - B. All manufactured homes shall comply with all setback requirements imposed upon single-family detached dwellings; no manufactured home may be located within a front yard.
  - C. The applicant shall furnish evidence that an approved system of water supply and sewage disposal shall be utilized.

- D. Such manufactured homes shall be anchored in accordance with the Uniform Construction Code (UCC) Act 45 as amended.
  - E. The manufactured home shall be occupied at least one hundred twenty (120) days a year by at least one person who is employed on the farm where the manufactured home is located. If this condition is not satisfied, the manufactured home shall be removed within one hundred twenty (120) days.
  - F. All temporary farm employee housing is subject to approval by the Lancaster County Planning Commission as a land development or waiver thereto.
3. Structures for the intake of water from the Susquehanna River and/or the discharge of wastewater to the Susquehanna River, subject to the following criteria:
- A. Water intake and discharge facilities shall comply with all applicable requirements of the Pennsylvania Floodplain Management Act, Act of October 4, 1978, P.L. 851, 32 P.S. § 679.101 et seq., the Pennsylvania Dam Safety and Encroachments Act, Act of November 26, 1978, P.L. 1375, 32 P.S. § 693.1 et seq., the Pennsylvania Clean Streams Law, Act of June 22, 1937, P.L. 1987, 35 P.S. § 691.1 et seq., the Federal Water Pollution Control Act, 33 U.S.C. § 1251 et seq., the Susquehanna River Basin Compact, 32 P.S. § 820.1 et seq., and the regulations of PA DEP, the United States Environmental Protection Agency, the Susquehanna River Basin Commission, and the United States Army Corps of Engineers.
  - B. Any structure or activity that changes, expands or diminishes the course, current or cross-section of any watercourse, floodway, or body of water, or that involves any other water obstruction, shall require a permit, general permit, permit waiver, or exemption from PA DEP or a letter from PA DEP stating that the proposed structure does not require a PA DEP permit or other approval.

- C. Any structure that occupies submerged lands of the Commonwealth shall obtain an easement, right-of-way, license or lease to occupy the submerged lands of the Commonwealth from PA DEP.
- D. The discharge of pollutants or industrial wastes from any structure into waters of the Commonwealth shall require a permit from PA DEP or a letter from PA DEP stating that the discharge does not require a PA DEP permit.
- E. The diversion of water out of the Susquehanna River Basin shall require review and approval by the Susquehanna River Basin Commission.
- F. The withdrawal of water from the Susquehanna River in excess of 100,000 gallons per day for any consecutive thirty-day period, or the consumptive use of water from the Susquehanna River in excess of 20,000 gallons per day for any consecutive thirty-day period, shall require review and approval by the Susquehanna River Basin Commission.
- G. Water intake and discharge facilities located in the Floodplain Zone shall comply with the requirements of Section 207.
- H. A copy of all applications, approvals, permits, documentation, easements, exemptions, notices, plans, rights-of-way, waivers, licenses, and leases to and from all government agencies for the facility shall be submitted to the Township.
- I. At no time shall the facility emit any deleterious dust, electromagnetic interference, glare, heat, litter, noise, odor, radiation, smoke, vibration, or other objectionable impact beyond the area in the Township permitted for the facility and beyond the levels permitted by other governmental agencies. This requirement shall not be applicable during construction, maintenance, replacement, or demolition of the facility.

4. Farm occupations (see Section 516).
5. Farm-related businesses (see Section 518).
6. Home occupations (see Section 522).
7. Intensive Agriculture, including intensive produce operations, intensive livestock operations, spent mushroom compost processing and commercial mushroom operations. (see Sections 526 and 542).
8. Animal Hospitals, Breeding and Boarding Kennels (see Section 502) **(Amended by Ordinance 2015-03 Adopted May 7, 2015)**
9. Rural occupations (see Section 538).

## 201.5

## Accessory Uses

1. Accessory uses customarily incidental to the uses permitted above, including, but not limited to, no-impact home-based businesses, as defined in Section 112, herein.
2. Manure storage facilities, as defined in Section 112, herein, if located on a farm, and subject to the following:
  - A. All manure storage facilities shall comply with PA Code 91.36 Pollution Control and Prevention at Agricultural Operations and the PA Technical Guide Standards.
  - B. Construction and subsequent operation of the waste storage facility shall be in accordance with the permit and the approved design. Any design changes during construction or subsequent operation will require approval of the design professional of record.
3. Roadside stands for the sale of agricultural products, subject to the following:
  - A. At least half of the products displayed for sale shall have been produced on the premises.

- B. All structures used to display goods, and related parking shall be no more than five hundred (500) square feet in size, and shall maintain a twenty-five (25) foot setback from all property and street right-of-way lines.
  - C. Off-street parking shall be provided at the rate of one (1) space per each one hundred fifty (150) square feet of sale display area.
  - D. Such facilities shall be permitted one sign neither to exceed six (6) square feet in size nor a maximum height of six (6) feet; such sign shall require a permit as set forth in Section 415 of this Ordinance.
4. Beekeeping, where accessory to an existing or approved single-family detached farm or non-farm dwelling, subject to the following:
- A. It shall be the duty of the applicant to maintain each colony so as not to create a public nuisance.
  - B. Colonies shall be maintained in movable frame hives.
  - C. All hives within twenty (20) feet of a property line shall have a solid fence or vegetative obstruction five (5) feet or more in height, between the hives and the property line.
  - D. All hives shall have access to an on-site water supply.
  - E. All bee hives shall be maintained in a healthy condition using locally-accepted beekeeping management practices.
  - F. The transport of bees shall be according to one or more of the following standards:
    - (1) The entrance and any holes in the hives are closed with screen or other material to prevent the escape of bees.

- (2) The entire load of hives is covered with a weatherproof netting material of an eight (8) inch mesh or less.
  - (3) The bees are enclosed in a refrigerated containment vehicle which maintains the temperature at forty five degrees (45°) or less.
  - (4) The hives are loaded, transported and unloaded between sundown and sunrise of the same night.
5. Noncommercial keeping of animals on lots of less than ten (10) acres, where accessory to an existing or approved single-family detached non-farm dwelling, subject to the following:
- A. Minimum Lot Area - One (1) acre; additionally, the following list specifies additional area requirements by size of animals kept:
    - GROUP 1 - Animals whose average adult weight is less than fifteen (15) pounds shall be permitted at an animal density of twelve (12) per acre, with a maximum number of fifty (50) animals.
    - GROUP 2 - Animals whose average adult weight is between fifteen (15) and two hundred (200) pounds shall be permitted at an animal density of two (2) per acre, with a maximum number of twenty (20) animals; and,
    - GROUP 3 - Animals whose average adult weight is greater than two hundred (200) pounds shall be permitted at an animal density of one (1) per acre, with a maximum number of five (5) animals.

The keeping of a combination of animal types (Group 1, 2 and 3) shall require an animal



density equal to the ratio of the number of animals, by type. In no case shall a lot contain more than fifty (50) total animals. Should one structure be used to house a combination of animal types, the most restrictive setback shall apply.

- B. The following lists minimum setbacks (from all property lines) imposed upon the placement of any structure used to house noncommercial livestock:

GROUP 1 Animals - Up to twenty five (25) animals, a twenty five (25) foot setback; more than twenty five (25) animals, a fifty (50) foot setback.

GROUP 2 Animals - Up to two (2) animals, a fifty (50) foot setback; more than two (2) animals, a one hundred (100) foot setback; and,

GROUP 3 Animals - One (1) animal, a fifty (50) foot setback; more than one (1) animal, a one hundred (100) foot setback.

- C. An additional setback may be required where dwellings on adjacent properties do not meet the minimum side yard or rear yard requirements. Such additional setback shall be equal to the deficiency in the adjacent yard.
- D. All structures used to house noncommercial livestock shall be prohibited from placement in the front yard.
- E. All outdoor pasture/recreation areas shall be enclosed with fencing to prevent the escape of animals. Such fencing shall be set back at least five (5) feet from all property lines.
- F. All animal wastes shall be properly stored and disposed of, so as not to be objectionable at the lot's property line. All animals, their housing, and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties.

6. Solar panels or solar energy collectors for a dwelling or other building in compliance with the provisions of Section 429.1, herein.
7. Non-Commercial Windmills for residential wind energy generation for a dwelling in compliance with the provisions of Section 429.2, herein.
8. Non-Commercial Windmills for non-residential wind energy generation for non-residential buildings in compliance with the provisions of Section 429.3, herein.
9. Outdoor Wood Fired Boilers in compliance with the provisions of Section 429.4, herein.
10. Accessory Anaerobic Digesters in compliance with the provisions of Section 429.5, herein.
11. ECHO housing, as defined herein, subject to the following: **(Amended by Ordinance 2015-03 Adopted May 7, 2015)**
  - A. The elder cottage shall be of portable construction and may not exceed one thousand five hundred (1500) square feet of floor area.
  - B. The total building coverage for the principal dwelling, any existing accessory structures and the elder cottage together shall not exceed the maximum lot coverage requirement for the Agricultural Zone.
  - C. The elder cottage shall be occupied by no more than two (2) people, at least one of whom must be both related to the occupants of the principal dwelling by blood, marriage or adoption, and is either (a) 50 years of age or older, (b) handicapped, or (c) disabled.
  - D. Utilities:
    - (1) For sewage disposal and water supply and all other utilities, the elder cottage shall be

physically connected to those systems serving in the principal dwelling; no separate utility systems or connections shall be constructed or used, unless required by the PA DEP. All connection shall meet the applicable utility company standards.

(2) If on-lot sewage disposal or water systems are to be used, the applicant shall submit evidence to the Zoning Officer showing that the total number of occupants in both the principal dwelling and the elder cottage will not exceed the maximum capacities for which the one-unit systems were designed, unless those systems are to be expanded, in which case the expansion approvals are to be submitted. Any connection to or addition to an existing on-lot sewage disposal system shall be subject to the review and approval of the Sewage Enforcement officer.

- E. A minimum of one (1) all-weather, off-street parking space, with unrestricted ingress and egress to the street, shall be provided for the elder cottage, in addition to that required for the principal dwelling.
- F. The elder cottage shall be installed and located only in the side or rear yards, and shall adhere to all side and rear yard setback requirements for principal uses.
- G. The elder cottage shall be removed from the property within three (3) months after it is no longer occupied by a person who qualifies for the use.
- H. Upon the proper installation of the elder cottage, the Zoning Officer shall issue a temporary zoning permit. Such permit shall be reviewed every twelve (12) months until such time as the elder

cottage is required to be removed. A fee, in the amount to be set by the Board of Supervisors, shall be paid by the landowner upon each renewal of the temporary zoning permit. Such fee shall be based upon the cost of the annual review of the permit.

#### 201.6 Limitations on Subdivision/Land Development

1. In order to preserve the agricultural tracts, it is the express intent of the Agricultural Zone regulations that the subdivision of lots from farms or the development of nonagricultural uses and structures on existing farms shall be limited. In addition, it is the express intent of these provisions that the maximum size of lots created for any use other than agriculture be limited in order to provide for the retention of tracts of sufficient size to be used for agricultural purposes. It is the intent of the Board of Supervisors to implement the mandate of Section 604(3) of the Pennsylvania Municipalities Planning Code to preserve prime agricultural land through the enactment of these regulations.
2. The following table shall be used to determine the permissible number of lots which may be subdivided, or the number of new principal uses that may be established, respectively, within this Zone, The "Lot Area" calculation contained within the following table shall be based upon all contiguous land within the Agricultural Zone held in single and separate ownership, which was held by the landowner or his/her predecessor(s) in title on February 6, 1986, the "Lot Area" calculation shall be based upon the contiguous land held in single and separate ownership on the date such land was first rezoned to the Agricultural Zone. For the purposes of this section, land held in single and separate ownership shall be considered to be contiguous regardless of whether:
  - A. Such land is divided into one or more lots, parcels, purports or tracts.
  - B. Such land was acquired by the landowner at different times or by different deeds or other means.

- C. Such land is separated by public or private streets or rights-of-ways.

Lot Area (Acres)		Number of New Lots Which May be Subdivided and/or Number of New Principal Uses Which May be Established
At Least	Less Than	
2	25	1
25	50	2
50	75	3
75	100	4
100	125	5
	Over 125	6

- 3. It is the purpose and intent of the Agricultural Zone to limit the development of agricultural tracts regardless of whether such development is accomplished by subdivision or land development as those terms are defined in the Pennsylvania Municipalities Planning Code. It is the further purpose and intent of this Zone to limit the number of single-family dwellings or other principal nonagricultural buildings which may be erected on any tract within the Agricultural Zone. The condition of the tract on February 6, 1986, or on the date on which the tract was first zoned Agricultural Zone, shall be the basis from which the maximum development set forth in Section 201.6.2 above, shall be calculated.
- 4. No subdivision shall be permitted which shall increase the lot size of a lot used for residential purposes in excess of the maximum lot size. Any lot existing on February 6, 1986, which is two (2) or fewer acres in size, shall be presumed to be used for residential purposes and the size of such lot shall not be increased to more than two (2) acres.
- 5. A subdivision that merely transfers land from one farm to another farm shall not be counted against the permitted number of lots to be subdivided in Section 201.6.2, above.
- 6. A subdivision to create a lot which will be transferred to the Township, or a municipal authority created by the Township shall not be included when computing the permissible number of lots to be subdivided from a tract as set forth in Section 201.6.2, above.

7. The number of lots which may be created or single-family dwellings or other principal nonagricultural buildings which may be erected shall be fixed according to the size of the parent tract. This number shall not be increased by the subdivision of such parent tract. Any subsequent owner of a parent tract, land remaining in the parent tract after the subdivision or land which was formerly part of a parent tract shall be bound by the actions of his predecessor.
8. Echo housing shall not be considered a subdivision right however extended family housing shall be considered a subdivision right.
9. In reviewing a subdivision or land development plan within this Zone, the applicant should incorporate a proposed design of lots/uses that will:
  - A. Minimize the loss of valuable farmland and/or minimize the disruption of agricultural operations.
  - B. Cluster residential lots on the subject property and, if applicable, with those lots contained on adjoining farms.
  - C. Minimize the length of property lines shared by all residential lots and adjoining farms.
  - D. Assure adequate vehicular access to future residences not currently proposed.
  - E. Assure that the proposed plan can comply with the SLDO.
  - F. Minimize the clearing or cutting of mature trees and hedge rows.

Should the applicant fail to demonstrate compliance with any of the preceding objectives, the proposed plan shall be denied.

201.7 Area and Design Requirements

The Area and Design Requirements for the Agricultural Zone are provided in Table 201.7.

201.8 Driveways and Access Drives

All driveways serving single-family dwellings shall be in accordance with Section 410 of this Ordinance. All access drives serving other uses shall be in accordance with Section 411 of this Ordinance. All lanes exclusively serving agricultural, horticultural and/or forestry-related activities shall be exempt from driveway and access drive requirements. However, all farm lanes shall be located, designed and maintained so as to prevent the collection of mud on public roads.

201.9 Waste Products

All trash dumpsters shall be located within a side or rear yard, set back at least fifty (50) feet from all property lines and screened from adjoining roads and properties.

201.10 Required Conservation Plan

Any agricultural, horticultural or forestry-related uses which involve earthmoving activities, or the commercial harvesting or timbering of trees, shall require a conservation plan approved by the Lancaster County Conservation District pursuant to Chapter 102 Erosion Control of Title 25 Rules and Regulations, PA DEP. All on-site activities shall be in compliance with the approved conservation plan. All agricultural, horticultural and forestry uses shall, in addition, be conducted so as to minimize the conveyance of storm water off the site.

201.11 Agricultural Nuisance Disclaimer

All lands within the Agricultural Zone are located within an area where land is used for commercial agricultural production. Owners, residents, and other users of this property may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including, but not limited to, noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants, and users of this property should be prepared to accept such inconveniences, discomfort, and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 or 1982 "The Right to Farm Law" may bar

them from obtaining a legal judgment against such normal agricultural operations.

201.12 Required Nutrient Management Plans

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

201.13 Compliance with the General Provisions of Article 4 Required

All uses permitted within this Zone shall also comply with the General Provisions contained within Article 4 of this Ordinance.



**Table 201.7 Area and Design Requirements for the Agricultural (A) Zone**

Use	Minimum Required Lot Area	Maximum Permitted Lot Area	Minimum Required Lot Width	Minimum Required Front Yard Setback	Minimum Required Side Yard Setback	Minimum Required Rear Yard Setback	Maximum Permitted Lot Coverage	Maximum Permitted Height	
Agriculture, horticulture and forestry-related uses, including parent tract remainders	Any use created prior to January 1, 2000 - Ten (10) acres. Any use created on or after January 1, 2000 - Forty (40) acres	N/A	100 ft. @ building setback/60 ft. @ street frontage	50 feet	50 ft each side <sup>1</sup>	50 ft. <sup>1</sup>	10%	150 ft. <sup>2</sup>	
Single-family detached dwellings	1 acre <sup>3</sup>	2 acres			25 ft.on each side	35 ft.			20%
Other principal uses	1 acre <sup>3</sup>	2 acres			50 ft. on each side	50 ft.			20%

<sup>1</sup>Special Setback Requirements - Except as provided below, no new slaughter area, area for the storage or processing of manure, garbage, or spent mushroom compost, structure for the cultivation of mushrooms or the raising of livestock, or any building housing livestock shall be permitted within five hundred (500) feet of any land within the Rural or Village Residential Zones. The Zoning Hearing Board may, as a special exception, however, reduce these setbacks where it is shown that, because of prevailing winds, unusual obstructions, topography, or other conditions, a lesser distance would protect adjoining lands from odor, dust, or other nuisances and hazards. In no case shall the Zoning Hearing Board reduce these setbacks to less than one hundred (100) feet. The burden shall be on the applicant to prove that the lesser distance would not be detrimental to the health, safety and general welfare of the community and adjoining lands to the same extent as the five hundred (500) foot setback. These setbacks shall not apply to agricultural fences that are used to contain livestock; however, such fences shall not extend into any adjoining street right-of-way.

<sup>2</sup>Each structure must be set back a distance at least equal to its height from each property line. All structures must comply with Section 404 of this Ordinance.

<sup>3</sup>All uses relying upon on-lot sewers must comply with Section 417 of this Ordinance.

**Section 202 RURAL RESIDENTIAL ZONE (RR)**

202.1 Purpose

The purpose of the Rural Residential Zone is to acknowledge and provide for limited residential infill of the existing rural crossroads communities and developments in the Township. Because these communities do not have the level of services available in the Township's villages and are not located in areas suitable for significant further development, their expansion will be limited to infill of similar-density residential development. Lands within the Rural Residential Zone require the use of on-lot utilities and are not planned for the provision of public sewer or water at this time.

202.2 Uses Permitted by Right

In the Rural Residential Zone a building, or multiple buildings, may be erected, altered or used and land may be used for any one, or a combination of the following uses and no other:

1. Agriculture (excluding intensive agriculture, as defined in Section 112, herein) horticulture and forestry-related uses, including timber harvesting.
2. Single-family detached dwellings.

202.3 Conditional Uses

All applications for conditional use shall be subject to the review procedures of Section 804 of this Ordinance.

1. Churches and related uses, subject to the following standards:
  - A. House of Worship:
    - (1) Minimum Lot Area - Two (2) acres.
    - (2) Minimum Lot Width - One hundred and fifty (150) feet.
    - (3) Side Yard Setback - Twenty-five (25) feet on each side.

- (4) All off-street parking areas shall be set back at least twenty-five (25) feet from the street right-of-way line.

B. Church-Related Residences (Rectories and Convents):

- (1) All residential uses shall be accessory, and located upon the same lot or directly adjacent to a lot containing a house of worship.
- (2) All residential uses shall be governed by the location, height and bulk standards imposed upon other residences within the Rural Residential Zone.

C. Church-Related Educational or Principal Day-Care Centers:

- (1) All educational or day-care uses shall be accessory, and located upon the same lot as a house of worship.
- (2) If education or day care is offered below the college level, an outdoor play area shall be provided at a minimum rate of sixty-five (65) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a six (6) foot high fence, and screened from adjoining residentially-zoned properties. Any vegetative materials located within the outdoor play areas shall be of a non-harmful type (i.e. shall not be poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade such as shade tree(s) or pavilion(s).

- (3) Enrollment shall be defined as the largest number of students and/or children under day-care supervision at any one time during a seven-day period.
- (4) Passenger “drop-off” areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site.
- (5) All educational or day-care uses shall be governed by the location, height, and bulk standards imposed upon principal uses within the Rural Residential Zone.
- (6) Unless the applicant can demonstrate that the off-street parking associated with the house of worship is sufficient for the proposed use, one off-street parking space shall be provided for each six students enrolled below grade ten, and/or one off-street parking space for each three students, grades ten and above.

D. Cemeteries when associated with a church:

- (1) All burial plots or structures shall be located at least twenty (20) feet from any property line or street line.
- (2) Assurances must be provided that water supplies of surrounding properties will not be contaminated by burial activity within the proposed cemetery.
- (3) No burial plots or facilities are permitted in floodplain, flood fringe or wetland areas.

E. The applicant shall furnish evidence that approved systems for sewage disposal and water supply will be utilized.

F. Parking shall be provided in accordance with the schedule listed in Section 412 of the Ordinance.

202.4. Special Exception Uses

All applications for special exception uses shall be subject to the review procedures of Section 704.3.

1. Home occupations (see Section 522).
2. Rural occupations (see Section 538).

202.5 Accessory Uses

1. Accessory uses customarily incidental to the above permitted uses, including, but not limited to, no-impact home-based businesses as defined herein, but excluding manure storage facilities.
2. Noncommercial keeping of animals on lots of less than ten (10) acres, where accessory to an existing or approved single-family detached non-farm dwelling, subject to the provisions of Section 201.5.5, herein.
3. Solar panels or solar energy collectors for a dwelling or other building in compliance with the provisions of Section 429.1, herein.
4. Non-Commercial Windmills for wind energy generation for a dwelling or other building in compliance with the provisions of Section 429.2, herein.
5. Non-Commercial Windmills for non-residential wind energy generation for non-residential buildings in compliance with the provisions of Section 429.3, herein.
6. Outdoor Wood Fired Boilers in compliance with the provisions of Section 429.4, herein.
7. ECHO housing in compliance with Section 201.5.11.  
**(Amended by Ordinance 2015-03 dated May 7, 2015)**

202.6 Lot Area Requirements

Unless otherwise specified, all uses within the Rural Residential Zone shall contain a minimum lot area of one (1) acre; however, the minimum required lot size may be required to be increased to accommodate an on-lot sewage disposal site as determined by the PA DEP as well as an alternate site as required by Section 417 of this Ordinance.

- 202.7            Minimum Lot Width
- One hundred and twenty five (125) feet at the building setback line and the street right-of-way line, with a thirty percent (30%) reduction in the latter for lots on cul-de-sacs.
- 202.8            Maximum Lot Coverage
- Twenty percent (20%), unless otherwise specified in Article 5 of this Ordinance.
- 202.9            Minimum Setback Requirements for Principal Uses
1.        Front yard - Forty (40) feet from street right-of-way line;
  2.        Side yards - Fifteen (15) feet each side; and,
  3.        Rear yard - Forty (40) feet.
- 202.10           Agricultural Setback Requirement
- On any separate non-farm parcel, no dwelling unit shall be located within fifty (50) feet of any land within the Agricultural Zone. In addition, no accessory residential structures, fences or shrubs shall be placed within five (5) feet, and no tree shall be planted within thirty (30) feet of any land within the Agricultural Zone.
- 202.11           Maximum Permitted Height for Principal Structures
- Thirty-five (35) feet
- 202.12           Driveways and Access Drives
- All driveways serving single-family dwellings shall be in accordance with Section 410 of this Ordinance, except for flag lots lacking direct street frontage. However, such lots must have direct vehicular access to a joint-use driveway. All access drives serving other uses shall be in accordance with Section 411 of this Ordinance.
- 202.13           All uses permitted within the Rural Residential Zone shall also comply with the General Provisions contained in Article 4 of this Ordinance.

**Section 203 VILLAGE RESIDENTIAL ZONE (VR)**

203.1. Purpose

The purpose of the Village Residential Zone is to encourage compact residential development consistent with the traditional densities and historic rural character of the Township’s villages. The Village Residential Zone permits a range of housing types and densities, emphasizing integration with existing development and a pedestrian-orientation, to promote a sense of community. Because projected future growth within the Township is intended to be accommodated largely through infill and expansion of existing villages, strong incentives are provided to encourage developer-provision of alternative wastewater facilities and community water supplies. Such development will occur through the conditional use process, subject to a high degree of site planning.

203.2 Uses Permitted by Right

In the Village Residential Zone a building may be erected, altered or used and land may be used for the following uses and no other:

- 1. Agriculture (excluding intensive agriculture, as defined in Section 112, herein) horticulture and forestry-related uses, including timber harvesting.
- 2. Single-family detached dwellings, subject to Section 203.7

203.3 Conditional Uses

All applications for conditional use shall be subject to the review procedures of Section 804 of this Ordinance.

- 1. Multiple-family dwellings (see Section 530).
- 2. Village Clusters (see Section 546).
- 3. Parks and playgrounds.
- 4. Independent senior housing.
- 5. Public and private schools (see Section 534).

- 6. Manufactured home parks (see Section 529).

203.4. Special Exception Uses

All applications for special exception uses shall be subject to the review procedures of Section 704.3.

- 1. Bed and Breakfasts (see Section 506).
- 2. Churches and related uses (see Section 510).
- 3. Home occupations (see Section 522).
- 4. Noncommercial keeping of animals on lots of less than ten (10) acres, where accessory to an existing or approved single-family detached non-farm dwelling, subject to the provisions of Section 201.5.5, herein.

203.5 Accessory Uses

- 1. Accessory uses customarily incidental to the uses permitted above, including, but not limited to, no-impact home-based businesses as defined herein, but excluding manure storage facilities.
- 2. Solar panels or solar energy collectors for a dwelling or other building in compliance with the provisions of Section 429.1, herein.
- 3. Non-Commercial Windmills for wind energy generation for a dwelling or other building in compliance with the provisions of Section 429.2, herein.
- 4. Non-Commercial Windmills for non-residential wind energy generation for non-residential buildings in compliance with the provisions of Section 429.3, herein.

203.6 Design Standards

Table 203.6 provides the applicable design standards.

203.7 Limitations on Subdivision/Land Development

- 1. In order to preserve the goals and purpose of the Village Residential Zone, the subdivision of lots not utilizing community water and community sewage systems shall be limited.



2. The following table shall be used to determine the permissible number of lots which may be subdivided, or the number of new principal uses that may be established, respectively, within the Village Residential Zone. The "Lot Area" calculation contained within the following table shall be based upon all contiguous land within the Village Residential Zone held in single and separate ownership which was held by the landowner or his/her predecessor(s) in title on the adoption date of this Ordinance. For the purposes of this section, land held in single and separate ownership shall be considered contiguous regardless of whether:
  - A. Such land is divided into one or more lots, parcels, purparts or tracts;
  - B. Such land was acquired by the landowner at different times or by different deeds or other means; and,
  - C. Such land is separated by public or private streets or rights-of-way.

Nothing herein implies the merging of deeds and each parcel shall be calculated separately.

<b>Lot Area (Acres)</b>		<b>Number of New Lots Which May be Subdivided and/or Number of New Principal Uses</b>
<b>At Least</b>	<b>Less Than</b>	<b>Which May be Established</b>
2	25	1
25	50	2
50	75	3
75	100	4
100	125	5
Over 125		6

3. A subdivision that merely transfers land from one farm to another farm shall not be counted against the permitted number of lots to be subdivided in Section 203.7.2, above.
4. A subdivision to create a lot which will be transferred to the Township, or a municipal authority created by the Township shall not be included when computing the

permissible number of lots to be subdivided from a tract as set forth in Section 203.7.2, above.

5. The number of lots which may be created or single-family dwellings which may be erected shall be fixed according to the size of the parent tract. This number shall not be increased by the subdivision of such parent tract. Any subsequent owner of a parent tract, land remaining in the parent tract after subdivision of land which was formerly part of a parent tract, shall be bound by the actions of his predecessor.

203.8. Agricultural Setback Requirement

No dwelling unit shall be located within fifty (50) feet of any land within the Agricultural Zone. In addition, no accessory residential structures, fences or shrubs shall be placed within five (5) feet, and no tree shall be planted within thirty (30) feet of any land within the Agricultural Zone.

203.9. Maximum Permitted Height for Principal Structures

Thirty-five (35) feet

203.10. Driveway and Access Drive Requirements

All driveways serving single-family dwellings shall be provided in accordance with Section 410 of this Ordinance. All access drives serving other uses shall be in accordance with Section 411 of this Ordinance.

203.11. Compliance with the General Provisions of Article 4 Required

All uses shall also comply with the applicable General Provisions contained in Article 4 of this Ordinance.

**Table 203.6 Design Standards**

Utilized Public Utilities	Minimum Lot Area	Maximum Lot Area	Maximum Lot Coverage	Minimum Lot Width <sup>2</sup>	Minimum Yard Setbacks			
					Front <sup>3</sup>	One Side	Both Sides	Rear
None	43,560 Sq. Ft. <sup>1</sup>	87,120 Sq. Ft.	20%	100 Ft.	20 Ft.	15 Ft.	30 Ft.	30 Ft.
Community Water and Sewer	25,000 Sq. Ft.	None	35%	75 Ft.	20 Ft.	10 Ft.	20 Ft.	20 Ft.

<sup>1</sup>The minimum required lot size may be increased to ensure an acceptable level of nitrate-nitrogen in the adjoining groundwater, such determination will be made by PA DEP, through its sewer module review process. (See Section 417)

<sup>2</sup>The minimum lot width shall be measured at the building setback line and street right-of-way line.

<sup>3</sup>The front yard setback shall be measured from the street right-of-way line; along PA 272, the minimum front yard shall be 50 feet.

<sup>4</sup>The maximum density shall be 2.0 dwelling units per acre.

**Section 204**

**VILLAGE COMMERCIAL ZONE (VC)**

204.1. Purpose

The purpose of the Village Commercial Zone is to provide for neighborhood goods and services within walking distance of local residents in the Township’s villages. Uses are limited to those that residents are likely to need on a daily or regular basis. Retail size has been restricted to prevent the establishment of intensive commercial uses that exceed the local orientation of the Village Commercial Zone. Areas where the Village Commercial Zone occurs have been sized to permit a grouping of several businesses; lot sizes may vary depending upon the use of public utilities. Strict design standards have been imposed to keep uses in the Village Commercial Zone compatible with nearby homes.

204.2. Uses Permitted by Right

In the Village Commercial Zone a building, or multiple buildings, may be erected, altered or used and land may be used for any one, or a combination of the following uses and no other:

1. Agriculture (excluding intensive agriculture, as defined in Section 112, herein) horticulture and forestry-related uses, including timber harvesting.
2. Bed and breakfasts, subject to the specific criteria of Section 506 of this Ordinance.
3. Single Family Dwellings, including conversion apartments, subject to the requirements of the Village Residential Zone.
4. Family day-care facilities, as defined in Section 112, herein.
5. Offices and office conversions.
6. Retail conversions, as defined herein.
7. Retail services, including barber/beauty salons, music, dance, art or photographic studios, repair of clocks and small appliances.

- 8. Two-family conversions, subject to the following criteria:
  - A. The applicant shall furnish evidence that an approved system of water supply and sewage disposal will be utilized.
  - B. No extensions or modifications to the external appearance of the building (except fire escapes) which would alter its residential character shall be permitted.
  - C. All units on floors above and below grade shall have direct means of escape to ground level.
  - D. A minimum of four (4) off-street parking spaces shall be provided.

204.3. Conditional Uses

All applications for conditional use shall be subject to the review procedures of Section 804 of this Ordinance.

- 1. Parks and playgrounds, municipal services and public utilities structures.

204.4. Special Exception Uses

All applications for special exception uses shall be subject to the review procedures of Section 704.3.

- 1. Boarding houses (see Section 508).
- 2. Churches and related uses (see Section 510).
- 3. Home occupations (see Section 522).
- 4. Retail sale and/or rental of goods provided the total sales and/or display area is less than two thousand (2,000) square feet (see Section 537).
- 5. Noncommercial keeping of animals on lots of less than ten (10) acres, where accessory to an existing or approved single-family detached non-farm dwelling, subject to the provisions of Section 201.5.5, herein.

204.5 Accessory Uses

1. Accessory uses, customarily incidental to the above permitted uses including but not limited to no-impact home-based businesses as defined herein, but excluding manure storage facilities.
2. Solar panels or solar energy collectors for a dwelling or other building in compliance with the provisions of Section 429.1, herein.
3. Non-Commercial Windmills for wind energy generation for a dwelling or other building in compliance with the provisions of Section 429.2, herein.
4. Non-Commercial Windmills for non-residential wind energy generation for non-residential buildings in compliance with the provisions of Section 429.3, herein.

204.6. Lot Area, Lot Width, and Lot Coverage Requirements

The following table presents applicable standards for all uses, unless otherwise specified in Article 5.

<b>Utilized Public Utilities</b>	<b>Minimum Lot Area</b>	<b>Minimum Lot Width</b>	<b>Maximum Lot Coverage</b>
None	43,560 Sq. Ft.*	200 Ft.	30%
Community Water	32,670 Sq. Ft.	150 Ft.	35%
Alternative Sewer	20,000 Sq. Ft.	125 Ft.	40%
Community Water and Alternative Sewer	15,000 Sq. Ft.	100 Ft.	45%

\*The minimum required lot size may be increased to ensure an acceptable level of nitrate-nitrogen in the adjoining groundwater; such determinations will be made by the PA DEP, through its sewer module review process (see Section 417).

204.7. Minimum Setback Requirements for Principal Uses

1. Front yard - All buildings and structures (except permitted signs) shall be set back at least twenty (20) feet from the street right-of-way; no loading areas or off-street parking may be located within the front yard.

- 2. Side yard - All buildings and structures shall be set back at least ten (10) feet from the side lot lines. Off-street parking lots and loading areas shall be set back at least ten (10) feet from the side lot lines, unless joint parking facilities are shared by adjoining uses. In such instances, one of the side yard setbacks can be waived for parking and/or loading facilities.
- 3. Rear yard - All buildings, structures, off-street parking lots, and loading areas shall be set back at least fifteen (15) feet from the rear lot line.
- 5. Residential buffer strip - Any lot adjoining land in residential use or residential zoning shall maintain a twenty (20) foot setback for nonresidential buildings, structures, off-street parking lots, loading areas and dumpsters from residentially-zoned or residentially-used parcels. Such areas shall be used for landscaping, screening and buffering as specified in Section 414 of this Ordinance.

204.8. Maximum Permitted Height for Principal Structures

Thirty-five (35) feet

204.9. Outdoor Storage

No outdoor storage is permitted.

204.10. Off-Street Loading

Off-street loading shall be provided as specified in Section 413 of this Ordinance. In addition, no off-street loading area shall be permitted on any side of a building facing adjoining lands in residential use or residential zoning, or any side of a building facing an adjoining street.

204.11. Off-Street Parking

Off-street parking shall be provided as specified in Section 412 of this Ordinance. All off-street parking for nonresidential principal uses shall be located to the side or rear of principal buildings.

204.12. Driveway and Access Drive Requirements

All driveways serving single-family dwellings shall be provided in accordance with Section 410 of this Ordinance. All access drives serving other uses shall be in accordance with Section 411 of this Ordinance.

204.13. Signs

Signs shall be permitted as specified in Section 415 of this Ordinance.

204.14. Landscaping, Screening and Buffering

For non-residential and multi-family uses, a minimum twenty (20) foot wide, except as otherwise provided in Section 414 of this Ordinance, landscaped buffer shall be provided along all property lines, including the street frontage. Such landscaped buffer can be waived for that portion of the site occupied by a joint parking lot and/or loading area shared by adjoining uses. Any portion of the site not used for buildings, structures, parking lots, loading areas and sidewalks shall be continually maintained with an all season ground cover and landscaping as specified in Section 414 of this Ordinance.

204.15. Outdoor Lighting

Outdoor lighting, as applicable, shall be provided as specified in Section 428 of this Ordinance.

204.16. Waste Products

All trash dumpsters shall be located within a side or rear yard, set back at least twenty (20) feet from adjoining lands in residential zoning, or in residential use, and at least fifteen (15) feet from all other adjoining property lines. All trash dumpsters shall be screened from adjoining roads and properties.

204.17. Commercial Operations Standards

All commercial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal government regulations, as required by the most recent regulations made available from these governmental bodies. For a listing of some applicable regulations, see Section 418 of this Ordinance.



204.18. Compliance with the General Provisions of Article 4 Required

All uses permitted within the Village Commercial Zone shall also comply with the applicable General Provisions in Article 4 of this Ordinance.

**Section 205 COMMERCIAL/INDUSTRIAL ZONE (C/I)**

205.1 Purpose

The purpose of the Commercial/Industrial Zone is to provide for local highway commercial and industrial uses at suitable locations as needed. Larger and more intensive uses, while provided for, must obtain specific approval by special exception or conditional use. Lands zoned Commercial/Industrial are to be located either adjacent to villages or in areas with major road access, to minimize traffic congestion. These may be served either by individual on-lot utilities or by community on-lot water and sewer or alternative wastewater systems.

205.2 Permitted Uses

In the Commercial/Industrial Zone a building, or multiple buildings, may be erected, altered or used and land may be used for any one, or a multiple, of the following uses and no other:

1. Agriculture (excluding intensive agriculture, as defined in Section 112, herein) horticulture and forestry-related uses, including timber harvesting.
2. Banks and other similar financial institutions.
3. Parks and playgrounds, municipal services and public utilities structures.
4. Principal day-care centers (see Section 533).
5. Restaurants, but not including drive-thru or fast food restaurants, nightclubs or taverns.
6. Retail sales and/or rental of goods, including convenience stores, of less than 20,000 sf of gross leasable floor space.
7. Warehousing and wholesale trade establishments.

8. Laboratories for scientific or industrial research and development.
9. Shops for contractors of plumbing, welding, heating, air conditioning, electrical, roofing, flooring, glass and swimming pools and hot tubs, and other structural components of buildings.
10. Industrial uses involving processing, packaging, production, repair or testing of materials, goods and products, including those industries performing conversion, assembly or non-toxic chemical operations.

205.3. Conditional Uses

All applications for conditional use shall be subject to the review procedures of Section 804 of this Ordinance.

1. Medical/Dental offices.
2. Commercial schools (see Section 512).
3. Animal hospitals provided no outdoor keeping of animals is permitted. (see Section 502).
4. Billboards (see Section 507).
5. Hospitals (see Section 523).
6. Intensive commercial/industrial uses, as defined herein (see Section 525).
7. Intensive produce operations (see Section 526).
8. Junkyards (see Section 527).
9. Nightclubs (see Section 531).
10. Shopping centers (see Section 541).
11. Septage and/or solid waste disposal, transfer, or processing facilities (see Section 539).
12. Truck or motor freight terminals (see Section 544).

13. Commercial windmills (See Section 549).

14. Adult Related Facilities (See Section 550).

205.4. Special Exception Uses

All applications for special exceptions shall be subject to the review procedures of Section 704.3 of this Ordinance.

1. Amusement arcades (see Section 501).
2. Animal hospitals and kennels (see Section 502).
3. Automobile auctions and/or automobile parking/storage compounds (see Section 503).
4. Automobile, bus, boat, farm and excavation machinery, truck, motorcycle, snowmobile, trailer, manufactured home and heavy equipment sales and service facilities (see Section 504).
5. Automobile filling stations, including minor incidental repair (see Section 505).
6. Car washes (see Section 509).
7. Commercial recreation facilities (see Section 511).
8. Commercial schools (see Section 512).
9. Communication antennas, towers and equipment (see Section 513).
10. Drive-thru and/or fast-food restaurants (see Section 514).
11. Dry cleaners, laundries and laundromats (see Section 515).
12. Farmers and/or flea markets (see Section 517).
13. Funeral homes (see Section 519).
14. Home improvement and building supply stores (see Section 521).
15. Hotels, motels and similar lodging facilities (see Section 524).

16. Mini-warehouses (see Section 528).
17. Recycling collection facilities (see Section 535)
18. Recycling stations (see Section 536).
19. Shooting Ranges (see Section 540).
20. Vocational and mechanical trade schools (see Section 547).
21. Any use not provided for elsewhere in this Ordinance, subject to any applicable general standards found elsewhere in this Ordinance.

205.5. Accessory Uses

1. Accessory uses, customarily incidental to the above permitted uses, including but not limited to no-impact home-based businesses, as defined herein, but excluding manure storage facilities.
2. Solar panels or solar energy collectors for a dwelling or other building in compliance with the provisions of Section 429.1, herein.
3. Non-Commercial Windmills for wind energy generation for a dwelling or other building in compliance with the provisions of Section 429.2, herein.
4. Non-Commercial Windmills for non-residential wind energy generation for non-residential buildings in compliance with the provisions of Section 429.3, herein.

205.6. Lot Area, Lot Width, and Lot Coverage Requirements

Utilized Public Utilities	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage
None	43,560 Sq. Ft.*	200 Ft.	35%
Community Water	32,670 Sq. Ft.	150 Ft.	45%
Alternative Sewer	20,000 Sq. Ft.	125 Ft.	55%
Community Water and Alternative Sewer	15,000 Sq. Ft.	100 Ft.	70%

\*The minimum required lot size may be increased to ensure a minimum acceptable level of nitrate-nitrogen in the adjoining groundwater; such determinations will be made by the PA DEP, through its sewer module review process (see Section 417).

205.7. Minimum Setback Requirements for Principal and Accessory Uses

1. Front yard - All buildings and structures (except permitted signs) and outdoor loading areas, in addition to compliance with Section 205.9, herein, shall be set back at least fifty (50) feet from the street right-of-way; off-street parking lots and outdoor storage areas shall be set back a minimum of twenty (20) feet from the street right-of-way. Outdoor loading areas shall not face any public street.
2. Side yard - All buildings and structures shall be set back at least twenty-five (25) feet from the side lot lines. Off-street parking lots, loading areas, and outdoor storage areas shall be set back at least fifteen (15) feet from the side lot lines, unless joint parking facilities are shared by adjoining uses. In such instances, one of the side yard setbacks can be waived for parking and/or loading facilities.
3. Rear yard - All buildings, structures, off-street parking lots, and loading areas shall be set back at least twenty (20) feet from the rear lot line.
4. Residential buffer strip - Any lot adjoining land in residential use or residential zoning shall maintain a fifty (50) foot setback for commercial and industrial buildings, structures, off-street parking lots, loading areas and dumpsters and outdoor storage areas from residentially-

zoned or residentially used parcels. Such areas shall be used for landscaping, screening and buffering as specified in Section 414 of this Ordinance.

205.8. Maximum Permitted Height

Thirty-five (35) feet

205.9. Outdoor Storage

Outdoor storage where permitted, shall be screened from adjoining roads and properties, and comply with all of the setbacks of this section. Outdoor storage areas for automobile, boat, motorcycle, farm machinery, manufactured home and outdoor furniture sales need not be screened from adjoining roads.

205.10. Off-Street Loading

Off-street loading shall be provided as specified in Section 413 of this Ordinance. In addition, no off-street loading area shall be permitted on any side of a building facing adjoining lands within a residential zone, or on any side of a building facing an adjoining street.

205.11. Off-Street Parking

Off-street parking shall be provided as specified in Section 412 of this Ordinance.

205.12. Access Drive Requirements

All access drives shall be in accordance with Section 411 of this Ordinance.

205.13. Signs

Signs shall be permitted as specified in Section 415 of this Ordinance.

205.14. Landscaping, Screening and Buffering

A minimum twenty (20) foot wide, except as otherwise provided in Section 414 of this Ordinance, landscaped buffer shall be provided along all property lines including the street frontage. Such landscaped buffer can be waived for that portion of the site occupied by a joint parking lot and/or loading area shared

by adjoining uses. Any portion of the site not used for buildings, structures, parking compounds, loading areas, outdoor storage areas and walkways shall be continually maintained with an all season ground cover and landscaping as specified in Section 414 of this Ordinance.

205.15. Outdoor Lighting

Outdoor lighting, as applicable, shall be provided as specified in Section 428 of this Ordinance.

205.16. Waste Products

All trash dumpsters shall be located within a side or rear yard, set back at least fifty (50) feet from any adjoining lands in a residential zone, and at least fifteen (15) feet from all other adjoining property lines. All trash dumpsters shall be screened from adjoining roads and properties.

205.17. Commercial and Industrial Operations Standards

All commercial and industrial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal government regulations, as required by the most recent regulations made available from these governmental bodies. For a listing of some regulations, refer to Section 418 of this Ordinance.

205.18. Compliance with the General Provisions of Article 4 Required

All uses permitted in the Commercial/Industrial Zone shall also comply with the General Provisions in Article 4 of this Ordinance.

**Section 206 Steep Slope Conservation Zone**

206.1 Purpose

The purpose of the Steep Slope Conservation Zone is to promote the public health, safety and welfare by protection of steep slope areas; to permit only those uses of steep slope areas that are compatible with the conservation of natural conditions and that maintain stable soil conditions by minimizing disturbances to vegetative ground covers and restricting the re-grading of steep slope areas; to limit soil erosion and the resultant destruction of the land, siltation of streams, and

damage to property; to protect low-lying areas from flooding by limiting the increase in stormwater runoff caused by the grading of slope areas, changes of ground cover, or the erection of structures; to maintain the ecological integrity and habitat value of steeply sloped areas, i.e., indigenous vegetation and wildlife, that could be adversely affected by otherwise permitted disturbances; and to allow the continuing replenishment of groundwater resources and the maintenance of springs.

206.2 General Provisions

1. No area within the Steep Slope Conservation Zone shall be used without full compliance with the terms of this Article and other applicable regulations. The Steep Slope Conservation Zone shall be an overlay on any zone, now or hereafter enacted, to regulate the use of land in the Township.
2. The Steep Slope Conservation Zone shall have no effect on the permitted uses in the underlying zoning district, except where said uses are intended to be located within the boundaries of the Steep Slope Conservation Zone, as defined herein and said uses are in conflict with the permitted uses set forth in this Section.
3. In those areas of the Township where the Steep Slope Conservation Zone applies, the requirements of this Section, to the extent they are more restrictive, shall supersede the requirements of the underlying zone.
4. Each application for construction or land disturbance within the Steep Slope Conservation Zone shall be submitted in accordance with Section 206.3. Any area of the Steep Slope Conservation Zone that falls within the subject lot or lots shall be delineated on the site plan required under Section 206.6 through shading of such area or areas.
5. Should the Steep Slope Conservation Zone boundaries be revised, to exclude previously included lands, as a result of legislative or administrative actions or judicial decision, the zoning requirements applicable to the area in question shall revert to the requirements of the underlying zone(s).



6. For any parcel or any part thereof on which the Steep Slope Conservation Zone is an overlay, should the underlying zoning classification(s) be changed as a result of legislative or administrative actions or judicial decision, such change(s) in classification shall have no effect on the boundaries of the Steep Slope Conservation Zone.
7. It is not intended by this Section to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Section imposes greater restrictions, the provisions of this Section shall prevail.
8. The granting of a zoning permit or approval of a subdivision or land development plan within or near the Steep Slope Conservation Zone shall not constitute a representation, guarantee, or warranty of any kind by the Township, or by any official or employee thereof, of the practicability or safety of the proposed use and shall create no liability upon the Township, its officials or employees. This Section does not imply that areas outside the Steep Slope Conservation Zone boundaries or land uses permitted within said Steep Slope Conservation Zone will always be totally free from the adverse effects of erosion.

206.3 Designation and Interpretation of District Boundaries

1. The Steep Slope Conservation District consists of two (2) areas that are delineated and defined as follows:
  - A. Prohibitive Slope - Prohibitive slopes are those of twenty-five percent (25%) or greater slope (e.g., sloping twenty-five (25) feet or more vertical over a distance of one hundred (100) feet horizontal). Slopes shall be deemed prohibitive when there are five (5) adjacent contour intervals of two (2) feet each such that, in aggregate, they delineate a slope of at least twenty-five percent (25%).
  - B. Precautionary Slope - Precautionary slopes are those of fifteen percent (15%) to twenty-five percent (25%) slope [e.g., sloping fifteen (15) to twenty five (25) feet vertical over a distance of one hundred (100) feet horizontal]. Slopes shall

be deemed precautionary when there are four (4) adjacent contour intervals of two (2) feet each such that, in aggregate, they delineate a slope between fifteen percent (15%) and twenty-five percent (25%).

- 2. Steep slopes shall be determined by either aerial photogrammetric methods or by field survey. The contour intervals shall be set forth at no more than two (2) feet per interval on slopes less than twenty-five percent (25%) and may be set forth at five (5) feet per interval on slopes over twenty-five percent (25%). U.S.G.S. 7.5 minute Quadrangles may be used as the source of slope information, subject to the approval of the Zoning Officer upon the recommendation of the Township Engineer.
- 3. In instances where interpretation is required to determine the exact location of the Steep Slope Conservation Zone boundaries, an initial determination shall be made by the Township Engineer. Any party seeking such a determination may submit a topographic survey of the property and any other pertinent documentation for consideration. The Township Engineer shall prepare a written report of his initial determination, a copy of which shall be provided to the Board of Supervisors.
- 4. Any party aggrieved by any such determination of the Township Engineer or other decision or determination under this Article may appeal to the Zoning Hearing Board. The party contesting the location of the Steep Slope Conservation Zone boundary shall have the burden of proof in such appeal.

206.4. Uses Permitted by Right

- 1. In any part of the Steep Slope Conservation Zone, no grading shall be undertaken except where approved in conjunction with a use permitted under the terms of this Section.
- 2. The following uses shall be permitted by right in areas of prohibitive slope, provided they are in compliance with the base Zone and all other applicable provisions of this Ordinance and shall not involve the erection of

buildings, construction of streets, installation of sewage disposal systems, or permanent removal of top soil.

- A. Parks and outdoor recreational uses.
- B. Yard areas of a building.
- C. Pasture and other agricultural activities such as tree farming that do not expose the soil to erosion.
- D. Forestry, logging and woodcutting, where such activity does not involve clear-cutting, is limited to selective removal of trees and maximum precautions are taken to avoid destruction of or injury to the under-story.
- E. The minimum possible grading for a driveway accessing a single-family dwelling or other building when it can be demonstrated that the avoidance of prohibitive slopes is neither feasible nor economically reasonable.
- F. The minimum possible installation of public or private transmission lines such as power, phone, gas, water, sewer or storm sewer lines when it can be demonstrated that the avoidance of prohibitive slopes is neither practicable nor economically reasonable.

Within any lot, the maximum extent of areas classified as prohibitive slopes that may be permanently disturbed for the installation of site improvements shall be limited to twenty percent (20%) of the prohibitive slope area, or ten percent (10%) of the lot area, whichever is the lesser, subject to the approval of the Zoning Officer upon recommendation of the Township Engineer. Any such disturbance in excess of either twenty percent (20%) of the prohibitive slope area or ten percent (10%) of the lot area shall require a special exception. On any lot, the total amount of impervious surface that may be installed within areas of prohibitive slope shall not exceed twenty percent (20%) of the total impervious area permitted under the base Zoning District.

- 3. The following uses shall be permitted by right in areas of precautionary slope, provided they are in compliance with the base Zone and all other applicable provisions of this Ordinance.

- A. All uses permitted in areas of prohibitive slopes.
- B. Tree farming, forestry, and other agricultural uses when conducted in conformity with conservation practices, including minimum tillage methods, approved by the Lancaster County Conservation District.
- C. Single Family Dwellings and earthmoving activities associated with such use. **(Amended by Ordinance 2015-03 adopted May 7, 2015)**
- D. Accessory uses (except swimming pools), necessary for the operation and maintenance of the above permitted uses.

On any lot, the maximum extent of areas classified as precautionary slopes that may be permanently disturbed for the installation of site improvements shall be limited to forty percent (40%) of the precautionary slope area, or twenty percent (20%) of the lot area, whichever is the lesser, subject to the approval of the Zoning Officer upon recommendation of the Township Engineer. Any such disturbance in excess of either forty percent (40%) of the precautionary slope area or twenty percent (20%) of the lot area shall require a special exception. On any lot, the total amount of impervious surface that may be installed within areas of precautionary slope shall not exceed forty percent (40%) of the total impervious area permitted under the base Zone.

206.5 Uses Permitted by Special Exception

Any of the following uses are permitted within the Steep Slope Conservation Zone when approved as a special exception in accordance with Section 704.3, herein:

- 1. Any structure permitted by right, special exception, or conditional use under the base zoning district other than single family dwellings. **(Amended by Ordinance 2015-03 adopted May 7, 2015)**
- 2. Any road necessary to provide primary access to a use permitted by this Ordinance, when no practical alternative, in an area of lesser slope, exists.

In areas of prohibitive slopes, the above uses shall demonstrate that there are no alternatives to encroachment. In making its determination, the Zoning Hearing Board shall give particular

consideration to the criteria and standards in Section 206.7, below.

206.6. Administration

Administration of this Section is governed by Article 8. In addition, the following specific requirements shall apply:

1. Application Procedures - Prior to the issuance of a permit for any construction or land disturbance in the Steep Slope Conservation Zone, the following shall be submitted for review by the Zoning Officer and the Zoning Hearing Board where such application involves a special exception use:
  - A. An earth moving plan for the property, drawn to a scale of not less than one inch equals fifty feet (1" = 50'), that indicates existing grades, with contour lines at two (2) foot intervals, and proposed grades within the area of any proposed activity, disturbance, or construction. All areas of prohibitive and/or precautionary slope shall be shaded accordingly.
  - B. A site plan, drawn to a scale of not less than one inch equals one hundred feet (1" = 100'), indicating existing and proposed structures, other impervious surfaces, storm drainage facilities and retaining walls. The site plan also shall locate and identify existing vegetation and ground cover within areas of prohibitive and precautionary slopes, as well as proposed landscaping material to be installed.
  - C. Architectural plans, elevations, and sections, drawn to a scale of not less than one eighth inch equals one foot (1/8" = 1'), with such specifications as may be pertinent.
  - D. A statement signed and sealed by a registered architect or engineer, explaining the building methods to be used in overcoming foundation and other structural problems created by slope conditions, preserving the natural watersheds, and preventing soil erosion and excessive surface water runoff to neighboring properties and/or streets.

- E. Engineering plans, profiles, and typical cross-sections, sealed by a registered professional engineer, of any proposed street, emergency access or driveways within areas of prohibitive and precautionary slopes.
- F. A sediment and erosion control plan, with construction narrative, setting forth the measures to control sediment generated on site by the proposed activity. The plan shall be prepared according to the standards and procedures established by the Lancaster County Conservation District and the Pennsylvania Department of Environmental Protection.
- G. A statement, signed by the owner or future occupant at the time of subdivision, land development, or building permit application, that there is a full understanding of any problems that may be associated with access due to steep slopes. In the case of subdivisions and land developments, such statement shall appear as a note on the final plan.

No zoning permit shall be issued by the Zoning Officer and no special exception shall be granted by the Zoning Hearing Board without the Township Engineer's review of the application and recommendation thereon.

206.7. Standards and Criteria for Review of Special Exceptions

In evaluating any application for a special exception within the Steep Slope Conservation Zone, the Zoning Hearing Board shall determine consistency of the proposal with the following:

- 1. Disturbance to particularly sensitive features of the site shall be minimized. Special emphasis in planning for the site should be given to the protection of:
  - A. The areas of steepest slope, especially those approaching or exceeding twenty-five percent (25%).
  - B. Soils with seasonal high water table.

- C. Underlying geology that comprises or contributes to a major groundwater resource including the flow of existing springs.
2. Disturbance shall be minimized where the length or area of steep slopes, both on the site and on adjacent lands within two hundred (200) feet of the site is extensive.
  3. The proposed development, any impervious ground cover, and the resultant disturbance to the land and existing vegetative cover will not cause runoff and/or related environmental problems off-site.
  4. Removal of, or disturbance to, existing vegetation on the site shall be minimized. The proposed impacts on existing vegetation shall be evaluated in terms of the potentially detrimental effects on slope stability, transportation and recharge of stormwater, aesthetic and traditional characteristics of the landscape, and existing drainage patterns. The Zoning Hearing Board, at its discretion, may require mitigation measures.
  5. The design, construction procedures, and sediment and erosion control measures are such that there is no risk of damage or impairment to adjacent slopes, neighboring properties, or down-slope watercourses as a result of the proposed activities.
  6. Important visual qualities of the site shall, to the maximum extent feasible, be retained. In addition to vegetation, these may include hilltops/ridgelines, rock outcroppings, topography and the natural terrain of the site.
  7. Road construction shall follow the natural topography, with cuts, fills and grading minimized.
  8. Innovative building techniques that are well suited to slope conditions shall be encouraged, consistent with other applicable codes and regulations.
  9. Disturbance to the equilibrium of the slope, as characterized by the existing inter-relationships among soil, water, and vegetation, shall be minimized.
  10. Finished slopes of all cuts and fills shall not exceed thirty three percent (33%), unless the applicant can

demonstrate that steeper slopes can be stabilized and maintained to the satisfaction of the Township Engineer.

- 11. Exposed cut slopes within or below prohibitive slopes shall be protected, to the greatest extent practicable, by engineered retaining walls or other structures to maintain the stability of the disturbed slopes and reduce the risk of harm by reason of erosion and potential slope failure that could result in mudslides.
- 12. In addition to all other applicable provisions of this Ordinance, all activities within the Steep Slope Conservation Zone shall conform to the requirements of Section 607 of the Lancaster County Subdivision and Land Development Ordinance relating to stormwater management, and sediment and erosion control.

206.8. Uses and/or Structures Rendered Non-Conforming by the Provisions of this Zone

As of the date of adoption of this Ordinance, any use or structure that was situated within the boundaries of the Steep Slope Conservation Zone and that does not conform to the permitted uses specified in Section 206.4 shall become a non-conforming use or structure, regardless of its conformance to the underlying base zoning district. The expansion or continuance of such non-conforming use or structure shall be governed by the requirements of Article 6 of this Ordinance. However, the Zoning Hearing Board shall also ensure that the standards contained in Section 206.7 are applied to the expansion or change of such non-conforming use or structure.

**Section 207**

**Floodplain Zone**

207.1

**Purpose and intent**

- A. The purpose of the Floodplain District is to prevent development in areas unfit therefore by reason of flooding; to minimize danger to public health by protecting water supply and natural drainage; to promote health, safety, and welfare of residents and property owners in or near streams and areas subject to flooding; and to provide for the preservation of natural drainage ways while providing for such uses and development as are compatible with these objectives.



- B. The intent of the Floodplain Zone under this Zoning Ordinance is to coordinate the use of land in the identified floodplain areas within Drumore Township and as defined in the Drumore Township Floodplain Management Ordinance, as may be amended.

**(Amended by Ordinance 2016-06 adopted April 7, 2016)**

**207.2 Lands in District Defined**

The Floodplain District is hereby defined and established to be the low area adjoining and including any water or drainage course or body of water subject to periodic flooding or overflow and those areas are identified in the Drumore Township Floodplain Management Ordinance, as amended, as being subject to the one hundred (100) year flood insurance study and map prepared for the Township by the Federal Emergency Management Agency (FEMA) dated April 5, 2016, as may be amended. **(Amended by Ordinance 2016-06 adopted April 7, 2016)**

**207.3. Permitted Uses**

The following uses and no others are permitted in the Floodplain District, and they are permitted only if done under and in accordance with the provisions of the Drumore Township Floodplain Management Ordinance, all other applicable provisions of this Zoning Ordinance, and any other applicable local, state or federal regulations:

- A. Agriculture, horticulture, and forestry, all excluding any structures.
- B. Forestry, lumbering and reforestation, excluding storage of material and structures.
- C. Activities related to the preservation of natural amenities, including wildlife sanctuaries, nature preserves, woodland preserves, botanical gardens, or arboretums, excluding any structures.
- D. One, two or three strand wire fences, so long as all strands run in a horizontal direction.

**(Amended by Ordinance 2016-06 adopted April 7, 2016)**

207.4. **Relationship to Other Articles and Ordinances**

The applicable regulations of the Drumore Township Floodplain Management Ordinance are incorporated herein by reference. The provisions of this Article create an overlay zoning district which is applicable within floodplains in all other zoning districts established in this Ordinance. In the event of any conflict, the more restrictive provisions shall apply. **(Amended by Ordinance 2016-06 adopted April 7, 2016)**

207.5 **Standards**

The regulations of uses, design standards and procedures to be followed in the Floodplain District are the applicable regulations of the Drumore Township Floodplain in Management Ordinance, which are hereby incorporated by reference. **(Amended by Ordinance 2016-06 adopted April 7, 2016)**