West Cocalico Township

Zoning Ordinance

Adopted September 7, 2011

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PROPOSED ZONING MAP

ARTICLE I

TITLE, PURPOSE, AND INTERPRETATION

SECTION 100. **TITLE**

An ordinance permitting, prohibiting, regulating, restricting, and determining: uses of land, watercourses, and other bodies of water; size, height, bulk, location, erection, construction, repair, maintenance, alteration, raising, removal, and use of buildings, structures, and signs; areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as, areas, courts, yards, and other open spaces and distances to be left unoccupied by uses and structures; density of population and intensity of use; creating zoning districts for said purposes and establishing the boundaries thereof; and providing for the administration, amendment, and enforcement of this Zoning Ordinance in accordance with the provisions of "The Second Class Township Code", as amended.

SECTION 101. **SHORT TITLE**

This Zoning Ordinance shall be known and may be cited as "The West Cocalico Township Zoning Ordinance of 2009."

SECTION 102. **PURPOSE**

These zoning regulations are enacted for the following purposes:

1. To promote, protect, and facilitate the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports and national defense facilities, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewer, schools, public grounds, and other public requirements.

2. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use, and to preserve environmentally sensitive lands.

3. To prevent 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 Zoning Ordinance is made in accordance with an overall program, the community development objectives as set forth in the West Cocalico Township Strategic Plan and the Strategic Comprehensive Plan for the Cocalico Region, and with consideration for the character of the municipality, its various parts, and the suitability of the various parts for particular uses and structures, and

with the view to conserving the value thereof and encouraging the most appropriate use of land throughout the Township.

SECTION 103. **INTERPRETATION**

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

Where, due to inherent ambiguity, vagueness or lack of clarity in the language of this Ordinance, a reasonable doubt exists as to the meaning of any restriction upon the use of land, said doubt shall be resolved in favor of the property owner and against any implied extension of a restriction.

SECTION 104. **APPLICATION**

The provisions, regulations, limitations, and restrictions of this Zoning Ordinance shall apply to all structures, buildings, land uses, lots, and signs in the Township. Nothing in this Zoning Ordinance shall require any change in plans or construction of a lawful use for which a building permit has been heretofore issued prior to the effective date of this Zoning Ordinance provided, however, that construction shall be substantially completed within one (1) year of the effective date of this Zoning Ordinance. If construction is not completed within one (1) year of the effective date of this Zoning Ordinance, a new building permit demonstrating compliance with the provisions of this Zoning Ordinance must be secured from the Zoning Officer.

SECTION 105. **USES NOT PROVIDED FOR**

If a use is neither specifically permitted within any zoning district within the Township, nor prohibited under this Ordinance, and an application is made by a landowner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board to hear and decide such request as a special exception. The Zoning Hearing Board shall permit the use or deny the use in accordance with the standards for the consideration of special exceptions contained herein. The use may be permitted if it is of the same general character of the enumerated permitted uses in the Zoning District, in accordance with the intended purpose of the Zoning District, compatible with the permitted uses in the Zoning District, and shall comply with all performance standards applicable to such permitted uses. The duty to present evidence

and the burden of proof shall be on the applicant to demonstrate that the proposed use is of the same general character in accordance with the intended purpose of the Zoning District, compatible with the permitted uses in the Zoning District, and shall comply with all performance standards applicable to the objective criteria that most closely resembles that applicable where the use is a permitted use.

SECTION 106. **STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES**

In implementing the purpose stated in Section 102 of this Zoning Ordinance, the Board of Supervisors of West Cocalico Township hereby state the policy goals of the Township as listed in the following community development objectives:

1. Promote and protect the agricultural, rural, and environmentally sensitive areas of the Township in those areas inappropriate or not designated for other types of development.

2. Insure that the varied land uses within the Township are logically located in their relationship to one another.

3. Promote good quality and well-designed housing of sufficient size to produce a healthful and satisfying living environment.

4. Provide safe, quiet, and attractive residential development with ample open space for normal daily living.

5. Encourage a variety of housing types to meet the needs of Township residents, including newly-formed households, growing families, and senior citizens.

6. Provide for commercial growth to meet the needs of the Township residents and by promoting safe and convenient access, attractive and healthful environments, and locations compatible with surrounding land uses and community facilities.

7. Provide for industrial growth at locations served by suitable transportation facilities and adequate utilities, having a location and arrangement so external effects will not adversely influence adjacent uses and areas, and providing a physical environment appropriate for the operation of each use.

8. Insure the safe, efficient, and convenient movement of people and goods.

9. Provide adequate public utilities, protection, open space, privacy, services, and facilities in the most efficient manner.

10. Coordinate types and intensities of land uses according to regional and local comprehensive planning objectives.

In addition, all provisions of the West Cocalico Township Strategic Plan and the Strategic Comprehensive Plan for the Cocalico Region, as may be adopted and amended from time to time by the Board of Supervisors, shall also be part of the community development objectives.

ARTICLE II

DEFINITIONS

SECTION 200. **PURPOSE**

Unless otherwise stated, the following words and phrases shall be construed throughout this Ordinance to have the meaning herein indicated. Words in the present tense include the future tense. Words in the singular include the plural, and words in the plural include the singular. The words "shall" and "must" are mandatory. The word "may" is permissive. Use of the masculine gender shall include the feminine gender and the neuter. Terms not herein defined shall have the meaning customarily assigned to them.

SECTION 201. **TERMS**

Access Drive: An improved cartway designed and constructed to provide for vehicular movement between a public road and a tract of land or improvements thereon containing any use other than one single-family dwelling unit or a farm.

Accessory Alternative Energy Sources: Those devices producing energy for the sole use of the property owner which the energy system is located including gasoline or diesel fueled generators, photovoltaic and other active solar energy units, solar hot water heaters, wind turbines, gas, coal, corn, pelletized, or wood-fired stoves or furnaces whose energy fuel is not part of a bulk supplier's energy distribution network or grid.

Accessory Dwelling: An additional dwelling unit placed upon any property as ECHO Housing or upon an agricultural property for immediate family members or as Temporary Farm Employee Housing. Accessory dwellings shall be processed in accordance with the Accessory Dwelling Guidelines as provided in the Appendix of the West Cocalico Subdivision, Land Development and Storm Water Management Ordinance.

Adult Oriented Business: Any business offering for sale, lease, or hire, products, materials, or inventory, the majority of which consists of adult oriented products, or any business that provides any adult oriented services. Any business which restricts its clientele to persons over the age of seventeen (17) in order to comply with the Pennsylvania Crimes Code shall be considered an adult oriented business.

> Adult Oriented Product: Anything which depicts, describes, presents, or displays human nudity or humans engaging in sexual foreplay or intercourse and appearing to have at least a significant motivation for such depiction, presentation, or display the sexual stimulation or sexual gratification of the consumer of same. Also, included within this definition is any object which is intended or may be used by the consumer for purposes of sexual stimulation or gratification. Movies having received an R or PG-

13 rating, or the literary equivalent of same, shall not be considered adult oriented products.

Adult Oriented Service: Any action performed, for consideration, by one (1) or more persons to or for the benefit of another person or persons where at least one (1) motivation for such action is the sexual stimulation or gratification of either the performer or the recipient.

Agent: Any person, other than a landowner or developer, who, acting for the landowner or developer, submits to the Township any subdivision or land development plan or other permit application for the purpose of obtaining approval thereof.

Agricultural Operation: An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities, including fish and shellfish raised for food in ponds and other fish farm facilities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

Agricultural Products: Crops, livestock, livestock products as defined herein grown, raised, or cultivated on a farm or other property.

Agricultural Production: The production for commercial purposes of crops, livestock and livestock products, including the processing or retail marketing of such crops, livestock or livestock products if more than 50% of such processed or merchandised products are produced by the farm operator.

Agricultural Related Business: A use of land and or buildings to provide goods and or services designed and directed to support agricultural operations. Agricultural related businesses shall be directed at meeting the material or service needs of agricultural operations and shall exclude those businesses whose primary purpose is the retail distribution of goods and products that would meet the day-to-day needs of the non-farming community.

Agricultural Sciences Support Operation: Any location, structure or operation which has as its primary purpose the raising or maintaining of animals, birds or reptiles, with the specific exclusion of primates, for the purposes of medical research, experimentation, study, or for the production of pharmaceutical products provided that such operation uses agents and reagents that are inert, non-viable, non-infectious and non-hazardous, prohibiting, but not limited to, live microorganisms, live viruses, (whether wild-type or attenuated), live bacteria, live fungi, live mycoplasma, live parasites, recombinant polynucleotides (such as DNA or RNA, expression vectors, knockout vectors or gene therapy vectors); or radioactive compounds or isotopes. This requirement shall not be construed as to prohibit any standard and well-established practice of veterinary medicine.

Agri-tainment: A farm based activity, enterprise, or business that combines the elements and characteristics of agriculture and tourism, which is not necessarily located in an existing building and may have more than one (1) full-time equivalent employee. Examples of agricultural entertainment include: corn mazes, hay rides, sleigh rides, petting farms, on-farm tours, agricultural related museums, demonstrations of farming practices, techniques and methods, fee based fishing and hunting, horseback riding, nature trails, haunted barns and similar activities. Any such activities shall not exceed 45 days per calendar year in the aggregate, and may include incidental preparation and sale of beverages, food, and souvenirs.

Alley: A minor right-of-way privately or publicly owned primarily for vehicular or service access to the back or side properties.

Alteration: As applied to building, structure, or sign, means a change, rearrangement, renovation, relocation, or enlargement in the structural parts or exterior or which would change its use classification.

Amusement Arcade: A commercial establishment which provides as a principal use, amusement devices and/or video games of skill or chance (e.g. pinball machines, video games, firing ranges, and other similar devices). This definition does not include the use of two (2) or less such devices as an accessory use.

Animal, Domestic: Any dog or cat customarily kept as house pets, equine animal, bovine animal, sheep, goat, or porcine (swine) animal.

Animal Equivalent Unit (AEU): One thousand (1,000) pounds live weight of livestock or poultry animals, on an annualized basis, regardless of the actual number of individual animals comprising the unit.

AEU per Acre: An animal equivalent unit per acre of cropland or acre of land suitable for application of animal manure.

Animal, Exotic: Members of the family Felidae except those species commonly called house cats and members of the family Canidae except those licensed by the Pennsylvania Department of Agriculture. Exotic animals shall also include all non-native animals, but excepting small animals and birds customarily kept as house pets.

Animal, Wild: All animals falling into one of the following categories as defined by Title 34 of the Pennsylvania Game and Wildlife Code:

Big Game: Elk, deer, bear and wild turkey.

Furbearer: Badger, fisher, mink, muskrat, opossum, otter, pine marten, striped and spotted skunk, beaver, raccoon, all weasels, red and gray foxes, and bobcat.

Game Animals: Elk, deer, bear, cottontail, snow shoe hare, red, gray and fox squirrels.

Game Birds: Geese, brant, wild ducks, mergansers and swans, coots, gallinules, rails, snipe, woodcock, turkeys, grouse, pheasants, Hungarian partridges, bobwhite quail, and mourning doves.

Animal Hospital/Veterinary Clinic: An establishment offering veterinary services for all types of animals and which may include outdoor and overnight boarding of animals as an accessory use.

Animal Laboratory: Any location, structure or operation where animals, birds or reptiles, excluding primates, are raised, bred or maintained for the purpose of conducting veterinary research, excluding that research which involves the production or manipulation of blood, blood related, and genetic products including but not limited to activities such as anti-body development, peptide synthesis and immunochemistry.

Animal Unit (Animal Equivalent Unit): One thousand (1,000) pounds live weight of livestock or poultry animals, regardless of the actual numbers of animals comprising the unit.

Antenna Height: The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average height between the highest and lowest grades shall be used in calculating the antenna height. The vertical distance shall not include the antenna (which shall not exceed fifteen feet [15'] in height) located on top of the antenna support structure.

Antenna Support Structure: Any pole, telescoping mast, tower, tripod, or any other structure which supports a device used in the transmitting or receiving of radio frequency energy.

Apartment: Any dwelling unit which is located within a single structure along with at least one (1) other dwelling unit or with a non-residential use, each having a separate location within such structure.

Apartment, Conversion: A multi-family dwelling constructed by converting an existing building into independent dwelling units for more than one (1) family, without substantially altering the exterior of the building.

Apartment House (or Apartment Building): A detached building consisting of three (3) or more dwelling units.

Area: The extent of surface contained within the boundaries or extremities of land or building, exclusive of street rights-of-way.

Automobile Filling Station: A facility which offers the sale of gasoline or other motor vehicle fuels, oil and other lubricating substances and the retail sales of motor vehicle accessories. Automobile filling stations shall not include the sale or rental of motor vehicles, nor major repairing, body work, painting, automatic car washes or automobile parts store.

Automobile/Truck Service and Repair Facilities: Facilities which offer the retail repair, servicing, maintenance, and reconstruction of automobiles and trucks, not including commercial automobile and truck washing facilities.

Axis of a Lot: A line joining the midpoints of the front and rear lot lines. A corner lot shall haves two (2) axes, each of which shall be defined as a line joining the midpoints of a front lot line and the opposite lot line. In the event that a front or rear lot line is not a straight line, the midpoint of such line shall be determined as the midpoint of a straight line drawn between each terminus of the front or rear lot line.

Base Flood: The flood having a one (1) percent chance of being equaled or exceeded in any given year (100-year flood).

Base Flood Elevation: The projected flood height of the base flood.

Basement: Any area of the building having its lowest floor below ground level on all sides, including sides of the building with daylight to grade.

Bed and Breakfast Establishment: An owner occupied single-family detached dwelling where between one (1) and six (6) rooms are rented to overnight guests. A bed and breakfast establishment may operate year-round; however, the length of stay for any overnight guest shall not exceed one (1) continuous week. Meals, if offered, are only to registered overnight guests.

Beekeeping: The raising and/or keeping of bees within a man-made enclosure (beehive) for hobby or business uses.

Billboards: Signs for advertising purposes either printed, posted, or lettered, freestanding or attached to a building or other structure and conveying messages to advertise products, services, or businesses at a location other than the premises being advertised.

Boarding House: A building or portion thereof designed for sheltering as a commercial use serving greater than three (3) and no more than ten (10) persons that do not constitute a family. A boarding house shall include fraternity and sorority houses and may or may not include meals to the occupants.

Buffer Area: A landscaped area intended to be used as a means of limiting the effects created by a use on adjoining properties, streets and uses.

Building: A combination of materials to form a structure enclosed within exterior walls or fire walls and a roof, built, erected, and framed of component structural parts, designed for the housing, shelter, enclosure, or support of individuals, animals, or property of any kind, occupying more than ten (10) square feet of area. Porches and carports shall be considered a part of a building. Included shall be all manufactured homes and trailers to be used for human habitation.

Attached: A building which has two (2) or more party walls in common.

Detached: A building which has no party wall.

Semi-Detached: A building which has only one (1) party wall.

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

Building, Farm: A building for agricultural uses, namely barns, poultry houses, corn cribs, silos, and other similar farm structures.

Building Height: The vertical distance measured from the average elevation of the finished grade at the two (2) front corners of the building to the highest point of the roof. Chimneys, spires, and other similar projections shall not be used in calculating the height of the building.

Building Length: The horizontal measurement of any continuous building wall.

Building Line: A line parallel to, and set back from, the abutting street right-of-way line or centerline, as applicable, a distance equal to the depth of the front yard requirement for the district in which the lot is located.

Building, Principal: A building which is enclosed within exterior walls or fire walls, built, erected, and framed of component structural parts, designed for housing, shelter, enclosure, and support or occupancy of individuals, and is the main structure on a given lot.

Campground: Any parcel of land upon which two (2) or more campsites are located, intended, and maintained for temporary occupancy by individuals in recreation vehicles, tents or cabins.

Camp, Recreational: Any building, tent or vehicle or group of buildings, tents or vehicles or any other place or establishment, public or private, together with the land and waters adjacent thereto, which is operated or used for the entertainment, education, recreation, religious instruction or activities, physical education, or health of persons, gratuitously or for compensation.

Carport: A roofed-over type structure, open on at least two (2) sides, used in conjunction with a dwelling for storage of private motor vehicles.

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

Cell Site: A commercial communications antenna site occupied by a cellular telephone antenna and accessory facilities.

Cemetery: Land used for the purpose of burial of the deceased, including crematoria and mausoleums when operated in conjunction with the cemetery and located within the boundaries of the cemetery.

Centerline: The center of the surveyed street, road, lane, alley, or alley right-of-way, or where not surveyed, the center of the traveled cartway.

Centralized Sewer System: A public or private utility system designed to collect, centrally treat, and dispose of sewage from multiple users in compliance with Pennsylvania Department of Environmental Protection regulations.

Centralized Water System: A public or private utility system designed to transmit potable water from a common source to multiple users in compliance with Pennsylvania Department of Environmental Protection regulations.

Child or Adult Day Care Facility: Any dwelling, building, or portion thereof, including any on-site outdoor play area, where regularly scheduled child or adult day care services other than the following are provided for compensation. Said facility shall be licensed by the Commonwealth of Pennsylvania, and shall not provide overnight accommodations.

1. The occasional care of any number of children or adults not related to the person giving care which takes place at the home of the person giving care.

2. The occasional care of any number of children or adults not related to the person giving care which takes place at the home of the person receiving care.

Child and adult day care facilities shall be further differentiated by the following two classifications:

Day Care Center: A facility which provides care for: 1) a combined total of seven (7) or more children or adults per day, where the child or adult care areas are being used as a family residence, or 2) any number of children or adults per day, where the child or adult care areas are not being used as a family residence.

Day Care Home: Any premises or dwelling unit, other than the home of the child or adult being provided care, where the day care areas are being used as a family residence, operated for profit or not for profit, in which day care is provided at any one (1) time to up to six (6) non-dependent or unrelated children or adults per day.

Church and Related Uses: Any building, structure, or group of buildings or structures, for public worship, including accessory uses such as rectories, parsonages, convents, church-related educational and/or day care facilities, and mission supportive uses, excluding mortuary services. Mission supportive uses may include recreation, leisure, counseling, and other services. Mission supportive services shall be for the use of members of the congregation and may be made available to the general public for no more than a nominal, substantially less than market rate fee.

Mission supportive services shall exclude any commercial operations, brand name or otherwise, where services or products are offered for a market rate fee.

Clinic, Medical or Dental: Any building or group of buildings occupied by medical or dental practitioners and related services for the purpose of providing health services to people on an outpatient basis.

Clubhouse (Private Club): An organization comprised of members and their guests which involves buildings for meetings, recreation, and administrative purposes not conducted for profit. The definition of club shall include, but not be limited to, service and political organizations, labor unions, and social and athletic clubs.

Cluster Development: A land development permitted by special exception in the RR Rural Residential and VR Village Residential Districts allowing for the reduction in lot area and other bulk requirements so that dwellings may be grouped in certain areas of the site to promote the efficient use of land, while preserving and using open space lands, while the remainder of the site is set aside as common open space for recreational and aesthetic purposes.

Commercial Communications Antenna: A device operated for profit and used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbital based structures or objects.

Commercial Communications Antenna Site: A tract or parcel of land that contains a commercial communications antenna, its support structure, accessory buildings, equipment lockers, fences, and parking, and may include other uses associated with and ancillary to its operation.

Commercial Recreation Facility: A gainful activity or business, open to the public for the purpose of public recreation or entertainment, including but not limited to, bowling alleys, motion picture theaters, health clubs, miniature golf courses, etc.

Common Open Space: A parcel or parcels of land, 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.

Completely Dry Space: A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

Comprehensive Plan: The plan, or parts thereof, which has been adopted by the Board of Supervisors, showing its recommendations for such systems as parks and recreation facilities, water supply, sewer and sewage disposal, transportation highways, civic centers, and other public improvements which affect the development of the Township.

Concentrated Animal Feeding Operations: An agricultural operation that meets the criteria established by the Department of Environmental Protection under authority of the act of June 22, 1937 (P.L. 1987, NO. 394), known as The Clean Streams Law.

Concentrated Animal Operations: An agricultural operation that meets the criteria established by the State Conservation Commission in regulations under the authority of 3 Pa. C.S. Chapter 5 (relating to nutrient management and odor management) in Chapter 83, Subchapter D (relating to nutrient management).

Conservation Area: A parcel or parcels of land that is used or set aside for the preservation and careful management of the environment and of natural resources including open space, water, soil, forest, and wildlife resources. These areas shall be maintained in a natural, undeveloped state for the preservation of both animal and plant life.

Corner Lot: A lot abutting upon two (2) streets at their intersection. A corner lot shall have two (2) front yards, one (1) side yard and one (1) rear yard.

Crops, Livestock and Livestock Products: Crops, livestock and livestock products shall include but are not limited to the following:

1. Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans.

2. Fruits, including apples, peaches, grapes, cherries and berries.

3. Vegetables, including tomatoes, snap beans, cabbage, carrots, beets, onions and mushrooms.

4. Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.

5. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, fur-bearing animals, milk, eggs and furs.

6. Timber, wood and other wood products derived from trees.

7. Aquatic plants and animals and their byproducts.

Day Care Center: A facility which may be licensed by the State that provides a wide range of formal day care services to adults or children for remuneration, who are supervised by a qualified staff.

Decision: The final adjudication of the Zoning Hearing Board and the Board of Supervisors for cases under its jurisdiction as identified in Section 2503 of this Zoning Ordinance. Appeals from a decision go directly to the Court of Common Pleas.

Density: The number of dwelling units per acre, exclusive of all street rights-of-way.

Determination: A final action by an officer, body, or agency charged with the administration of any land use ordinance or applications there under, except the following:

1. The governing body;

2. The zoning hearing board: or,

3. The planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions.

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

Development: Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

Driveway: A private drive providing access between a public or private street or access drive and a parking area for a single unit of occupancy or a farm, which shall comply in all respects with this Ordinance, the Road Ordinance, and any other Ordinance regulating the placement and/or construction of driveways which may be enacted by the Board of Supervisors.

Driveway, Shared: A private drive providing access between a public or private street or access drive and a parking area for two (2) units of residential occupancy or a farm, which shall comply in all respects with this Ordinance, the Road Ordinance, and any other Ordinance regulating the placement and/or construction of driveways which may be enacted by the Board of Supervisors.

Dwelling: A building or portion thereof designed for and used exclusively for residential occupancy, including those listed below, but not including hospitals, hotels, boarding, rooming and lodging houses, institutional houses, tourist courts, and similar public enterprises, offering overnight accommodations for guests or patients. Dwellings may include prefabricated units which are capable of being transported to a site in whole or in part, provided the unit is permanently affixed to the ground by means of a hard surfaced foundation that will not heave, shift or settle unevenly because of frost action, inadequate drainage, vibration or other forces acting on the superstructure and have permanent utility hookups (water, sewer, electric, etc.).

Dwelling, Detached: A building containing only dwelling units surrounded by yards or other open area on the same zoning lot.

Dwelling, Duplex: See Dwelling, Two-Family, Detached.

Dwelling, Multi-Family (Multiple Family): A detached building (apartment house) or group of attached buildings (townhouse/row) designed for or used exclusively for residence purposes by more than two (2) families.

Dwelling, One Family: See Dwelling, Single Family.

Dwelling, Semi-Detached: A building, arranged or designed to house two (2) or more dwelling units, separated from each other by a vertical party wall, without openings, extending from the cellar floor to the highest point of the roof and separated from any other building or structures by space on all sides. Each half of the building shall be located on separate, abutting lots, with the vertical party wall located on the dividing lot line.

Dwelling, Single-Family, Attached (Townhouse or Row House): A building used by one (1) family and having two (2) party walls in common with other dwellings, except in the case of an end-of-row unit which only has one (1) side wall which is a party or lot-line wall.

Dwelling, Single-Family, Detached: A dwelling on a single lot designed and occupied exclusively as a residence for one (1) family, including an individual mobile home not located in a mobile home park.

Dwelling, Single-Family, Semi-Detached: A dwelling containing one (1) dwelling unit which is attached side-by-side to another dwelling unit by the use of a common wall.

Dwelling, Townhouse: See Dwelling, Single Family, Attached (Townhouse or Row).

Dwelling, Two Family: A building located on one zoning lot containing not more than two (2) dwelling units, arranged one (1) above the other or side by side, and not occupied by more than two (2) families.

Dwelling, Two Family, Attached: A building used by two (2) families and having two (2) party walls in common with other dwellings, except in the case of an end-of-row unit which only has one (1) side wall which is a party or lot-line wall.

Dwelling, Two Family, Detached (Duplex): A dwelling containing two (2) dwelling units, one (1) of which is located above the other.

Dwelling Two Family, Semi-Detached: A building used by two (2) families, with one (1) dwelling unit arranged over the other, having one (1) side yard, and one (1) party wall in common with another building.

Dwelling Unit: A building or portion thereof, forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating exclusively by one (1) or more individuals living as a single housekeeping unit.

Easement: A right-of-way granted for limited use of private land for a public, quasi-public, or private purpose not inconsistent with a general property right of the owner, and within which the owner of the property shall not have the right to use the land in a manner that violates the right of the grantee.

ECHO Housing: An additional dwelling unit placed on a property for occupancy by either an elderly, handicapped, or disabled individual related to the occupants of the principal dwelling by blood, marriage, or adoption and who requires an assisted living arrangement. For the purposes of this section, a disabled or handicapped individual shall be defined as one (1) or more of the following:

1. A person who has an inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve (12) months; or,

2. In the case of an individual who has attained the age of 55, is blind, and by reason of such blindness is unable to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he/she has previously engaged with some regularity and over a substantial period of time. For the purposes of this definition, the term blindness means central vision acuity of 20/200 or less in the better eye with use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than twenty (20) degrees shall be considered for the purposes of this paragraph as having a central visual acuity of 20/200 or less; or,

3. A person who is determined, pursuant to HUD regulations, to have a physical, mental or emotional impairment that:

    a. Is expected to be of long-continued and indefinite duration;

    b. Substantially impedes his or her ability to live independently; or,

4. Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or, a person who has a developmental disability, as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(8), i.e., a person with a severe chronic disability that:

    a. Is attributable to a mental or physical impairment or combination of mental and physical impairments;

    b. Is manifested before the person attains age 22;

c. Is likely to continue indefinitely; and,

d. Results in substantial functional limitation in three (3) or more of the following areas of major life activity: capacity for independent living, economic self-sufficiency, learning, mobility, receptive and expressive language, self-care, and self-direction.

Elderly Person: A person who is 62 years of age or more at the time of initial occupancy.

Essential Services: The erection, construction, alteration, or maintenance, by public utilities after PUC approval, or other governmental agencies, or private corporations under contract to the Township, of gas, electrical, telephone, steam or water transmission or distribution systems, and sewage disposal systems, including buildings, enclosures, wells, pumping stations, storage facilities, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic light signals, hydrants, and other similar equipment and accessories and services in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities, or other agencies, or private corporations under contract to a municipality including buildings for fire companies and emergency services under agreement with the Township, or for the public health or safety or general welfare.

Essentially Dry Space: A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

Family: For the purposes of this Ordinance, a family shall be defined as follows:

1. One (1) or more persons related by blood (within and including the degree of first cousin), marriage or adoption, including foster children, living together in a single housekeeping unit and sharing all of the facilities of that unit in common;

2. Not more than two (2) unrelated persons, persons related to either or both of them by blood (within and including the degree of first cousin) or adoption, and including foster children, provided, however, that they live together in a single housekeeping unit and share all of the facilities of that unit in common; or,

3. One (1) or more individuals with disabilities, as defined and protected by the Federal Fair Housing Act, as amended, who live together primarily for purposes relating to their disabilities as the functional equivalent of a family in a shared living arrangement licensed or certified by the appropriate County, Commonwealth or Federal agency.

Farm: A parcel of land ten (10) acres or more which is used in the raising of crops, livestock, and livestock products, including necessary dwellings, farm structures and the storage of equipment customarily incidental to the principal use.

Farm Dwelling: A dwelling unit occupied by the farm owner, whether or not he is farming the land, a tenant of the farm owner who is either farming the land or employed by the owner to assist in farming the land, or by employed persons who are actively involved in the farming activities and their families who receive housing in lieu of all or part of their wages.

Farm Dwelling, Accessory: An accessory farm dwelling is a second dwelling located upon the land, which is part of the overall farm, having as its occupant(s) an owner or one (1) or more full-time laborers who is actively involved in the farming activities (or any family member thereof) on the farm.

Flood: A temporary inundation of normally dry land areas.

Flood Elevation: The projected height reached by floods of various intensities and frequencies in the floodplain areas.

Floodplain: An area of land adjacent to the channel of a watercourse which has been or is likely to be flooded from the base flood of any source.

Floodplain Area: A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river, or watercourse, and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

Flood-proofing: Any combination of structural and non-structural additions, changes, or adjustments to 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 Ordinance, the floodway shall be capable of accommodating a one hundred (100) year storm.

Floor Area: The total floor area of a building, measured to the outside surfaces of the exterior walls, excluding unimproved cellars or basements used only for storage, storage attics, open porches, garages used for vehicle storage, and similar uses.

Floor Area Ratio (FAR): The ratio of the floor area of a building to its net developable lot area.

Frontage: The horizontal or curvilinear distance along the street line upon which a lot abuts.

Garage, Community: A building for use of storage space for more than three (3) motor vehicles. A garage of this type shall be presumed a business use.

Garage, Private: An accessory building used for the storage of motor vehicles which may include one (1) commercial vehicle, owned and operated by the owner or occupant of the premises, and for the storage of not more than three (3) private non-commercial vehicles owned and operated by the owner or occupants of the premises.

Grain Storage/Commercial Feed Mill: An operation where the principal use of the lot involves the storage and/or processing of grains and/or feedstuffs for livestock and poultry consumption.

Historic Structure: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or,

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

    a. By an approved state program as determined by the Secretary of the Interior; or,

    b. Directly by the Secretary of the Interior in states without approved programs.

Home Occupation: A business or commercial activity other than a no-impact, home-based business or rural occupation that is conducted as an accessory use to a single-family detached dwelling.

Horticulture: The growing of fruit, vegetables, flowers, ornamental plants, or trees for a profit.

Hotel/Motel: A facility which provides lodging to boarders for compensation and contains more than six (6) rooms.

Identified Floodplain Area: The floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood. The identified floodplain area shall consist of the following specific areas:

1. FW (Floodway Area): The area identified as "Floodway" in the AE zone in the Flood Insurance Study by FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.

2. FF (Flood-Fringe Area): The remaining portions of the one hundred (100) year floodplain in those areas identified as an AE Zone in the Flood Insurance Study where a floodplain has been delineated.

3. The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations shown in the flood profiles contained in the Flood Insurance Study.

Industrial Uses:

1. General Industrial Use: A use:

   a. involving the processing and manufacturing of semi-finished and/or finished materials or products predominately from extracted and/or raw materials; and/or,

   b. engaged in the storage of, manufacturing processes using, and/or shipping of flammable or explosive materials; and/or,

   c. engaged in the storage, manufacturing processes, and/or shipping of materials or products that potentially involve hazardous or commonly offensive conditions; and,

   d. Due to the nature of the processes, should not be located adjacent to residential areas.

2. Limited Industrial Use: A use:

   a. involving the manufacturing, predominately from previously prepared semi-finished or finished materials products or parts, finished materials and products, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution, as well as, the repair of such finished products; but

   b. excluding the processing of extracted and/or raw materials; and,

   c. Due to the nature of the inoffensive nature of the processes and site amenities including attractive buildings, setbacks, landscaping and screening, are compatible with neighboring residential uses.

Impervious Surface: A surface of a lot that has been compacted or covered with material to the extent that it is highly resistant to infiltration by water. In addition to, but not limited to, conventional impervious surfaces such as paved streets, roofs, compacted stone, sidewalks, driveways and parking areas, impervious cover shall consist of the following surfaces when

routinely used by motor vehicles: graveled areas, paver blocks (including voids), bricks and cobblestones.

Junk: Any worn, cast-off, discarded or stored material including, but not limited to, unlicensed vehicles, machinery, and equipment ready for destruction or which has been collected for salvage, or conversion to some use.

Junkyard: The use of more than one hundred (100) square feet of the area of any lot, or four hundred (400) square feet in the case of a farm, in all zoning districts except the I-Industrial, for the storage, keeping, or abandonment of junk. The deposit or storage on any lot of one (1) or more unlicensed, wrecked, or disabled vehicles, or the major part thereof, shall be deemed to constitute a junkyard. A disabled vehicle is one that is not operable under its own power for any reason, or a vehicle that does not have a valid current registration plate, or that has an inspection certification which is more than sixty (60) days beyond the expiration date.

Kennel: A structure on any lot in which animals (except livestock, horses, or poultry) are kept, boarded, raised, bred, treated, or trained for a fee, including but not limited to dog or cat kennels.

Laboratories for Scientific or Industrial Research and Development: Uses intended for research, testing and development of new or improved products and processes exempting those facilities which conduct research requiring the presence of live animals or animal carcasses or any of the uses specifically prohibited under the definition of Agricultural Sciences Support Operation or any other provision of this Ordinance.

Land Development: Any of the following activities:

1. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

    a. A group of two (2) 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 proposed initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

    c. A subdivision of land.

2. Land Development shall not include the following:

a. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;

b. The addition of an accessory building, including farm buildings, 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 that would be considered an amusement park.

1) For purposes of this sub-clause, 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 proper authorities.

d. A building addition to an existing non-residential principal structure, provided that:

1) The addition does not create a need for any additional parking, per this Ordinance; and,

2) The addition does not, in accordance with the Pennsylvania Sewage Facilities Act, Act 537 of 1966, as amended, create the need for a sewer facility plan revision (plan revision module for land development), or supplement; and,

3) The addition is not for the creation of additional units of occupancy; and,

4) The addition does not require approval from the Zoning Hearing Board; and,

5) The addition complies with all provisions of applicable Township ordinances.

6) For the purpose of this non-residential principal structure exemption sub-clause, the building addition exemption criteria shall be reviewed cumulatively from the date of this Ordinance. The net addition size shall be the sum of all additions after the date of the adoption of this Ordinance.

Landscaping: Landscaping shall include, but not be limited to, grass and other plantings such as trees, shrubs, and bushes, and may also include mulch and/or decorative stone.

Land Use Ordinance: Any ordinance or map adopted pursuant to the authority granted in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended (MPC).

Line, Building Setback: The line of a structure or building existing at the effective date of the Zoning Ordinance or the legally established line which determines the location of a future building or structure or portion thereof with respect to any lot line.

Line, Property: A recorded boundary of a plot. Any property line which abuts a street or other public way shall be measured from the right-of-way.

Livestock: Any living creature maintained for commercial use or profit, but not customarily maintained as a pet.

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

Lot Area: The area contained within the property lines of the lot as shown on a subdivision plan, not including any area within a street right-of-way.

Lot Coverage: A percentage of the lot area which may be covered with an impervious surface to include driveways, sidewalks, buildings, parking areas, streets, and all other areas defined as "impervious" by this Ordinance.

Lot, Interior: A lot other than a corner lot and the sides of which do not abut a street.

Lot Line: A line dividing one (1) lot from another or from a street or alley.

> Lot Line, Front: Front lot line shall mean the line separating such lot from any street or other public way.
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> Lot Line, Rear: Rear lot line shall mean that lot line which is opposite and most distant from the front line. In the case of corner lots, the owner shall, for the purpose of the Zoning Ordinance, have the privilege of selecting any lot line; other than one of the front lot lines, to be the rear lot line; provided that such choice, in the opinion of the Zoning Officer will not be injurious to the existing or the desirable future development of adjacent property.

Lot Line, Side: Any lot line that is not a front or rear lot line.

Lot Width: In the case of an interior lot, lot width shall be the horizontal distance measured at the minimum building setback line between the side lot lines. In the case of a corner lot, lot width shall be the horizontal distance measured at the minimum building setback line between each front lot line and its opposite lot line. Such distance shall be measured along a straight line which is at right angles to the axis of a lot. The mean lot width shall be not less than the required lot width.

Lowest Floor: The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and similar vehicles which are placed on a site for more than one hundred eighty (180) days.

Manufactured Home Lot: A parcel of land in a manufactured home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single manufactured home.

Manufactured Home Park: A parcel of land under single ownership, which has been planned and improved for the placement of two (2) or more manufactured homes for non-transient use.

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.

Manure Storage Facility: A structure built to store manure for future use, including, but not limited to underground storage, in-ground storage, trench silos, earthen banks, stacking areas, and above ground storage. Commercial waste storage facilities are those which are owned and operated for profit to provide animal waste storage services to the agricultural community.

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

Minor Repair: The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit-way requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electrical wiring or mechanical or other work affecting public health or general safety.

Mobile Home: A transportable, single-family dwelling unit, containing a minimum of eight hundred (800) square feet of floor area, intended for permanent occupancy contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy

except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. Mobile homes placed in parks shall meet the requirements of Article XIV and the applicable subdivision and land development ordinance. For floodplain purposes, the term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than one hundred eighty (180) consecutive days.

Mobile Home Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

Mobile Home Lot: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

Mobile Home Stand: That part of an individual mobile home space which has been reserved for the placement of a mobile home and appurtenant structures and connections.

Motel/Hotel: See Hotel/Motel

Municipalities Planning Code (MPC): The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as reenacted and amended by Act 170 of 1988, and as subsequently amended, 53 P.S. §10101 et. seq.

Multi-Family Conversion: See Apartment, Conversion

Municipal Use: Any use owned or operated by the Township or an authority created by the Township.

New Construction: Structures for which the start of construction commenced on or after April 2, 1981, and includes any subsequent improvements thereto.

No-Impact Home-Based Business: A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pick-up, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy all of the following requirements:

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

2. The business shall employ no employees other than family members residing in the dwelling.

3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

7. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.

8. The business may not involve any illegal activities.

Non-Conforming Lot: A lot, which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

Non-Conforming Structure: A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such non-conforming structures include, but are not limited to non-conforming signs and non-conforming accessory structures.

Non-Conforming Use: A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

Non-Residential: Any use other than single family dwellings or multiple family dwelling buildings. An institutional use in which persons reside, such as dormitory, prison, nursing home, or hospital, shall be considered a non-residential use.

Normal Farming Operations: The customary and generally accepted activities, practices, and procedures that farmers adopt, use, or engage in year after year in the production and preparation for market of crops, livestock and livestock products and in the production and harvesting of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities.

Nursing, Rest, or Retirement Home: A facility designed for the housing, boarding, and dining, associated with some level of nursing care.

One Hundred Year Flood: A flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has a one percent (1%) chance of occurring each year, although the flood may occur in any year).

On-Farm Occupation: A business or commercial activity that is conducted by the farmer in residence as an accessory use to a tract of land at least thirty (30) acres in area where the primary economic activity is agricultural and which does not change the agricultural character thereof.

Parent Tract: When used in determining the permissible number of lots which may be subdivided or dwellings erected in the E-S Ecologically Sensitive District, the A-1 Agricultural District or the A-2 Agricultural District, all contiguous land held in single and separate ownership, regardless of whether:

1. such land is divided into one (1) or more lots, parcels, purparts or tracts;

2. such land was acquired by the landowner at different times or by different deeds, devise, partition or otherwise; or

3. such land is bisected by public or private streets or rights-of-way,

which was held by the landowner or his predecessor in title on December 24, 1989, or, if such land was not classified as E-S Ecologically Sensitive District, A-1 Agricultural District or A-2 Agricultural District on December 24, 1989, which was held by the landowner or his predecessor in title on the date such land was first classified as E-S Ecologically Sensitive District, A-1 Agricultural District or A-2 Agricultural District after December 24, 1989.

Parking Area: An area on a lot utilized for the parking of vehicles for a single unit of occupancy, a farm or two (2) vehicles within a land development.

Parking Compound: An area on a lot containing any use other than an agricultural use or one (1) single family detached dwelling for the parking of three (3) or more vehicles.

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

Parking Lot: An area not within a building where motor vehicles may be stored for the purposes of temporary, daily or overnight off-street parking.

Parking Space: An off-street space available for the parking of a vehicle. The minimum area required for a single space shall be as provided in this Ordinance. The minimum number of parking spaces required for any uses other than dwelling units shall not include space within garages. Parking spaces shall not be obstructed by another parking space or by any other structural impediments to vehicular access.

Person: An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility, or an other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

Pit or Quarry: See "Quarry".

Planning Commission: The West Cocalico Township Planning Commission.

Private Club: See Clubhouse.

Private School: An educational institution offering a curriculum approved by the Department of Education and which is not administered by the Cocalico School District.

Professional Office: A place where the primary use is conducting the affairs of a business, profession, service, or government, including administration, record keeping, clerical work, and similar business functions. A professional office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods or products; or the sale or delivery of any materials, goods, or products which are physically located on the premises. Office supplies used in the office may be stored as an incidental use.

Public Facility: A use, structure or facility owned, provided or maintained by West Cocalico Township, the West Cocalico Authority, Cocalico School District, a public or private utility company, homeowner's association, or other bona fide entity recognized by West Cocalico Township.

Public Sewer: An approved system of providing sanitary sewage collection, treatment, and disposal for multiple users which is owned and/or operated by a municipal authority or a municipal governing body.

Public Space: A plot or area of land outside the building dedicated or devoted to public use by legal mapping or any other lawful procedure.

Public Utility: Any utility coming under the jurisdiction of the Public Utility Commission of Pennsylvania.

Public Water: An approved system of providing public water to multiple users, properly purified, which is owned and/or operated by a Municipal Governing Body or a Municipal Authority.

Quarrying: The extraction of minerals by surface mining.

Recreational Vehicle: A vehicle which is 1) built on a single chassis; 2) not more than eight hundred (800) square feet, measured at the largest horizontal projections; 3) designed to be self-propelled or permanently towable; 4) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recycling Center: Any facility which is involved in the recycling of paper, glass, and metal products, including the collection and storage of such materials on-site following recycling.

Regulatory Flood Elevation: The one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1½) feet.

Repetitive Loss: Flood-related damages sustained by a structure on two (2) separate occasions during a 10-year period for which the cost of repairs at the time of each flood event, on average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damages occurred.

Report: A written document such as a letter, review, or memorandum made by any body, board, officer, or consultant other than a solicitor for the purpose of rendering or assisting in the rendering of a decision or a determination.

Residential Accessory Building: A detached building, which is not used as a dwelling, on a residential lot in which the use of the building is incidental and subordinate to the principal residential use of the lot.

Retail, Retail Sales: A commercial operation whose primary activities involve the wholesale purchasing of goods and products and the display and retail sales and rent-to-own of goods and products to the general public. This term shall not include any adult-related facilities as defined herein.

Reverse Frontage Lot: A lot extending between and having frontage on a major street and a minor street with vehicular access solely from the latter.

Riding School or Horse Boarding Stable: A commercial establishment where horses may be kept, bred, trained and/or exercised and where equestrian instruction and equestrian competition may be offered, including but not limited to polo clubs, public show rings and rodeos.

Right-of-Way: The total width of any land reserved or dedicated as a street, alley, pedestrian way, or for other specified public or private use.

Rural Occupation: A commercial or industrial activity that is conducted as an accessory use to the primary agricultural or residential use of a lot by a resident of the lot, which activity is clearly incidental and subordinate to the agricultural or residential use of the lot and which is conducted in an accessory structure on the lot.

School: A public or privately-owned educational institution offering a curriculum approved by the Department of Education.

School, Commercial: A school conducted for profit for such instruction as business, art, music, trades, handicrafts, or dancing.

Screening: The use of plant or landscaping materials, fencing, walls and/or earthen berms to aid in the concealment of one element of a use or property from other elements or from adjacent or contiguous development.

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

Shopping Center: A group of retail stores, offices, and/or service businesses planned and designed for the site on which they are built, functioning as a unit, with off-street parking provided on the property as an integral part of the unit.

Signs: Any advertisement, announcement, direction, or communication produced in whole or in part by construction, erecting, affixing, or placing a structure on land or any other structure, or produced by painting, pasting, or otherwise placing any printed, lettered, pictured, figured, or colored material on any building, structure, or surface, not including lettering or other identification which is a part of the architectural design of the building.

Solid Waste Disposal and Processing Facilities: Any sanitary landfill, mass burn facility, or processing facility which accepts, disposes, and/or processes garbage, refuse, and other discarded materials including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural, and residential activities. Such wastes shall not include biological excrement nor hazardous waste materials as defined in the Code of Federal Regulations, Title 40, Chapter 1, Part 261, dated July 1, 1984, or as amended.

Special Exception: A use permitted in a particular zoning district which may be approved if specifically allowed by this Ordinance subject to all specific criteria being met for the use.

Special Permit: A document evidencing required approval of hospitals, nursing homes, jails, new manufactured home parks and substantial improvements to such manufactured home parks, when development is located in all, or a designated portion of a floodplain.

Street: A strip of land, including the entire right-of-way, publicly or privately owned, serving primarily as a means of vehicular and pedestrian travel, and furnishing access to abutting properties, which may also be used to provide space for sewers, public utilities, storm water management facilities, shade trees, and sidewalks. Street includes avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private, but not including access drives and driveways.

> Street, Private: A street which is not owned by West Cocalico Township or PennDOT. West Cocalico Township shall not be responsible for any type of maintenance or snow removal on any private street.
>
> Street, Public: A public thoroughfare including a street, road, lane, alley, court, or public space which has been dedicated or deeded to the public for public use which has been

accepted by the Township and which affords principal means of access to abutting property.

Structure: Anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to the land.

Structure, Accessory: A structure on the same lot with, and of a nature customarily incidental and subordinate to the principal structure on the lot.

Subdivision: The division or re-division of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

Subdivision, Land Development and Storm Water Management Ordinance: The West Cocalico Township Subdivision, Land Development and Storm Water Management Ordinance, as enacted by the Board of Supervisors and as may be amended.

Substantial Damage: Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

Substantial Improvement: Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Townhouse (Row House): See Dwelling, Single-Family, Attached

Township: West Cocalico Township, Lancaster County, Pennsylvania, as represented by the Board of Supervisors, or its duly authorized agents.

Uniform Construction Code (UCC): The statewide building code adopted by the Pennsylvania General Assembly in 1999, applicable to new construction in all municipalities whether administered by the municipality, a third party, or the Department of Labor and Industry. Applicable to residential and commercial buildings, the Code adopted, the International Residential Code (IRC), and the International Building Code (IBC), by reference, as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

Urban Growth Areas: Areas as may be established within West Cocalico Township from time to time that contain sufficient buildable lands to meet the future land use needs of West Cocalico Township. The Urban Growth Areas delineate areas appropriate for urban growth apart from areas intended for agricultural, rural and resource uses. The Urban Growth Areas are given official standing by their incorporation on the Future Land Use Maps of and adoption in the West Cocalico Township and Lancaster County Comprehensive Plans.

Use: The purpose for which land, structure, sign, or a building is arranged, designed, or intended, or which either land, structure, sign, or a building is or may be used, occupied, or maintained.

> Accessory Use: A use customarily incidental and subordinate to the principal use of a building or structure or principal use of the land, and located on the same lot as the principal use.
>
> Principal Use: The main or primary purpose for which land, a structure, building, and/or sign, or use thereof is designed, arranged, or intended, or for which they may be occupied or maintained under the Zoning Ordinance.

Variance: Relief from any provision(s) of this Ordinance which is granted by the Zoning Hearing Board pursuant to the provisions of Articles VI and IX of the Municipalities Planning Code.

Village Growth Areas: Areas as may be established within West Cocalico Township from time to time that include a village at their center. The Village Growth Areas delineate areas appropriate for village growth apart from areas intended for agricultural, rural and resource uses. The Village Growth Areas are given official standing by their incorporation on the Future Land Use Maps of and adoption in the West Cocalico Township and the Lancaster County Comprehensive Plans.

Wooded Areas: Areas or stands of trees greater than 10,000 square feet in area, the majority of which are greater than twelve (12) inches caliper.

Yard: The area between a building or structure which is regulated by this Ordinance and property lines. Overhanging eaves, gutters, and cornices shall not be considered an infringement of the yard requirements.

Front Yard; The required open space between the street right-of-way and the front line of the principal building.

Side Yard: The required open space between any side lot line and the principal building and extending from the front building setback line to the rear building setback line.

Rear Yard: The required open space between the rear line of the principal building and the rear line of the lot and extending the full width of the lot.

Zoning Hearing Board: The West Cocalico Township Zoning Hearing Board.

ARTICLE III

ZONING DISTRICTS

SECTION 300. **TYPES OF ZONING DISTRICTS**

For the purpose of this Ordinance, West Cocalico Township is hereby divided into the following districts:

ES - Ecologically Sensitive District
A-1 - Agricultural District
A-2 - Agricultural District
OS - Woodland District
FP - Floodplain Overlay District
SS - Steep Slope Overlay District
VR - Village Residential District
SR - Special Residential District
I-C - Industrial/Commercial District
RR - Rural Residential District
VC - Village Center District

SECTION 301. **OFFICIAL ZONING MAP**

The boundaries of the zoning districts shall be as shown on the Zoning Map which is on file in the office of the Board of Supervisors. Said map and all notations, references, and data shown thereon are hereby incorporated by reference into this Zoning Ordinance, and shall be as much a part of this Zoning Ordinance as if all were fully described herein.

The Zoning Map shall be so labeled, and identified by the signature of the Chairman of the Board of Supervisors and attested by the Secretary of the Board of Supervisors, and bear the seal of the Township under the following words: "This is to certify that the following sheet comprises the Official Zoning Map of West Cocalico Township, Lancaster County, Pennsylvania, the date upon which this Ordinance became effective."

SECTION 302. **DISTRICT BOUNDARIES**

The district boundary lines, with the exception of the Floodplain Overlay District and the Steep Slope Overlay District, shall be shown on the Zoning Map. District boundary lines are intended to coincide with lot lines, centerlines of streets and alleys, railroad rights-of-way, beds of streams existing at the time of passage of this Ordinance, the corporate boundary of the Township, or as dimensioned on the Map. Where figures are shown on the Zoning Map between a street and a district boundary line, they indicate that the district boundary line runs parallel to the centerline a distance equivalent to the number of feet so indicated. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map. In the event of dispute about the location of the boundary of any district, the Zoning Officer shall investigate and render a decision on the location of the line. Appeals from the determination of the Zoning Officer shall be made to the Zoning Hearing Board. Should any other uncertainty exist, the Zoning Hearing

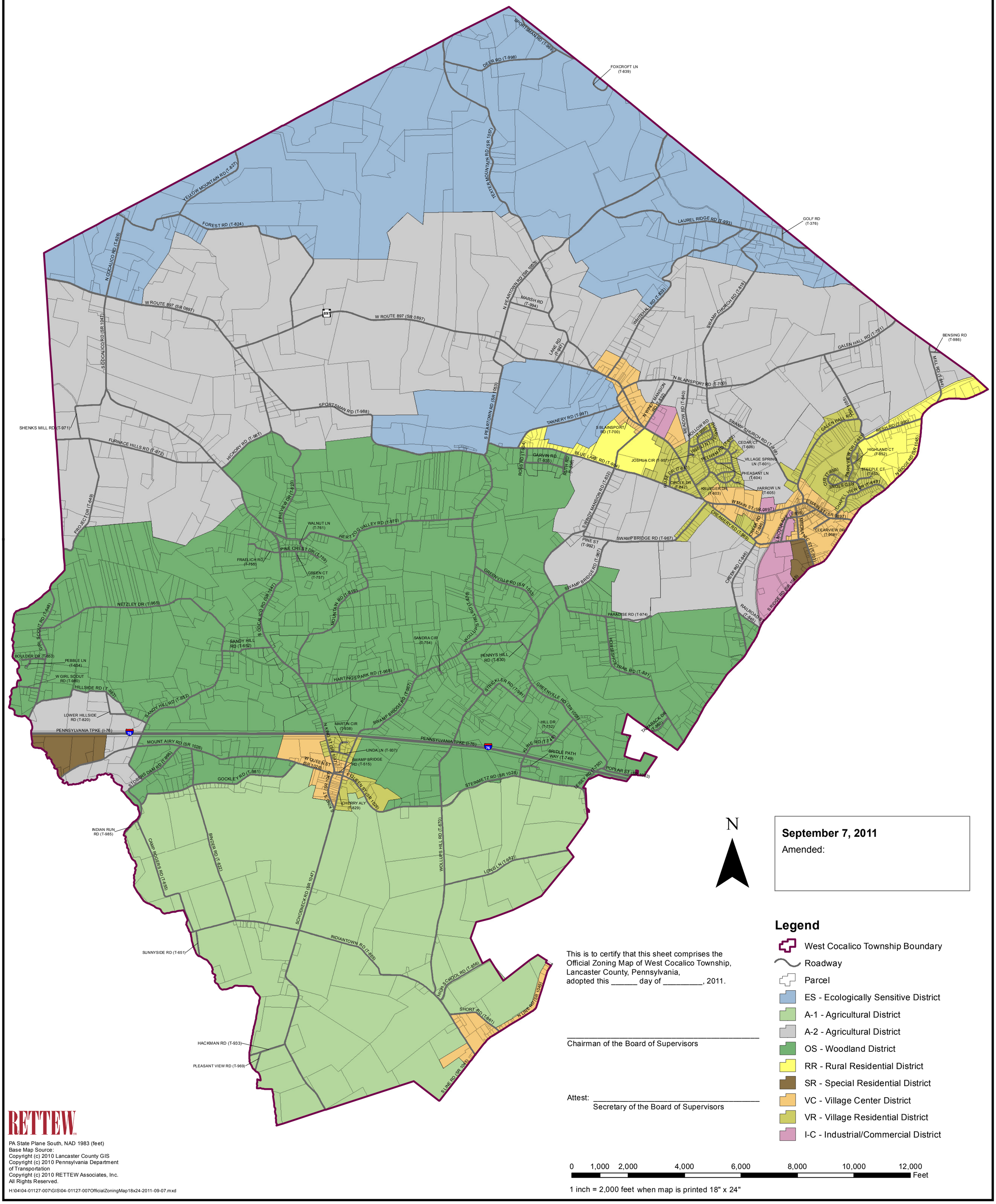
Board shall interpret the intent of the Zoning Ordinance and Map to determine the exact location of district boundaries.

SECTION 303. **AMENDMENTS TO THE OFFICIAL ZONING MAP**

If, in accordance with the provisions of the Article XXV of this Zoning Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map promptly by the Zoning Officer or some other competent person designated by the Board of Supervisors. This change shall be accompanied by an entry on the Official Zoning Map stating the date of the amendment and the ordinance number which amends the Official Zoning Map.

ZONING MAP

WEST COCALICO TOWNSHIP, LANCASTER COUNTY, PA



N

September 7, 2011

Amended:

This is to certify that this sheet comprises the Official Zoning Map of West Cocalico Township, Lancaster County, Pennsylvania, adopted this _____ day of _____, 2011.

_____
Chairman of the Board of Supervisors

Attest: _____
Secretary of the Board of Supervisors

Legend

- West Cocalico Township Boundary
- Roadway
- Parcel
- ES - Ecologically Sensitive District
- A-1 - Agricultural District
- A-2 - Agricultural District
- OS - Woodland District
- RR - Rural Residential District
- SR - Special Residential District
- VC - Village Center District
- VR - Village Residential District
- I-C - Industrial/Commercial District

0 1,000 2,000 4,000 6,000 8,000 10,000 12,000 Feet

1 inch = 2,000 feet when map is printed 18" x 24"

RETTEW

PA State Plane South, NAD 1983 (feet)
Base Map Source:
Copyright (c) 2010 Lancaster County GIS
Copyright (c) 2010 Pennsylvania Department of Transportation
Copyright (c) 2010 RETTEW Associates, Inc.
All Rights Reserved.

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ARTICLE IV

ES - ECOLOGICALLY SENSITIVE DISTRICT

SECTION 400. **PURPOSE**

The ES - Ecologically Sensitive District seeks to protect the wooded hillsides of northern West Cocalico Township within the headwaters of the Cocalico Creek watershed. Existing soil and topographic characteristics severely limit development potential in this area, and the District has been established to prevent unnecessary destruction of the Township's woodland concentrations and related environmental degradation. More than eighty (80) percent of approximately five-thousand (5000) acres of this District contains soils which are classified by the Soil Survey of Lancaster County Pennsylvania as having severe limitations for building site development, sanitary sewage facilities, and shallow excavations due to wetness, slope, or flooding. This soil survey categorizes severe limitations as conditions which are unfavorable and difficult to overcome without special design considerations, significant increases in construction costs, increased maintenance, and/or special feasibility studies. The soil survey also classifies these same soils as having moderately high, high, or very high capabilities for the productivity of important trees.

SECTION 401. **PERMITTED USES**

Land and buildings in the ES - Ecologically Sensitive District shall be used only for the following purposes:

1. Agricultural operations that are not CAFOs and CAOs which have an animal equivalent unit of less than two (2) animal units per acre, subject to the standards found in Article 23 of this Ordinance.

2. Municipal uses.

3. Conservation areas for the conservation of open space, water, soil, forest, and wildlife resources.

4. Single-family detached dwellings.

5. Principal farm dwellings.

6. Accessory buildings and uses customarily incidental and secondary to the above permitted uses when located on the same lot.

7. No-impact, home-based business.

8. Day care homes.

9. On-farm occupations subject to the standards found in Article 23 of this Ordinance.

10. Accessory buildings and uses customarily incidental and secondary to Special Exception uses approved under Section 402 below when located on the same lot.

SECTION 402. **SPECIAL EXCEPTIONS**

The establishment and/or expansion of the following uses are permitted when special exceptions are granted by the Zoning Hearing Board in conformance with Article 23 and other provisions of this Zoning Ordinance:

1. Concentrated Animal Feeding Operations and Concentrated Animal Operations subject to the standards found in Article 23 of this Ordinance.

2. Accessory farm dwellings.

3. Bed and breakfast establishments.

4. Cemetery.

5. Commercial communication antennas and antenna sites.

6. ECHO housing.

7. Essential services buildings and structures.

8. Home occupations which do not qualify as no-impact, home-based businesses.

9. Kennels.

10. Non-commercial day care centers accessory to existing churches.

11. Riding school or horse boarding stables.

12. Recreational Camp.

13. Rural occupations.

14. Display and sale of agricultural products by a person farming land in this zoning district subject to the standards found in Article 23 of this Ordinance Sale of Agricultural Products.

SECTION 403. **AREA AND HEIGHT REGULATIONS**

1. MINIMUM LOT AREA

a. The minimum lot area required for permitted uses and special exception uses in the ES - Ecologically Sensitive District shall be no smaller than is required to meet all applicable setbacks and Pennsylvania Department of Environmental Protection (DEP) requirements for the location of on-site water supply and sewage disposal facilities, including replacement system location. The maximum lot area for all non-farm single-family detached dwellings shall be two (2) acres. The maximum lot area for all other special exception uses except Concentrated Animal Feeding Operations and Concentrated Animal Operations shall be four (4) acres. There shall be no maximum lot area for municipal uses, Concentrated Animal Feeding Operations, and Concentrated Animal Operations.

b. Subdivision and Land Development Limitations. It is the intent of the Supervisors to preserve and protect woodlands and to preserve prime agricultural soils through limitations on subdivision and land development.

1) Number of lots, dwellings or other principal non-agricultural buildings permitted. One (1) principal building or use may be established for any unimproved lot that is less than fifty (50) acres subject to compliance with all dimensional and use requirements of this Zoning Ordinance. In every other instance, for each parent tract there shall be permitted by special exception the subdivision of one (1) lot, which shall specifically include, but not be limited to, a subdivision to change lot lines or a "lot add-on" subdivision unless exempted in Section 403.1.b.(2) or the establishment of an additional principal building or use on the parent tract, but not both, with the portion of the existing or newly created lot used for residential purposes limited to the maximum lot size set forth in Section 403.1.a above, for each fifty (50) acres held on December 24, 1989, or if the parent tract was not classified as ES - Ecologically Sensitive District on December 24, 1989, on the date when such land was first included in the ES - Ecologically Sensitive District after December 24, 1989. A tabular example of this limitation on the creation of lots or the erection of dwellings is as follows:

Size of Parent Tract in Acres	**Number of Lots Permitted to be Subdivided or Additional Permitted Principal Buildings or Uses***
Less than 50 acres	0
50.01 – 100.0 acres	1
100.01 – 150.0 acres	2
150.01+ acres	3 plus one (1) additional subdivision or permitted principal building or use for each additional fifty (50) acres after two hundred (200) acres

* For purposes of this section, in no case shall parent tracts qualify for any additional lots permitted to be subdivided or additional permitted buildings or uses than those allotted to parent tracts held on December 24, 1989, or if the parent tract was not classified as ES - Ecologically Sensitive District on December 24, 1989, on the date when such land was first included in the ES - Ecologically Sensitive District after December 24, 1989:

a) Any subdivision or land development plan hereinafter filed with the applicable approving body for subdivision or land development or any deed for the conveyance of a lot in this District shall specify which lot or lots shall carry with it a right of further subdivision or erection of accessory farm or non-farm single family dwellings or principal non-agricultural buildings, if any such right remains from the quota allocated to the parent tract. This right of further subdivision or erection of accessory farm or non-farm single-family dwellings or principal non-agricultural buildings, or an indication that no further subdivision or erection of such dwellings or principal buildings is permissible, shall also be included in the deed to the newly-created lot. This restriction shall remain in effect as long as further subdivision is prohibited under the zoning ordinance then in effect.

b) The number of lots which may be created or accessory farm or non-farm single family dwellings or other principal non-agricultural buildings which may be erected on the parent tract shall be fixed according to the parent tract. This number shall not be increased by the subdivision of such parent tract. Any subsequent owner of a parent tract or land remaining in a parent tract after subdivision shall be bound by the actions of his predecessor.

c) Any land development, the purpose of which is to permit the erection of a permanent accessory farm or non-farm single family dwelling on a parent tract which has previously been improved with a dwelling which also will remain on the parent tract or to permit the erection of a structure for an additional principal use on the parent tract shall be considered a subdivision for the purposes of this Section. It is the purpose and intent of this Section to limit the development of agricultural tracts for non-agricultural purposes regardless of whether such development is accomplished by subdivision or land development as those terms are defined in the Municipalities Planning Code.

2) Exemptions from limitation on subdivision of land. The following types of subdivisions shall not be counted against the subdivision/land development quota established by Section 403.1.b.(1). In addition, the below exemptions do not require a special exception approval:

a) The transfer of land to increase the size of a tract being used for agricultural purposes.

b) The transfer of non-prime agricultural land to increase the size of a tract not being used for agricultural purposes.

c) A subdivision to create a lot which will be transferred to the Township or a municipal authority created by the Township.

3) Requirements for plans and deeds relating to lands within the ES Ecologically Sensitive District. Any subdivision or land development plan hereafter filed with the applicable approving body for subdivision or land development or any deed for the conveyance of land in the ES Ecologically Sensitive District shall specify on the recorded plan which lot or lots shall carry a right of further subdivision or erection of accessory farm or non-farm single family dwellings or other principal non-agricultural buildings, if any such right remains from the quota allocated to the parent tract on December 24, 1989, or on the date when such land was first included in the ES Ecologically Sensitive District, whichever is later. The right of further subdivision or erection of accessory farm or non-farm single farm dwellings or other principal non-agricultural buildings, or a statement that no further subdivision or erection of accessory farm or non-farm single family dwellings or other principal non-agricultural buildings is permissible, shall also be included in the deed to the newly-created

or conveyed lot. If the designation of the right of further subdivision or erection of additional accessory farm or non-farm single family dwellings or other principal non-agricultural buildings was not included on a subdivision or land development plan of a parent tract or deed of conveyance, it shall be conclusively presumed that the largest lot remaining after subdivision shall carry the right of further subdivision or erection of additional accessory farm or non-farm single family dwellings or other principal non-agricultural buildings.

2. MINIMUM LOT WIDTH - Two hundred (200) feet at the building line.

3. MINIMUM LOT DEPTH - Two hundred (200) feet.

4. YARD REQUIREMENTS - All buildings shall be set back from street rights-of-way and lot lines in accordance with the following requirements:

   a. Front Yard - The minimum front yard required shall be that distance established in Article 19 of this Zoning Ordinance between the right-of-way line of a public or private road and the building line.

   b. Side Yard - There shall be two (2) side yards each having a minimum width of fifty (50) feet.

   c. Rear Yard - The rear yard shall be a minimum of one hundred (100) feet in depth.

5. MAXIMUM LOT COVERAGE -

   a. Lot area of two (2) acres or less - Twenty (20) percent.

   b. Lot area of greater than two (2) but less than four (4) acres - Fifteen (15) percent.

   c. Lot area of four (4) acres or greater - Ten (10) percent.

6. HEIGHT REGULATIONS - No principal building shall exceed thirty-five (35) feet in height except as provided in Article 21 of this Zoning Ordinance.

7. MINIMUM OFF-STREET VEHICLE PARKING AND LOADING REQUIREMENTS - Off-street parking and loading facilities shall be provided in accordance with the requirements of Article 18.

SECTION 404. **PRESERVATION OF EXISTING WOODLANDS**

Existing wooded areas shall be protected as follows: At least seventy-five (75) percent of the number of trees (minimum trunk caliper of five (5) inches measured three (3) feet above ground) that exist prior to any earth moving activities requiring a permit pursuant to this Zoning Ordinance shall be maintained or replaced immediately following construction. Replacement trees shall be a minimum trunk caliper of two (2) inches measured three (3) feet above finished grade.

SECTION 405. **SETBACKS FROM AGRICULTURAL DISTRICTS**

1. No dwelling unit shall be located within one hundred feet (100') of any land within any Agricultural District that is used for agricultural production.

2. No non-residential building, except residential accessory buildings and agricultural buildings, shall be located within one hundred feet (100') of any land within any Agricultural District that is used for agricultural production.

3. In addition, no shrub nor tree shall be planted within twenty feet (20') and thirty feet (30'), respectively, of any land within any Agricultural District which is used for agricultural purposes.

SECTION 406. **SITING OF SPECIAL EXCEPTION USES IN ES - ECOLOGICALLY SENSITIVE DISTRICT**

Applications for special exception uses in the ES-Ecologically Sensitive District shall meet the siting requirements of Section 2304 of this Ordinance.

ARTICLE V

A-1 - AGRICULTURAL DISTRICT

SECTION 500. **PURPOSE**

The A-1 - Agricultural District seeks to promote the continuation and preservation of agricultural activities within the area of West Cocalico Township having the most productive agricultural soils. Approximately eighty-five (85) percent of the more than five-thousand (5000) acres of this District contains prime agricultural soils identified by the Soil Survey of Lancaster County Pennsylvania as being Class I and II agricultural soils. This District is established to protect these soils and stabilize the Township's viable agricultural economy by eliminating land uses not compatible with agriculture and allowing for on-farm occupations to provide supplemental income to the Township's farmers in residence. Residential uses are limited and any future inhabitants in this district may be subject to some common characteristics of agriculture which are sometimes regarded as objectionable, including but not limited to odor, dust, night, holiday, early morning and weekend operations, noise, heavy vehicle use of roads, the storage and disposal of manure, the application of fertilizers, herbicides, etc. Residents, owners, and users of property in this district should accept these factors as normal and unavoidable characteristics of an agricultural area and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982, referred to as "The Right to Farm Law", may bar them from obtaining a legal judgment against such normal agricultural operations. Further, it is the intent of the Township for these provisions to comply with the Commonwealth of Pennsylvania's ACRE (Agriculture, Communities, and Rural Environment) legislation. Should a successful challenge to this ordinance be filed under the ACRE legislation, only that portion of these provisions found to be in conflict with ACRE will be deleted and no other part of these provisions will be affected.

SECTION 501. **PERMITTED USES**

Land and buildings in the A-1 - Agricultural District shall be used only for the following purposes:

1. A new or expanded agricultural operation where the animal equivalent units are less than two (2) animal units per acre and are not CAFOs or CAOs subject to the standards found in Article 23 of this Ordinance.

2. Concentrated Animal Feeding Operations and Concentrated Animal Operations located greater than five hundred (500) feet from an adjoining Residential Zoning District subject to the standards found in Article 23 of this Ordinance.

3. Municipal uses.

4. Principal farm dwellings.

5. Accessory buildings and uses customarily incidental and secondary to the above permitted uses when located on the same lot.

6. Display and sale of agricultural products by a person farming land in Agricultural Districts subject to the standards found in Article 23 of this Ordinance.

7. Non-commercial manure storage facilities.

8. No-impact, home-based business.

9. Day care homes.

10. On-farm occupations subject to the standards found in Article 23 of this Ordinance.

11. Accessory buildings and uses customarily incidental to Special Exception uses approved under Section 502 below when located on the same lot.

SECTION 502. **SPECIAL EXCEPTIONS**

The establishment and/or expansion of the following uses are permitted when special exceptions are granted by the Zoning Hearing Board in conformance with Article 23 and other provisions of this Zoning Ordinance. Wherever possible, said uses shall be located where they will not cause conflicts with normal agricultural operations.

1. Concentrated Animal Feeding Operations sand Concentrated Animal Operations located less than five hundred (500) feet from an adjoining Residential Zoning District, subject to the standards found in Article 23 of this Ordinance.

2. Agricultural related businesses.

3. Bed and breakfast establishments.

4. ECHO housing.

5. Essential services buildings and structures.

6. Home occupations which do not qualify as no-impact, home-based businesses.

7. Temporary farm employee housing.

8. Accessory farm dwellings.

9. Non-commercial day care centers accessory to existing churches.

10. Rural occupations.

11. Kennels.

12. Non-farm single-family detached dwellings.

SECTION 503. **AREA AND HEIGHT REGULATIONS**

1. LOT AREA

a. The minimum lot area required for permitted uses and special exception uses in the A-1 - Agricultural District shall be no smaller than is required to meet all applicable setbacks and Pennsylvania Department of Environmental Protection (DEP) requirements for the location of on-site water supply and sewage disposal facilities, including replacement system location. The maximum lot area for all non-farm single-family detached dwellings shall be two (2) acres. The maximum lot area for all other special exception uses except Concentrated Animal Feeding Operations and Concentrated Animal Operations shall be four (4) acres. There shall be no maximum lot area for municipal uses, Concentrated Animal Feeding Operations and Concentrated Animal Operations.

b. Subdivision and Land Development Limitations. It is the intent of the Supervisors to preserve and protect agriculture and to preserve prime agricultural soils through limitations on subdivision and land development.

1) Number of lots, dwellings or other principal non-agricultural buildings permitted. One (1) principal building or use may be established for any unimproved lot that is less than fifty (50) acres subject to compliance with all dimensional and use requirements of this Zoning Ordinance. In every other instance, for each parent tract there shall be permitted by special exception the subdivision of one (1) lot, which shall specifically include, but not be limited to, a subdivision to change lot lines or a "lot add-on" subdivision unless exempted in Section 503.1.b.(2) or the establishment of an additional principal building or use on the parent tract, but not both, with the portion of the existing or newly created lot used for residential purposes limited to the maximum lot size set forth in Section 503.1.a above, for each fifty (50) acres held on December 24, 1989, or if the parent tract was not classified as A-1 - Agricultural District on December 24, 1989, on the date when such land was first included in the A-1 - Agricultural District after

December 24, 1989. Tabular example of this limitation on the creation of lots or the erection of dwellings is as follows:

Size of Parent Tract in Acres	**Number of Lots Permitted to be Subdivided or Additional Permitted Principal Buildings or Uses***
Less than 50 acres	0
50.01 – 100.0 acres	1
100.01 – 150.0 acres	2
150.01+ acres	3 plus one (1) additional subdivision or permitted principal building or use for each additional fifty (50) acres after two hundred (200) acres

* For purposes of this section, in no case shall parent tracts qualify for any additional lots permitted to be subdivided or additional permitted buildings or uses than those allotted to parent tracts held on December 24, 1989, or if the parent tract was not classified as A-1 - Agricultural District on December 24, 1989, on the date when such land was first included in the A-1 - Agricultural District after December 24, 1989:

a) Any subdivision or land development plan hereinafter filed with the applicable approving body for subdivision or land development or any deed for the conveyance of a lot in this District shall specify which lot or lots shall carry with it a right of further subdivision or erection of accessory farm or non-farm single family dwellings or principal non-agricultural buildings, if any such right remains from the quota allocated to the parent tract. This right of further subdivision or erection of accessory farm or non-farm single-family dwellings or principal non-agricultural buildings, or an indication that no further subdivision or erection of such dwellings or principal buildings is permissible, shall, also, be included in the deed to the newly-created lot. This restriction shall remain in effect as long as further subdivision is prohibited under the zoning ordinance then in effect.

b) The number of lots which may be created or accessory farm or non-farm single family dwellings or other principal non-agricultural buildings which may be erected on the parent tract shall be fixed according to the parent tract. This number shall not be increased by the subdivision of such parent tract. Any subsequent owner of a parent tract or land remaining in a parent tract after subdivision shall be bound by the actions of his predecessor.

c) Any land development, the purpose of which is to permit the erection of a permanent accessory farm or non-farm single family dwelling on a parent tract which has previously been improved with a dwelling which also will remain on the parent tract or to permit the erection of a structure for an additional principal use on the parent tract shall be considered a subdivision for the purposes of this Section. It is the purpose and intent of this Section to limit the development of agricultural tracts for non-agricultural purposes regardless of whether such development is accomplished by subdivision or land development as those terms are defined in the Municipalities Planning Code.

d) No subdivision shall be permitted which shall increase the lot size of a lot of record used or to be used for residential purposes in excess of the maximum lot size as set forth herein. Any lot which is less than ten (10) acres in size shall be presumed to be used for non-agricultural purposes.

2) Exemptions from limitation on subdivision of land. The following types of subdivisions shall not be counted against the subdivision/land development quota established by Section 503.1.b.(1). In addition, the below exemptions do not require a special exception approval:

a) The transfer of land to increase the size of a tract being used for agricultural purposes.

b) The transfer of non-prime agricultural land to increase the size of a tract not being used for agricultural purposes.

c) A subdivision to create a lot which will be transferred to the Township or a municipal authority created by the Township.

3) Requirements for plans and deeds relating to lands within the A-1 Agricultural District. Any subdivision or land development plan hereafter filed with the applicable approving body for subdivision or land development or any deed for the conveyance of land in the A-1 Agricultural District shall specify on the recorded plan which lot or lots shall carry a right of further subdivision or erection of accessory farm or non-farm single family dwellings or other principal non-agricultural buildings, if any such right remains from the quota allocated to the parent tract on December 24, 1989, or on the date when such land was first included in the A-1 Agricultural District, whichever is later. The right of further subdivision or erection of accessory farm or non-farm single farm dwellings or other principal non-agricultural buildings, or a statement that no further subdivision or erection of accessory farm or non-farm single family dwellings or other principal non-agricultural buildings is permissible, shall also be included in the deed to the newly-created or conveyed lot. If the designation of the right of further subdivision or erection of additional accessory farm or non-farm single family dwellings or other principal non-agricultural buildings was not included on a subdivision or land development plan of a parent tract or deed of conveyance, it shall be conclusively presumed that the largest lot remaining after subdivision shall carry the right of further subdivision or erection of additional accessory farm or non-farm single family dwellings or other principal non-agricultural buildings.

2. MINIMUM LOT WIDTH - One hundred fifty (150) feet at the building line.

3. MINIMUM LOT DEPTH - One hundred fifty (150) feet.

4. YARD REQUIREMENTS - All buildings shall be set back from street rights-of-way and lot lines in accordance with the following requirements:

a. Front Yard - The minimum front yard required shall be that distance established in Article 19 of this Zoning Ordinance between the right-of-way line of a public or private road and the building line.

b. Side Yard - There shall be two (2) side yards each having a minimum width of twenty (20) feet.

c. Rear Yard - The rear yard shall be a minimum of sixty (60) feet in depth.

5. MAXIMUM LOT COVERAGE -

a. Lot area of two (2) acres or less - Twenty (20) percent.

b. Lot area of greater than two (2) but less than four (4) acres - Fifteen (15) percent.

c. Lot area of four (4) acres or greater - Ten (10) percent.

6. HEIGHT REGULATIONS - No principal building shall exceed thirty-five (35) feet in height except as provided in Article 21 of this Zoning Ordinance.

7. MINIMUM OFF-STREET VEHICLE PARKING AND LOADING REQUIREMENTS - Off-street parking and loading facilities shall be provided in accordance with the requirements of Article 18.

ARTICLE VI

A-2 - AGRICULTURAL DISTRICT

SECTION 600. **PURPOSE**

The A-2 - Agricultural District seeks to promote the continuation and preservation of the existing agricultural activities within those areas most suitable for such activities. This District is established to protect these soils and stabilize the Township's viable agricultural economy by eliminating land uses not compatible with agriculture and allowing for on-farm occupations to provide supplemental income to the Township's farmers in residence. This District further recognizes the limitations of the lesser productive soils by providing for businesses that meet the needs of agricultural operations. Residential uses are limited and any future inhabitants in this district may be subject to some common characteristics of agriculture which are sometimes regarded as objectionable, including but not limited to odor, dust, night, holiday, early morning and weekend operations, noise, heavy vehicle use of roads, the storage and disposal of manure, the application of fertilizers, herbicides, etc. Residents, owners, and users of property in this district should accept these factors as normal and unavoidable characteristics of an agricultural area and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982, referred to as "The Right to Farm Law", may bar them from obtaining a legal judgement against such normal agricultural operations. Further, it is the intent of the Township for these provisions to comply with the Commonwealth of Pennsylvania's ACRE (Agriculture, Communities, and Rural Environment) legislation. Should a successful challenge to this ordinance be filed under the ACRE legislation, only that portion of these provisions found to be in conflict with ACRE will be deleted and no other part of these provisions will be affected.

SECTION 601. **PERMITTED USES**

Land and buildings in the A-2 - Agricultural District shall be used only for the following purposes:

1. Agricultural Operations that are not CAFOs or CAOs subject to the standards found in Article 23 of this Ordinance.

2. Concentrated Animal Feeding Operations and Concentrated Animal Operations located greater than five hundred (500) feet from an adjoining Residential Zoning District subject to the standards found in Article 23 of this Ordinance.

3. Municipal uses.

4. Principal farm dwellings.

5. Accessory buildings and uses incidental and secondary to the above permitted uses when located on the same lot.

6. Display and sale of agricultural products by a person farming land in Agricultural Districts subject to the standards found in Article 23 of this Ordinance.

7. Non-commercial manure storage facilities.

8. No-impact home-based business.

9. Day care homes.

10. On-farm occupations subject to the standards found in Article 23 of this Ordinance.

11. Accessory buildings and uses customarily incidental to Special Exception uses approved under Section 602 below when located on the same lot.

SECTION 602. **SPECIAL EXCEPTIONS**

The establishment and/or expansion of the following uses are permitted when special exceptions are granted by the Zoning Hearing Board in conformance with Article 23 and other provisions of this Zoning Ordinance. Wherever possible, said uses shall be located where they will not cause conflicts with normal agricultural operations.

1. Concentrated Animal Feeding Operations and Concentrated Animal Operations located less than five hundred (500) feet from an adjoining Residential Zoning District, subject to the standards found in Article 23 of this Ordinance.

2. Agri-tainment.

3. Animal laboratory.

4. Agricultural related business.

5. Bed and breakfast establishments.

6. ECHO housing.

7. Essential services buildings and structures.

8. Home occupations which do not qualify as no-impact, home-based businesses.

9. Temporary farm employee housing.

10. Riding school or horse boarding stable.

11. Accessory farm dwellings.

12. Non-commercial day care centers accessory to existing churches.

13. Rural occupations.

14. Kennels.

15. Non-farm single-family detached dwellings.

SECTION 603. **AREA AND HEIGHT REGULATIONS**

1. LOT AREA

   a. The minimum lot area required for permitted uses and special exception uses in the A-2 - Agricultural District shall be no smaller than is required to meet all applicable setbacks and Pennsylvania Department of Environmental Protection (DEP) requirements for the location of on-site water supply and sewage disposal facilities, including replacement system location. The maximum lot area for all non-farm single-family detached dwellings shall be two (2) acres. The maximum lot area for all other special exception uses except Concentrated Animal Feeding Operations and Concentrated Animal Operations shall be four (4) acres. There shall be no maximum lot area for municipal uses, Concentrated Animal Feeding Operations and Concentrated Animal Operations.

   b. Subdivision and Land Development Limitations. It is the intent of the Supervisors to preserve and protect agriculture and to preserve prime agricultural soils through limitations on subdivision and land development.

      1) Number of lots, dwellings or other principal non-agricultural buildings permitted. One (1) principal building or use may be established for any unimproved lot that is less than fifty (50) acres subject to compliance with all dimensional and use requirements of this Zoning Ordinance. In every other instance, for each parent tract there shall be permitted by special exception the subdivision of one (1) lot, which shall specifically include, but not be limited to, a subdivision to change lot lines or a "lot add-on" subdivision unless exempted in Section 603.1.b.(2) or the establishment of an additional principal building or use on the parent tract, but not both, with the portion of the existing or newly created lot used for

residential purposes limited to the maximum lot size set forth in Section 603.1.a above, for each fifty (50) acres held on December 24, 1989, or if the parent tract was not classified as A-2 - Agricultural District on December 24, 1989, on the date when such land was first included in the A-2 - Agricultural District after December 24, 1989. A tabular example of this limitation on the creation of lots or the erection of dwellings is as follows:

Size of Parent Tract in Acres	**Number of Lots Permitted to be Subdivided or Additional Permitted Principal Buildings or Uses***
0 – 50.0 acres	0
50.01 – 100.0 acres	1
100.01 – 150.0 acres	2
150.01+ acres	3 plus one (1) additional subdivision or permitted principal building or use for each additional fifty (50) acres after two hundred (200) acres

* For purposes of this section, in no case shall parent tracts qualify for any additional lots permitted to be subdivided or additional permitted buildings or uses than those allotted to parent tracts held on December 24, 1989, or if the parent tract was not classified as A-2 - Agricultural District on December 24, 1989, on the date when such land was first included in the A-2 - Agricultural District after December 24, 1989:

a) Any subdivision or land development plan hereinafter filed with the applicable approving body for subdivision or land development or any deed of conveyance of a lot in this District shall specify which lot or lots shall carry with it a right of further subdivision or erection of accessory farm or non-farm single family dwellings or principal non-agricultural buildings, if any such right remains from the quota allocated to the parent tract. This right of further subdivision or erection of accessory farm or non-farm single-family dwellings or principal non-agricultural buildings, or an indication that no further subdivision or erection of such dwellings or principal buildings is permissible, shall also be included in the deed to the newly-created lot. This restriction shall remain in effect as long as further subdivision is prohibited under the zoning ordinance then in effect.

b) The number of lots which may be created or accessory farm or non-farm single family dwellings or other principal non-agricultural buildings which may be erected on the parent tract shall be fixed according to the parent tract. This number shall not be increased by the subdivision of such parent tract. Any subsequent owner of a parent tract or land remaining in a parent tract after subdivision shall be bound by the actions of his predecessor.

c) Any land development, the purpose of which is to permit the erection of a permanent accessory farm or non-farm single family dwelling on a parent tract which has previously been improved with a dwelling which also will remain on the parent tract or to permit the erection of a structure for an additional principal use on the parent tract shall be considered a subdivision for the purposes of this Section. It is the purpose and intent of this Section to limit the development of agricultural tracts for non-agricultural purposes regardless of whether such development is accomplished by subdivision or land development as those terms are defined in the Municipalities Planning Code.

d) No subdivision shall be permitted which shall increase the lot size of a lot of record used or to be used for residential purposes in excess of the maximum lot size as set forth herein. Any lot which is less than ten (10) acres in size shall be presumed to be used for non-agricultural purposes.

2) Exemptions from limitation on subdivision of land. The following types of subdivisions shall not be counted against the subdivision/land development quota established by Section 603.1.b.(1). In addition, the below exemptions do not require a special exception approval:

a) The transfer of land to increase the size of a tract being used for agricultural purposes.

b) The transfer of non-prime agricultural land to increase the size of a tract not being used for agricultural purposes.

c) A subdivision to create a lot which will be transferred to the Township or a municipal authority created by the Township.

3) Requirements for plans and deeds relating to lands within the A-2 Agricultural District. Any subdivision or land development plan hereafter filed with the applicable approving body for subdivision or land development of land or any deed of conveyance in the A-2 Agricultural District shall specify on the recorded plan which lot or lots shall carry a right of further subdivision or erection of accessory farm or non-farm single family dwellings or other principal non-agricultural buildings, if any such right remains from the quota allocated to the parent tract on December 24, 1989, or on the date when such land was first included in the A-2 Agricultural District, whichever is later. The right of further subdivision or erection of accessory farm or non-farm single farm dwellings or other principal non-agricultural buildings, or a statement that no further subdivision or erection of accessory farm or non-farm single family dwellings or other principal non-agricultural buildings is permissible, shall also be included in the deed to the newly-created or conveyed lot. If the designation of the right of further subdivision or erection of additional accessory farm or non-farm single family dwellings or other principal non-agricultural buildings was not included on a subdivision or land development plan or deed of conveyance of a parent tract, it shall be conclusively presumed that the largest lot remaining after subdivision shall carry the right of further subdivision or erection of additional accessory farm or non-farm single family dwellings or other principal non-agricultural buildings.

2. MINIMUM LOT WIDTH - One hundred fifty (150) feet at the building line.

3. MINIMUM LOT DEPTH - One hundred fifty (150) feet.

4. YARD REQUIREMENTS - All buildings shall be set back from street rights-of-way and lot lines in accordance with the following requirements:

   a. Front Yard - The minimum front yard required shall be that distance established in Article 19 of this Zoning Ordinance between the right-of-way line of a public or private road and the building line.

   b. Side Yard - There shall be two (2) side yards each having a minimum width of twenty (20) feet.

   c. Rear Yard - The rear yard shall be a minimum of sixty (60) feet in depth.

5. MAXIMUM LOT COVERAGE -

   a. Lot area of two (2) acres or less - Twenty (20) percent.

b. Lot area of greater than two (2) but less than four (4) acres - Fifteen (15) percent.

c. Lot area of four (4) acres or greater - Ten (10) percent.

6. HEIGHT REGULATIONS - No principal building shall exceed thirty-five (35) feet in height except as provided in Article 21 of this Zoning Ordinance.

7. MINIMUM OFF-STREET VEHICLE PARKING AND LOADING REQUIREMENTS - Off-street parking and loading facilities shall be provided in accordance with the requirements of Article 18.

ARTICLE VII

OS - WOODLAND DISTRICT

SECTION 700. **PURPOSE**

The OS - Woodland District is established to preserve and protect open areas, essential watersheds, and woodlands from intensive development and limits land uses to those which do not degrade the environmental quality of lands within the District. This District is characterized by sparse residential land uses and contains provisions which seek to provide additional protection of rural residences from the impacts of other non-residential uses. Larger minimum lot sizes are indicated because public sewer and water facilities are not planned for this District.

SECTION 701. **PERMITTED USES**

Land and buildings in the OS - Woodland District shall be used only for the following purposes:

1. Agricultural operations that are not CAFOs and CAOs subject to the standards found in Article 23 of this Ordinance.

2. Municipal uses.

3. Conservation areas for the conservation of open space, water, soil, forest, and wildlife resources.

4. A single-family detached dwelling (principal, non-farm) erected within five hundred (500) feet of any State or Township road existing as of June,1983, with no more than one (1) dwelling beyond five hundred (500) feet from a State or Township road.

5. Principal farm dwellings.

6. Accessory buildings and uses customarily incidental and secondary to the above permitted uses when located on the same lot.

7. No-impact home-based business.

8. Day care homes.

9. On-farm occupations subject to the standards found in Article 23 of this Ordinance.

10. Accessory buildings and uses customarily incidental to Special Exception uses approved under Section 702 below when located on the same lot.

SECTION 702. **SPECIAL EXCEPTIONS**

The establishment and/or expansion of the following uses are permitted when special exceptions are granted by the Zoning Hearing Board in conformance with Article 23 and other provisions of this Zoning Ordinance.

1. Concentrated Animal Feeding Operations and Concentrated Animal Operations subject to the standards found in Article 23 of this Ordinance.

2. Animal hospitals and veterinary clinics.

3. Bed and breakfast establishments.

4. Campgrounds.

5. Cemetery.

6. Clubhouses (private clubs).

7. Commercial communication antennas and antenna sites.

8. ECHO housing.

9. Essential services buildings and structures.

10. Golf courses.

11. Accessory farm dwellings.

12. Home occupations which do not qualify as no-impact, home-based businesses.

13. Kennels.

14. Riding school or horse boarding stables.

15. Sale of agricultural products.

16. Non-commercial day care centers accessory to existing churches.

17. Rural occupations.

SECTION 703. **AREA AND HEIGHT REGULATIONS**

1. MINIMUM LOT AREA -

   a. The minimum lot area required for permitted uses and special exception uses in the OS - Woodland District shall be no smaller than is required to meet all applicable setbacks and Pennsylvania Department of Environmental Protection (DEP) requirements for the location of on-site water supply and sewage disposal facilities, including replacement system location. The maximum lot area for all non-farm, single-family detached dwellings shall be two (2) acres. The maximum lot area for all other special exception uses except Concentrated Animal Feeding Operations and Concentrated Animal Operations shall be four (4) acres. There shall be no maximum lot area for municipal uses, Concentrated Animal Feeding Operations, and Concentrated Animal Operations.

   b. Subdivision and Land Development Limitations. It is the intent of the Supervisors to preserve and protect woodlands and to preserve prime agricultural soils through limitations on subdivision and land development.

      Number of lots, dwellings or other principal non-agricultural buildings permitted. One (1) principal building or use may be established for any unimproved lot that is less than twenty-five (25) acres subject to compliance with all dimensional and use requirements of this Zoning Ordinance. In every other instance, for each parent tract there shall be permitted by special exception the subdivision of one (1) lot, which shall specifically include, but not be limited to, a subdivision to change lot lines or a "lot add-on" subdivision unless exempted in Section 403.1.b.(2) or the establishment of an additional principal building or use on the parent tract, but not both, with the portion of the existing or newly created lot used for residential purposes limited to the maximum lot size set forth in Section 503.1.a above, for each twenty-five (25) acres held on the date upon which this Ordinance became effective, or if the parent tract was not

classified as OS-Woodland District on the date upon which this Ordinance became effective, on the date when such land was first included in the OS-Woodland District after the date upon which this Ordinance became effective. A tabular example of this limitation on the creation of lots or the erection of dwellings is as follows:

Size of Parent Tract in Acres	**Number of Lots Permitted to be Subdivided or Additional Permitted Principal Buildings or Uses**
Less than 25 acres	0
25.01 – 50.0 acres	1
50.01 – 75.0 acres	2
75.01 – 100 acres	3
100.01+ acres	4 plus one (1) additional subdivision or permitted principal building or use for each additional twenty-five (25) acres after one hundred (125) acres

1) Any subdivision or land development plan hereinafter filed with the applicable approving body for subdivision or land development or any deed of conveyance of a lot in this District shall specify which lot or lots shall carry with it a right of further subdivision or erection of accessory farm or non-farm single family dwellings or principal non-agricultural buildings, if any such right remains from the quota allocated to the parent tract. This right of further subdivision or erection of accessory farm or non-farm single-family dwellings or principal non-agricultural buildings, or an indication that no further subdivision or erection of such dwellings or principal buildings is permissible, shall also be included in the deed to the newly-created lot. This restriction shall remain in effect as long as further subdivision is prohibited under the zoning ordinance then in effect.

2) The number of lots which may be created or accessory farm or non-farm single family dwellings or other principal non-agricultural buildings which may be erected on the parent tract shall be fixed according to the parent tract. This number shall not be increased by the subdivision of such parent tract. Any subsequent owner of a parent tract or land

remaining in a parent tract after subdivision shall be bound by the actions of his predecessor.

3) Any land development, the purpose of which is to permit the erection of a permanent accessory farm or non-farm single family dwelling on a parent tract which has previously been improved with a dwelling which also will remain on the parent tract or to permit the erection of a structure for an additional principal use on the parent tract shall be considered a subdivision for the purposes of this Section. It is the purpose and intent of this Section to limit the development of agricultural tracts for non-agricultural purposes regardless of whether such development is accomplished by subdivision or land development as those terms are defined in the Municipalities Planning Code.

Exemptions from limitation on subdivision of land. The following types of subdivisions shall not be counted against the subdivision/land development quota established by Section 403.1.b.(1). In addition, the below exemptions do not require a special exception approval:

4) The transfer of land to increase the size of a tract being used for agricultural purposes.

5) The transfer of non-prime agricultural land to increase the size of a tract not being used for agricultural purposes.

6) A subdivision to create a lot which will be transferred to the Township or a municipal authority created by the Township.

c. Requirements for plans and deeds relating to lands within the OS-Woodland District. Any subdivision or land development plan hereafter filed with the applicable approving body for subdivision or land development of land or any deed of conveyance in the OS-Woodland District shall specify on the recorded plan which lot or lots shall carry a right of further subdivision or erection of accessory farm or non-farm single family dwellings or other principal non-agricultural buildings, if any such right remains from the quota allocated to the parent tract on the date upon which this Ordinance became effective, or on the date when such land was first included in the OS-Woodland District, whichever is

later. The right of further subdivision or erection of accessory farm or non-farm single farm dwellings or other principal non-agricultural buildings, or a statement that no further subdivision or erection of accessory farm or non-farm single family dwellings or other principal non-agricultural buildings is permissible, shall also be included in the deed to the newly-created or conveyed lot. If the designation of the right of further subdivision or erection of additional accessory farm or non-farm single family dwellings or other principal non-agricultural buildings was not included on a subdivision or land development plan or deed of conveyance of a parent tract, it shall be conclusively presumed that the largest lot remaining after subdivision shall carry the right of further subdivision or erection of additional accessory farm or non-farm single family dwellings or other principal non-agricultural buildings.

2. MINIMUM LOT WIDTH - One hundred and seventy-five (175) feet at the building line.

3. MINIMUM LOT DEPTH - Two hundred (200) feet.

4. YARD REQUIREMENTS - All buildings shall be set back from street rights-of-way and lot lines in accordance with the following requirements:

   a. Front Yard - The minimum front yard required shall be that distance established in Article 19 of this Zoning Ordinance between the right-of-way line of a public or private street and the building line.

   b. Side Yard - There shall be two (2) side yards each having a minimum width of twenty (20) feet.

   c. Rear Yard - The rear yard shall be a minimum of sixty (60) feet in depth.

5. MAXIMUM LOT COVERAGE -

   a. Minimum two (2) acre lots - Twenty (20) percent.

   b. Lot area of greater than two (2) but less than four (4) acres - Fifteen (15) percent.

   c. Lot area of four (4) acres or greater - Ten (10) percent.

6. HEIGHT REGULATIONS - No principal building shall exceed thirty-five (35) feet in height except as provided in Article 21 of this Zoning Ordinance.

7. MINIMUM OFF-STREET VEHICLE PARKING AND LOADING REQUIREMENTS - Off-street parking and loading facilities shall be provided in accordance with the requirements of Article 18.

SECTION 704. **PRESERVATION OF EXISTING WOODLANDS**

Existing wooded areas shall be protected as follows: At least seventy-five (75) percent of the number of trees (minimum trunk caliper of five (5) inches measured three (3) feet above ground) that exist prior to any earth moving activities requiring a permit pursuant to this Zoning Ordinance shall be maintained or replaced immediately following construction. Replacement trees shall be a minimum trunk caliper of two (2) inches measured three (3) feet above finished grade.

SECTION 705. **SETBACKS FROM AGRICULTURAL DISTRICTS**

1. No dwelling unit shall be located within one hundred (100) feet of any land within any Agricultural District that is used for agricultural production.

2. No non-residential building, except residential accessory buildings and agricultural buildings, shall be located within one hundred (100) feet of any land within any Agricultural District that is used for agricultural production.

3. In addition, no shrub nor tree shall be planted within twenty (20) feet and thirty (30) feet respectively, of any land within any Agricultural District which is used for agricultural purposes.

ARTICLE VIII

RR - RURAL RESIDENTIAL DISTRICT

SECTION 800. **PURPOSE**

The RR - Rural Residential District is established to promote a continuation of the rural character of the area, providing for low-density single-family rural residential development where public sewer facilities are not likely and where prime agricultural soils are not predominant. This District is characterized by a mixture of sparsely-developed residential uses and will continue these development trends but will include additional protection for rural residences from the impacts of other non-residential uses. Because these areas are not likely to be served by public sewer facilities within the foreseeable future, larger lot sizes and only single-family detached dwellings are permitted land uses.

SECTION 801. **PERMITTED USES**

Land and buildings in the RR - Rural Residential District shall be used only for the following purposes:

1. Single-family detached dwellings.

2. Agricultural operations that are not CAFOs and CAOs subject to the standards found in Article 23 of this Ordinance.

3. Municipal uses.

4. Accessory buildings and uses customarily incidental to the above permitted uses when located on the same lot.

5. No-impact, home-based business.

6. Day care homes.

7. Accessory buildings and uses customarily incidental to Special Exception uses approved under Section 802 below when located on the same lot.

SECTION 802. **SPECIAL EXCEPTIONS**

The establishment and/or expansion of the following uses are permitted when special exceptions are granted by the Zoning Hearing Board in conformance with Article 23 and other provisions of this Zoning Ordinance.

1. Concentrated Animal Feeding Operations and Concentrated Animal Operations subject to the standards found in Article 23 of this Ordinance.

2. Bed and breakfast establishments.

3. Cluster developments.

4. ECHO housing.

5. Essential services buildings and structures.

6. Home occupations which do not qualify as no-impact home-based businesses, subject to the criteria in Article 23 of this Ordinance.

7. Medical and dental clinics.

8. Nursing, rest or retirement homes.

9. Public and private schools.

10. Professional offices.

11. Retail sale of nursery and garden materials.

12. Sale of agricultural products.

13. Riding school or horse boarding stable.

14. Non-commercial day care centers accessory to existing churches.

15. Rural occupations.

SECTION 803. **AREA AND HEIGHT REGULATIONS**

1. MINIMUM LOT AREA -

    a. 43,560 square feet, if served neither by centralized sewer nor centralized water facilities.

b. 30,000 square feet, if served by centralized water facilities.

2. MINIMUM LOT WIDTH - One hundred and fifty (150) feet at the building line.

3. MINIMUM LOT DEPTH - One hundred and sixty (160) feet.

4. YARD REQUIREMENTS - All buildings shall be set back from street rights-of-way and lot lines in accordance with the following requirements:

   a. Front Yard - The minimum front yard required shall be that distance established in Article 19 of this Zoning Ordinance between the right-of-way line of a public or private road and the building line.

   b. Side Yard - There shall be two (2) side yards each having a minimum width of fifteen (15) feet.

   c. Rear Yard - The rear yard shall be a minimum of twenty-five (25) feet in depth.

5. MAXIMUM LOT COVERAGE - Twenty-five (25) percent.

6. HEIGHT REGULATIONS - No principal building shall exceed thirty-five (35) feet in height except as provided in Article 21 of this Zoning Ordinance.

7. MINIMUM OFF-STREET VEHICLE PARKING AND LOADING REQUIREMENTS - Off-street parking and loading facilities shall be provided in accordance with the requirements of Article 18.

SECTION 804. **ADDITIONAL DESIGN STANDARDS FOR NON-RESIDENTIAL BUILDINGS**

Landscaping and planting shall be provided for a depth of fifteen (15) feet along all residential lots, district boundaries, and street rights-of-way exclusive of access locations. Buffer planting shall be provided along the side and rear of any commercial lot adjoining any residential lot and shall include a suitable and uninterrupted evergreen planting of sufficient height and density to give maximum screening, in accordance with the requirements of Article 21.

SECTION 805. **SETBACKS FROM AGRICULTURAL DISTRICTS**

1. No non-residential building nor dwelling unit, except residential accessory buildings or agricultural buildings, shall be located within one hundred feet (100') of any land within any Agricultural District that is used for agricultural production.

2. In addition, no shrub nor tree shall be planted within twenty feet (20') and thirty feet (30'), respectively, of any land within any Agricultural District which is used for agricultural purposes.

ARTICLE IX

VC - VILLAGE CENTER DISTRICT

SECTION 900. **PURPOSE**

The VC - Village Center District is established to provide for a variety of land uses in a manner which encourages a village growth concept and which provides for both the development and the reuse of existing buildings in a manner that is consistent with the existing development pattern and building characteristics. This District represents those areas of the Township where public sewer and /or water facilities, if not currently provided, are most likely to be considered, and where higher density development could then be provided. Because of the existing mix of residential and commercial land uses within this District, it also seeks to accommodate the everyday commercial needs of the Township's local residents by allowing a variety of commercial land uses through the special exception process and by establishing specific criteria which seeks to buffer residential uses from commercial activity within the District.

SECTION 901. **PERMITTED USES**

Land and buildings in the VC - Village Center District shall be used only for the following purposes:

1. Single-family detached dwellings.

2. Single-family, semi-detached dwellings.

3. Two-family detached (duplex) dwellings.

4. Two-family semi-detached dwellings.

5. Single-family attached dwellings (row houses/townhouses) with centralized water and centralized sewer.

6. Two-family attached dwellings with centralized water and centralized sewer.

7. Apartments with centralized water and centralized sewer.

8. Municipal uses.

9. Accessory buildings and uses customarily incidental to any of the above uses when located on the same lot except that such uses shall not be located in the front yard setback.

10. No-impact home-based business.

11. Day care homes.

12. Parks, Recreation and Playgrounds.

13. Cultural Exhibit Halls and Libraries.

14. Accessory buildings and uses customarily incidental to special exception uses approved under Section 902 below when located on the same lot.

SECTION 902. **SPECIAL EXCEPTIONS**

The establishment and/or expansion of the following uses are permitted when special exceptions are granted by the Zoning Hearing Board in conformance with Article 23 and other provisions of this Zoning Ordinance.

1. Banks and similar financial institutions, including outdoor tellers if pedestrian oriented, and no more than two (2) drive-thru lanes.

2. Bed and breakfast establishments.

3. Boarding houses.

4. Churches and related uses.

5. Echo housing.

6. Home occupations which do not qualify as no-impact home-based businesses, subject to the criteria in Article 23 of this Ordinance.

7. Nursing, rest or retirement homes.

8. Professional offices.

9. Public and private schools.

10. Sale of agricultural products.

11. Amusement arcades.

12. Day care centers.

13. Dry cleaners, laundries, and laundromats.

14. Essential services buildings and structures.

15. Funeral homes.

16. Home improvement and building supply showrooms.

17. Liquor stores.

18. Medical and dental clinics.

19. Restaurants.

20. Retail sales.

21. Photographic, music, art and dance studios.

22. Shopping centers.

23. Any other commercial use and its accessory uses or buildings which, in the opinion of the Zoning Hearing Board, are of the same general character as any of the above, except that accessory structures shall not be located in the front yard setback area.

SECTION 903. **AREA AND HEIGHT REGULATIONS**

1. The minimum lot area, width, depth, building location and other lot design standards for any proposed lot located within any area identified by the Township's Act 537 Plan to be served by public water and or sewer shall, at the discretion of the Township, be provided to allow for the re-subdivision of the lot(s) when the public facility(s) become available.

2. MINIMUM LOT AREA -

    a. Single-family detached dwellings - per unit of occupancy:

        1) 43,560 square feet, if served by neither centralized sewer nor centralized water facilities.

        2) 30,000 square feet, if served by centralized water facilities.

        3) 15,000 square feet, if served by centralized sewer facilities.10,000 square feet, if served by both centralized sewer and centralized water facilities.

b. Single-family semi-detached, two-family semi-detached, and two-family detached (duplex) dwellings - per unit of occupancy:

1) 43,560 square feet, if served by neither centralized sewer nor centralized water facilities.

2) 30,000 square feet, if served by centralized water facilities.

3) 15,000 square feet, if served by centralized sewer facilities.

4) 10,000 square feet, if served by both centralized sewer and centralized water facilities.

c. Single-family attached dwellings (townhouses/row houses) - 2,400 square feet per unit of occupancy, provided the overall site density does not exceed eight (8) dwelling units per acre, and only allowed if served by both centralized sewer and centralized water facilities.

d. Two-family attached dwellings - 2,400 square feet per unit of occupancy, provided the overall site density does not exceed eight (8) dwelling units per acre, and only allowed if served by both centralized sewer and centralized water facilities.

e. Apartments - 2,400 square feet per unit of occupancy, provided the overall site density does not exceed eight (8) dwelling units per acre, and only allowed if served by both centralized sewer and centralized water facilities.

f. Non-residential uses:

1) 43,560 square feet, if served by neither centralized sewer nor centralized water facilities.

2) 30,000 square feet, if served by centralized water facilities.

3) 15,000 square feet, if served by centralized sewer facilities.

4) 8,000 square feet, if served by both centralized sewer and centralized water facilities.

3. MINIMUM LOT WIDTH

a. Single-family detached and two-family detached (duplex) dwellings, and non-residential uses - eighty (80) feet at the building line.

b. Single-family semi-detached and two-family semi-detached dwellings - forty (40) feet at the building line.

c. Single-family attached (townhouses/row houses) and two-family attached dwellings - twenty (20) feet at the building line for an interior dwelling unit and forty (40) feet at the building line for an end dwelling unit.

d. Apartments - eighty (80) feet at the building line.

e. Non-residential uses - eighty (80) feet at the building line.

4. MINIMUM LOT DEPTH - The minimum lot depth for all lots and land uses shall be one hundred (100) feet.

5. YARD REQUIREMENTS - All buildings shall be set back from street rights-of-way and lot lines in accordance with the following requirements:

a. Front Yard - The minimum front yard setback for all cases when the subject property is located between two existing improved lots within one hundred (100) feet on either side will be set as equal to the average setback of the adjoining lots. For all other properties the setback requirement will be a minimum of 30 feet.

1) Attached or detached garages and other accessory buildings requiring or providing vehicular access and or parking shall be setback at least ten (10) feet behind the plane of front building wall of the house.

b. Side Yard -

1) Single-family detached and two-family detached (duplex) dwellings, and all non-residential uses - There shall be two (2) side yards each having a minimum width of ten (10) feet.

2) Single-family semi-detached and two-family detached (duplex) dwellings - There shall be one (1) side yard having a minimum width of ten (10) feet.

3) Apartments - There shall be two (2) side yards each having a minimum width of fifteen (15) feet.

4) Single-family attached (townhouses/row houses) and two-family attached dwellings - There shall be one (1) side yard on each end unit having a minimum width of ten (10) feet.

5) Non-residential uses – There shall be two (2) side yards each having a minimum width of twenty (20) feet.

c. Rear Yard - The rear yard shall be a minimum of thirty (30) feet in depth.

6. MAXIMUM LOT COVERAGE -

a. Single-family detached and two-family detached (duplex) dwellings - Thirty-five (35) percent.

b. Single-family semi-detached and two-family semi-detached dwellings, apartments - Fifty (50) percent.

c. Single-family attached (townhouses/row houses) and two-family attached dwellings - Sixty (60) percent.

d. Non-residential uses - Seventy (70) percent.

7. HEIGHT REGULATIONS - No principal building shall exceed thirty-five (35) feet in height except as provided in Article 21 of this Zoning Ordinance.

8. MINIMUM OFF-STREET VEHICLE PARKING AND LOADING REQUIREMENTS - Off-street parking and loading facilities shall be provided in accordance with the requirements of Article 18.

SECTION 904. ADDITIONAL DESIGN STANDARDS FOR RESIDENTIAL BUILDINGS

1. All residential buildings shall have a building wall with at least one primary building entrance facing an adjoining street.

2. No structure containing attached dwellings or apartments shall contain more than eight (8) dwelling units.

3. No structure containing attached dwellings or apartments shall exceed an overall length of one hundred sixty (160) feet.

4. No structure containing attached dwellings or apartments shall have more than two (2) dwellings with the same front setback or building line. Variations in the front setback or building line shall be a minimum of four (4) feet.

5. All apartment buildings shall be separated by a horizontal distance equal to the height of the taller structure, with the exception that parallel building placements

of front to front, rear to rear, and front to rear shall be separated by a horizontal distance equal to two (2) times the height of the taller structure.

SECTION 905. ADDITIONAL DESIGN STANDARDS FOR NON-RESIDENTIAL BUILDINGS

Landscaping and planting shall be provided for a depth of fifteen (15) feet along all residential lot lines and residential district boundaries. Buffering and screening plantings shall be provided along the side and rear of any non-residential use or lot adjoining any residential lot, in accordance with the requirements of Article 21.

SECTION 906. SETBACKS FROM AGRICULTURAL DISTRICTS

1. No dwelling unit shall be located within six hundred (600) feet of any buildings for housing livestock, area for the processing or storage of manure, garbage or spent mushroom compost, structures for the raising of feedstock or the cultivation of mushrooms, or new slaughter area.

2. No shrub nor tree shall be planted within twenty (20) feet and thirty (30) feet, respectively, of any land within any agricultural district which is used for agricultural purposes.

SECTION 907. PRESERVATION OF HISTORIC RESOURCES

1. In addition to meeting the normal requirements for obtaining a zoning permit, all applications for alteration and/or demolition of a building or structure, reuse as a different use, new construction, and/or disruption or encroachment of a site or area that contains historical places, sites and structures identified by the West Cocalico Township Strategic Plan and/or the Strategic Comprehensive Plan for the Cocalico Region, should be accompanied by a historical features report as provided for herein below. All such historical resource reports should be forwarded by the Zoning Officer to the West Cocalico Township Planning Commission. The Township Planning Commission should consult the guidance and services of professionals such as the Pennsylvania Historical and Museum Commission, the Preservation Trust of Lancaster County, or other qualified Historic Preservation Specialist after which time a meeting between the Planning Commission and applicant should be scheduled to discuss the findings. All applicants are encouraged to consider implementation of any design recommendations provided by the Township Planning Commission that would preserve the original historical or architectural integrity considerations. If the property owner agrees to utilize the findings of the Township Planning Commission and the historic preservation professionals or specialists and the

above meeting has occurred, or after a period of forty-five (45) days after filing the application for a zoning permit, whichever comes first, the Township may proceed in a manner similar to the rules in effect to issue a zoning permit.

2. No alteration and/or demolition of a building or structure, reuse as a different use, new construction, and/or disruption or encroachment of a site or area should be undertaken on a site identified by the West Cocalico Township Strategic Plan and/or the Strategic Comprehensive Plan for the Cocalico Region as containing features of historical significance until a report has been submitted to the Township.

3. The purpose of the report should be to identify and examine the alteration and/or demolition of a building or structure, reuse as a different use, new construction, and/or disruption or encroachment of a site or area of the historical place, site or structure in a manner that supports the integrity of the historical place, site or structure.

4. The report should describe how the alteration and/or demolition of a building or structure, reuse as a different use, new construction, and/or disruption or encroachment of a site or area should be designed to preserve, adaptively reuse, or otherwise provide for the preservation of historical places, sites and structures identified by the West Cocalico Township Strategic Plan and/or the Strategic Comprehensive Plan for the Cocalico Region.

5. The report will detail how the modifications should be consistent with the character and visually complementary of the historical place, site or structure.

6. The report should identify if the proposed alteration and/or demolition of a building or structure, reuse as a different use, new construction, and/or disruption or encroachment of a site or area will jeopardize the historic value of a place, site, or structure because of size, scale, construction material, or type of use of new construction and detail how new construction will be screened or otherwise visually buffered.

7. Alterations and/or demolition of a building or structure, reuse as a different use, new construction, and/or disruption or encroachment of a site or area should be consistent with the Secretary of the Interior standards for the rehabilitation of historic properties published by the National Park Service.

8. No historical place, site or structure identified by the West Cocalico Township Strategic Plan and/or the Strategic Comprehensive Plan for the Cocalico Region or otherwise identified as a historic resource by West Cocalico Township shall be demolished or moved from its original foundation as part of any development without approval of the Township.

9. In all cases when demolition is proposed, the applicant shall submit to the Township a letter from the State Historic Preservation Officer, or from the Preservation Trust of Lancaster County or other qualified Historic Preservation Specialist identifying the significance of the property, potential effects of the project that would be adverse, and possible mitigation measures that could be employed, along with photo documentation of the historic feature by the Township.

10. In evaluating any request for demolition of a historic feature the Township shall take into account the significance of the property, the condition of the feature, the potential for repair, restoration, stabilization, and reuse, the impact of the feature in relation to the total project, and the hardship, if any, on the applicant.

11. Applicants are encouraged to perpetuate historic names or geographic references that are traditionally associated with the area in which a project is located, rather than proposing project names that are not consistent with Lancaster County traditions or culture.

SECTION 908. **ARCHITECTURAL DESIGN STANDARDS**

1. All new construction and/or additions to existing structures within the district should be designed with an architectural character consistent with the historic character of the surrounding village, or with a contemporary expression of traditional styles and forms, respecting the scale, proportion, roof pitch, character and materials of the surrounding village area. Generally these characteristics include:

    a. Building Height: Building should be constructed to a height within ten (10) percent of the average height of adjacent buildings.

    b. Elevation Proportion: The relationship between the height and width of the front elevation of buildings should be within ten (10) percent of the average proportions of adjacent buildings.

    c. Proportion of Openings: The relationship of height to width of windows and doors of buildings should be within ten (10) percent of the proportions of windows and doors of adjacent buildings.

    d. Architectural Rhythm of Solids and Voids: The proportion of solids to voids (windows and doors) in the front façade of a building should be similar to adjacent buildings.

    e. Horizontal Lines: Basement sill lines and header and sill lines of a building should follow the horizontal lines of adjacent buildings.

f. Roofs: The shape, style, and material should be compatible with materials commonly used within the historic village area. Generally roofs should have a pitch of at least six (6) vertical inches to every twelve (12) horizontal inches covering at least eighty (80) percent.

g. Building Materials: Building materials should consist of natural materials and be compatible with materials commonly used historically in the village including stone, brick, wood siding, shingles, slate, etc. Industrial or artificial material such as raw concrete finish, anodized or galvanized metal, tinted glass, plastics, vinyls, etc. are discouraged unless such materials are used in such a way as to resemble historic characteristics.

ARTICLE X

VR - VILLAGE RESIDENTIAL DISTRICT

SECTION 1000. **PURPOSE**

The VR - Village Residential District is established to provide for all types and densities of residential development where centralized sewer and water facilities can and should be provided, but are not necessary for development. Non-residential uses permitted within the District by special exception intend to complement and coordinate with the residential land uses. These uses are limited to banks and similar financial institutions, medical and dental clinics, and professional offices which do not generate service vehicle or truck traffic and do not encourage high volumes of automobile traffic. New development in this District is encouraged to occur in a manner that is compatible with the character of the existing villages.

SECTION 1001. **PERMITTED USES**

Land and buildings in the VR - Village Residential District shall be used only for the land uses listed below, and whereby all proposed uses shall be provided with centralized sewer and water facilities.

1. Single-family detached dwellings.
2. Single-Family Semi-detached dwellings.
3. Two-Family Detached (Duplex) dwellings.
4. Two-Family Semi-Detached dwellings.
5. Single-Family Attached dwellings (Row Houses/Townhouses).
6. Two-Family Attached dwellings.
7. Apartments.
8. Municipal uses.
9. Accessory buildings and uses customarily incidental to any of the above uses when located on the same lot.
10. No-impact home-based business.
11. Day care homes.

12. Accessory buildings and uses customarily incidental to Special Exception uses approved under Section 1002 when located on the same lot.

SECTION 1002. **SPECIAL EXCEPTIONS**

The establishment and/or expansion of the following uses are permitted when special exceptions are granted by the Zoning Hearing Board in conformance with Article 23 and other provisions of the Zoning Ordinance.

1. Banks and similar financial institutions.

2. Bed and breakfast establishments.

3. Cluster developments.

4. Echo housing.

5. Essential services buildings and structures.

6. Home occupations which do not qualify as no-impact home-based businesses, subject to the criteria in Article 23 of this Ordinance.

7. Medical and dental clinics.

8. Professional offices.

9. Parks, recreation areas, and playgrounds.

10. Day care centers.

SECTION 1003. **AREA AND HEIGHT REGULATIONS**

1. The minimum lot area, width, depth, building location and other lot design standards for any proposed lot located within any area identified by the Township's Act 537 Plan to be served by public water and or sewer shall, at the discretion of the Township, be provided to allow for the re-subdivision of the lot(s) when the public facility(s) become available.

2. MINIMUM LOT AREA

    a. Single-Family Detached Dwellings - per unit of occupancy:

1) 43,560 square feet, if served neither by centralized sewer nor centralized water facilities.

2) 30,000 square feet, if served by centralized water facilities.

3) 15,000 square feet, if served by centralized sewer facilities.

4) 10,000 square feet, if served by both centralized sewer and centralized water facilities.

b. Single-Family Semi-Detached, Two-Family Semi-Detached and Two-Family Detached (Duplex) Dwellings - per unit of occupancy:

1) 43,560 square feet, if served neither by centralized sewer nor centralized water facilities.

2) 30,000 square feet, if served by centralized water facilities.

3) 12,000 square feet, if served by centralized sewer facilities.

4) 8,000 square feet, if served by both centralized sewer and centralized water facilities.

c. Single-Family Attached Dwellings (Townhouses/Row Houses) – 2,400 square feet per unit of occupancy, provided the overall site density does not exceed eight (8) dwelling units per acre, and only allowed if served by both centralized sewer and centralized water facilities.

d. Two-Family Attached Dwellings – 2,400 square feet per unit of occupancy, provided the overall site density does not exceed eight (8) dwelling units per acre, and only allowed if served by both centralized sewer and centralized water facilities.

e. Apartments – 2,400 square feet per unit of occupancy, provided the overall site density does not exceed eight (8) dwelling units per acre, and only allowed if served by both centralized sewer and centralized water facilities.

f. Non-residential Uses:

1) 43,560 square feet, if served neither by centralized sewer nor centralized water facilities.

2) 30,000 square feet, if served by centralized water facilities.

3) 15,000 square feet, if served by centralized sewer facilities.

4) 10,000 square feet, if served by both centralized sewer and centralized water facilities.

3. MINIMUM LOT WIDTH

a. Single-Family Detached and Two-Family Detached (Duplex) Dwellings - Eighty (80) feet at the building line.

b. Single-Family Semi-Detached and Two-Family Semi-Detached Dwellings - Forty (40) feet at the building line.

c. Single-Family Attached (Townhouses/Row Houses) and Two-Family Attached Dwellings - Twenty (20) feet at the building line for an interior dwelling unit and forty (40) feet at the building line for an end dwelling unit.

d. Apartments - Eighty (80) feet at the building line.

e. Non-residential uses - Eighty (80) feet at the building line.

4. MINIMUM LOT DEPTH - The minimum lot depth for all lots and land uses shall be one hundred (100) feet.

5. YARD REQUIREMENTS - All buildings shall be set back from street rights-of-way and lot lines in accordance with the following requirements.

a. Front Yard - The minimum front yard setback for all cases when the subject property is located between two existing improved lots within one hundred (100) feet on either side will be set as equal to the average setback of the adjoining lots. For all other properties the setback requirement will be a minimum of 30 feet.

1) Attached or detached garages and other accessory buildings requiring or providing vehicular access and or parking shall be setback at least ten (10) feet behind the plane of front building wall of the house.

b. Side yard -

1) Single-family detached and two-family detached (duplex) dwellings, and all non-residential uses - There shall be two (2) side yards each having a minimum width of ten (10) feet.

2) Single-family semi-detached and two-family detached (duplex) dwellings - There shall be one (1) side yard having a minimum width of ten (10) feet.

3) Apartments - There shall be two (2) side yards each having a minimum width of fifteen (15) feet.

4) Single-family attached (townhouses/row houses) and two-family attached dwellings - There shall be one (1) side yard on each end unit having a minimum width of ten (10) feet.

5) Non-residential uses – There shall be two (2) side yards each having a minimum width of twenty (20) feet.

c. Rear Yard - The rear yard shall be a minimum of thirty (30) feet in depth.

6. MAXIMUM LOT COVERAGE -

a. Single-Family Detached and Two-Family Detached (Duplex) Dwellings - Thirty-five (35) percent.

b. Single-Family Semi-Detached and Two-Family Semi-Detached Dwellings and Apartments - Fifty (50) percent.

c. Single-Family Attached (Townhouses/Row Houses) and Two-Family Attached Dwellings - Sixty (60) percent.

d. Non-residential Uses - Seventy (70) percent.

7. HEIGHT REGULATIONS - No principal buildings may exceed thirty-five (35) feet in height except as provided in Article 21 of this Zoning Ordinance.

8. MINIMUM OFF-STREET VEHICLE PARKING AND LOADING REQUIREMENTS - Off-street parking and loading facilities shall be provided in accordance with the requirements of Article 18.

SECTION 1004. ADDITIONAL DESIGN STANDARDS FOR RESIDENTIAL BUILDINGS

1. All residential buildings shall have at a front building wall and at least one primary building entrance facing an adjoining street.

2. No structure containing attached dwellings or apartments shall contain more than six (6) dwelling units.

3. No structure containing attached dwellings or apartments shall exceed an overall length of one hundred sixty (160) feet.

4. No structure containing attached dwellings or apartments shall have more than two (2) dwellings with the same front setback or building line. Variations in the front setback or building line shall be a minimum of four (4) feet.

5. All apartment buildings shall be separated by a horizontal distance equal to the height of the taller structure, with the exception that parallel building placements of front to front, rear to rear, and front to rear shall be separated by a horizontal distance equal to two (2) times the height of the taller structure.

SECTION 1005. ADDITIONAL DESIGN STANDARDS FOR NON-RESIDENTIAL BUILDINGS

1. Landscaping and planting shall be provided for a depth of fifteen (15) feet along all residential lot lines and residential district boundaries. Buffering and screening plantings shall be provided along the side and rear of any non-residential use or lot adjoining any residential lot, in accordance with the requirements of Article 21 of this Zoning Ordinance.

SECTION 1006. SETBACKS FROM AGRICULTURAL DISTRICTS

1. No dwelling unit shall be located within six hundred (600) feet of any buildings for housing livestock, area for the processing or storage of manure, garbage or spent mushroom compost, structures for the raising of feedstock or the cultivation of mushrooms, or new slaughter area.

2. No shrub nor tree shall be planted within twenty (20) feet and thirty (30) feet, respectively, of any land within any agricultural district which is used for agricultural purposes.

SECTION 1007. PRESERVATION OF HISTORIC RESOURCES

1. In addition to meeting the normal requirements for obtaining a zoning permit, all applications for alteration and/or demolition of a building or structure, reuse as a different use, new construction, and/or disruption or encroachment of a site or area that contains historical places, sites and structures identified by the West Cocalico Township Strategic Plan and/or the Strategic Comprehensive Plan for the Cocalico Region, should be accompanied by a historical features report as provided for herein below. All such historical resource reports should be forwarded by the Zoning Officer to the West Cocalico Township Planning

Commission. The Township Planning Commission should consult the guidance and services of professionals such as the Pennsylvania Historical and Museum Commission, the Preservation Trust of Lancaster County, or other qualified Historic Preservation Specialist after which time a meeting between the Planning Commission and applicant should be scheduled to discuss the findings. All applicants are encouraged to consider implementation of any design recommendations provided by the Township Planning Commission that would preserve the original historical or architectural integrity considerations. If the property owner agrees to utilize the findings of the Township Planning Commission and the historic preservation professionals or specialists and the above meeting has occurred, or after a period of forty-five (45) days after filing the application for a zoning permit, whichever comes first, the Township may proceed in a manner similar to the rules in effect to issue a zoning permit.

2. No alteration and/or demolition of a building or structure, reuse as a different use, new construction, and/or disruption or encroachment of a site or area should be undertaken on a site identified by the West Cocalico Township Strategic Plan and/or the Strategic Comprehensive Plan for the Cocalico Region as containing features of historical significance until a report has been submitted to the Township.

3. The purpose of the report should be to identify and examine the alteration and/or demolition of a building or structure, reuse as a different use, new construction, and/or disruption or encroachment of a site or area of the historical place, site or structure in a manner that supports the integrity of the historical place, site or structure.

4. The report should describe how the alteration and/or demolition of a building or structure, reuse as a different use, new construction, and/or disruption or encroachment of a site or area should be designed to preserve, adaptively reuse, or otherwise provide for the preservation of historical places, sites and structures identified by the West Cocalico Township Strategic Plan and/or the Strategic Comprehensive Plan for the Cocalico Region.

5. The report should describe the alteration and/or demolition of a building or structure, reuse as a different use, new construction, and/or disruption or encroachment of a site or area historical places, sites and structures or new construction on the property adjacent to historical places, sites and structures and detail how the modifications should be consistent with the character and visually complementary of the historical place, site or structure.

6. The report should identify if the proposed alteration and/or demolition of a building or structure, reuse as a different use, new construction, and/or disruption or encroachment of a site or area will jeopardize the historic value of a place, site, or structure because of size, scale, construction material, or type of use of new

construction and detail how new construction will be screened or otherwise visually buffered.

7. Alterations and/or demolition of a building or structure, reuse as a different use, new construction, and/or disruption or encroachment of a site or area should be consistent with the Secretary of the Interior standards for the rehabilitation of historic properties published by the National Park Service.

8. No historical place, site or structure identified by the West Cocalico Township Strategic Plan and/or the Strategic Comprehensive Plan for the Cocalico Region or otherwise identified as a historic resource by West Cocalico Township shall be demolished or moved from its original foundation as part of any development without approval of the Township.

9. In all cases when demolition is proposed, the applicant shall submit to the Township a letter from the State Historic Preservation Officer, or from the Preservation Trust of Lancaster County or other qualified Historic Preservation Specialist identifying the significance of the property, potential effects of the project that would be adverse, and possible mitigation measures that could be employed, along with photo documentation of the historic feature by the Township.

10. In evaluating any request for demolition of a historic feature, the Township shall take into account the significance of the property, the condition of the feature, the potential for repair, restoration, stabilization, and reuse, the impact of the feature in relation to the total project, and the hardship, if any, on the applicant.

11. Applicants are encouraged to perpetuate historic names or geographic references that are traditionally associated with the area in which a project is located, rather than proposing project names that are not consistent with Lancaster County traditions or culture.

SECTION 1008. **ARCHITECTURAL DESIGN STANDARDS**

1. All new construction and/or additions to existing structures within the district should be designed with an architectural character consistent with the historic character of the surrounding village, or with a contemporary expression of traditional styles and forms, respecting the scale, proportion, roof pitch, character and materials of the surrounding village area. Generally these characteristics include:

    a. Building Height: Building should be constructed to a height within ten (10) percent of the average height of adjacent buildings.

b. Elevation Proportion: The relationship between the height and width of the front elevation of buildings should be within ten (10) percent of the average proportions of adjacent buildings.

c. Proportion of Openings: The relationship of height to width of windows and doors of buildings should be within ten (10) percent of the proportions of windows and doors of adjacent buildings.

d. Architectural Rhythm of Solids and Voids: The proportion of solids to voids (windows and doors) in the front façade of a building should be similar to adjacent buildings.

e. Horizontal Lines: Basement sill lines and header and sill lines of a building should follow the horizontal lines of adjacent buildings.

f. Roofs: The shape, style, and material should be compatible with materials commonly used within the historic village area. Generally roofs should have a pitch of at least six (6) vertical inches to every twelve (12) horizontal inches covering at least eighty (80) percent.

g. Building Materials: Building materials should consist of natural materials and be compatible with materials commonly used historically in the village including stone, brick, wood siding, shingles, slate, etc. Industrial or artificial material such as raw concrete finish, anodized or galvanized metal, tinted glass, plastics, vinyls, etc. are discouraged unless such materials are used in such a way as to resemble historic characteristics.

ARTICLE XI

SR - SPECIAL RESIDENTIAL DISTRICT

SECTION 1100. **PURPOSE**

The SR - Special Residential District seeks to provide specific opportunities for the development of mobile home parks in the Township which are compatible with existing development, and in areas of the Township generally suited for such development.

SECTION 1101. **PERMITTED USES**

Land and buildings in the SR - Special Residential District shall be used only for the following purposes:

1. Single-family detached dwellings.

2. Agricultural operations that are not CAFOs and CAOs subject to the standards found in Article 23 of this Ordinance.

3. Municipal uses.

4. Accessory buildings and uses customarily incidental to the above permitted uses when located on the same lot.

5. No-impact, home-based business.

6. Day care homes.

7. Accessory buildings and uses customarily incidental to Special Exception uses approved under Section 1102 when located on the same lot.

SECTION 1102. **SPECIAL EXCEPTIONS**

The establishment and/or expansion of following uses are permitted when special exceptions are granted by the Zoning Hearing Board in conformance with Article 23 and other provisions of this Zoning Ordinance:

1. Mobile home parks (subject to the criteria in Article 16 of this Ordinance).

2. ECHO housing.

3. Essential services buildings and structures.

4. Home occupations which do not qualify as no-impact home-based businesses, subject to the criteria in Article 23 of this Ordinance.

5. Public and private schools.

6. Day care centers accessory to existing churches.

SECTION 1103. **AREA AND HEIGHT REGULATIONS**

1. MINIMUM LOT AREA

   a. 43,560 square feet, if served neither by centralized sewer nor centralized water facilities.

   b. 30,000 square feet, if served by centralized water facilities.

2. MINIMUM LOT WIDTH – One hundred and fifty (150) feet at the building line.

3. MINIMUM LOT DEPTH – One hundred and sixty (160) feet.

4. YARD REQUIREMENTS - All buildings shall be set back from street rights-of-way and lot lines in accordance with the following requirements:

   a. Front Yard - The minimum front yard required shall be that distance established in Article 19 of this Zoning Ordinance between the right-of-way line of a public or private road and the building line.

   b. Side Yard - There shall be two (2) side yards each having a minimum width of fifteen (15) feet.

   c. Rear Yard - The rear yard shall be a minimum of fifty (50) feet in depth.

5. MAXIMUM LOT COVERAGE - Twenty-five (25) percent.

6. HEIGHT REGULATIONS - No principal building shall exceed thirty-five (35) feet in height except as provided in Article 21 of this Zoning Ordinance.

7. MINIMUM OFF-STREET VEHICLE PARKING AND LOADING REQUIREMENTS - Off-street parking and loading facilities shall be provided in accordance with the requirements of Article 18.

SECTION 1104. **ADDITIONAL DESIGN STANDARDS FOR NON-RESIDENTIAL BUILDINGS**

1. Landscaping and planting shall be provided for a depth of fifteen (15) feet along all residential lot lines, and residential district boundaries. Buffering and screening plantings shall be provided along the side and rear of any non-residential use or lot adjoining any residential lot, in accordance with the requirements of Article 21.

SECTION 1105. **SETBACKS FROM AGRICULTURAL DISTRICTS**

1. No dwelling unit shall be located within six hundred (600) feet of any buildings for housing livestock, area for the processing or storage of manure, garbage or spent mushroom compost, structures for the raising of feedstock or the cultivation of mushrooms, or new slaughter area.

2. No shrub nor tree shall be planted within twenty (20) feet and thirty (30) feet, respectively, of any land within any agricultural district which is used for agricultural purposes.

SECTION 1106. **PRESERVATION OF HISTORIC RESOURCES**

1. In addition to meeting the normal requirements for obtaining a zoning permit, all applications for alteration and/or demolition of a building or structure, reuse as a different use, new construction, and/or disruption or encroachment of a site or area that contains historical places, sites and structures identified by the West Cocalico Township Strategic Plan and/or the Strategic Comprehensive Plan for the Cocalico Region, should be accompanied by a historical features report as provided for herein below. All such historical resource reports should be forwarded by the Zoning Officer to the West Cocalico Township Planning Commission. The Township Planning Commission should consult the guidance and services of professionals such as the Pennsylvania Historical and Museum Commission, the Preservation Trust of Lancaster County, or other qualified Historic Preservation Specialist after which time a meeting between the Planning Commission and applicant should be scheduled to discuss the findings. All applicants are encouraged to consider implementation of any design recommendations provided by the Township Planning Commission that would preserve the original historical or architectural integrity considerations. If the property owner agrees to utilize the findings of the Township Planning Commission and the historic preservation professionals or specialists and the above meeting has occurred, or after a period of forty-five (45) days after filing the application for a zoning permit, whichever comes first, the Township may proceed in a manner similar to the rules in effect to issue a zoning permit.

2. No alteration and/or demolition of a building or structure, reuse as a different use, new construction, and/or disruption or encroachment of a site or area should be undertaken on a site identified by the West Cocalico Township Strategic Plan and/or the Strategic Comprehensive Plan for the Cocalico Region as containing features of historical significance until a report has been submitted to the Township.

3. The purpose of the report should be to identify and examine the alteration and/or demolition of a building or structure, reuse as a different use, new construction, and/or disruption or encroachment of a site or area of the historical place, site or structure in a manner that supports the integrity of the historical place, site or structure.

4. The report should describe how the alteration and/or demolition of a building or structure, reuse as a different use, new construction, and/or disruption or encroachment of a site or area should be designed to preserve, adaptively reuse, or otherwise provide for the preservation of historical places, sites and structures identified by the West Cocalico Township Strategic Plan and/or the Strategic Comprehensive Plan for the Cocalico Region.

5. The report should identify how the alteration and/or demolition of a building or structure, reuse as a different use, new construction, and/or disruption or encroachment of a site or area historical places, sites and structures or new construction on the property adjacent to historical places, sites and structures and detail how the modifications should be consistent with the character and visually complementary of the historical place, site or structure.

6. The report should identify if the proposed alteration and/or demolition of a building or structure, reuse as a different use, new construction, and/or disruption or encroachment of a site or area will jeopardize the historic value of a place, site, or structure because of size, scale, construction material, or type of use of new construction and detail how new construction will be screened or otherwise visually buffered.

7. Alterations and/or demolition of a building or structure, reuse as a different use, new construction, and/or disruption or encroachment of a site or area should be consistent with the Secretary of the Interior standards for the rehabilitation of historic properties published by the National Park Service.

8. No historical place, site or structure identified by the West Cocalico Township Strategic Plan and/or the Strategic Comprehensive Plan for the Cocalico Region or otherwise identified as a historic resource by West Cocalico Township shall be demolished or moved from its original foundation as part of any development without approval of the Township.

9. In all cases when demolition is proposed, the applicant shall submit to the Township a letter from the State Historic Preservation Officer, or from the Preservation Trust of Lancaster County or other qualified Historic Preservation Specialist identifying the significance of the property, potential effects of the project that would be adverse, and possible mitigation measures that could be employed, along with photo documentation of the historic feature by the Township.

10. In evaluating any request for demolition of a historic feature the Township shall take into account the significance of the property, the condition of the feature, the potential for repair, restoration, stabilization, and reuse, the impact of the feature in relation to the total project, and the hardship, if any, on the applicant.

11. Applicants are encouraged to perpetuate historic names or geographic references that are traditionally associated with the area in which a project is located, rather than proposing project names that are not consistent with Lancaster County traditions or culture.

ARTICLE XII

I-C - INDUSTRIAL / COMMERCIAL DISTRICT

SECTION 1200. **PURPOSE**

The I-C - Industrial / Commercial District is established to provide for a variety of industries and commercial uses that are too intense to be accommodated within the Village Center District. These land uses are subject to performance standards whereby public health and safety shall be maintained through controls on noise, vibrations, dust and particulate emissions, sulfur dioxides, smoke, odor, toxic matter, detonable materials, fire hazard solids, liquids and gases, glare, heat, radioactive and electromagnetic radiation, and liquid or solid wastes. Additional screening, landscaping, traffic, and emergency access controls exist to promote safe and attractive site design and to minimize objectionable impacts associated with such uses.

SECTION 1201. **PERMITTED USES**

Land and buildings in the I-C - Industrial/Commercial District shall be used only for the following purposes:

1. Professional offices.

2. Home improvement, building supply, and retail distribution stores.

3. Municipal uses.

4. Day care homes.

5. Limited industrial including manufacturing, fabrication, assembly, finishing work, packaging and other forms of light industry. Such industry shall meet the performance standards of this section and shall not generate significant amounts of hazardous materials, store hazardous waste on site, nor use large amounts of chemical in its processes and not exceeding 100,000 square feet of gross floor area.

6. Printing, binding and related establishments.

7. Storage warehouse, including cold storage, as an accessory use only, and not exceeding 20,000 square feet.

8. Banks and other financial institutions.

9. Retail sales store not exceeding 30,000 square feet of gross floor area.

10. Eating and/or drinking establishment excluding fast food restaurants.

11. Theaters and cinemas limited to no more than six screens.

12. Libraries or museums.

13. Accessory buildings and uses customarily incidental to the above permitted uses when located on the same lot.

14. Accessory buildings and uses customarily incidental to Special Exception uses approved under Section 1202 when located on the same lot.

SECTION 1202. **SPECIAL EXCEPTIONS**

The establishment and/or expansion of the following uses are permitted in the I-C - Industrial / Commercial District when special exceptions are granted by the Zoning Hearing Board as provided for in Article 23 and other provisions of this Zoning Ordinance.

1. Adult oriented businesses.

2. Heliport.

3. Automobile filling stations.

4. Automobile/truck service and repair facilities.

5. Billboards.

6. Parks, playgrounds, and recreation areas.

7. Drive-through and fast food restaurants except that there will be no more than two such establishments permitted within the District.

8. Essential services buildings and structures.

9. Quarries and other extractive industries.

10. Wholesale distribution of industrial products, including lumber and coal yards, building material storage yards, contractors' equipment and storage yards, and commercial warehouses.

11. General industry.

SECTION 1203. **MULTIPLE USES IN THE SAME STRUCTURE**

Within the District there shall be no restriction on combining different uses within the same building other than those imposed by the building codes or other federal, state or local laws and the requirements of this ordinance.

SECTION 1204. **AREA AND HEIGHT REGULATIONS**

1. MINIMUM LOT AREA - The minimum lot area requirement shall be as follows:

    a. 43,560 square feet, if served neither by centralized sewer nor centralized water facilities.

    b. 30,000 square feet, if served by either centralized sewer or centralized water facilities.

    c. 20,000 square feet, if served by both centralized sewer and centralized water facilities.

2. MINIMUM LOT WIDTH – The minimum lot width requirement shall be one hundred and fifty (150) feet if served neither by centralized sewer nor centralized water facilities and one hundred (100) feet for all other parcels.

3. MINIMUM LOT DEPTH - One hundred and fifty (150) feet.

4. YARD REQUIREMENTS - All buildings shall be set back from street rights-of-way and lot lines in accordance with the following requirements:

    a. Front yard - All buildings, except buildings intended to serve as a guardhouse, visitor information center, or similar facility, shall be set back from the street right-of-way line a distance of seventy-five (75) feet. No building shall be permitted between the street right-of-way line and the building line established in Article 19 of this Zoning Ordinance.

    b. Side and rear yards - All buildings shall be located a minimum of twenty-five (25) feet from all other lot lines except where the lot borders a residential lot or district, the minimum shall be one hundred (100) feet.

5. HEIGHT REGULATIONS - No principal building shall exceed forty (40) feet in height except as provided in Article 21 of this Zoning Ordinance.

6. MAXIMUM LOT COVERAGE - Seventy (70) percent.

7. MINIMUM OFF-STREET VEHICLE PARKING AND LOADING REQUIREMENTS - Off-street parking and loading facilities shall be provided in accordance with the requirements of Article 18.

8. No shrub nor tree shall be planted within twenty feet (20') and thirty feet (30'), respectively, of any land within any Agricultural District.

SECTION 1205. **INDUSTRIAL PERFORMANCE STANDARDS**

1. LEGISLATIVE INTENT - The Board of Supervisors desires to provide standards for the operation of industrial and heavy commercial uses within the Township in order to protect the health, safety, and welfare of Township residents, workers at such establishments, and visitors to the Township. Public health and safety shall be maintained through control of noise, vibrations, dust, and particulate emissions, sulfur oxides, smoke, odor, toxic matter, detonable materials, fire hazards, glare heat, radioactive radiation, liquid or solid wastes, and electromagnetic radiation.

   The Board of Supervisors also seeks to protect the public health and safety by imposing traffic and access controls to lessen the possibility of vehicular accidents and landscaping and screening requirements to provide a buffer area to the use and to discourage trespassing.

   The Board of Supervisors also seeks to protect the public through the requirement of a plan of access in the event of emergency conditions to allow police, fire fighters, and rescue personnel to gain access to the premises efficiently and safely.

2. CERTIFICATION - All applications for industrial and heavy commercial uses must be accompanied by a certification from a professional engineer registered in the Commonwealth of Pennsylvania that the proposed use can meet the performance standards of the district. Further, the Zoning Officer may employ consultants to evaluate the environmental effects with respect to performance standards.

3. ENFORCEMENT - The Industrial Performance Standards contained in this section shall be the minimum standards to be met and maintained by all industrial uses and heavy commercial uses within the Township. Industrial and heavy commercial uses shall be defined as those uses, regardless of location, which are specified as permitted uses in Section 1201 of this Zoning Ordinance or uses by special exception in Section 1202 of this Zoning Ordinance, including uses of a similar nature not specifically identified in the Zoning Ordinance but which would be permitted in the Industrial/Commercial District pursuant to Section 105 herein.

4. BUILDING REQUIREMENTS - With the exception of quarries, and exclusive of the arrival, departure, loading, unloading, parking of permitted vehicles, and outdoor storage as provided herein below, all industrial and heavy commercial uses shall be conducted within completely enclosed buildings.

5. STORAGE - Storage shall be permitted outdoors, but the items stored shall not be visible from a public right-of-way, except visibility created by permitted ingress and egress. Outdoor storage within one hundred (100) feet of a residential district boundary or residential use not owned by the operator shall be effectively screened by a solid wall, fence, or planting in accordance with Article 21 of this Zoning Ordinance.

6. NOISE

   a. Noise shall be measured with a sound level meter having an A-weighted filter constructed in accordance with specifications of the American National Standards Institute (A.N.S.I.). Measurements are to be made at any point in abutting zoning districts as indicated in Table I following.

   b. Impact noise (intermittent sounds such as from a punch press or drop forge hammer) shall be measured using the fact response of the sound level meter and are to be made at any point in abutting zoning districts as indicated in Table I.

   c. Between the hours of 7:00 p.m. and 7:00 a.m. the permissible sound levels in an abutting zoning district shall be reduced by five (5) decibels for impact noises.

   d. The following sources of noise are exempt:

      1) Transportation vehicles not used in the ordinary course of business and not under the control of the owner, tenant, or lessor.

      2) Occasionally used safety signals, warning devices, and emergency pressure relief valves.

      3) Temporary construction activity between 7:00 a.m. and 7:00 p.m.

Table I describes the maximum sound pressure level permitted from any industrial source and measured in any abutting zoning district. All industrial operations shall be limited by the standards listed below.

TABLE I

Octave band in cycles per second	Maximum sound pressure levels in decibels 0.002 dynes per square centimeter	
	7:00 a.m. to 7:00 p.m.	7:00 p.m. to 7:00 a.m.
0- 75	74	69
75- 150	59	54
150- 300	52	47
300- 600	46	41
600- 1,200	42	37
1,200- 2,400	39	34
2,400- 4,800	36	31
above- 4,800	33	28

For any noise of an impulsive or periodic character, the permissible limits for each octave band shall be reduced by five (5) decibels.

Sound levels shall be measured at the lot line with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association.

7. VIBRATION

a. Vibration shall be measured at or beyond any adjacent lot line or zoning district line as indicated below and such measurements shall not exceed the particle velocities so designated. The instrument used for these measurements shall be a three (3) component measuring system capable of simultaneous measurement of vibration in three (3) mutually perpendicular directions.

b. The maximum vibration is given as particular velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

P.V. = 6.28 F x D
P.V. = Particle velocity (inches per second)
F = Vibration frequency (cycles per second)
D = Single amplitude displacement of the vibration (inches)

Table II designates the applicable columns of Table III that apply on or beyond adjacent lot lines within the zone, and on or beyond appropriate district boundaries. Vibration shall not exceed the maximum permitted particle velocities in Table III. Where more than one (1) set of vibration levels apply, the most restrictive shall govern. Readings may be made at points of maximum vibration intensity.

TABLE II

	ABUTTING ZONING DISTRICT	ADJACENT LOT LINE
I-C - Industrial / Commercial District	A	B

The maximum peak particle velocities that correspond to the above designations are as follows:

TABLE III

MAXIMUM PEAK PARTICLE VELOCITY - IN/SEC

VIBRATION	**A**	**B**
Steady State	0.02	0.10
Impact	0.04	0.20

c. The maximum particle velocity shall be the maximum vector sum of three (3) mutually perpendicular components recorded simultaneously. Particle velocity in inches multiplied by the frequency in cycles per second.

d. For purposes of this Zoning Ordinance, steady-state vibrations are vibrations which are continuous, or vibrations in discrete impulses more frequent than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute shall be considered impact vibrations.

e. Between the hours of 7:00 p.m. and 7:00 a.m. all of the permissible vibration levels indicated in the previous table for Column A shall be reduced to one-half (1/2) of the indicated values.

8. DUST AND PARTICULATES

a. The total emission rate of dust and particulate matter from all vents, stacks, chimneys, flues, or other opening or any process, operation, or activity within the boundaries of any lot shall not exceed the levels set

forth below. Emissions of dust and particulates shall be in accordance with the Commonwealth of Pennsylvania Rules and Regulations governing air contamination and air pollution. In case of conflict, the most restrictive shall apply.

b. The emission rate of any particulate matter in pounds per hour from any single stack shall be determined by selecting a continuous four (4) hour period which will result in the highest average emission rate.

c. Particulate matter emission from materials or products subject to becoming windborne shall be kept to a minimum by paving, oiling, wetting, covering, or other means, such as to render the surface wind resistant. Such sources include vacant lots, unpaved roads, yards and storage piles of bulk material such as coal, sand, cinders, slag, sulfur, etc.

d. The maximum emission rate of dust and particulate matter from all stacks shall be 2.0 pounds per hour per acre of lot area.

9. SULFUR DIOXIDES

a. Emission of oxides of sulfur (as sulfur dioxide) from combustion and other processes shall be limited in accordance with the standard of 1.0 pounds per hour per acre of lot area and may be computed from the sulfur analysis in the fuel or from known test data of sulfur oxides emission.

10. SMOKE

a. For the purpose of grading the density or equivalent opacity of smoke, the Ringelmann Chart as published by the United States Bureau of Mines shall be used. However, the Umbrascope readings of smoke may be used when correlated with the Ringelmann Chart.

b. The emission of smoke darker than Ringelmann No. 1 from any chimney, stack, vent, opening, or combustion process is prohibited. However, smoke of a shade not to exceed Ringelmann No. 3 is permitted for up to three (3) minutes total in any one (1) eight (8) hour period.

11. ODOR

a. Odor thresholds shall be measured in accordance with ASTM d1391-57 "Standard Method for Measurement of Odor in Atmospheres (Dilution Method)" or its equivalent.

b. Odorous material released from any operation or activity shall not exceed the odor threshold concentration beyond the district boundary line measured either at ground level or habitable elevation.

12. TOXIC MATTER

a. The ambient air quality standards for the Commonwealth of Pennsylvania shall be the guide to the release of airborne toxic materials across lot lines. Where toxic materials are not listed in the ambient air quality standards of the Commonwealth of Pennsylvania, the release of such materials shall be in accordance with the tractional quantities permitted below, of those toxic materials currently listed in the Threshold Limit Values adopted by the American Conference of Governmental Industrial Hygienists. Unless otherwise stated, the measurement of toxic matter shall be at ground level or habitable elevation, and shall be the average of any twenty-four (24) hour sampling period.

b. The release of airborne toxic matter shall not exceed 1/30 of the threshold limit value beyond the district boundary line.

13. DETONABLE MATERIALS

a. Activities involving the storage, utilization, or manufacture of products which decomposed by detonation shall include but not be limited to all primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof, such as dry nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable oxidizing agents such as perchloric acid, perchlorates, and hydrogen peroxide in concentration greater than thirty-five (35) percent; and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

b. The storage, utilization, or manufacture of materials or products which decompose by detonation is limited to five (5) pounds. Quantities in excess of five (5) pounds of such materials may be stored or utilized, but not manufactured.

14. FIRE HAZARD SOLIDS

a. The storage, utilization, or manufacture of solid materials which are active to intense burning shall be conducted within walls having a fire resistance no less than two (2) hours or protected by an automatic fire extinguishing

system or the building wall shall be no less than seventy-five (75) feet from all lot lines. The outdoor storage of such materials shall not be closer than one hundred (100) feet from all lot lines.

15. FIRE HAZARD LIQUIDS AND GASES

a. The storage, utilization, or manufacture of flammable liquids or gases which produce flammable or explosive vapors shall be permitted only in accordance with this section, exclusive of the storage of finished products in original sealed containers (60 gallons or less), which shall be unrestricted.

b. The total storage capacity of flammable liquids and gases shall not exceed those quantities permitted in the following Table IV:

TABLE IV

STORAGE CAPACITY OF FLAMMABLE LIQUIDS AND GASES

LIQUIDS		**GASES**
ABOVE GROUND FLASH POINT, F		**ABOVE GROUND**
Less than 70	**70 - 200**	
7,500 gal.	30,000 gal.	225,000 SCF*
BELOW GROUND FLASH POINT, F		**BELOW GROUND**
15,000 gal.	60,000 gal.	450,000 SCF*

*SCF - Standard Cubic Feet at 60 F. and 29.92 inches Hi.

16. GLARE – Any operation or activity producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of 0.5 foot-candles when measured within an adjacent non-industrial property.

a. Direct Glare - Direct glare, for the purpose of this Zoning Ordinance, is illumination beyond property lines caused by direct or specularly reflected rays from incandescent, fluorescent, or arc lighting, or from such high temperature processes as welding or petroleum or metallurgical refining. No such direct glare shall be permitted with the exceptions that parking areas and walkways may be illuminated by luminaries so hooded or shielded that the maximum angle or the cone of direct illumination shall be sixty (60) degrees drawn perpendicular to the ground, with the

exception that such angle may be increased to ninety (90) degrees if the luminary is less than four (4) feet above the ground. Such luminaries shall be placed not more than twenty five (25) feet above ground level and the maximum average illumination at an elevation three (3) feet above the surface shall not be in excess of four (4) foot-candles.

b. Indirect Glare - Indirect glare, for the purpose of this Zoning Ordinance, is illumination beyond property lines caused by diffuse reflecting from a surface such as a wall or roof of a structure. Indirect glare shall not exceed that value which is produced by an illumination of the reflecting surface not to exceed 0.3 foot-candles (maximum) and 0.1 foot-candles (average). Deliberately induced sky-reflected glare, as by casting a beam upward for advertising purposes, is specifically prohibited.

17. HEAT - Heat, for the purpose of this Zoning Ordinance, is the thermal energy of a radioactive, conductive, or convective nature. Heat emitted at any or all points shall not at any time cause a temperature increase on any adjacent property in excess of ten (10) degrees F.; whether such change being the air or in the ground, in a natural stream or lake, or in any structure on such adjacent property.

18. RADIOACTIVE RADIATION - No activities shall be permitted which emit dangerous radioactivity at any point beyond the property line or which produces emission injurious to humans, animals, or vegetation, or be of an intensity which interferes with the use of any other property. The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes, shall be in conformance with the regulations of the Nuclear Regulatory Commission as set forth in Title 10, Chapter One, Part 20 - Standards for the Protection Against Radiation, as amended, and all applicable regulations of the Commonwealth of Pennsylvania.

19. LIQUID OR SOLID WASTES - No discharge shall be permitted at any point into any sewage disposal system, watercourse, lake, or into the ground, except in accord with standards approved by the Department of Environmental Protection or other regulating department or agency, of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements. There shall be no accumulation of solid wastes conducive to the breeding of rodents or insects.

20. ELECTROMAGNETIC RADIATION - No activities shall be permitted which emit electromagnetic radiation at any point beyond the property line and which produces emissions injurious to humans, animals, or vegetation, or be of an intensity which interferes with the use of any other property. It shall be unlawful to operate, or cause to be operated, any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation,

entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, for any other use directly or indirectly associated with these purposes which does not comply with the ten (10) current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation, except that for all governmental communications facilities, governmental agencies and government-owned plants, the regulations of the Interdepartment Radio Advisory committee shall take precedence over the regulations of the Federal Communications Commission, regarding such sources of electromagnetic radiation. Further, said operation in compliance with the Federal Communications Commission or the Interdepartment Radio Advisory Committee regulations shall be unlawful if such radiation causes an abnormal degradation in performance of other electromagnetic radiators or electromagnetic receptors of quality and proper design because of proximity, primary field, blanketing, spurious-radiation, harmonic content, modulation, or energy conducted by power or telephone lines. The determination of "abnormal degradation in performance" and "of quality and proper design" shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers, and the Electronic Industries Association. In case of any conflict between the latest standards and principles of the above groups, the following precedence in the interpretation of the standards and principles shall apply: (1) American Institute of Electrical Engineers, (2) Institute of Radio Engineers, and (3) Electronic Industries Association.

21. SCREENING

a. A completely planted visual barrier of landscape screen shall be provided and maintained between any use in the Industrial/Commercial District and contiguous zoning districts or residential properties in the Industrial/Commercial District except where natural or physical man-made barriers exist. This screen shall be composed of plants and trees arranged to form both a low level and a high level screen within a strip of land with a minimum width of twenty (20) feet. The high level screen shall consist of trees planted with specimens no younger than three (3) years in age, and planted at intervals of not more than ten (10) feet. The low level screen shall consist of shrubs or hedges planted at an initial height of not less than two (2) feet and spaced at intervals of not more than five (5) feet. The low level screen shall be placed in alternating rows to produce a more effective barrier. All plants which have been dead for six (6) months shall be replaced.

b. Any existing industrial or heavy commercial facility shall not be required to comply with the screening requirements except in case of enlargement or major alteration of same.

c. The screen planting shall be permanently maintained so long as the non-residential or agricultural use is maintained.

d. Outdoor Activities and Equipment Screening - All outdoor industrial or heavy commercial use operations, mechanical equipment, and other function accessories of each building, such as the base of an elevator, penthouse, ventilation pipe, and duct, water pressure tank, heating, air conditioning, and power supply units should have an architectural building material screen or covering which is an integral part of the building envelope and/or which is harmonious with the building design.

22. LANDSCAPING

a. Any part or portion of a site which is not used for building or other structures, loading, parking spaces and aisles, sidewalks, and designated storage areas shall be planted with an all season ground cover. It shall be maintained to provide an attractive appearance and all non-surviving plants shall be promptly replaced.

b. No less than ten (10) percent of any parking area providing more than five (5) spaces must be landscaped and continually maintained by use of planting beds or planted islands. Planting along the perimeter of a parking area, whether for required screening or general beautification, will not be considered as part of the ten (10) percent parking area landscaping. In complying with the ten (10) percent landscaping requirements, the planting beds must be distributed throughout the parking areas as evenly as possible. For each one hundred (100) square feet of parking area, there shall be ten (10) square feet of landscaped area.

23. ACCESS AND TRAFFIC CONTROL

a. All access ways from any industrial or heavy commercial development to any public street or highway shall be located at least two hundred (200) feet from the centerlines of any public street intersection and shall be designed in a manner conducive to safe ingress and egress.

b. Where possible, exits shall be located on minor rather than major streets or highways. The developer shall be responsible for the construction of any necessary traffic control devices or additional acceleration or deceleration lanes required for egress or ingress.

24. INTERIOR DRIVES AND PARKING FACILITIES

a. Interior drives within an industrial or heavy commercial land development shall be designed to prevent blockage of vehicles entering or leaving the site.

b. Areas provided for loading and unloading of delivery trucks and other vehicles, and for the servicing of facilities by refuse collection, fuel and other service vehicles shall be adequate in size, and shall be so arranged that they may be used without blockage or interference with the use of access ways or automobile parking facilities.

c. Interior drives shall be clearly marked by adequate painted markings, including curbing and signs, so that vehicular movements within parking areas and access drives do not impede the general traffic circulation.

25. EMERGENCY PLAN OF ACCESS - A written Plan of Access must be provided by the owner in the event of emergency conditions such as fire, assuming the worst condition. All existing uses shall have twelve (12) months to comply with this requirement. The Plan of Access for emergency access to the building shall be submitted to the Township at the time of submission for a zoning permit.

ARTICLE XIII

RESERVED

ARTICLE XIV

FP - FLOODPLAIN DISTRICT

SECTION 1400. **PURPOSE**

The FP - Floodplain District seeks the following purposes:

1. To regulate development which will cause unacceptable increases in flood heights, velocities, and frequencies.

2. To restrict or prohibit certain uses susceptible to flood damage.

3. To require all uses which do occur in floodplains to be protected against flooding and to be provided with all necessary access and utilities, which shall also be protected from flood damage.

SECTION 1401. **LANDS IN DISTRICT DEFINED**

The FP - Floodplain District shall include all of the following lands within West Cocalico Township:

1. The identified floodplain area shall be those areas of West Cocalico Township, Lancaster County, which are subject to the one hundred (100) year flood, as identified in the Flood Insurance Study (FIS) dated April 19, 2005 and the accompanying maps prepared for Lancaster County by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof.

2. One hundred (100) year flood boundaries of lands identified by the United States Geological Survey or the United States Army Corps of Engineers.

3. All land which has been flooded by floods of record.

4. All additional land delineated where the Zoning Officer may require an on-site study or survey which determines the precise boundaries of the FP - Floodplain District as specified in the following paragraph: Where the complete and definitive information necessary to delineate the boundary of the FP - Floodplain District is not available to the Zoning Officer in his consideration of an application for a permit, he shall require such on-site studies and/or surveys to be made as are necessary to fix the precise boundaries of the floodplain as defined above.

SECTION 1402. **BOUNDARY DISPUTES**

Should a dispute concerning any boundary of the FP - Floodplain District arise, the initial determination of the Zoning Officer may be appealed to the Zoning Hearing Board. The applicant shall bear the burden of proof and be responsible for all fees as may be set forth in Section 2305 of this Zoning Ordinance.

Any changes to the boundaries of the FP - Floodplain District are subject to the review and approval of FEMA for compliance with the Rules and Regulations of the National Flood Insurance Program.

SECTION 1403. **RELATIONSHIP TO OTHER ARTICLES AND ORDINANCES**

The provisions of the FP - Floodplain District create an overlay district which is applicable within all other zoning districts established by this Zoning Ordinance. To the extent the provisions of this article are applicable and more restrictive, they shall supersede conflicting provisions within all other articles of this Zoning Ordinance and all other ordinances of West Cocalico Township. However, all other provisions of all other Articles of this Zoning Ordinance and all other ordinances of West Cocalico Township shall remain in full force.

SECTION 1404. **PERMITTED USES**

The following uses are permitted only if done under and in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 394 of 1937, as amended, the Rules and Regulations of the Pennsylvania Department of Environmental Protection, and all other applicable provisions of this Zoning Ordinance.

1. Agricultural, horticultural, and forestry uses, excluding any structures, and excluding any grading or filling which would cause any increase in flood heights or frequency.

2. Public and private parks and recreation areas, excluding swimming pools, campsites, and any structures. Picnic tables, park benches, fireplaces, grills and playground equipment shall be permitted; if anchored to prevent flotation.

3. Activities related to the preservation and conservation of natural resources and amenities, excluding any structures.

4. Stream improvements, fish and farm ponds, dams, or stream relocations, as approved by the Pennsylvania Department of Environmental Protection.

5. Erosion and sedimentation control measures and storm water management, facilities, and structures, provided no increase in flood heights or frequency, unhealthful ponding, or other unsanitary conditions shall occur.

6. Yards and open space areas.

7. One (1) and two (2) strand fences.

8. Grading and filling which would not increase the base flood elevation.

SECTION 1405. **SPECIAL EXCEPTIONS**

The following uses are permitted when special exceptions are granted by the Zoning Hearing Board in conformance with Article 23 and other provisions of this Zoning Ordinance.

1. Water-oriented uses and structures, fish hatcheries, and water-monitoring devices.

2. Culverts, bridges, and the approaches to such culverts and bridges, as approved by the Pennsylvania Department of Environmental Protection.

3. Parking lots, loading areas, driveways, and any other paved at-grade surfaces.

4. Flood-proofing and flood hazard reduction structures for non-conforming uses and structures.

5. Improvements and/or additions to existing structures within the FP - Floodplain District.

SECTION 1406. **PROHIBITED USES**

The following uses are prohibited in the FP - Floodplain District:

1. All uses prohibited either expressly or implicitly in the underlying zoning district for the land in question.

2. All structures, with the exception of those specifically allowed in Sections 1404 and 1405 of this Article.

3. Sanitary landfills and junkyards.

4. The placing or stripping of topsoil or fill material of any kind, exclusive of grading or filling necessary for the construction of structures for which a zoning permit has been issued.

5. Private on-site sewage disposal systems.

6. Swimming pools.

7. Cemeteries.

8. Hospitals.

9. Nursing homes.

10. Jails or prisons.

11. Manufactured home park or substantial improvement to an existing manufactured home park.

12. Feedlots.

13. Domestic or farm animal enclosures which will not allow all animals to escape flood waters without human assistance.

14. Any development, structure, or use which may, whether alone or in combination with others, and except where specifically authorized elsewhere in this Article.

    a. Endanger human life.

    b. Obstruct, impede, retard, change, or increase the velocity, direction, or flow of flood waters.

    c. Increase the surface elevation of floods, or the frequency of floods.

    d. Catch or collect debris carried by flood waters.

    e. Be placed where the natural flow of the stream or flood waters would carry it downstream to the damage or detriment of property within or adjacent to the FP - Floodplain District.

    f. Degrade the water carrying capacity of any watercourse, channel, or floodplain.

g. Increase the rate of local runoff, erosion, or sedimentation.

h. Degrade the quality of surface water or the quality or quantity of ground water. This provision shall not prohibit acceptable farming practices as permitted under Agriculture, Communities and Rural Environment (ACRE) legislation, known as Act 38 of 2005.

i. Be susceptible to flotation and subsequent movement which would cause damage to other property.

j. Create unhealthful ponding or other unsanitary condition.

15. Any new or substantially improved structure which will be used for the production or storage of any of the following dangerous 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 dangerous materials or substances, shall be prohibited within any Floodplain District:

a. Acetone.

b. Ammonia.

c. Benzene.

d. Calcium carbide.

e. Carbon disulfide.

f. Celluloid.

g. Chlorine.

h. Hydrochloric acid.

i. Hydrocyanic acid.

j. Magnesium.

k. Nitric acid and oxides of nitrogen.

l. Petroleum products (gasoline, fuel oil, etc.).

m. Phosphorus.

n. Potassium.

o. Sodium.

p. Sulphur and sulphur products.

q. Pesticides (including insecticides, fungicides, and rodenticides).

r. Radioactive substances, insofar as such substances are not otherwise regulated.

s. Any other materials or substances deemed hazardous by the Township, State or appropriate Federal agency.

SECTION 1407. **NON-CONFORMING USES AND STRUCTURES**

1. CONTINUATION - All uses or structures lawfully existing in the FP - Floodplain District on the effective date of this Zoning Ordinance which are not in conformity with the provisions of this Article shall be deemed non-conforming uses or structures. Such non-conforming uses or structures may be continued, maintained, repaired, and flood-proofed, except as otherwise provided for in this Article. However, such non-conforming uses or structures may at any time be improved to comply with existing Pennsylvania or West Cocalico Township health, sanitary, or safety code specifications which are necessary solely to assure safe living conditions.

2. ABANDONMENT - Non-conforming uses or structures within the FP - Floodplain District shall be subject to Article 22 of this Zoning Ordinance. Additionally, the Board of Supervisors may require the removal of any abandoned non-conforming use or structure upon proper notice to the owner of the property on which an abandoned non-conforming use or structure exists. If the owner has not completely removed the abandoned use or structure within a reasonable amount of time, not to exceed nine (9) months, the Board of Supervisors shall have the authority to itself cause the removal to be accomplished, with the costs of such removal to be paid by the property owner.

3. EXPANSION AND MODIFICATION - A non-conforming use or structure may not be expanded or modified in any manner which would increase or aggravate flooding or flood hazards. Nothing shall be done which would otherwise violate

any of the provisions of this Article. No non-conforming use or structure shall be expanded, enlarged, or altered in any way which increases its non-conformity with respect to height, area, yard, and other requirements established in this Zoning Ordinance, nor in any way which causes it to occupy more space within the FP - Floodplain District than was occupied by it on the effective date of this Zoning Ordinance.

4. REPLACEMENT AND REBUILDING –

a. A non-conforming use or structure may be replaced, repaired, or rebuilt if it is damaged or destroyed by any means, including floods, to the extent of less than fifty (50) percent of its fair market value at the time of its damage or destruction. In such a case, however, the non-conformity of the new use or structure with respect to requirements as expressed in provisions of this Zoning Ordinance shall not exceed that of the original use or structure which was damaged or destroyed. Nothing shall be done which would otherwise violate any of the provisions of this Article.

b. A non-conforming use or structure which has been damaged or destroyed by any means, including floods, to the extent of fifty (50) percent or more of its fair market value at the time of its damage or destruction may not be replaced, restored, repaired, reconstructed, improved, or rebuilt in any way other than in complete conformity and full compliance with the provisions of this Article, all other provisions of this Zoning Ordinance, and all other Ordinances of West Cocalico Township. The Zoning Hearing Board may, as a special exception, waive the requirements of this paragraph where it is demonstrated that such requirements could not be met on land owned by the appellant or where such requirements would impose undue hardship to the appellant in the efficient operation of the premises. In such a case, the Zoning Hearing Board shall be authorized to grant only the minimum relief necessary and the least modification possible of the provisions of this Article.

c. The Zoning Officer shall have the initial responsibility of determining the percent of damage or destruction and the fair market value of the damaged or destroyed use or structure at the time of its damage or destruction, and may call upon experts or authorities as he may deem necessary to assist in determining a fair and impartial determination. Such costs accrued in this determination shall be paid by the appellant.

5. HISTORIC STRUCTURES - The Zoning Hearing Board shall have the right to waive, as a special exception, any of the requirements of this section for any structure listed on the National Register of Historic Places or the Pennsylvania Register of Historic Sites and Landmarks provided that the criteria of Article 23 of this Zoning Ordinance are met.

6. SPECIAL FLOODWAY REQUIREMENT - No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one hundred (100) year flood.

SECTION 1408. **DESIGN AND PERFORMANCE STANDARDS**

Design and performance standards for all structures and uses within the FP - Floodplain District shall follow the criteria established in this Zoning Ordinance.

SECTION 1409. **ZONING PERMITS**

In addition to complying with Section 2303 of this Zoning Ordinance, the applicant shall provide the following information with any permit application for all structures within the FP - Floodplain District.

1. The elevation (in relation to mean sea level) of the lowest floor, including basement.

2. Whether or not the structure includes a basement.

3. If the structure has been flood-proofed, the elevation (in relation to mean sea level) to which the structure was flood-proofed.

4. A document certified by a professional engineer or architect, registered in the Commonwealth of Pennsylvania, certifying that the flood-proofing methods are adequate to withstand the flood depths, pressures, velocities, impact, uplift forces, and other factors associated with the determined flood height, and indicating the specific elevation (in relation to mean sea level) to which such structure is flood-proofed.

5. Elevation of the one hundred (100) year flood.

6. The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development.

The Zoning Officer may submit a copy of all plans and applications for proposed construction or other improvements within the FP - Floodplain District to any other appropriate agencies and/or individuals for review and comment.

SECTION 1410. **MUNICIPAL LIABILITY**

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

ARTICLE XV

SS - STEEP SLOPE OVERLAY DISTRICT

SECTION 1500. **PURPOSE**

The purposes of the establishment and control of the Steep Slope Overlay District are as follows:

1. To promote the public health, safety and welfare by the protection of steep slope areas, which are subject to erosion when disturbed and which exacerbate storm water run-off problems during and following construction.

2. To permit only those uses of steep slope areas which are compatible with the conservation of natural conditions and which maintain stable soil conditions by:

    a. Minimizing disturbances to vegetative ground covers; and,

    b. Restricting the re-grading of steep slope areas.

3. To limit soil erosion, siltation of streams, and damage to private and public property.

4. To provide and maintain safe means of ingress and egress.

5. To protect low-lying areas from flooding by limiting the increase in stormwater runoff caused by grading of sloped areas, changes of ground cover, or the erection of structures.

6. To maintain the ecological integrity of steeply sloped areas which could be adversely affected by disturbances.

7. To foster the continuing replenishment of groundwater resources and the maintenance of springs.

SECTION 1501. **GENERAL PROVISIONS**

General provisions relating to the Steep Slope Overlay District are as follows:

1. The Steep Slope Overlay District established hereby shall be an overlay on any zoning district(s) now or hereafter enacted to regulate the use of land in West Cocalico Township.

a. The Steep Slope Overlay District 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 Overlay District, as defined herein, and said uses are in conflict with the permitted uses in the Steep Slope Overlay District

b. In those areas of the Township where the Steep Slope Overlay District applies, the requirements of the Steep Slope Overlay District, if more restrictive, shall supersede the requirements of the underlying zoning district(s).

c. Should the Steep Slope Overlay District boundaries be changed or eliminated 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 zoning district(s) without consideration of the provisions relating to the Steep Slope Overlay District.

d. For any parcel or any part thereof on which the Steep Slope Overlay District 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 Overlay District, unless an amendment to said boundaries was included as part of the proceedings from which the subsequent change(s) originated.

2. Any determination that a proposed use complies with the provisions of the Steep Slope Overlay District, or any approval of a subdivision or land development plan, or any issuance of a Zoning and Use Permit within or near the Steep Slope Overlay District 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. The provisions relating to the Steep Slope Overlay District do not imply that areas outside the Steep Slope Overlay District boundaries or land uses permitted within said District will be free from the adverse effects of erosion.

SECTION 1502. **DESIGNATION AND INTERPRETATION OF DISTRICT BOUNDARY**

1. The Steep Slope Overlay District consists of two (2) areas which are delineated and defined as follows:

a. Prohibitive Slope - Prohibitive slopes are those of greater than or equal to twenty-five (25) percent slope.

b. Precautionary Slope - Precautionary slopes are those between fifteen (15) to twenty-four and ninety-nine one hundredths (24.99) percent slope.

c. Whenever there is a difference between any Zoning Map and the applicable United States Geological Survey Topographic Map, the Topographic Map shall determine the boundaries of the Steep Slope Overlay District.

2. Slope Calculation - The change in vertical elevation divided by the change in horizontal distance measured between the contours required to be shown on the plan by the West Cocalico Township Subdivision, Land Development and Stormwater Management Ordinance on any part of the lot or parcel in question.

3. Boundary Interpretation and Appeals Procedure.

a. Each application for construction, land disturbance or subdivision containing land within the Steep Slope Overlay District shall be submitted in accordance with such other provisions of the Ordinances of West Cocalico Township as are applicable thereto. Any area of the Steep Slope Overlay District that falls within the subject lot or lots shall be shown on the site plan through shading of such area or areas.

b. Any party seeking zoning, land development and/or subdivision approval in what might be a Steep Slope Overlay District shall have the burden to present evidence to the reviewing body of the boundaries of the District in the area in question. This presentation must include applicable topographic data with respect to the property and any other pertinent documentation for consideration.

SECTION 1503. **PERMITTED USES IN THE STEEP SLOPE OVERLAY DISTRICT**

1. USES PERMITTED IN AREAS OF PROHIBITIVE SLOPE - The following are the only uses permitted by right in areas of Prohibitive Slope. Such uses also shall be in compliance with the base zoning district, and shall not involve the erection of buildings, construction of streets, installation of sewage disposal systems, or permanent removal of topsoil.

a. Parks and outdoor recreational uses, consistent with the goals of an adopted Act 167 Plan or other watershed protection adopted by the Township.

b. Timber harvesting where such activity is performed in accordance with an approved erosion and sedimentation control plan. Precautions shall be taken to minimize destruction of or injury to understory brush and trees.

c. Grading for the minimum portion of a driveway necessary to access a single-family detached dwelling when it can be demonstrated that no other routing which avoids slopes equal to or greater than 25 percent is feasible.

d. Yard areas of a building not within the Steep Slope Overlay District, so long as no building other than a single-family detached dwelling is within the Precautionary Slope area.

2. USES PERMITTED IN AREAS OF PRECAUTIONARY SLOPE - The following are the only uses permitted as of right in areas of Precautionary Slope, provided they also are in compliance with the base zoning district and all other provisions of this Ordinance:

a. Any use permitted in the area of Prohibitive Slope.

b. Tree farming, forestry, and other agricultural uses when conducted in conformity with conservation practices, including minimum tillage methods, approved by USDA Natural Resource Conservation Service or the Lancaster County Conservation District.

c. Single-family detached dwellings.

d. Yard areas of a building not within the Steep Slope Overlay District, so long as no building other than that permitted in Section 1503.3 is permitted within the Precautionary Slope area.

e. Sealed municipal water supply wells, where approved by all regulatory agencies.

f. Access drives and driveways that shall be suitable for the passage of emergency vehicles in the event of fire or accident. Such access drives and driveways shall be constructed only when no viable alternative for emergency access exists.

SECTION 1504. **ADMINISTRATION OF THE STEEP SLOPE OVERLAY DISTRICT**

1. APPLICATION PROCEDURES - Before a Zoning and Use permit is issued for any construction land disturbance activity on land within or affecting the Steep Slope Overlay District, the following material shall be submitted for review by the Township:

a. An engineered site plan of the property, consistent with the applicable

requirements of the West Cocalico Township Subdivision, Land Development and Stormwater Management Ordinance, indicating existing grades and proposed grades within the area of the proposed construction. All areas of Prohibitive and/or Precautionary Slope as defined above shall be shaded accordingly. Additionally, the percent of the total site covered by steep slopes of 15% or more shall be provided.

b. Landscaping plan indicating proposed impervious surfaces, storm drainage facilities, retaining walls, and ground cover, as well as, trees and ornamental shrub locations. Additionally, the extent and proposed disturbance of the existing vegetative cover on the site shall be provided.

c. 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 any slope conditions, to protect and stabilize areas that have a high potential for soil erosion, and to protect steep slopes on adjoining properties. Additionally, the soil types and underlying geology of the site shall be provided.

d. Location and slopes of sides of all proposed cuts and fills.

e. Plan, profile, and typical cross-sections of any proposed driveway, with the seal of a registered professional engineer thereon.

f. Plan for on-site sewage disposal facilities if use of a public sanitary sewer system is not feasible according to the Township.

g. If a prohibitive and/or precautionary steep slope area extends to the boundary of a proposed site, the slopes on adjacent sites for a distance of two hundred (200) feet in all directions from the boundaries of the site in question shall be additionally presented.

h. Evidence that the proposed development, any impervious ground cover and the resultant disturbance to the land and existing vegetative cover will not cause an increase in the rate of runoff and/or related environmental problems on or off the site

2. STANDARDS APPLICABLE TO ALL USES WITHIN STEEP SLOPE OVERLAY DISTRICTS.

a. All required minimum lot sizes shall be met on the slope(s) that are less than twenty-four and ninety-nine one hundredths (24.99) percent slope.

b. Evidence shall be submitted indicating that all grading has been minimized.

c. Finished slopes of all cuts and fills shall not exceed a 3:1 slope, unless the

applicant can demonstrate that steeper slopes can be stabilized and maintained adequately.

d. No change in existing topography, which results in any slopes greater than the pre-development condition, may be located within twenty-five (25) feet of an adjoining property or street right-of-way line, excluding driveways when no alternative for driveway access exists.

e. Based on the average slope of a lot or parcel, the following standards shall be observed:

Average Slope of Lot Surface	Maximum Disturbed Area Of Lot	Maximum Impervious Lot Coverage
Precautionary Slope: (15 % to 24.99 %)	80 % or 20,000 sq. ft which ever is less	10 %
Prohibitive Slope: (Equal to or greater than 25 %)	90 % or 20,000 sq. ft which ever is less	10 %

f. Lots shall be configured to provided undisturbed buffer areas along the contour above and below any area which is cleared, cut or filled in front and rear yards as follows:

1) Downslope of any disturbed area, the buffer shall be a minimum of one hundred (100) feet in width and shall extend along the contour for the full length below any disturbed area, except for areas which are needed for access.

2) Upslope of any disturbed area, the buffer shall be a minimum of fifty (50) feet in width and shall extend along the contour for the full length above any disturbed area, except for areas which are needed for access.

3) There shall be an undisturbed side yard area which shall be at least as wide as the side yard setback required in the district.

ARTICLE XVI

MOBILE HOME PARKS

SECTION 1600. GENERAL DESCRIPTION

Mobile homes have become an increasingly popular form of housing, and the design and appearance of mobile homes are now more varied. However, because of their limited size, relative mobility, and type of construction, this type of housing requires the availability of supporting installations and services to provide the occupants with a healthful, safe, convenient, and attractive residential environment. The following restrictions and regulations are adopted as part of this Zoning Ordinance establishing the circumstances and conditions under which mobile home parks may be established.

SECTION 1601. AREA AND HEIGHT REGULATIONS

1. MINIMUM SIZE. The minimum size of a mobile home park for which a building permit or certificate of use and occupancy may be issued shall be five (5) acres.

2. DENSITY. There shall be a maximum of five (5) dwelling units per acre.

3. SETBACK. The minimum setback from a public road to any mobile home service or accessory building, or off-street parking facility shall conform to the setback prescribed in Article XVIII of this Zoning Ordinance.

4. YARD. The minimum allowable distance between any mobile home park boundary line, and a mobile home, off-street parking facility, service or accessory buildings shall be twenty (20) feet.

5. DISTANCE BETWEEN BUILDINGS. Mobile homes shall be separated from each other and service or accessory buildings and adjoining pavement of a mobile home park street or common parking area by at least twenty (20) feet.

SECTION 1602. REQUIRED MOBILE HOME LOT SIZE AND INSTALLATION

1. MOBILE HOME LOT SIZE. Regardless of whether or not the entire park will remain under single ownership, or lots will be separately owned, they will be subject to the area and density regulations, the minimum area of any mobile home lot shall be three thousand (3000) square feet. When off-street parking, as required in Article XVII of this Zoning Ordinance, is provided in common

parking areas rather than on the mobile home lot, the minimum area shall be two thousand and five hundred (2500) square feet.

2. MOBILE HOME INSTALLATION. All mobile homes shall be sited upon a foundation, installed and secured via anchoring in accordance with the manufacturer's instructions/design information and specifications, or if none, in accordance with the Township Building Code. If neither are applicable, mobile homes shall be sited upon a suitable masonry block foundation adequate to prevent heaving, shifting or settling unevenly under the weight of the mobile home due to frost, drainage, vibration, or other forces. Foundations shall be at least thirty-six (36) inches below grade.

SECTION 1603. **MOBILE HOME REQUIREMENTS**

1. MINIMUM FLOOR AREA. All mobile homes located in a mobile home park shall have a minimum of eight hundred (800) square feet of floor area.

2. LOCATION OF MOBILE HOMES. All mobile homes located within a mobile home park shall be properly affixed to an approved water, sewer and electrical outlet.

SECTION 1604. **SERVICE AND ACCESSORY BUILDINGS**

1. CONSTRUCTION. All service and accessory buildings, including management offices, storage areas, laundry buildings, and indoor recreation areas, shall be adequately constructed, ventilated, and maintained so as to prevent decay, corrosion, termites, and other destructive elements from causing deterioration.

2. ACCESSORY BUILDINGS. Service and accessory buildings shown on an approved plan may be erected in a mobile home park. Attachments to individual mobile homes in the form of sheds and lean-tos are prohibited.

3. MOBILE HOME PARK OFFICE. Every mobile home park shall have a structure designed and clearly identified as the office of the mobile home park manager.

4. STORAGE SPACE. Occupants of each mobile home park shall be provided with at least one hundred and fifty (150) cubic feet of enclosed storage space which shall be provided on the same mobile home lot, area or space upon which each individual mobile home unit is located in the mobile home park.

5. USE OF SERVICE AND ACCESSORY BUILDINGS. Service and accessory buildings located in a mobile home park shall be used only by the occupants of the mobile home park or their guests.

SECTION 1605. **WATER SUPPLY**

1. APPROVED SOURCE. All mobile home parks shall be served by a centralized water supply.

2. CONNECTION REQUIRED. All mobile homes and service buildings shall be connected to a centralized water supply system. Individual water-riser pipes having an inside diameter of no less than three-fourths (3/4) inch shall be provided on each mobile home stand and shall terminate no less than four (4) inches above the ground.

3. PROTECTION OF LINES. Adequate provisions shall be made to protect water service lines from damage including a shut-off valve on each mobile home space below the frost line.

4. FIRE HYDRANTS. Where a public water supply is available, fire hydrants shall be installed in accordance with specifications of the water company.

SECTION 1606. **SEWAGE DISPOSAL**

1. APPROVED SYSTEM. All mobile home parks shall be served by a centralized sewage system.

2. CONNECTION REQUIRED. All mobile homes and service buildings shall be connected to a centralized sewage system. Individual sewer-riser pipes having at least a four (4) inch diameter shall be located on each mobile home stand and shall extend at least one (1) inch above ground level. Provisions shall be made for sealing the sewer-riser pipe with a securely fastened plug or cap when the mobile home site is unoccupied.

3. PROTECTION OF SYSTEM. Adequate provision shall be made to protect sanitary sewers from storm water infiltration and breakage. All sewer lines shall be constructed of materials approved by the Pennsylvania Department of Environmental Protection and/or municipal sewer authority.

SECTION 1607. **STORM WATER MANAGEMENT REGULATIONS**

1. SURFACE DRAINAGE. Storm water management plans for a mobile home park shall be designed in accordance with the requirements of the West Cocalico Township Subdivision, Land Development and Storm Water Management Ordinance.

SECTION 1608. **MOBILE HOME PARK STREETS**

1. CONSTRUCTION STANDARDS. All streets in a mobile home park shall be designed and constructed in accordance with the West Cocalico Township Subdivision, Land Development and Storm Water Management Ordinance.

2. CLEAR SIGHT TRIANGLE. Measured along the centerlines of the intersecting streets, a clear sight triangle of seventy-five (75) feet from the point of intersections shall be kept free of all obstructions except at the intersection of a mobile home park road with a public road where the clear sight triangle shall be one hundred (100) feet.

3. GRADES. There shall be a minimum grade of 0.75 percent and a maximum grade of ten (10) percent on all mobile home park streets.

SECTION 1609. **OFF-STREET PARKING REQUIREMENTS**

Off-street parking spaces shall be provided in all mobile home parks in accordance with the requirements in Article 18 of this Zoning Ordinance. Two (2) spaces per dwelling unit shall be provided either on the mobile home site or in common areas within two hundred (200) feet of the mobile home served. In addition, designated parking for visitors, including handicapped accessible spaces, and for storage of residents' boats, trailers, etc., shall be provided. The number of such additional parking spaces shall be not less than twenty (20) percent of the number of off-street parking spaces required for the dwelling units in the development.

SECTION 1610. **SIDEWALKS**

1. REQUIRED. All mobile home parks shall provide sidewalks on both sides of the street which allow pedestrian access between individual mobile homes, service and accessory buildings, and public rights-of-way.

2. WIDTH. All sidewalks shall have a minimum width of four (4) feet except where a walk will provide access only to a group of mobile homes not exceeding four (4) in number, where they need be no more than three (3) feet in width.

3. CONSTRUCTION. All sidewalks shall be constructed in accordance with Section 602.12.g of the West Cocalico Subdivision, Land Development, an Storm water Management Ordinance and shall be maintained in their original condition at all times.

4. LIGHTING. All sidewalks shall be provided with lighting units so spaced, equipped, and installed that will allow safe movement of pedestrians at night.

SECTION 1611. **GROUND COVER AND SCREENING**

1. SURFACE VEGETATION. Ground surfaces in all parts of every park shall be paved, covered with other solid material, or protected with vegetative growth that is capable of preventing soil erosion and emanation of dust during dry weather.

2. HARMFUL VEGETATION. Park grounds shall be maintained in such a state or condition that would be reasonably expected not to generate a violation of West Cocalico Township's vector control ordinance.

3. SCREENING. Screening, such as fences or natural growth, shall be provided along the property boundary line separating the mobile home park from adjacent properties.

SECTION 1612. **ELECTRICAL DISTRIBUTION**

Every mobile home park shall contain an electrical wiring system consisting of wiring fixtures, equipment, and appurtenances which shall be installed and maintained in accordance with local electric power companies' specifications regulating such systems. Each mobile home shall be connected to this electrical distribution system.

SECTION 1613. **SOLID WASTE AND VECTOR CONTROL**

Solid waste disposal and vector control shall be the responsibility of the mobile home park operator and shall be performed in accordance with the requirements of the Pennsylvania Department of Environmental Protection, the West Cocalico Township Subdivision, Land Development and Storm Water Management Ordinance, West Cocalico Township vector control ordinance, and all other Township solid waste related ordinances.

SECTION 1614. **PERMITS**

A permit to construct or make alterations to a mobile home park shall be issued only after a plan has been approved by all applicable governing agencies.

ARTICLE XVII

SIGN REGULATIONS

SECTION 1700. USE, LOCATION, AND SIZE REGULATIONS

The following types of signs and no others shall be permitted to be erected or maintained, unless specifically identified in the criteria for a land use permitted by special exception in Article 23 of this Zoning Ordinance.

1. Identification, informational, or directional signs erected or required by governmental bodies.

2. Signs advertising the sale or rental of premises provided that:

    a. Such signs shall be erected on the premises to which they relate.

    b. The area of one side of any sign shall not exceed twenty (20) square feet in the Industrial/Commercial District and ten (10) square feet within all other districts.

    c. Such signs shall be removed within fourteen (14) days after the property is sold or rented.

3. Signs indicating the location and direction of premises available for or in the process of development and having inscribed thereon the name of the owner, developer, builder, or agent provided that:

    a. The area on one (1) side of any such sign shall not exceed twenty (20) square feet.

    b. Not more than two (2) such signs shall be erected on each five hundred (500) feet of street frontage.

4. Signs of mechanics and artisans during the period such persons are performing work, provided that:

    a. Such signs shall be erected only on the premises where such work is being performed.

    b. The area on one (1) side of any such sign shall not exceed forty (40) square feet.

c. Not more than one (1) such sign may be erected on each street frontage.

d. Such signs shall be removed promptly upon completion of work.

5. Signs for public recreation areas, schools, colleges, churches, or other similar public institutions or uses provided that:

   a. The area on one (1) side of any such sign shall not exceed twenty (20) square feet.

   b. Not more than one (1) such sign may be erected on each street frontage.

6. Signs prohibiting or otherwise controlling trespassing upon particular premises, or indicating the private nature of a road, driveway, or premises, or otherwise controlling the use of the property, provided that the area on one (1) side of any such sign shall not exceed six (6) square feet.

7. Signs indicating the name of a particular organization, home for the aged, nursing home or convalescent home, farm or estate, provided that:

   a. The area on one (1) side of any such sign shall not exceed twenty-five (25) square feet.

   b. Any such sign shall be located on the same lot as the organization, home for the aged, nursing home, farm or estate.

   c. Not more than one (1) such sign may be erected on each street frontage.

8. Signs advertising the sale of farm products, as permitted by this Ordinance, provided that:

   a. The area on one (1) side of any such sign shall not exceed ten (10) square feet.

   b. Not more than two (2) such signs shall be erected and maintained.

   c. Such signs shall be displayed only when such products are on sale.

9. Home occupation, on farm occupation, rural occupation, accessory use, name or address signs in any district provided that:

   a. The area on one (1) side of any such sign shall not exceed four (4) square feet.

   b. Any such sign shall be erected only on the premises which in such use exist.

10. Business or industrial signs provided that:

    a. The area on one (1) side of any free-standing sign shall not exceed eighty (80) square feet in the Industrial/Commercial District and twelve (12) square feet in any other District.

    b. Not more than one (1) such sign shall be erected on each street frontage.

    c. In the Industrial/Commercial District, the area of any sign attached to a building shall not exceed fifteen (15) percent of the wall area on which the sign is placed.

    d. In Districts other than the I-C, the area of any wall sign or projecting sign attached to a building shall not exceed ten (10) percent of the wall area on which the sign is placed or twenty (20) square feet, whichever is less.

    e. The sign placed on any building or lot shall be related to the business conducted on such premises.

11. Temporary signs advertising a sale or event, provided that such signs shall not be displayed in excess of one (1) month and shall be removed promptly after the event.

12. Billboards are permitted by special exception in the I-C Industrial/Commercial District, in accordance with the requirements of Article 23.

SECTION 1701. **GENERAL SIGN REGULATIONS**

The following regulations shall apply to all permitted sign uses:

1. Area of Sign. The area of a sign shall be construed to include all letter, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed (but not including any supporting framework and bracing incidental to the display itself). Where the sign consists of individual letters or symbols attached to a building, wall, or window, the area of the sign shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols. In computing the square foot area of a double-faced sign, only one side shall be considered, provided that the both faces are identical. If the interior angle formed by the two faces of the double sided sign is greater than forty-five (45) degrees, then both sides of such sign shall be considered in calculating the sign area. A cube shall be considered four (4) signs.

2. No sign shall be placed in such a position that it will cause danger to traffic on a street by obscuring the view.

3. Signs in the Public Right-of-Way. No signs shall be allowed in the public right-of-way, except for the following:

   a. Permanent Signs. Permanent signs, including:

      1) Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information and direct or regulate pedestrian or vehicular traffic;

      2) Bus stop signs erected by a public transit company;

      3) Informational signs of a public utility regarding its poles, lines, pipes or facilities; and,

   b. Temporary Signs. Temporary signs, including:

      1) Public signs erected by or on behalf of a governmental body to post legal notices, convey public information and direct or regulate pedestrian or vehicular traffic;

      2) Signs announcing special events of charitable or public service groups, provided such signs shall be approved by the Zoning Officer and shall:

         a) be limited to a maximum size of thirty-two (32) square feet in area; and,

         b) be removed as soon as the event or activity thereby has occurred and shall not be permitted to exist more than thirty (30) days prior to such event or activity.

   c. Emergency Signs. Emergency warning signs erected by a governmental agency, a public utility company or a contractor doing authorized or permitted work within the public right-of-way.

   d. Other Signs Forfeited. Any sign installed or placed on public property, except in conformance with the requirements of this Section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the Township shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

4. Signs and Other Devices Prohibited in All Zoning Districts. The following signs and other devices shall not be permitted, erected or maintained in any zoning district, notwithstanding anything else to the contrary contained in this Section or elsewhere:

   a. Signs which incorporate in any manner any flashing or moving illumination or with illumination which varies in intensity or which varies in color, and signs which have any visible moving part, visible revolving parts, or visible mechanical movement of any description, or other apparent visible movement achieved by electrical pulsations or by action of normal wind currents. Clocks, hanging signs which move with air currents, time and temperature signs and barber poles are excepted, provided they otherwise comply with all other provisions of this part.

   b. Light sources which cast light on signs unless shielded by opaque material so that bulbs are not visible from off the property on which the signs are located.

   c. Any sign or sign structure which constitutes a hazard to public safety or health.

   d. Signs which by reason of size, location, content, coloring, or manner or intensity of illumination, distract or obstruct the vision of drivers to the extent which creates a significant safety hazard, either when leaving a roadway or driveway, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device or public streets and roads.

   e. Any sign which obstructs free ingress to or egress from a fire escape, door, window or other required building exit.

   f. Signs which make use of words such as "Stop," "Look," "One-Way," "Danger," "Yield," or any similar words, phrases, symbols, lights or characters, in such a manner as to interfere with, mislead or confuse traffic.

   g. Signs on public property or public rights-of-way, unless erected by a governmental body, or unless required to be so located by order of a governmental body.

   h. Signs painted on, attached to, or supported by a street sign or street light standard, stone, cliff, or other natural object.

   i. Searchlights, pennants, spinners, banners and streamers, inflatable balloons and similar devices, except for temporary occasions not to exceed

fifteen (15) days' duration, such as grand openings, and then only with special prior permission of the Zoning Officer.

j. Signs which utilize animated, sequential, intermittent, automatic changing video display.

5. No roof signs shall be permitted.

6. No freestanding sign shall be higher than twenty (20) feet from the ground.

7. In addition to the above requirements of this Article, every sign referred to in this Article shall be designed, constructed and maintained in accordance with the following standards:

a. All signs shall comply with applicable provisions of any building and electrical codes as adopted by the Township.

b. No sign shall be erected within or adjacent to a public rights-of-way that would create a significant risk of harm in the event of a collision with another vehicle or motorcycle.

c. Except for banners, flags, temporary signs and window signs conforming in all respects with the requirements of this Section, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure.

d. All signs shall be maintained in good structural condition.

SECTION 1702. **RESERVED FOR FUTURE USE**

This section shall be reserved for future use.

SECTION 1703. **APPLICATIONS AND PERMITS**

1. Applications for permits to erect, alter or modify permanent signs shall be made to the Zoning Officer.

2. It shall be unlawful to commence the erection of any permanent sign or to commence the moving or alteration of any permanent sign until the Zoning Officer has issued a sign permit for such work.

3. In applying to the Zoning Officer for a sign permit, the applicant shall submit a

dimensional sketch or scale plan indicating the shape, size, height and location of all signs to be erected, altered or moved and supply such other information as may be required by the Zoning Officer for determining whether the provisions of this Section are being observed. If the proposed sign as set forth in the application is in conformity with the provisions of this Section and other ordinances of the Township then in force, the Zoning Officer shall issue a sign permit for such sign. If the sign permit is refused, the Zoning Officer shall state such refusal in writing with the cause and shall immediately thereupon mail notice of such refusal to the applicant at the address indicated in the application. The Zoning Officer shall grant or deny the permit within fifteen (15) days from the date the application is submitted. The issuance of a permit shall in no case be construed as waiving any provisions of this Section.

SECTION 1704. **REMOVAL OF CERTAIN SIGNS**

After one hundred eighty (180) days, any sign which advertises business or service no longer in existence on the premises shall be considered to be abandoned. Signs that are abandoned shall be removed by the persons responsible for the erection and/or maintenance thereof within thirty (30) days after notice of the abandonment to such persons by the Zoning Officer. For political signs that are abandoned, the county political organizations for the party to which the candidate belongs shall be responsible for the cost of removal of signs by the township. If such persons fail or refuse to remove such abandoned signs after the notice aforesaid, the Zoning Officer may remove the signs at the expense of the property owner or the persons responsible for the erection and/or maintenance thereof.

In addition, any sign installed or placed on public property or within any public right-of-way that is not in conformance with the requirements of this Section shall be forfeited to the public and subject to removal. In addition to other remedies hereunder, the Township shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

ARTICLE XVIII

OFF-STREET VEHICLE PARKING AND LOADING

SECTION 1800. GENERAL INTENT AND APPLICATION

It is the intent of these requirements that adequate parking and loading facilities be provided off the public and private roads of West Cocalico Township for each use of land within West Cocalico Township. These requirements are intended to be based on the demand created for each use. These requirements shall apply to all uses in all districts.

SECTION 1801. DESIGN REQUIREMENTS FOR PARKING FACILITIES

1. SIZE. The size of a parking space for one (1) vehicle shall not be less than one hundred and eighty (180) square feet. For purposes of computing the number of parking spaces available in a given area, the ratio of one hundred and eighty (180) square feet per space shall be used. For any uses other than single-family detached, single-family semi-detached, and single-family attached dwellings, only the area actually used for parking, not access or driving lanes, shall be considered.

2. ACCESS AND EGRESS. Except for all single-family and two family dwelling units, all parking facilities shall be designed so that each vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle.

3. DRAINAGE AND SURFACING. All open parking areas shall be properly leveled, stabilized, and drained, and provided with an "all-weather" surface as required by the West Cocalico Township Subdivision, Land Development, and Storm Water Management Ordinance, except for single-family and two family dwelling units whose surface may include compacted or crushed stone.

4. JOINT USE. The required parking space for two (2) or more uses may be provided in a common parking facility, provided that the number of spaces is not less than the sum of spaces required for each individual use. However, the Zoning Officer may allow a reduction in the number of spaces required for separate uses when the various activities or uses are conducted at substantially different times.

5. LOCATION. All parking spaces shall be provided on the premises, or in common parking facilities located adjacent to the premises except that after Zoning Hearing Board approval, all or part of the required number of spaces may be provided on a separate lot or lots within five hundred (500) feet walking

distance from such premises. The Zoning Hearing Board shall not approve a requested special exception until it is satisfied that all parking spaces required shall be maintained throughout the existence of such use to which they are accessory, or until such acceptable substitute spaces are provided elsewhere. For residential uses, all off-street parking spaces shall be located behind the street right-of-way line. For all other uses, off-street parking spaces shall not be located within the area of required landscaping.

6. LARGE PARKING AREAS. Parking areas designed for more than ten (10) spaces shall meet the dimensional and landscaping requirements of Article 21 of this Ordinance.

7. LOTS DIVIDED BY DISTRICT BOUNDARIES. The Zoning Hearing Board may by Special Exception, allow parking spaces on lots divided by zoning district boundaries to be located without regard to district lines, provided that no such parking spaces be located in any Agricultural or Residential District or within the OS-Woodland or Ecologically Sensitive Districts, and the use to which they are accessory is permitted in such district.

8. ADDITIONAL REGULATIONS FOR PARKING SPACES ADJACENT TO LOTS IN ANY RESIDENTIAL DISTRICT. Buffer planting shall be provided for parking areas and access drives which are adjacent to lots in residential districts, lots in existing residential use and public rights-of-way. Said buffer planting shall meet the requirements of Article 21 of this Ordinance.

9. ADDITIONAL REGULATIONS FOR PARKING SPACES IN THE VILLAGE CENTER DISTRICT.

   a. Except for single-family and two family dwelling units, all required off-street parking spaces in the Village Center District shall not be located closer to the front lot line than the face of the principal building. Off-street parking located in any side yard or in the building area to the side of the principal building shall be screened from the street in accordance with the screening requirements of Article 21.

   b. Open parking spaces and/or parking lots in the Village Center District shall not be located closer than three (3) feet from any side or rear property line, except as follows:

      1) No setback from a side or rear property line is required when said side or rear property line abuts a public alley.

      2) The setback requirements from the side or rear yard property line

may be waived where the landowner obtains a written agreement suitable for recording and acceptable to the Township solicitor, wherein any affected adjacent landowner expresses his consent to the location of a parking area adjacent to the applicable abutting property line. This agreement must be permanent in nature, except when the ownership of the nonconforming lot shall change, and/or the use of the property shall change, in which event the owner shall acknowledge that the property's setback shall revert to that imposed by the ordinance.

SECTION 1802. **MINIMUM OFF-STREET PARKING REQUIREMENTS**

1. RESIDENTIAL USES

   a. DWELLINGS

      1) SINGLE AND TWO FAMILY DWELLING UNITS: Two (2) spaces for each dwelling unit.

      2) SINGLE-FAMILY ATTACHED (TOWNHOUSE OR ROWHOUSE), MULTI-FAMILY (MULTIPLE FAMILY) AND APARTMENT DEVELOPMENTS AND MOBILE HOME PARKS: Three (3) spaces for each dwelling unit, shall be provided upon each individual dwelling's lot, or common lot, provided that no such designated off-street parking space shall be greater than 300 feet measured in a straight line, from each dwelling unit. In addition, designated parking for visitors, including handicapped accessible spaces, and for storage of residents' boats, trailers, etc., shall be provided. The number of such additional parking spaces shall be not less than twenty (20) percent of the number of off-street parking spaces otherwise required for the dwelling units in the development. Adequate provisions for ownership and maintenance of said common parking areas shall also be provided.

2. NON-RESIDENTIAL USES - Unless otherwise noted below, all non-residential uses shall provide a minimum of one (1) off-street parking space for every two (2) employees, in addition to the specific requirements in the Table below:

Type of Use	Required Parking Spaces Per
HOTEL, MOTEL, OR BED AND BREAKFAST INN	One (1) space for each rental unit.
THEATER, AUDITORIUM, CHURCH, STADIUM, MEMBERSHIP CLUB, LODGE HALL, AND FUNERAL HOME.	One (1) space for each three hundred (300) square feet of gross floor area.
RESTAURANT, TAVERN, OR NIGHTCLUB	One (1) space for every four (4) seats of planned capacity.
MEDICAL/DENTAL CLINICS.	Four (4) spaces for each doctor engaged at the clinic or office.
RETAIL SALES, SERVICES, BUSINESSES, AND PROFESSIONAL OFFICES OTHER THAN THOSE SPECIFICALLY SPECIFIED IN THIS SECTION.	One (1) space for each three hundred (300) square feet of gross floor area other than warehouse or storage space.
AUTOMOBILE/TRUCK SERVICE AND REPAIR FACILITIES.	One (1) space for every employee and one (1) space for each service bay.

3. For other uses which do not fit in one of the above categories, determination of the adequate off-street parking space requirement shall be made by the Zoning Officer. The Zoning Officer shall take into consideration the projected number of employees and the extent of anticipated public activity for the proposed land use. It is the intent of those requirements that adequate off-street parking and loading facilities be provided for each use of land.

4. HANDICAPPED PARKING. Handicapped accessible parking shall be provided in accordance with the requirements of the Americans with Disabilities Act, as may be amended from time to time.

    a. Said spaces shall be those which are most accessible and proximate to the building or buildings which the parking spaces shall serve.

    b. Each space or group of spaces shall be identified with a clearly visible sign displaying the international symbol of access.

c. Each space shall be eight (8) feet wide with an eight (8) feet wide access aisle to allow room for persons in wheelchairs or on braces or crutches to get in and out of either side of an automobile onto level, paved surface suitable for wheeling and walking.

d. Where possible, such spaces shall be located so that persons in wheelchairs or using braces or crutches are not compelled to wheel or walk behind parked cars.

e. Where applicable, curb ramps shall be provided to permit handicapped people access from the parking lot to the sidewalk or building entrance.

f. Parking spaces shall be provided in accordance with the following Table:

Total Parking in Lot	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20 plus 1 for each 100 over 1000

SECTION 1803. **OFF-STREET LOADING REQUIREMENTS**

Adequate off-street loading and unloading space shall be provided on the same premises with every building or part thereof hereafter erected or occupied for any non-residential (except multi-family) and non-agricultural use. This space shall be so placed and arranged as to not interfere with or obstruct the free movement of vehicles and pedestrians over a public or private road. Unobstructed access, at least twelve (12) feet wide per direction of travel to and from a street shall be provided. Such access may be combined with access to a parking lot. All permitted or required loading berths shall be on the same lot as the use to which they are accessory. Where possible, no off-street loading berth shall be located in any front yard. Where possible, off-street loading space shall be located on the face of a building not facing any adjoining land in a residential district. Wherever possible, required off-street parking space shall not be utilized for loading space. Off-street loading spaces shall be provided according to the following schedule:

Schedule of Off-Street Loading Spaces Required:

Type of Use	Number of Spaces Per	Gross Floor Area/Number of Dwelling Units
Hospital or other institution	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet
Hotel, motel, and similar facilities	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 40,000 square feet (or fraction)
Industry or manufacturing	None	First 100 square feet
	1.0	2,000 to 25,000 square feet
	+1.0	Each additional 40,000 square feet (or fraction)
Multi-family dwelling	None	Less than 100 dwelling units
	1.0	100 to 300 dwelling units
	+1.0	Each additional 200 dwelling units (or fraction)
Office building including banks	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Retail sales and services, and restaurant, per store	None	First 2,000 square feet
	1.0	2,000 to 10,000 square feet
	2.0	10,000 to 40,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)

Type of Use	Number of Spaces Per	Gross Floor Area/Number of Dwelling Units
Shopping centers	1.0	First 25,000 square feet
	+1.0	Each additional 25,000 square feet (or fraction)
Theater, auditorium, bowling alley, or other recreational establishment	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Undertaking establishment or funeral parlor	None	First 3,000 square feet
	1.0	3,000 to 5,000 square feet
	+1.0	Each additional 10,000 square feet (or fraction)
Wholesale or warehousing (except mini-warehousing)	None	First 1,500 square feet
	1.0	1,500 to 5,000 square feet
	+1.0	Each additional 40,000 square feet (or fraction)

SECTION 1804. **PARKING AND STORAGE OF VEHICLES**

1. In any zoning district other than the I-C District, automotive vehicles or recreational vehicles of any kind or type without current license plates shall not be parked or stored other than in completely enclosed accessory buildings.

2. In any zoning district, all off-street parking areas shall be reserved and used for vehicle parking only. No display or storage of merchandise, sales or other storage of any type shall be permitted. Dismantling or storage of any vehicle or materials is prohibited on residential dwelling lots, excluding routine daily maintenance of vehicles owned by the occupant of the dwelling.

3. On a residential dwelling lot, the parking of one (1) commercial vehicle up to one (1) ton is permitted by an individual for his livelihood for a business not conducted on the premises; or one (1) recreational vehicle including boats are permitted for storage purposes only and is not to be used for sleeping, recreational, or living purposes at any time or in any way, shape, or form. Any parking of commercial vehicles on a residential dwelling lot in excess of those specifically permitted shall be deemed to constitute a commercial use of the entire property, and shall be subject to legal action as in the case of all other illegal uses.

4. No boats, campers, recreational vehicles, trailers, and/or trucks with more than two (2) axles (except personal pickup trucks) shall be stored within any front yard area of a residential dwelling lot.

ARTICLE XIX

BUILDING LINES

SECTION 1900. BUILDING LINES ESTABLISHED

Building lines are hereby established on all existing and proposed public roads within West Cocalico Township. Except as provided in other sections of this Zoning Ordinance, no buildings or structures shall be placed between the building line and the cartway of a public road. In the case of a proposed public street, the building line and the street classification shall be shown on the subdivision plan.

SECTION 1901. BUILDING LINES ON ARTERIAL ROADS

1. DISTANCE. The building line on all arterial roads shall be established as the greater of:

    a. One hundred (100) feet from the centerline of the existing or proposed road; or

    b. Fifty (50) feet from the edge of the existing or proposed right-of-way.

2. ARTERIAL ROADS NAMED. For the purposes of applying the standards in this Zoning Ordinance, the only public road classified as an arterial road shall be the Pennsylvania Turnpike.

SECTION 1902. BUILDING LINES ON MAJOR COLLECTOR ROADS

1. DISTANCE. The building line on all major collector roads shall be established as the greater of:

    a. Eighty (80) feet from the centerline of the existing or proposed road; or

    b. Forty (40) feet from the edge of the existing or proposed right-of-way.

2. MAJOR COLLECTOR ROADS NAMED. For the purposes of applying the standards in this Zoning Ordinance, the public roads classified as major collector roads shall be Pennsylvania Route 897 and Ridge Road.

SECTION 1903. BUILDING LINES ON MINOR COLLECTOR ROADS

1. DISTANCE. The building line on all minor collector roads shall be established as the greater of:

    a. Sixty (60) feet from the centerline of the existing or proposed road; or

b. Thirty (30) feet from the edge of the existing or proposed right-of-way.

2. MINOR COLLECTOR ROADS NAMED. For the purposes of applying the standards in this Zoning Ordinance, the public roads classified as minor collector roads shall be Line Road, South Cocalico Road, Schoeneck Road, Steinmetz Road, Mt. Airy Road, North and South King Streets, East and West Queen Streets, Galen Hall Road, and Swamp Bridge Road.

SECTION 1904. **BUILDING LINES ON LOCAL ACCESS ROADS**

1. DISTANCE. The building line on all local access roads shall be established as the greater of:

   a. Fifty (50) feet from the centerline of the existing or proposed road; or

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

2. LOCAL ACCESS ROADS NAMED. For the purposes of applying the standards in this Zoning Ordinance, all public and private roads not specified in Sections 1901, 1902, and 1903 shall be considered local access roads.

SECTION 1905. **SETBACK MODIFICATIONS**

1. FRONT YARD REQUIREMENTS ALONG DEVELOPED ROAD FRONTAGES. When two adjacent principal buildings within one hundred (100) feet of a property are located at less than the required setback, the average of these existing setbacks shall become the required minimum front setback for the property, provided, however, the setback is no less than thirty (30) feet from the abutting street right-of-way line.

2. EXCEPTIONS TO FRONT YARD REQUIREMENTS IN THE VILLAGE CENTER DISTRICT. No part of any building in the Village Center District shall extend closer to a street than the front building setback line, except as provided for in Section 1905.1 herein. However, when the subject property is situated between two improved lots, at least one of which has existing front yard dimensions less than those required, the minimum front yard required for the subject property may be reduced to a depth equal to the average of the adjoining two lots.

3. STRUCTURES EXEMPTED FROM SETBACK REQUIREMENTS. The setback regulations do not apply to:

   a. School bus shelters, telephone booths, cornices, eaves, chimneys, steps, canopies, and similar extensions, but do apply to covered and uncovered porches and patios.

   b. Open fire escapes.

c. Minor utility structures, articles of ornamentation, or decoration.

d. Fences, hedges, and retaining walls.

The above exemptions shall not block motorist view of vehicles at public or private street intersections and driveway entrances.

Nothing in the foregoing shall permit a structure within the street or ultimate right-of-way, other than mailboxes constructed in such a fashion so as not to pose a significant threat of bodily harm to passengers in a vehicle in the event of a collision.

ARTICLE XX

ACCESSORY USE REGULATIONS

SECTION 2000. GENERAL INTENT AND APPLICATION

It is the intent of these requirements that certain accessory uses be regulated for the purpose of protecting the public health, safety, and welfare.

SECTION 2001. DETACHED PRIVATE GARAGES AND OTHER ACCESSORY BUILDINGS

1. DETACHED PRIVATE GARAGES AND OTHER ACCESSORY BUILDINGS. Detached private garages and other residential accessory buildings shall be permitted in any zoning district provided the following requirements are met:

    a. Detached private garages and other residential accessory buildings may be constructed on any residential lot on which a dwelling is constructed. Said garage or residential accessory building shall have a maximum capacity of three (3) cars and shall not exceed the building footprint areas as outlined below:

        1) For lots ten thousand (10,000) square feet to fifteen thousand (15,000) square feet in area one (1) detached private garage or one (1) residential accessory building may be constructed with a building footprint not to exceed nine hundred (900) square feet.

        2) For lots from fifteen thousand (15,000) square feet to two (2) acres in area one (1) private garage or one (1) detached residential accessory building may be constructed with a building footprint not to exceed one thousand, two hundred (1,200) square feet.

        3) For lots from two (2) acres to five (5) acres in area the aggregate building footprint of all detached residential accessory buildings shall not exceed one thousand, five hundred (1,500) square feet.

        4) For lots from five (5) acres to ten (10) acres in area the aggregate building footprint of all detached residential accessory buildings shall not exceed one thousand, eight hundred (1,800) square feet.

        5) For lots of greater than ten (10) acres in area the aggregate building footprint of all detached residential accessory buildings shall not exceed two thousand five hundred (2,500) square feet.

b. Maximum height - eighteen (18) feet. However, the height may be increased to no greater than twenty-four (24) feet, provided that the required distance for each front, side, and rear yard setback is increased one (1) foot for each one (1) foot of additional building height above eighteen (18) feet.

2. Residential accessory buildings - the following regulations apply to residential accessory buildings which typically include unattached accessory storage sheds, provided that the shed does not exceed twelve feet by twenty-four feet (12' X 24') or shall not exceed a maximum of two hundred and eighty-eight (288) square feet, and a height of eight (8) feet to the square.

   a. No residential accessory buildings shall be located between the front wall of the principal building and the building setback line of the subject parcel.

   b. Minimum Side and Rear Yard Setbacks - four (4) feet.

   c. A residential lot less than ten thousand (10,000) square feet may have one (1) residential accessory building in accordance with the above size and area requirements. No more than two (2) such residential accessory buildings shall be permitted on any residential lot. In addition, the total square footage of residential accessory buildings on any lot shall not exceed six hundred (600) square feet, and the lot coverage requirements shall be maintained at all times.

   d. No exterior storage of any material shall be permitted between the residential accessory building and the adjoining property line(s).

3. Detached residential accessory buildings having a maximum gross floor area of one hundred (100) square feet or less are permitted on lots containing semi-detached dwellings, attached dwellings, and apartment houses homes provided that:

   a. They are located no closer to the front lot line than the rear wall of the principal building,

   b. They are located a minimum of three (3) feet from any side property line formed by a building party wall, and

   c. They conform to all other applicable setbacks.

4. Detached residential accessory buildings having a maximum gross floor area of one hundred (100) square feet or less are permitted on lots containing mobile homes provided that:

    a. They are located no closer to the front lot line than the rear wall of the principal building, and

    b. They are located a minimum of three (3) feet from any side or rear property line.

5. AGRICULTURAL ACCESSORY BUILDINGS. Agricultural accessory buildings located on a farm of twenty (20) or more acres shall be subject to the setback and height requirements of the respective underlying zoning district. For agricultural accessory buildings located on an existing farm of less than twenty (20) acres, the agricultural accessory buildings shall be subject to the applicable setback and height requirements stated above in this Section.

6. DETACHED ACCESSORY BUILDINGS ON NONCONFORMING LOTS. On existing lots of record where the existing lot width is less than the minimum lot width required in the prevailing zoning district, the minimum distance between a detached accessory building and the side property line may be reduced by the same ratio as the existing lot width is to the minimum required lot width. (Example: on an existing fifty (50) foot wide lot located in a zoning district with a one hundred (100) foot minimum width, the minimum side setback would be 50/100, or fifty (50) percent of the normal minimum side yard.) In no case, however, shall this minimum distance be less than five (5) feet, unless otherwise provided for in this section.

SECTION 2002. **ANIMALS AND ANIMAL SHELTERS**

The following standards shall apply within all zoning districts for the keeping of animals. However, these standards shall not be interpreted as applying to animal hospitals, veterinary clinics, kennels, riding stables, or normal farming operations.

1. It is permitted to maintain up to three (3) each of dogs and cats and litters of puppies or kittens up to six (6) months in age as domestic animals provided the following conditions are met:

    a. Maintaining dogs and cats shall be on a non-commercial basis with the exception for the sale of the litters as permitted by this section.

    b. The area on which a shelter and/or exercise run area is maintained must be suitably enclosed and located in the rear yard at least ten (10) feet from any lot line, and is not closer than fifty (50) feet to the nearest dwelling

other than that of the owner.

c. The area around which a shelter and/or exercise pen is maintained shall be kept in suitable grass cover and shall not be allowed to degrade to an erodible condition.

d. The owner of the animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.

e. The owner of the animals shall exercise suitable control over the routine and proper disposal of all animal waste so as not to become a nuisance to adjoining properties.

2. It is permitted to maintain small domestic animals, up to a total of twelve (12), provided the following conditions are met:

a. Maintaining small domestic animals shall be within the rear yard area.

b. Maintaining small domestic animals shall be on a non-commercial basis and be strictly as an incidental use.

c. The area within which small domestic animals are kept shall be enclosed by a fence designed for containment.

d. Such fence shall be at least fifty (50) feet from any lot line and not closer than one hundred (100) feet to the nearest dwelling other than that of the owner.

e. The area within which small domestic animals are maintained shall be kept in a suitable grass cover and shall not be allowed to degrade to an erodible condition.

f. The owner of the small domestic animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.

For the purposes of this sub-section, small domestic animals shall include animals such as rabbits, guinea pigs, and chinchilla, and fowl such as chickens, turkeys, geese, ducks, and pigeons, but shall not include wild or exotic animals held in captivity.

3. The ownership of large domestic animals shall not exceed one and one half (1-1/2) animal units per acre provided the following conditions are met:

a. Maintaining large domestic animals shall be within the rear yard area.

b. Maintaining large domestic animals shall be on a non-commercial basis and be strictly as an incidental use.

c. The area within which large domestic animals are kept shall be enclosed by a fence designed for containment.

d. No building, corral, fence, or stable shall be closer than one hundred (100) feet to the nearest dwelling other than that of the owner.

e. The area within which large domestic animals are maintained shall be kept in a suitable grass cover of at least two acres in area and shall not be allowed to degrade to an erodible condition.

f. The owner of the large domestic animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.

For the purposes of this sub-section, large domestic animals shall include animals of the bovine, equine, porcine (swine), and sheep families, but shall not include wild or exotic animals held in captivity.

4. Wild or exotic animals held in captivity shall be limited to lots located in the ES, OS, A-1 and A-2 zoning districts with a minimum lot area of two (2) acres or greater, and shall be subject to the following additional requirements:

a. The number of such animals shall not exceed the equivalent of one (1) animal unit per acre.

b. Said animals shall be maintained only within the rear yard area.

c. The building or area within which such animals are kept shall be enclosed by a fence or other form of enclosure designed for containment.

d. Such fence or other form of enclosure shall be at least fifty (50) feet from any lot line and not closer than one hundred (100) feet to the nearest dwelling other than that of the owner.

e. The area within which such animals are maintained shall be kept in a suitable grass cover and shall not be allowed to degrade to an erodible condition.

f. The owner of such animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.

g. All such animals shall be maintained in accordance with the regulations and/or permit requirements of the Pennsylvania Game Commission and other applicable agencies.

SECTION 2003. **FENCES AND WALLS**

No permanent fence or wall shall be erected which is over six (6) feet in height, and no fence or wall exceeding three (3) feet in height shall be erected within the required front yard setback unless higher screening or fencing is required by other provisions of this Zoning Ordinance. No fence or wall shall block motorist view of vehicles entering or exiting any property. No above-ground electrified or barbed wire fencing shall be permitted between two (2) non-farm properties.

SECTION 2004. **PATIOS, PAVED TERRACES, DECKS, AND OPEN PORCHES**

No patio, paved terrace, deck, or open porch shall be located within five (5) feet of any property line or between the building setback line and the street line. In the case of attached or semi-detached dwellings, this distance may be reduced to not less than three (3) feet from a side property line formed by a building wall.

SECTION 2005. **SWIMMING POOLS, SPAS AND WHIRLPOOLS - IN-GROUND AND ABOVE-GROUND**

1. All swimming pools, spas or whirlpools shall comply with all requirements of the Building Code.

2. No swimming pool, spa or whirlpool shall be permitted without an operable filtering system.

3. No swimming pool, spa or whirlpool with a surface area of one hundred fifty (150) square feet or more or a depth in excess of two (2) feet shall be permitted unless it is completely enclosed by a permanent fence with a self-closing, lockable gate which is at least four (4) feet in height and conforms to other requirements listed in Section 2003. This requirement shall not apply to above-ground pools, spas or whirlpools having a wall measuring four (4) feet in height and have a retractable ladder. Such fence shall be erected before any swimming pool, spa or whirlpool is filled with water.

4. No swimming pool, spa or whirlpool shall be within ten (10) feet of any property line.

5. No water discharge from any swimming pool, spa or whirlpool shall interfere with any domestic water facilities or discharge directly into any sanitary sewage facilities on the lot where such swimming pool, spa or whirlpool is located or any adjacent neighboring properties. Additionally, no water shall be discharged directly onto or within twenty (20') feet of any streets or upon any neighboring properties without the owner's consent.

6. No swimming pool, spa or whirlpool shall be located closer to the front of the lot than the front wall of the principal building.

7. Swimming pools, spas or whirlpools shall be secured from unauthorized access by means of a lockable door, gate, cover or similar control device.

SECTION 2006. PERMANENT SPORTS COURTS, VOLLEYBALL AND/OR BASKETBALL COURTS

1. A permanent open mesh fence ten (10) feet in height shall be provided behind each baseline for all areas specifically designated for and improved as permanent sports courts, volleyball, and/or basketball courts. This fence shall be parallel to the baseline and at least ten (10) feet beyond the playing surface unless the entire court is enclosed.

2. No sports courts, volleyball and/or basketball courts specifically designated for and improved to be permanent shall be within ten (10) feet of any property line, and shall not be located between the front lot line and the front wall of the principal building.

3. Lighting fixtures, if provided, shall not create objectionable glare on abutting properties.

SECTION 2007. ACCESSORY ALTERNATIVE ENERGY SOURCES

1. Accessory alternative energy facilities, those limited to generating energy for the sole use by the property owner which the energy system is located, shall not be permitted in the front yard area of any property. Height regulations do not apply to these facilities provided the height of the structure is not greater than the shortest horizontal distance to any lot line or adjacent building.

2. Solar energy units shall be permitted on any residential lot and are subject to the requirements of the respective zoning district.

3. For purposes of this section, any owner of property upon which an accessory alternative energy facilities is located which generate energy in excess of the normal demand of the property, shall not be limited to selling such excess energy to an approved Public Utility Commission approved energy company.

ARTICLE XXI

GENERAL REGULATIONS

SECTION 2100. GENERAL INTENT AND APPLICATION

Unless otherwise stated, the regulations and restrictions established in this Article are intended to apply to all districts in West Cocalico Township.

SECTION 2101. HEIGHT

1. HEIGHT LIMIT EXCEPTION. The height limitations contained in the District Regulation do not apply to spires, belfries, cupolas, antennas, commercial communication antennas, water tanks, ventilators, chimneys, silos, barns, or other appurtenances usually required to be placed about the roof level and not intended for human occupancy.

2. HEIGHT AND OPEN SPACE. In any district, any principal building may be erected to a height in excess of that specified for the district provided that the required footage for the front, side, and rear yard is increased one (1) foot for each one (1) foot of additional height, up to a maximum of forty-five (45) feet in height.

SECTION 2102. YARDS

1. PERMANENCE OF YARDS AND OTHER OPEN SPACES. Space applied or necessary under this Zoning Ordinance to satisfy the yard and area requirements in relation to any building, whether now or substantially built, shall not be counted as part of a required yard or of the required area in relation to any other building.

2. ACCESSORY BUILDING. Accessory buildings may not occupy more than twenty-five (25) percent of the rear yard.

SECTION 2103. ERECTION OF MORE THAN ONE (1) PRINCIPAL NON-RESIDENTIAL STRUCTURE ON A LOT

1. In any district, more than one (1) structure having permitted or permissible principal, non-residential uses, except as provided herein Section 2103.2 below, may be erected on a single lot in accordance with the following requirements:

a. The minimum lot area required for lots which have more than one principal use shall be calculated by adding the minimum lot areas required for each use as though each use were located on a separate lot.

b. Each structure housing a principal use shall meet all area and setback requirements of this Ordinance as if each were on a separate lot. The applicant for such principal use shall present a plan which shall demonstrate that each proposed principal use meets all requirements of the zoning district in which the use is located, except as such requirements may be modified by this Section.

c. When a second or subsequent principal building is constructed upon on a lot, such building shall be located in such a manner so that the lot may be subdivided in the future without such principal buildings being in conflict with the requirements of this Ordinance. The applicant shall obtain land development approval prior to obtaining a zoning permit for the erection of such second or subsequent principal building.

d. An applicant may, by special exception, establish a second or subsequent principal use in buildings existing on a lot on the effective date of this Ordinance and must comply with area/use requirements. Such use shall restrict subdivision unless lot meets all requirements of this Ordinance, the West Cocalico Township Subdivision, Land Development, and Storm Water Management Ordinance, and all other applicable ordinances, and is subject to the following:

1) The size or configuration of the existing structures makes a single use of the structures impractical.

2) The principal uses proposed for the lot are compatible with each other and are permitted in the district in which the lot is located.

3) The establishment of the proposed uses will not be detrimental to the surrounding neighborhood.

4) The establishment of the proposed uses will not prevent future subdivision or reuse of the lot.

2. Principal agricultural buildings shall be exempt from the provisions of this Section.

SECTION 2104. **RESERVED FOR FUTURE USE**

This section shall be reserved for future use.

SECTION 2105. **VISION OBSTRUCTION**

On any corner lot, no wall, fence, or other structure shall be erected or altered, and no hedge, tree, shrub, crops, or other growth shall be maintained which may cause danger to vehicles or pedestrians on a public road by obscuring the view. The area to be kept free of encroachment shall form a triangle with a line of sight between points measuring one hundred (100) feet from the centerline intersection of the adjacent streets.

SECTION 2106. **ACCESS TO STRUCTURES**

It is the purpose of the following regulations to insure that all structures are located on lots so as to provide safe and convenient access for servicing, fire protection, and required off-street parking. Therefore, every building hereafter erected or moved shall be on a lot of record adjacent to a public or an improved private street or with access to a public or improved private street. For the purposes of this section, an improved private street shall be defined as one which has either been permanently created or confirmed by a recorded legal instrument such as a perpetual deed of easement, or which has been subject to a legal procedure to permanently confirm its existence, such as an action to quiet title or a private condemnation; or those new private streets which meets the minimum standards for private streets as required by the West Cocalico Subdivision, Land Development and Storm Water Management Ordinance. For all buildings upon lots adjacent to and accessing improved private roads, the applicant shall furnish a private street agreement in a recordable form acceptable to the Township and prepared in accordance with the private street agreement requirements of the West Cocalico Subdivision, Land Development and Storm Water Management Ordinance. The private street agreement shall be recorded with the office of the Lancaster County Recorder of Deeds.

1. DRIVEWAY REQUIREMENTS FOR A SINGLE-FAMILY DWELLING.

    a. All new driveways shall conform to the provisions of the West Cocalico Subdivision, Land Development and Storm Water Management Ordinance. Existing driveways not meeting the standards of this Ordinance and the West Cocalico Subdivision, Land Development and Storm Water Management Ordinance shall not be required to be improved unless there is a change of use of the property which the driveway accesses.

    b. The number of driveways intersecting a street shall not exceed two (2) per lot frontage.

    c. Driveways shall not intersect a street within thirty (30) feet of the right-of-way lines of any abutting street, nor within five (5) feet of a fire hydrant or adjoining lot lines.

    d. Driveways shall be located and constructed so that a clear sight triangle of seventy-five (75) feet measured along the street centerline and ten (10) feet along the driveway centerline, measured from the street right-of-way, is maintained. No permanent obstructions more than three (3) feet in

height shall exist or be placed within this area.

e. Road classification - Driveway access shall be provided to the street of lesser classification when there is more than one street classification involved. Road classifications are identified in the most recent versions of the West Cocalico Township Strategic Plan and the Strategic Comprehensive Plan for the Cocalico Region.

f. Driveway width - No driveway shall result in a curb cut which exceeds a width of twenty-four (24) feet.

g. PENN DOT permit - Any driveway intersecting a State-owned road shall require the acquisition of a Highway Occupancy Permit from the Pennsylvania Department of Transportation.

2. ACCESS DRIVE REQUIREMENTS FOR LAND USES OTHER THAN A SINGLE FAMILY OR TWO FAMILY DWELLING.

a. All new access drives shall be provided in accordance with the provisions of the West Cocalico Township Subdivision, Land Development and Storm Water Management Ordinance. Existing access drives not meeting the standards of this Ordinance and the West Cocalico Subdivision, Land Development and Storm Water Management Ordinance shall not be required to be improved unless there is a change of use of the property which the access drive accesses.

b. The number of access drives intersecting a street shall not exceed two (2) per lot frontage.

c. PENN DOT Permit - Any access drive intersecting a State-owned road shall require the acquisition of a Highway Occupancy Permit from the Pennsylvania Department of Transportation.

SECTION 2107. **FORESTRY**

1. Forestry shall be permitted by right within any zoning district herein, subject to the requirements of the underlying zone, any other applicable sections of this Ordinance and as follows:

2. Forestry activities on any lot of record, with or without improvements, and with an area in excess of a one acre shall require a permit that shall be obtained from the Zoning Officer.

3. Forestry activities shall be conducted in accordance with an erosion and sedimentation pollution control plan that is consistent with current acceptable practices to control runoff, erosion, stream siltation and soil stabilization.

4. The erosion and sedimentation pollution control plan shall be submitted to the Lancaster County Conservation District for their review and approval prior to initiating any earth moving or timber harvesting activities.

5. The erosion and sedimentation pollution control plan, along with evidence of the review and approval of same by the Lancaster County Conservation District, shall be submitted to the Township prior to initiating any earth moving or timber harvesting activities.

6. All roads and trails developed as part of any forestry activity shall be mud and dust stabilized when within 100 feet of any lot or street line.

7. Clear-cutting - No clear-cutting shall be done within fifty (50) feet of a wetland or stream or watercourse.

SECTION 2108. **RECYCLING COLLECTION FACILITIES**

Existing commercial facilities which sell products containing recyclable materials such as aluminum, glass, and plastics may establish as an accessory use a recycling collection facility, with a capacity not to exceed 40 cubic yards or one roll off bin, for those materials. All collected materials shall be stored in wholly-enclosed facilities, and the area shall be kept free of litter and debris. Odors shall not be perceptible at the property line. The collection facilities shall be designed and located so that the removal of collected materials does not interfere with normal traffic flows into, out of, and through the commercial facility. Parking shall be provided in accordance with the requirements of Article 18

SECTION 2109. **CLUSTER DEVELOPMENT PROVISIONS**

Cluster development regulations allow for the reduction in lot area and other bulk requirements so that dwellings may be grouped in certain areas of the development, while the remainder of the site is set aside as common open space. Although the intensity of development is increased in certain specific areas of the development, the overall gross density of the development is equal to that which is permitted by the prevailing zoning district.

Cluster development is encouraged by the Township and is permitted by special exception in the RR and VR Residential Districts in order to promote the efficient use of undeveloped land while preserving and using restricted open space lands for recreational and aesthetic purposes.

In addition to conforming to the provisions of this Zoning Ordinance, the cluster development proposal shall also be processed under the applicable provisions of the West Cocalico Township Subdivision, Land Development and Storm Water Management Ordinance and shall adhere to all requirements thereof. Where there exists a conflict between the requirements therein and this section, the more stringent of the requirement shall prevail. Because of the nature of cluster developments, applicants are strongly encouraged to submit plans for a pre-application review prior to the submission of any formal zoning or subdivision or land development application.

1. PERMITTED USES - Cluster housing developments may consist of any residential use permitted in the respective RR and VR Residential Districts.

2. DENSITY AND LOT REQUIREMENTS.

   a. Minimum Development Size - The minimum area for a cluster development shall be ten (10) acres. The tract of land to be developed shall be in one (1) ownership or, if in multiple ownership, shall be developed according to a single plan with common authority and responsibility. The applicant is strongly encouraged to submit a sketch plan to the West Cocalico Township Planning Commission and to discuss community development, open space and resource conservation objectives with the Planning Commission prior to the preparation of a preliminary plan.

   b. Density - The overall density of a cluster development shall not be greater than the density of conventional development in the underlying zoning district. If the proposed development is to be constructed in phases, no phase shall be developed at densities greater than permitted in the prevailing zoning district. To determine the permitted density, the number of units of each proposed dwelling type shall be multiplied by the minimum lot area for each dwelling type in the underlying district.

   c. Density Bonus - If the proposed common restricted open space area in a cluster development proposal exceeds the required minimum area requirements as stated in Section 2109.3 of this Zoning Ordinance, one (1) additional dwelling unit may be provided for each acre of restricted open space provided in excess of the minimum required.

   d. All dwelling units shall be served by public water and sewer facilities.

   e. A mix of dwelling unit types is required within the VR District to promote a balanced cluster development. The following standards shall be used to achieve this mix within the VR District:

Number of dwelling unit types	Maximum percent any one type	Minimum percent any one type
2	60	40
3	40	20
4 or more	40	5

f. Lot and Yard Requirements - Specific lot and yard requirements may be reduced in accordance with the following chart:

RR-RESIDENTIAL DISTRICT						
Dwelling type	Minimum area	Minimum width at street line	Minimum width at Setback line	Minimum depth	Minimum side yard depth	Minimum rear yard depth
Single family detached	10,000 sf	55 ft.	85 ft.	100 ft.	10 ft.	25 ft.
VR-RESIDENTIAL DISTRICT						
Single family detached	6,000 sf	35 ft.	50 ft.	85 ft.	8 ft.	25 ft
Two family detached (duplex)	3,500 sf	35 ft	60 ft.	85 ft.	8 ft.	25 ft
Single family semi-detached	3,500 sf	25 ft.	30 ft.	85 ft.	8 ft.	25 ft
Single family Attached (Townhouse)	2,000 sf	16 ft.	20 ft.	80 ft.	8 ft.	25 ft
Multi-family and apartment	2,000 sf	55 ft.	70 ft.	100 ft.	20 ft.	35 ft

g. The minimum front yard requirement shall be that distance established in Article XVIII of this Zoning Ordinance between the right-of-way line of a public or private road and the building line.

h. Accessory structures shall be set back at least five (5) feet from any property line and shall be permitted only in rear yards.

i. All proposed dwelling units in a cluster development shall be situated so that they are set back a minimum distance from the pre-development perimeter boundary of the tract equal to the applicable minimum yard dimension under the base zoning district provisions. Existing dwellings and dwellings resulting from the conversion of existing structures shall be exempt from this requirement except that additions to such existing structures shall not further reduce required setbacks.

j. The maximum length of any residential building, including rows of single family attached dwellings or buildings containing multiple family dwellings, shall not exceed one hundred sixty (160) feet.

k. The maximum building heights for principal and accessory structures shall be the same as stated in the base zoning district.

l. The maximum lot coverage (including all impervious surfaces) for all building lots shall be twenty (20) percent greater than the base zoning district according to the dwelling type. The maximum lot coverage for all restricted open space parcels shall be thirty (30) percent.

m. No dwelling units within the cluster development shall have direct driveway access to surrounding existing Township or State roads. All driveways shall access internal street systems as designed for the project.

3. COMMON RESTRICTED OPEN SPACE REQUIREMENTS.

a. The minimum area required for common restricted open space land shall be fifty (50) percent of the gross acreage of the tract in the RR - Residential District, and thirty (30) percent in the VR - Residential District. In no case shall any lands offered to meet the minimum restricted open space requirements which are unusable because of inaccessibility, excessive smallness or narrowness, or other factors rendering such lands unacceptable for building, be proposed to satisfy the minimum restricted open space area requirement. Any land offered to meet the minimum restricted open space area requirements shall meet the minimum lot requirements for single family detached dwellings as provided in this section for the district in which the land is located. The requirement of this section shall be in addition to: (a) any land required to be dedicated as restricted open space by the West Cocalico Subdivision, Land Development and Storm Water Management Ordinance, or any other applicable ordinance or resolution; and, (b) the greenways requirements set forth below.

b. A minimum of thirty (30) percent of the common restricted open space in the RR - Residential District shall be concentrated and used for active recreation within the site, and a minimum of sixty (60) percent of the common restricted open space within the VR - Residential Districts shall be concentrated and used for active recreation. Active recreation shall include any activity that requires some physical exertion on the part of the participant. Active recreation shall include, but not be limited to, basketball, volleyball, tennis, soccer, football, baseball, swimming, tot lots, jogging trails, bicycle paths, and playgrounds. This land shall be relatively flat, dry ground not exceeding the average percent of slope of the development and be suitable to the intended purpose.

c. Common restricted open space shall be suitably improved for its intended use; however, natural features such as woodland, steep slopes, rock outcrops, wetlands, and similar areas worthy of preservation shall remain in a natural state. All such features shall be shown on the plan and shall be preserved and incorporated into the common open space.

d. In addition to the significant natural features, land in common restricted open space may contain land surrounding historically significant structures and sites, archaeological sites, and land suitable for recreational uses.

e. Recreation areas within the common restricted open space are intended to serve all residents in a residential cluster development. Recreation areas shall be connected by greenways, sidewalks, or similar linkages. Restricted open space shall be accessible to all residents without the necessity to travel on street cartways (except where necessary to cross streets) or upon private property.

f. Greenways shall be established around and adjacent to housing clusters. These greenways may include bikeways, pedestrian paths, and other forms of linkages. All pedestrian ways within common restricted open space areas shall be adequately lighted. Greenways shall be so designed as to be adjacent to as many lots as possible, while connecting the major recreation areas within a cluster development. The requirements of this provision shall be in addition to the restricted open space requirements set forth above.

g. Wetlands shall not be part of any calculated minimum open space. In addition, no more than twenty-five (25) percent of the minimum restricted open space shall consist of floodplains or steep slopes as defined by this Ordinance.

h. No more than twenty five (25) percent of any restricted open space shall consist of any storm water management facility, detention and/or retention basin.

i. Standards for Ownership of Restricted Open Space - Except to provide for permitted restricted open space uses, designated restricted open space shall be restricted from further subdivision and land development by deed restriction, conservation easement, or other agreement in a form acceptable to the Township and duly recorded in the office of the Recorder of Deeds of Lancaster County. Subject to such permanent restrictions, restricted open space land in any cluster development may be owned by a homeowners' association, the Township, a land trust or other conservation organization recognized by the Township, or may remain in private ownership.

    1) Offer of Dedication: The Township may, but shall not be required, to accept dedication in the form of fee simple ownership of restricted open space land provided:

a) Such land is accessible to the residents of the Township;

b) There is no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance and recording fees; and

c) The Township agrees to and has access to maintain such lands.

d) Where the Township accepts dedication of restricted open space land that contains improvements, the Board of Supervisors may require the posting of financial security to ensure structural integrity of said improvements, as well as, the functioning of said improvements for a term not to exceed eighteen (18) months from the date of acceptance of dedication. The amount of financial security shall not exceed fifteen (15) percent of the actual cost of installation of said improvements.

2) Homeowners' Association: The restricted open space land and associated facilities may be held in common ownership by a Homeowners' Association through the use of a Declaration and other documents approved by the Board of Supervisors. Such documents shall be in conformance with the Uniform Planned Community Act of 1996, as amended. The Association shall be formed and operated under the following provisions.

a) The developer shall provide a description of the Association including its bylaws and methods for maintaining the open space.

b) The Association shall be organized by the developer and shall be operated with financial subsidization by the developer before the sale of any lots within the development.

c) Membership in the Association is mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the Association from the developer to the homeowners shall be identified.

d) The Association shall be responsible for maintenance and insurance on common restricted open space land, enforceable by liens placed by the Homeowners' Association. Maintenance obligations also may be enforced

by the Township that may place liens to recover its costs. Any governmental body with jurisdiction in the area where the development is located may place liens on the owners of the restricted open space to collect unpaid taxes.

e) The members of the Association shall share equitably the costs of maintaining and developing such common land. Shares shall be defined within the Association bylaws. Association dues shall be structured to provide for both annual operating costs and to cover projected long-range costs relating to the repair of any capital facilities (which shall be deposited in a sinking fund reserved for just such purposes).

f) In the event of a proposed transfer, within the methods here permitted, of common restricted open space land by the Homeowners' Association, or of the assumption of maintenance of such land by the Township, notice of such action shall be given to all property owners within the development.

g) The Association shall have or hire adequate staff to administer common facilities and properly and continually maintain the common restricted open space land.

h) The Homeowners' Association may lease restricted open space lands to any other qualified person, or corporation, for operation and maintenance of such lands, but such a lease agreement shall provide:

(1) That the residents of the development shall at all times have access to the restricted open space lands contained therein (except that access to land that is actively farmed shall be limited to times of the year when the fields are fallow);

(2) That the common restricted open space land to be leased shall be maintained for the purposes set forth in this Ordinance; and,

(3) That the operation of restricted open space facilities may be for the benefit of the residents only, or may be open to the residents of the Township, at the election of the developer and/or Homeowners' Association, as the case may be.

i) The lease shall be subject to the approval of the Board and any transfer or assignment of the lease shall be further subject to the approval of the Board. Lease agreements so entered upon shall be recorded with the Recorder of Deeds of Lancaster County within thirty (30) days of their execution and a copy of the recorded lease shall be filed with the Township Zoning Officer.

j) Homeowners' Association documentation demonstrating compliance with the provisions herein shall be filed with the Final Subdivision and Land Development Plans. At the time of Preliminary Plan submission, the applicant shall provide draft Homeowners' Association documentation with sufficient detail to demonstrate feasible compliance with this Section.

3) Condominiums: The restricted open space land and associated facilities may be held in common through the use of Condominium, Declaration and other documents, approved by the Board of Supervisors. Such documents shall be in conformance with the Uniform Condominium Act of 1980, as amended. All common restricted open space land shall be held as "common elements" or "limited common elements". To the degree applicable, condominium agreement(s) shall comply with the provisions set forth above for Homeowners' Associations. Condominium agreement(s) shall be filed with the Final Subdivision and Land Development Plans. At the time of Preliminary Plan submission, the applicant shall provide draft condominium agreement(s) with sufficient detail to demonstrate feasible compliance with this Section.

4) Dedication of Easements: The Township may, but shall not be required to, accept easements for public use of any portion or portions of restricted open space land. The title of such land shall remain in common ownership by a condominium or homeowners' association, provided:

a) Such land is accessible to Township residents;

b) There is no cost of acquisition other than any costs incidental to the transfer of ownership, such as title insurance; and,

c) A satisfactory maintenance agreement is reached between the developer, condominium or homeowners' association and the Township.

5) Transfer of Easements to a Private Conservation Organization: With the permission of the Township, an owner may transfer easements to a private, nonprofit, organization recognized by the Township, among whose purpose it is to conserve open space and/or natural resources, provided that:

a) The organization is acceptable to the Board of Supervisors, and is a bona fide conservation organization with perpetual existence;

b) The conveyance contains appropriate provision for proper reverter or transfer in the event that organization becomes unwilling or unable to continue carrying out its functions; and,

c) A maintenance agreement acceptable to the Board of Supervisors is entered into by the developer and the organization.

6) Private Ownership of Restricted Open Space

a) Restricted open space may be retained in ownership by the Applicant or may be transferred to other private parties subject to compliance with all standards and criteria for restricted open space herein.

b) All or portions of the designated restricted open space, where permitted by the Board of Supervisors, may be included within or divided among one or more of the individual lots. Where deemed appropriate, the Board of Supervisors may require that responsibility for maintenance of restricted open space be conferred upon and/or divided among the owners of one or more individual lots.

j. Required Restricted Open Space Management Plan

1) All cluster development plans shall be accompanied by a conceptual plan for the long-term management of the restricted open space that is to be created as part of the development. Such plan shall include a discussion of (1) the manner in which the restricted open space will be owned and by whom it will be managed and maintained; (2) the conservation, land management and agricultural techniques and practices which will be used to conserve plan(s) approved by the Lancaster County Conservation District where applicable; (3) the professional and personnel

resources that will be necessary in order to maintain and manage the property; (4) the nature of public or private access that is planned for the restricted open space; and (5) the source of money that will be available for such management, preservation and maintenance on a perpetual basis. The adequacy and feasibility of this conceptual management plan as well as its compatibility with the restricted open space resource protection objectives stated in this Section shall be factors in the approval or denial of the cluster development plan by the Zoning Hearing Board.

2) The conceptual management plan shall be transformed into a more detailed restricted open space management plan and presented to the Township for review and approval with the Preliminary Subdivision and Land Development Plan. The Board of Supervisors may require that the management plan be recorded, with the Final Subdivision and Land Development Plans, in the Office of the Recorder of Deeds of Lancaster County. In order to allow for the changing needs inherent in the perpetual management of land, the management plan shall contain a provision to the effect that it may be changed by written application to the Board of Supervisors, so long as the proposed change is feasible and consistent with the purposes of preservation of restricted open space set forth in this Section and so long as the plan for such change avoids a likelihood of the obligation of management and maintenance of the land falling upon the Township without the consent of the Board of Supervisors. The Board's approval of such application shall not be unreasonably withheld or delayed.

3) Restricted Open Space Performance Bond

a) All landscape improvements, plantings, access points, and recreational facilities within designated restricted open space areas shall be provided by the developer as applicable. A performance bond or other security shall be in the same form and adhere to the same conditions as otherwise required for proposed improvements under Article 5 of the West Cocalico Township Subdivision, Land Development and Storm Water Management Ordinance.

b) An appropriate portion of the performance bond or other security will be applied by the Township should the developer fail to install the planting or recreational facilities.

4. SUPPLEMENTAL REQUIREMENTS.

a. Within any cluster development, two (2) off-street parking spaces per dwelling unit shall be provided.

1) Cluster developments with single family attached dwellings or multi-family dwellings shall include adequate parking for visitors. Such visitor parking areas shall provide a minimum of one (1) parking space per two (2) dwellings or fraction thereof.

2) Where adjacent curb cuts accessing separate residential properties are separated by less than twenty-five (25) feet, one additional off-street parking space shall be provided on each property which abuts the curb cut or in an off-street common parking area.

3) Some of this additional parking may be provided within separate parking areas. Any separate parking areas shall be located within two hundred (200) feet of the housing clusters intended to be served by this parking.

4) The developer shall provide one (1) off-street parking space for each (2) acres of open space, which parking spaces shall be adjacent to the restricted open space area to which they are associated.

5) Any parking related to a recreation area within a cluster development may be located within the common open space.

6) Off-street parking shall also be provided adjacent to active recreation areas with the number of spaces being subject to the approval by the Zoning Hearing Board and based upon the character and intensity of the active recreation use.

b. The applicant shall provide a landscape plan of the development and the restricted open space which shall include, but not be limited to, street plantings, parking lot landscaping, and screening, where appropriate. Said plan shall be sealed by a landscape architect licensed to practice in the Commonwealth of Pennsylvania and shall follow the below listed criteria:

1) Yard Groundcover. Any part of the site which is not used for agricultural operations, buildings, other structures, parking areas or aisles, sidewalks, designated storage areas, and any natural area acceptable as restricted open space shall be planted with an all-season groundcover approved by the Zoning Hearing Board (i.e. grass, ivy, vetch, pachysandra, etc). Said groundcover shall be maintained to provide an attractive appearance, and all non-

surviving plants shall be replaced promptly.

2) Landscaping Materials. Landscaping materials shall include, but not be limited to a combination of deciduous trees, groundcovers, evergreens, shrubs, vines, flowers, rocks, gravel, earth mounds, berms, walls, fences, screens, sculptures, fountains, sidewalk furniture, or other approved materials. Artificial plants, trees, and shrubs may not be used to satisfy any requirement for landscaping or screening. No less than eighty (80) percent of the required landscape area shall be native vegetative in composition.

3) Street and Lot Plantings. Street trees shall be provided in accordance with the requirements of the West Cocalico Township Subdivision, Land Development and Storm Water Management Ordinance. In addition, one (1) tree per lot shall be provided for each single family detached, duplex, and semi-detached lot in a cluster development. Evergreen plantings may be utilized as lot plantings and shall have a minimum planted height of six (6) feet.

4) Screening Requirements. All single-family detached areas shall be protected with screening from any permitted more dense clustering, and all residential uses shall be screened from adjacent parking compounds and active recreation areas. The location of screening shall be subject to the approval of the Zoning Hearing Board. Materials which may be used for screening purposes include native evergreens (trees, hedges, or shrubs), walls, fences, earth berms, or other approved similar materials. Any wall or fence shall not be constructed of corrugated metal, corrugated fiberglass, woven chain link, or sheet metal. Screening shall be arranged to block the ground level views between grade and the height of six (6) feet. Landscape screens shall achieve this visual blockage within two (2) years following installation.

5) Selection of Plant Materials. Trees and shrubs shall be typical of their species and variety, have normal growth habits, well-developed branches, and be densely foliated, vigorous, fibrous root systems. They shall have been grown under climatic conditions similar to those in the locality of the project or properly acclimated to conditions of the locality of the project. Any tree or shrub which dies within eighteen (18) months of planting shall be replaced. No less than eighty (80) percent of the required landscape area shall be native vegetative in composition.

SECTION 2110. **LANDSCAPING AND SCREENING**

1. LANDSCAPING.

   a. Any part or portion of a non-agricultural site where landscaping is required and which is not used for buildings or other structures, loading and parking spaces and aisles, sidewalks and designated storage areas shall be planted and maintained with landscaping.

   b. Except for agricultural uses and single-family detached, single-family semi-detached, two-family detached dwellings and two-family semi-detached dwellings, any part or portion of a site which is not used for buildings or other structures, loading and parking spaces and aisles, sidewalks and designated storage areas shall be landscaped according to an overall plan prepared and approved as part of a subdivision or land development plan required by the West Cocalico Township Subdivision, Land Development and Storm Water Management Ordinance.

2. PLANTING STRIP. All commercial, industrial and nonresidential uses, but excluding agricultural uses, shall be separated from all side and rear property lines and all street right-of-way lines by a planting strip. The planting strip may be included in the required yard space and shall be based on the following criteria:

   a. The planting strip shall be a minimum of fifteen (15) feet wide, measured from the property line or street right-of-way line.

   b. Said planting strip shall be planted in grass, shrubbery, trees, or other plant material, but in no case shall these areas be paved or covered by an impervious surface.

   c. Said planting strip shall only be broken by approved entrances or exits.

   d. Accessory buildings or structure shall be permitted within a planting strip provided they conform to the specific zoning district requirements of this Ordinance.

   e. EXCEPTIONS.

      1) No planting strip is required along a rear property line when the rear property line abuts a public alley.

      2) No planting strips are required on lands in agricultural production.

3. SCREENING

a. Screening requirements shall be applicable under the following circumstances:

1) Where a proposed commercial, industrial, or institutional use abuts an existing residential use or residential district.

2) Where any proposed multi-family residential use abuts an existing single-family detached, single-family semi-detached, two-family detached or two-family semi-detached dwelling.

3) Any other instance where screening is required by this Ordinance or by the Township.

b. Screening shall comply with the following requirements:

1) Trees and shrubs used for screening shall consist of at least seventy-five (75) percent native evergreen trees and shrubs and shall be so arranged as to provide an immediate visual screen of fifty (50) percent.

2) Plant materials used in the screen planting shall be at least six (6) feet in height when planted and be of a species which will produce a complete visual screen of at least eight (8) feet in height at maturity.

3) All trees shall have a minimum trunk diameter of two and one-half (2.5) inches at a height of six (6) inches above finished grade.

4) No plantings shall be placed with their center closer than five (5) feet from the property line of the tract.

5) All existing trees within the required planting strip above three (3) inches in caliper and/or eight (8) feet in height shall be preserved wherever possible.

6) When additional height is deemed necessary, an additional row of native deciduous trees with calipers of not less than two and one-half (2.5) inches shall be planted within the screening area at intervals of not more than forty (40) feet on center.

7) Vegetative screening shall incorporate earthen mounds or berms, wherever possible, to improve sound as well as visual buffering, and shall only be broken at points of vehicular or pedestrian access.

8) Screening design, including the type of plant materials used, spacing of plant materials, and the use and location of earthen berms, shall be subject to review and approval by the Township.

9) Vegetative screens shall be perpetually maintained during the period the principal use causing the need for screening is in operation. Any plant material which does not survive shall be replaced within six (6) months.

10) Walls, ornamental structures, fences and berms, or a combination of these, not less than five (5) feet in height may be used in combination with appropriate plant material subject to the specific land use areas involved and as approved by the Township.

11) Innovative means of screening are encouraged; however, as a guideline to quantity of materials required, there shall be a minimum of one (1) tree for each twelve (12) lineal feet of property line.

12) Screening shall be designed so as to not obstruct the clear-sight-triangles at driveway, access drive, or street intersections.

c. EXCEPTIONS. No screening along a rear property line is required when the rear property line abuts a public alley.

4. OFF-STREET PARKING AREAS. Except as modified elsewhere in this Ordinance, the following shall apply to the landscaping and screening of off-street parking areas:

a. Any off-street parking lot perpendicular to and within one hundred (100) feet of a public street or intersection shall be screened with a hedge, berm or other measure to prevent distraction or confusion from parking car's headlights.

b. No parking lot shall be located closer to side or rear of any non-residential or non-agricultural building than ten (10) feet to allow adequate room for landscaping.

c. No more than twenty-five (25) parking spaces shall be placed in a continuous row without an intervening planting island of at least ten (10) feet in width and the length of the parking stall.

d. A minimum of ten (10) percent of any parking lot facility over 2,000 square feet in gross area (measured from the outside edge of paving to outside edge of paving), including aisles, but not including access drives with no parking providing access to parking lots, shall be devoted to landscaping. This landscaping shall include a minimum of one tree per twenty (20) parking spaces and all planting beds within a parking lot shall be surfaced in lawn or ground cover planting. Landscaping that is situated along the perimeter of the parking area and areas surrounding buildings shall not be included in calculations demonstrating compliance with interior landscaping requirements

e. For any land use where the total number of parking spaces exceeds 100 stalls, the parking area shall be divided by continuous islands perpendicular to the spaces every 130 feet (130 feet assumes four (4) rows of parking at 20' length and two (2) aisles at 25' width). These divider islands shall be a minimum of ten (10) feet wide.

f. Wherever a parking area of over five (5) spaces abuts or is within fifteen (15) feet of the side or rear lot line of a lot in any Residential District, the said parking lot shall be screened from such adjoining lot by a wall, fence, or hedge. Such screening shall be not less than three (3) nor more than eight (8) feet in height.

g. Whenever a parking area of over five (5) spaces is located across the street from other land in any Residential District, it shall be screened from the view of such land by a hedge, wall, or fence located along a line drawn parallel to the street and a distance of twenty (20) feet there from; such screening to be interrupted only at points of ingress and egress. Such screening shall be not less than three (3) feet nor more than eight (8) feet in height. The open area between such screening and the street shall be landscaped in harmony with the landscaping prevailing on neighboring properties fronting on the same street.

5. SERVICE, LOADING AND TRASH DISPOSAL AREAS.

a. All service, delivery, loading areas shall be screened from all residential districts, adjoining residential uses, public streets, adjoining parking lots and all pedestrian walkways.

b. All outdoor storage and trash disposal areas shall be screened from all residential districts, adjoining residential uses, public streets, parking lots and all pedestrian walkways.

c. All mechanical equipment not enclosed in a structure shall be fully and completely screened in a matter compatible with the architectural and landscaping style of the remainder of the lot.

d. These areas shall be totally screened from the above-listed places by the use of fences, walls, berms, evergreen plant material, or a combination of these, not less than six (6) feet in height.

ARTICLE XXII

NON-CONFORMING USES, BUILDINGS AND SIGNS

SECTION 2200. CONTINUANCE OF A NON-CONFORMITY

From the effective date of this Zoning Ordinance, a non-conforming use, building, or structure may be continued, maintained, and repaired, except as otherwise provided for in this Zoning Ordinance.

SECTION 2201. NON-CONFORMING USES OF BUILDINGS AND LAND

1. EXPANSION, ALTERATION, AND EXTENSION OF NON-CONFORMING USES. A non-conforming use shall not be expanded, altered, or extended unless an application for a special exception has been filed with the Zoning Hearing Board and such expansion, alteration or extension has been approved as a special exception. The Board shall apply the following criteria:

    a. The proposed expansion shall not exceed fifty (50) percent of the square foot area of the usable floor space of any building or unenclosed area or fifty (50) percent of the cubic footage of any building or any unenclosed area in use at the time the lot, building or use became non-conforming.

    b. The proposed expansion shall not cause an increased detrimental effect on surrounding properties.

    c. Such alteration, extension, or expansion shall comply with all provisions of this Zoning Ordinance with respect to height, area, width, yard, and coverage requirements.

    d. The expansion of a non-conforming use of open land shall be limited to a distance of two hundred fifty (250) feet in any direction from the existing non-conforming use.

    e. Such expansion, alteration or extension shall be permitted only upon the same lot as in existence at the date the use became non-conforming.

2. CONTINUANCE OF NON-CONFORMING USE. No non-conforming use may be re-established after it has been discontinued for twelve (12) months and it has been shown or proved the use was intended to be abandoned. Vacation of land or buildings or the non-operative status of the use normally carried on upon the property shall be evidence of discontinuance.

3. SUBSTITUTION OF NON-CONFORMING USE. No non-conforming use may be changed to any other non-conforming use except by a special exception. In requesting the special exception, the applicant shall demonstrate the following:

   a. The applicant shall show that the non-conforming use cannot reasonably be changed to a use permitted in the district which such non-conforming use is located.

   b. The proposed substitution will not be more objectionable in external effects than the existing non-conforming use with respect to: (1) traffic generation and congestion, including truck, passenger car, and pedestrian traffic; (2) noise, smoke dust, noxious matter, heat, glare, and vibration; (3) storage and waste disposal; and, (4) appearance.

   c. The proposed use shall not generate more vehicle trips per day than the existing non-conforming use.

   d. The proposed use shall not have longer hours of operation than the existing non-conforming use.

   e. The proposed use shall be permitted in a zoning district in which the existing non-conforming use would be permitted or in a more restrictive zoning district.

   f. The proposed use cannot increase the number of existing non-conforming uses.

   g. A conforming use cannot be established with a substitution of a non-conforming use.

   h. The proposed substitution does not increase any dimensional non-conformities.

   i. The proposed substitution shall comply with all off-street parking design and performance requirements.

SECTION 2202. **NON-CONFORMING BUILDINGS AND STRUCTURES**

1. CONTINUATION. Any lawful non-conforming building or structure may remain as it existed prior to the effective date of this Zoning Ordinance or any amendment thereto by which such building or structure became non-conforming, provided, however, that any such building or structure shall otherwise be and remain in compliance with any other applicable laws or regulations.

2. NON-CONFORMING BUILDING OR STRUCTURE CHANGED TO BECOME CONFORMING. Whenever any non-conforming building or structure shall have been changed or altered to conform to the provisions of this Zoning Ordinance or its amendments in effect at the time of such change or alteration, or whenever any amendment to this Zoning Ordinance shall make such building or structure conforming with the provisions of this Zoning Ordinance or its amendments, then thereafter such building shall remain in conformance with the applicable provisions of this Zoning Ordinance or its amendments.

3. REPAIRS, RENOVATION, AND MODERNIZATION OF NON-CONFORMING BUILDINGS AND STRUCTURES. Repairs, renovation, and modernization of non-conforming buildings or structures such as renewal or replacement of outer surfaces or windows, or addition of soundproofing or fireproofing materials, air conditioning, and repair or replacement of structural parts or members of the building or structure, shall be permitted notwithstanding other provisions of this Zoning Ordinance. Such repairs, renovations or modernization shall not change or alter substantially the physical configuration of the non-conforming building or structure or change its position on the ground, provided that no increase in the size of or area covered by the said non-conforming building or structure, nor any extension or expansion of the non-conforming use or area of such use within the building or structure in or on the lot where such non-conforming use is located shall be permitted or authorized by this section. Areas of non-conforming use within a building or structure may be rearranged in connection with such repairs, renovation or modernization if there is not an enlargement or expansion of the non-conforming use within said building or structure.

4. REBUILDING OF A NON-CONFORMING BUILDING WHEN THE BUILDING IS DESTROYED. A non-conforming building may be rebuilt if said building is damaged or destroyed by any means, provided that the reconstruction shall be diligently commenced within one (1) year of the date of the destruction or damage. However, the non-conformity of the new building with respect to height, area, and yard requirements as established by other provisions of this Zoning Ordinance shall not exceed that of the original building.

SECTION 2203. **NON-CONFORMING LOTS**

1. Any lot represented on the effective date of this Zoning Ordinance by an existing deed or shown on a subdivision plan recorded in the office of the Recorder of Deeds which does not meet the minimum area requirements of the zoning district in which it is located shall be regarded as non-conforming and may be used for any use permitted in that district, subject to the restrictions of 2203.2. However, all yard, height, and open space requirements for that district shall be met unless a variance is granted by the Zoning Hearing Board.

2. Not withstanding the foregoing, where two (2) or more abutting lots of record are held in one ownership, either legal or equitable, or subsequently come to be held in one ownership, they shall be considered to be a single lot of record for the purpose of this Ordinance; and the provisions of this Ordinance shall not thereafter be circumvented or avoided by the willful sale or conveyance of a part or portion of any parcel or parcels.

SECTION 2204. **NON-CONFORMING SIGNS**

Any sign which lawfully existed and was maintained at the effective date of this Zoning Ordinance may be continued, provided such sign is constructed of durable material and is maintained in good condition and repair. A non-conforming sign of any type may be moved to another position or location upon the building, structure or lot on which it is located, provided that the relocation decreases the degree of non-conformity or otherwise improves the appearance and character of the property and is approved by the Zoning Officer.

SECTION 2205. **INCREASE OF NON-CONFORMITY**

1. No such buildings may be enlarged or altered in a way which increases its non-conformity with respect to height, area, and yard requirements as established by other provisions of this Zoning Ordinance with the exception of the following:

    a. Expansion of dimensionally non-conforming residential and agricultural structures - front yard. A structure which is located within the required front yard setback area of the district in which it is located is permitted to expand, provided that the expanded part of the structure will not extend nearer to the street than that part of the existing structure which is nearest to the street, the minimum side yard and rear yard setbacks areas of the district are complied with, that there is no driveway access between the front of the proposed addition and the abutting street, and the use of the structure is a permitted use in the district in which it is located.

b. Expansion of dimensionally non-conforming residential and agricultural structures - side yard. A structure which is located within the required side yard setback area of the district in which it is located is permitted to expand, provided that the expanded part of the structure is limited to one (1) story and having a maximum height of sixteen (16) feet, that the square footage of said expansion shall be no greater than twenty-five percent (25%) of the first floor area of said original structure, that said expansion shall not extend nearer to the side yard property line, and that the required rear yard and front yard setbacks shall be maintained.

c. Expansion of dimensionally non-conforming residential and agricultural structures - rear yard. A structure which is located within the required rear yard setback area of the district in which it is located is permitted to expand, provided that the expanded part of the structure is limited to one (1) story and having a maximum height of sixteen (16) feet, that the square footage of said expansion shall be no greater than twenty-five percent (25%) of the first floor area of said original structure, that said expansion shall not extend nearer to the rear yard property line, and that the required side yard and front yard setbacks shall be maintained.

SECTION 2206. **REGISTRATION OF NON-CONFORMING USES AND STRUCTURES**

1. REGISTRATION BY THE ZONING OFFICER. To facilitate the administration of this Zoning Ordinance, the Zoning Officer may prepare and maintain an accurate listing of uses and structures in all districts not permitted by right in that district, and for which no special exception or variance has been issued, and which does not otherwise comply with all sections of this Zoning Ordinance. Such a listing shall be a matter of public record and shall constitute sufficient notice of the non-conforming status of said use and the limitations therein expressed and implied to any transferee acquiring any right to use or own such property.

2. FORM FOR REGISTRATION. The Zoning Officer shall establish and make available at the Township office a form for such registration which shall require such information as deemed necessary to identify such non-conforming buildings, structures, lots, and uses.

ARTICLE XXIII

CRITERIA FOR SPECIAL EXCEPTIONS AND OTHER SELECTED USES

SECTION 2300. **GENERAL DESCRIPTION**

1. It is the intent of this Article that in addition to general use and dimensional criteria of the applicable zoning districts and other provisions of this Ordinance, to provide special controls and regulations for particular uses which may be permitted by right or by Special Exception within the various zoning districts established in this Ordinance.

2. The Zoning Officer may grant approval of a use permitted by right provided for in the Article, provided that the applicant complies with the standards for the applicable use set forth in this Article, in addition to all other requirements of this Zoning Ordinance.

3. Special exceptions are deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth in this Article, in addition to all other requirements of this Zoning Ordinance.

4. All such special exception uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case. The Zoning Hearing Board may grant approval of a special exception provided that the applicant complies with the standards for special exceptions set forth in this Article and demonstrates that the proposed special exception shall not be detrimental to the health, safety, and welfare of the neighborhood. The burden of proof shall rest with the applicant. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards in addition to those expressed in the Zoning Ordinance as it may deem necessary to implement the purposes of this Zoning Ordinance.

5. Any subsequent change in the size, scope, intensity of use, or any other facet of an approved special exception shall require the application for and approval of a special exception by the Zoning Hearing Board of any such subsequent change in the size, scope, intensity of use, or any other facet of an approved special exception. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards in addition to those expressed in the Zoning Ordinance as it may deem necessary to implement the purposes of this Zoning Ordinance.

6. All special exceptions may be referred to the Planning Commission for review and comment. The comments of the Planning Commission shall be forwarded to the Zoning Hearing Board for consideration. Failure of the Planning Commission

to review and comment on the special exception shall not delay the hearing and decision by the Zoning Hearing Board in accordance with the timelines established in Section 2403.

SECTION 2301. **PROCEDURE**

The procedure for consideration of a special exception shall follow the procedure for hearings as stated in Article 24 of this Ordinance.

SECTION 2302. **PLAN REQUIREMENTS**

In addition to any plan informational requirements for a specific use identified in article 24 of this Ordinance, the special exception application shall be accompanied by a scaled drawing of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Zoning Ordinance and shall include the following:

1. The location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, and other pertinent information.

2. The names and addresses of adjoining property owners, including properties directly across a street right-of-way.

3. Ground floor plans and elevations of proposed structures.

4. A written narrative of the proposed use in sufficient detail to determine that all applicable standards are adequately addressed.

5. For proposals involving sites within the ES, A-1 or A-2 zoning districts, the location of all soil types as classified by the Soil Survey of Lancaster County, Pennsylvania.

SECTION 2303. **GENERAL STANDARDS FOR ALL SPECIAL EXCEPTION APPLICATIONS**

In order to receive a special exception, the applicant shall establish by credible evidence that:

1. The proposed use is consistent with the purpose and intent of the Zoning Ordinance.

2. The proposed use does not detract from the use and enjoyment of adjoining or nearby properties beyond that which is to be ordinarily anticipated by the use.

3. The application complies with all criteria established for the respective use in Article 23.

4. The proposed use does not substantially impair the integrity of the West Cocalico Township Strategic Plan and the Strategic Comprehensive Plan for the Cocalico Region.

5. The required front yard, side yards, rear yards, open space areas, and height limitations for the applicable zoning district have been met.

6. The off-street parking provisions are in conformance with those specified in Article 18 of this Ordinance.

7. Points of vehicular access to the lot are provided at a distance from intersections and other points of access and in number sufficient to prevent undue traffic hazards and obstruction to the movement of traffic.

8. The location of the site with respect to the existing roads, including the existing and future functional classification, giving access to it is such that the safe capacity of those roads is not exceeded by the estimated traffic generated or attracted is not out of character with the normal traffic using said public road.

9. The pedestrian access from the off-street parking facilities is separated from vehicular access and sufficient to meet the anticipated demand.

10. The proposed use is not incompatible with the existing traffic conditions and adjacent uses and will not substantially change the character of the immediate neighborhood.

11. Facilities are available to adequately service the proposed use (e.g. schools, fire, police, and ambulance protection, sewer, water, and other utilities, etc.).

12. Screening of the proposed use from adjacent uses is sufficient to prevent the deleterious impact of the uses upon each other.

13. The use of the site complies with the requirements of any other public agency having jurisdiction over the proposed use.

14. Operations in connection with a special exception use will not be more objectionable to nearby properties by reason of noise, odor, fumes, vibration, glare, or smoke than would be the operations of any permitted use.

15. Sufficient setbacks to and/or from agricultural operations are provided, in accordance with the applicable zoning district regulations.

SECTION 2304. **CRITERIA FOR SPECIFIC USES**

Each of the following uses contains criteria which shall be addressed by the applicant and reviewed by the Zoning Officer, when permitted by right, or by the Zoning Hearing Board, when permitted by Special Exception (in addition to those items required by Sections 2302, 2303 and 2304).

1. ADULT ORIENTED BUSINESSES

   a. An adult oriented business shall not be permitted within one thousand (1000) feet of any other adult oriented business.

   b. An adult oriented business shall not be permitted within one thousand (1000) feet of any public or private school, day care facility, public recreation facility, commercial recreation or entertainment facility, library, museum, or church. No adult oriented business may be established within two hundred (200) feet of any adjoining residential property and/or residentially-zoned property.

   c. No performance, service, materials, merchandise, or film offered for sale, rent, lease, loan or for view within the premises shall be exhibited or displayed outside of a building or be visible from outside the building or structure.

   d. Any building or structure used and occupied as an adult oriented business shall be windowless, or have an opaque covering over all windows and doors where performance, service, materials, merchandise, or film are exhibited or displayed.

   e. No sign shall be located upon the premises which depicts a visual representation of the type of performance, service, materials, merchandise, or film being offered therein.

   f. All entrances to the premises shall be posted with notices that persons under the age of eighteen (18) years are not permitted to enter and warning all other persons that they may be offended by the performance, service, materials, merchandise, or film exhibited or displayed therein.

   g. No adult oriented business may change to another adult oriented business except upon approval by an additional special exception.

   h. The use shall not create an enticement for minors because of proximity within one thousand (1000) feet of uses where minors are known to congregate.

i. No sexual activity or conduct shall be permitted other than the individual purchase or viewing of products or performances offered within the adult-oriented business.

j. No more than one (1) adult oriented business may be located within one building.

2. AGRICULTURAL OPERATIONS

Within all zoning districts, the following general requirements shall apply to agricultural operations:

a. No structure other than a dwelling or residential accessory use shall be constructed closer than fifty (50) feet to any property line.

b. All areas utilized for grazing or pasture areas shall be fenced.

c. The applicant shall demonstrate that the farming operation allows for the safe and efficient movement of all vehicles associated with the operation.

d. All proposed entrances and exits to the operation shall be designed and improved in a manner which does not allow mud or gravel to be deposited or accumulate on or along abutting public streets.

e. The applicant shall demonstrate, satisfactorily, that the methods of disposing of dead animals are in strict compliance with applicable State standards. Dead turkeys, chickens, or piglets shall be kept in airtight containers, if not composted. Larger dead animals shall be kept in a manner so as to minimize the spread of odors and disease.

f. A land development and/or storm water management plan shall be submitted to, and approved by, the Township in accordance with the requirements of the West Cocalico Township Subdivision, Land Development and Storm Water Management Ordinance.

g. All applications for new Concentrated Animal Feeding Operations and Concentrated Animal Operations or expansions of such facilities shall provide evidence of compliance with the following:

1) The applicant shall provide a statement indicating compliance with the Commonwealth of Pennsylvania Nutrient Management Act, as amended, the Commonwealth of Pennsylvania CAFO (Concentrated Animal Feeding Operations) regulations under the Federal Clean Water Act, and copies of all other required State and or Federal Permits.

h. In addition to those requirements that apply to all agricultural operations, all applications for new operations or the expansion of existing operations involving aquaculture, fish farming, or the raising of fish, shellfish, and their byproducts shall provide evidence of compliance with the following:

1) The applicant shall provide a statement indicating compliance with the effluent regulations of the federal Environmental Protection Agency, as amended.

2) The applicant shall demonstrate satisfactorily that the water circulation system and shipping of products are in strict compliance with state regulations.

3) The applicant shall demonstrate that fish and shellfish waste disposal and disposal of dead or excess products are in strict compliance with federal guidelines and regulations.

3. AGRICULTURAL RELATED BUSINESS

a. Within the A-1 and A-2 Agricultural District, agricultural related businesses are permitted by special exception subject to the following:

b. An agricultural related business may involve any one of a wide range of uses, so long as the use is designed and directed to support agricultural operations. Such uses may include, but need not be limited to:

1) Blacksmith shop and farriers;

2) Slaughtering, processing, packaging, storage and wholesaling meat and other agricultural products;

3) Commercial processing, composting and packaging of off-farm waste products;

4) Veterinary offices treating farm animals, stables and kennels;

5) Agricultural feed and fertilizer supply and distribution;

6) Grain or feed mills;

7) Facilities for the sale, repair, and service of agricultural equipment, vehicles, feed or supplies; and,

8) Wholesale agricultural produce sales, stockyards and buying stations.

c. The applicant for an agricultural related business shall provide written information, in sufficient detail as may be required by the Zoning Hearing Board, to fully describe the nature of the agricultural related business. Such information shall include, but not be limited to:

1) The goods or services provided;

2) Equipment, machinery and materials used in the agricultural related business;

3) The number of employees;

4) Hours of operation; and,

5) Waste products, including sewage, that will be generated including methods of proper storage and disposal.

d. The agricultural related business shall be designed and operated in accordance with the following:

1) The Area and Height Regulations as provided in the applicable zoning district except as follows:

a) The maximum lot coverage shall be fifty percent (50%) or ten (10) acres, whichever is less.

b) No portion of any area associated with the agricultural related business shall be located within one hundred (100) feet of any side or rear lot line or three hundred (300) feet of any structure used for any residential use and/or any residentially-zoned property.

c) No shrub or tree shall be planted within twenty feet (20') or thirty feet (30') respectively, of any adjoining land within any Agricultural District.

2) The Industrial Performance Standards provided in Article 12.

3) Except as provided elsewhere in this Section, no new building for housing livestock, area for the processing or storage of manure, garbage or spent mushroom compost, structures for the raising of feedstock or the cultivation of mushrooms, or new slaughter area shall be permitted within five hundred feet (500') of any adjoining residential structure and/or residentially-zoned property.

e. The agricultural related business shall be entirely conducted within completely enclosed buildings.

f. Exterior storage of goods and materials shall be permitted only within the side and rear yards and within a completely enclosed area provided with buffering and screening in accordance with Article 21 of this Ordinance.

g. Exterior display of finished product for sale shall occupy an area that is no more than twenty (20%) percent of the gross floor area of the business. The exterior display area shall not be located within the required front yard building setback nor any required parking area and it shall be surfaced with an all-weather, dust free material.

h. The agricultural related business shall occupy no more than twenty (20) acres of lot area, including all access drives, exterior storage areas, required buffering and screening, storm water management facilities or any other area used as part of the agricultural related business.

i. The classification(s) of the road(s) providing access to the agricultural related business shall be appropriate for the anticipated volume and class of vehicle(s) generated by the agricultural related business as determined by a traffic impact study conducted in accordance with Article 4 of the West Cocalico Township Subdivision, Land Development and Storm Water Management Ordinance.

j. All access drives leading onto the site shall have a paved minimum twenty four (24) foot wide cartway for a distance of at least one hundred (100) feet from the street right-of-way. If portions of interior access drives are unpaved, then a fifty (50) feet long stone section of access drive shall be placed just beyond the preceding one hundred (100) feet paved section.

k. Off-street parking and loading spaces shall be provided in accordance with the requirements of Article 18 of this Ordinance.

l. The agricultural related business shall also comply with all other applicable provisions of this Ordinance and the West Cocalico Township Subdivision, Land Development and Storm Water Management Ordinance.

m. No new agricultural related business shall be located within three thousand five hundred (3,500) feet of any other existing agricultural related business.

n. Review by the "first run" emergency services providers is required. The applicant shall address the emergency providers' comments to the satisfaction of the Township.

4. AGRI-TAINMENT

a. Agri-tainment activities shall not take place on any prime agricultural soils.

b. Any use proposed under this section may not otherwise be permitted by right, special exception or conditional use, within the Agricultural Zone.

c. No new buildings shall be permitted.

d. Proposed activities shall be located so that the amount of land capable of being used for agricultural production that is proposed to be converted is minimized.

e. The development of an agri-tainment use must be principally oriented around a farm (dwelling, barns, other buildings, and land) that existed as of the effective date of this Ordinance.

f. Any areas used for farming and/or the keeping of farm animals shall be subject to all the applicable regulations of the A-2 Agricultural Zoning District of this Ordinance.

g. The subject property shall front along and provide vehicular access to a collector or arterial road as defined by Township provisions.

h. Minimum Lot Area - Five (5) acres, subject to Section 327 of this Ordinance.

i. Maximum Lot Area - Ten (10) acres.

j. Maximum Lot Coverage - Fifty percent (50%).

k. All buildings, structures, off-street parking and loading areas shall be set back at least one hundred (100) feet from any adjoining property lines, and three hundred (300) feet from any adjoining residences or residentially zoned property.

l. The applicant shall furnish evidence of an approved means of water supply and sewage disposal to serve all proposed uses.

m. The applicant must provide for sufficient off-street parking spaces and off-street loading spaces for all of those uses proposed according to the off-street parking and loading provisions of this Ordinance. All off-street parking and/or loading areas shall be screened from adjoining residences and from adjoining roads. If, at any time after the opening of the facility, the Supervisors determine that parking, loading or traffic back-ups are occurring on adjoining roads, and such are directly related to the lack of on-site facilities on the subject property, the Supervisors can require the applicant to revise and/or provide additional on-site parking and/or loading space. In addition, the Supervisors may require an unimproved grassed overflow parking area to be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.

n. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle back-ups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle back-ups on adjoining roads. If, at any time after the opening of the commercial recreation facility, the Supervisors determine that traffic back-ups are occurring on adjoining roads, and such back-ups are directly related to the means of access to the subject property, the Supervisors can require the applicant to revise the means of access to relieve traffic back-ups.

o. The applicant shall furnish evidence of the provision of adequate public safety services including trained volunteers and paid professionals, whether public or private.

p. Any outside pedestrian waiting lines shall be provided with a means of shade.

q. The total area devoted to retail sales shall not exceed two thousand (2,000) square feet.

r. The applicant shall submit and continuously implement a working plan for the cleanup of litter and other debris.

s. No part of an agri-tainment use shall be located within one (1) mile of another.

t. The Zoning Hearing Board will approve the proposed use(s) only upon finding that the site and buildings provide for a logical location for such

use(s) that can be effectively accommodated without adverse impact to adjoining uses, due to hours of operation, noise, light, litter, dust and pollution.

u. For any such activities planned or anticipated to have attendance of more than 200 persons at any one time during a day, an event plan addressing parking, proposed days of operation, ingress and egress, sanitation and other public safety issues shall be filed annually with the zoning officer, servicing fire company, emergency medical service provider, and any local law enforcement agency at least 30 days prior to the start of any agri-tainment activities in each calendar year.

5. AIRPORT/HELIPORT

a. Heliports shall be permitted by special exception in the A-2 - Agricultural and the OS -Woodland Districts only when included as part of an airport proposal. Heliports, alone are permitted by special exception in the I-C - Industrial/Commercial District.

b. All facilities shall be for private use and not for passenger/fare service and shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations.

c. The applicant shall furnish evidence of obtaining a license from the Pennsylvania Department of Transportation Bureau of Aviation prior to the approval of the special exception application.

d. No part of any runway or taxiway shall be within three hundred (300) feet of any property line. Additionally, no pad for any heliport shall be within one-hundred and fifty (150) feet of any property line.

6. AMUSEMENT ARCADES

a. The subject tract shall front on and gain access from either an arterial, major collector, or minor collector road as identified in the Zoning Ordinance, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.

b. All activities shall be located within completely enclosed buildings.

c. The applicant shall produce evidence that the proposed land use will not create a nuisance due to noise or loitering on the premises.

d. The site shall be kept free of litter at all times in accordance with a plan

for the clean-up of litter to be provided by the applicant.

e. All lighting within the subject tract shall be designed and located so as not to produce a glare or direct illumination onto abutting properties through the use of flat lenses and full cut-off shields on all light fixtures.

7. ANIMAL HOSPITALS AND VETERINARY CLINICS

a. The subject tract shall front on and gain access from either an arterial, major collector, or minor collector road as identified in the Zoning Ordinance, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.

b. Boarding areas shall be within completely enclosed buildings, and any outdoor animal pens, stalls, or runways shall be located within the rear yard area.

c. All pasture and outdoor recreation areas shall be fenced to prevent the escape of animals, with such fencing having a setback of at least ten (10) feet from all property lines.

d. The operator shall exercise suitable control over the routine and proper disposal of all animal waste so as not to become a nuisance to adjoining properties.

8. ANIMAL LABORATORY

a. Animal Laboratories are permitted subject to the following criteria:

b. The applicant shall submit a written description of the proposed research, testing, experimentation and/or biomedical (or pharmaceutical) product manufacturing program that will utilize animals. If the proposed use includes injections or introduction into and/or extractions from animals (collectively, "Injections"), the description shall include identification of the substances involved in the Injections.

c. Provide adequate facilities to ensure that animals will be confined to the site. The use minimizes fencing or other structures, equipment or devices that restrict the natural movement of wildlife in their existing habitat and corridors, based on the latest habitat and biodiversity information available.

d. Provide that the injection or introduction of animals be limited to those reagents that are inert, non-viable, non-infectious and non-hazardous, and

shall specifically exclude any live microorganisms, live viruses (whether wild-type or attenuated), live bacteria, live fungus, live mycoplasma, or live parasites; or recombinant polynucleotides (such as DNA or RNA, expression vectors, knockout vectors or gene therapy vectors); or radioactive compounds or isotopes. This requirement shall not be construed as to prohibit any standard and well-established practice of veterinary medicine.

e. The animal laboratory complies with all applicable statues regarding animal control, and the care and treatment of animals.

f. As applicable to the particular facility, the animal laboratory shall have an approved plan for the handling and disposal of medical and biohazardous waste, recombinant DNA technology, and hazardous substances including but not limited to chemicals and radioactive materials. Up to date copies of appropriate permits shall be submitted to the Township and kept current in the Township office upon renewal.

g. Provide documented proof that all required permits, licenses, registrations, approvals and similar requirements of state and federal regulatory agencies have been obtained. The Township shall be notified within sixty (60) days of any change in the status of such permits, licenses, approvals and registrations.

h. Operations involving the use of animal derived substances must acquire at least fifty (50) percent of these materials from onsite, or site adjacent sources.

i. The classification(s) of the road(s) providing access to the animal laboratory shall be appropriate for the anticipated volume and class of vehicle(s) generated by the animal laboratory as determined by a traffic impact study conducted in accordance with the requirements of the West Cocalico Township Subdivision, Land Development and Storm Water Management Ordinance.

j. A two hundred and fifty foot (250) setback line will be in effect around the entire border of the property into which no animals will be permitted to roam freely, be housed, or be disposed of, in order to provide an appropriate buffer between research animals used at the facility and people, pets, livestock and animal life found on adjoining agricultural lands.

k. In reference to the keeping of animal life on site the following will apply and shall be demonstrated at the time of application:

1) Boarding areas shall be within wholly-enclosed buildings, and any outdoor animal pens, stalls or runways shall be located within the rear yard area;

2) All pasture and outdoor recreations areas shall be fenced to prevent the escape of animals; and

3) Suitable control shall be exercised over the animals so that a nuisance condition is not created by excessive noise, dirt or odor.

l. Animal laboratories shall be required to comply with the Industrial Performance Standards of Article 12 of this Ordinance.

m. The landowner will be required to demonstrate that it has provided individual notice to each adjoining landowner of proposed development activities prior to submitting development plans to the Township.

n. An Emergency Response Plan will be provided in conjunction with local emergency services providers which will address, at a minimum:

1) Provisions for emergency access to the site including procedures for obtaining entry into any secured/locked areas;

2) The need for specialized emergency response equipment;

3) A Preparedness, Prevention and Contingency Plan for handling hazardous substances to be updated on a regular basis;

4) A list of emergency contacts containing the names, addresses and telephone numbers of several alternates with access to existing facilities;

5) A narrative that describes the location of the site in relation to people-oriented activities to include, but not limited to, child care facilities, schools, rest homes, hospitals, and sensitive environmental features;

6) Narrative that defines potential health, welfare and safety risks, identifying potential hazards, exposure pathways and proposed mitigation measures;

7) Any other information deemed to be necessary by emergency service providers in order to determine adequacy of emergency services to the site; and,

8) A narrative outlining any specialized training required for the emergency responders.

o. Credible evidence shall be provided indicating that the transportation, storage and disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum, include the identification of all materials used in or generated by the operation, the method(s) of handling, storage, distribution and disposal. Copies of contracts with waste haulers that have been contracted to dispose of the materials and wastes used or generated by the operation or some other legal means of disposal shall be provided.

p. Plans acceptable to the Township for the disposal of laboratory animals which are euthanized or otherwise culled from the animals continuing to be used for the Agricultural Sciences Support Operation's program. Any incineration or disposal shall comply with all requirements of state and federal law. Any area used for incineration will be completely screened from ground level view.

q. Evidence of compliance with all hazardous materials and waste disposal regulations shall be provided and such evidence shall include:

1) A listing of all materials to be used and/or produced on the lot as well as a description of those materials in relation to the following criteria:

a) Explosiveness;

b) Flammability;

c) Oxidizing Capacity;

d) Corrosiveness;

e) Toxicity;

f) Ecotoxicity;

g) Communicability to Humans and Animals; and

h) The likelihood of mortality from infection, if any.

2) A listing of all wastes generated on the lot.

3) Written evidence that the storage, treatment, processing, transfer and disposal of all materials and wastes shall be accomplished in a manner that complies with all applicable Federal, State, County and local requirements, including, but not limited to the following:

a) The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101);

b) The Federal Emergency Management Act;

c) The Federal Superfund Amendment and Reauthorization;

d) Act The Pennsylvania Solid Waste Management Act (Act 97);

e) The Pennsylvania Hazardous Materials Emergency Planning and Response Act;

f) The Pennsylvania Low-Level Radioactive Waste Disposal Act.

g) The zoning permit for this use shall remain valid only so long as the plans identifying the materials used in or generated by the operation, the method(s) of handling, storage, distribution and disposal remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the Animal laboratory change in the future, such that the plans identifying the materials used in or generated by the operation, the method(s) of handling, storage, distribution and disposal are no longer in effect or the materials used or wastes generated changes either in type or amount, the owner of the ASD shall so inform the Zoning Officer and shall provide additional evidence demonstrating continued compliance with the requirements of this Section.

9. AUTOMOBILE FILLING STATIONS

a. The subject tract shall front on and gain access from either an arterial, major collector, or minor collector road as identified in the Zoning Ordinance, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.

b. The subject property shall have a minimum lot width of one hundred and twenty-five (125) feet.

c. The subject property shall be at least three hundred (300) feet from the property line of any parcel containing a school, day care facility, playground, library, or nursing, rest, or retirement home.

d. Any vehicle not receiving repair work within the preceding seven (7) days shall be removed. The storage of unregistered vehicles on the property is prohibited.

e. The outdoor storage of vehicles awaiting repair work shall not be permitted in front of the principal building. No more than three (3) vehicles may be stored per service bay, and the storage area for such vehicles shall be provided with buffering, landscaping, screening in accordance with Article 21 of this Ordinance, and shall be a minimum of fifty (50) feet from all property lines.

f. No outdoor storage of parts, equipment, lubricants, fuel, or other materials used or discarded as part of the service operation shall be permitted. Materials discarded as part of the service operation shall be contained within completely enclosed dumpster equipment.

g. Gasoline pump islands shall be at least thirty (30) feet from the street right-of-way line.

h. Entrances and exits shall be a minimum of thirty (30) feet in width.

i. All ventilation equipment associated with fuel storage tanks shall be at least one hundred (100) feet from and oriented away from any adjoining residential property and/or residentially-zoned property.

j. All uses involving drive-through service shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads.

k. The applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

l. All lighting within the subject tract shall be designed and located so as not to produce a glare or direct illumination onto abutting properties through the use of flat lenses and full cut-off shields on all light fixtures.

10. AUTOMOBILE/TRUCK SERVICE AND REPAIR FACILITIES

a. In the A-2 and I-C Districts, the subject tract shall be accessible to either an arterial, major collector, or minor collector road as identified in the Zoning Ordinance, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.

b. All service and/or repair activities shall be conducted within a single, completely-enclosed building.

c. All uses involving drive-through service shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads.

d. No outdoor storage of parts, equipment, lubricants, fuel, or other materials used or discarded as part of the service operation shall be permitted. Materials discarded as part of the service operation shall be contained within completely-enclosed dumpster equipment.

e. No more than three (3) vehicles may be stored per service bay. All exterior vehicle storage areas shall be a minimum of fifty (50) feet from all property lines, and provided with buffering, landscaping, screening in accordance with Article XX of this Ordinance along adjoining residential and/or residentially-zoned property.

f. The storage of unregistered vehicles on the property is prohibited.

g. All ventilation equipment associated with fuel storage tanks shall be at least one hundred (100) feet, and oriented away, from any adjoining residential property and/or residentially-zoned property.

h. All vehicles shall be repaired and removed from the premises as promptly as possible. Any vehicle not receiving repair work within the preceding seven (7) days shall be removed.

i. The demolition or storage of junked vehicles is prohibited.

j. The applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

k. All lighting within the subject tract shall be designed and located so as not to produce a glare or direct illumination onto abutting properties through the use of flat lenses and full cut-off shields on all light fixtures.

11. BANKS (see SECTION 2305.37)

12. BED AND BREAKFAST ESTABLISHMENTS

a. No external modifications which would alter the residential character of the dwelling, with the exception of fire escapes, are permitted.

b. All floors above ground level shall have an emergency escape access to ground level.

c. All parking areas shall be at least twenty-five (25) feet from all property lines.

d. One (1) sign may be erected which shall be no less than ten (10) feet from all property lines.

e. The applicant shall demonstrate that sufficient water and sewage disposal service is available for the principal dwelling and the bed and breakfast. If the property is served by public water and/or public sewer service, the applicant shall provide confirmation from the water and/or sewer service provider that capacity is available for the principal dwelling and bed and breakfast. If the property is served by on-lot sewage disposal, the applicant shall present evidence that the existing on-lot sewage disposal system is adequate to dispose of the anticipated sewage flows from the principal dwelling and bed and breakfast.

f. A bed and breakfast shall not include more than six (6) rooms for rent; and meals, if offered, shall be available only for registered overnight guests.

g. The applicant shall provide notice from the Township Building Codes Official of compliance with the Uniform Construction Code.

13. BEEKEEPING

a. Colonies shall be maintained in transportable frame hives.

b. Hives shall be located within the rear yard area of the lot and be placed to maximize sunshine exposure and wind protection.

c. Hives shall be located no closer than one hundred (100) feet from any property line unless a six (6) foot high fence is located along any adjoining property line for a distance of at least one hundred (100) feet from the hives, but in no case shall hives be located within fifty (50) feet of any property line.

d. Hives shall have access to an on-site or centralized water supply. Unless a natural water supply exists on the subject tract, the beekeeper shall provide a water-filled tank with a board or crushed rock as a landing area for bees.

e. Hives shall not be oriented to active yard areas on neighboring properties.

f. Adequate techniques in handling bees shall be maintained to prevent unprovoked stinging within one hundred (100) feet from the hive.

14. BILLBOARDS

a. The subject tract shall abut, front on or gain access from either an arterial, major collector, or minor collector road as identified in the Zoning Ordinance.

b. No more than one (1) billboard is permitted per lot.

c. No billboard shall be located within one thousand (1000) feet of another billboard.

d. All billboards shall be at least thirty-five (35) feet from all street right-of-way lines.

e. All billboards shall be at least five hundred (500) feet from any adjacent residential property and/or residentially-zoned land.

f. Billboards shall not obstruct the view of any motorist on an adjoining road or the view of adjoining commercial or industrial uses which depend upon such visibility for identification.

g. No billboard may exceed three hundred (300) square feet in area or be greater than twenty-five (25) feet in height.

h. Design and construction of billboards shall conform to applicable requirements of the International Building Code including Appendix H and shall be submitted to the Township's Engineer for review of compliance with the Code and other safe construction industry standards. Conflicts between these Code provisions and any others found in this Ordinance shall be resolved in favor of the provision that is more restrictive.

15. BOARDING HOUSES

a. In the V-C - Village Center District, the subject tract shall front on and

gain access from either an arterial, major collector, or minor collector road as identified in the Zoning Ordinance, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.

b. The minimum lot area shall be two (2) acres in all districts except the V-C - Village Center District, where a minimum of one (1) acre is required.

c. The applicant shall demonstrate that sufficient water and sewage disposal service is available for the boarding house. If the property is served by public water and/or public sewer service, the applicant shall provide confirmation from the water and/or sewer service provider that capacity is available for the boarding house. If the property is served by on-lot sewage disposal, the applicant shall present evidence that the on-lot sewage disposal system is adequate to dispose of the anticipated sewage flows from the boarding house operation.

d. No external modifications which would alter the residential character of the dwelling, with the exception of fire escapes, are permitted.

e. All floors above ground level shall have a direct means of emergency escape to ground level.

f. All parking areas shall be at least twenty-five (25) feet from all property lines.

g. Meals shall be offered only to registered tenants.

h. The applicant shall provide notice from the Township Building Codes Official of compliance with the Uniform Construction Code.

16. CAMPGROUNDS

a. The minimum lot area for a campground shall be ten (10) acres.

b. If the campground contains more than one hundred (100) campsites, the subject tract shall front on and gain access from either an arterial, major collector, or minor collector road as identified in the Zoning Ordinance, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.

c. All campsites shall have a setback of fifty (50) feet from any side or rear property line and a minimum of one hundred (100) feet from any street right-of-way line.

d. Each campsite shall be at least one thousand five hundred (1,500) square feet in size and shall either provide parking space for one (1) automobile which will not interfere with the convenient and safe movement of traffic, or equivalent parking shall be provided in a common parking area. No parking space shall interfere with the vehicular movement along the internal access drives of the campground.

e. The internal access drive system shall have a minimum cartway width of ten (10) feet for each driving lane and shall be improved with any hard surface material acceptable to the Zoning Hearing Board. On-drive parallel parking shall not be permitted. The Zoning Hearing Board may require additional cartway improvements for campgrounds proposing more than fifty (50) sites when, in the judgment of the Zoning Hearing Board, such improvements are beneficial to the vehicular circulation and safety of the campground.

f. All playground and recreation areas shall be at least one hundred (100) feet from adjoining residential properties with the usage of these areas being limited to registered campers and their guests.

g. All campgrounds shall furnish centralized completely enclosed sanitary and garbage collection facilities that are leak proof and vermin proof and that shall be set back a minimum of one hundred (100) feet from any property line. Such facilities shall be screened from any adjoining residential property and/or residentially-zoned properties.

h. Any accessory commercial and/or service facilities shall be located at least one hundred (100) feet from adjoining residential properties and shall be limited to serve only the needs of the registered campers and their guests. Direct access to these facilities from the public street is prohibited. Appropriate screening shall be provided for these facilities when they adjoin residential properties.

i. Campground identification signs shall not exceed thirty-two (32) square feet in area and shall be at least ten (10) feet from any street right-of-way line and twenty-five (25) feet from any adjoining property lines.

j. Active or passive recreation areas shall comprise at least twenty (20) percent of the gross area of the campground.

k. The applicant shall demonstrate that sufficient water and sewage disposal service is available for the campground and related uses. If the property is served by public water and/or public sewer service, the applicant shall provide confirmation from the water and/or sewer service provider that capacity is available for the campground and related uses. If the property

is served by on-lot sewage disposal, the applicant shall present evidence that the on-lot sewage disposal system is adequate to dispose of the anticipated sewage flows from the campground and related uses.

l. All lighting within the subject tract shall be designed and located so as not to produce a glare or direct illumination onto abutting properties through the use of flat lenses and full cut-off shields on all light fixtures.

m. During operation every campground shall have an office in which shall be located the person responsible for operation of the campground.

n. No permanent structures, except necessary utilities, shall be permitted on any campsite other than fire places.

o. No persons shall be permitted to permanently reside on any campsite.

p. The site shall be kept free of litter at all times in accordance with a plan for the clean-up of litter to be provided by the applicant.

17. CAR WASHES

a. The subject tract shall front on and gain access from either an arterial, major collector, or minor collector road as identified in the Zoning Ordinance, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.

b. Centralized sewer and water facilities shall be provided, and grey water recycling is required. Adequate provision for the collection and disposal of greases shall be demonstrated.

c. For automatic and self-service car washes, each washing bay shall provide a one hundred (100) foot long on-site stacking lane which precedes the washing process. For full service car washes, such on-site stacking shall be a minimum of three hundred (300) feet per bays.

d. All structures shall have a minimum setback of one hundred (100) feet from any street right-of-way line, fifty (50) feet from any rear property line, and twenty (20) feet from any side lot line.

e. The site shall be kept free of litter at all times in accordance with a plan for the clean-up of litter to be provided by the applicant.

f. All lighting within the subject tract shall be designed and located so as not to produce a glare or direct illumination onto abutting properties through the use of flat lenses and full cut-off shields on all light fixtures.

18. CEMETERIES

a. For cemeteries exceeding two (2) acres in size: If the site is within the A-1 and A-2 Agricultural District, the applicant shall demonstrate that the proposed location is located on Soil Capability Units III, IV, V, VI, VII, or VIII as defined by the United States Department of Agriculture and as classified by the Soil Survey of Lancaster County, Pennsylvania, issued May 1985, or the least agriculturally productive soils.

b. All burial plots and facilities shall be located at least fifty (50) feet from any property line or street line.

c. Assurances must be provided that water supplies of surrounding properties will not be contaminated by burial activity within the proposed cemetery.

d. Any escrow account provided for by state or federal law shall be established in favor of the Township.

e. In no case shall any use relating to a cemetery be located within the one hundred (100) year floodplain of an adjacent watercourse.

f. As of the effective date of this Ordinance, no new private family cemetery shall be established and no existing private family cemetery shall be expanded to provide additional burial plots.

19. CHURCHES AND RELATED USES

a. Churches

1) In the V-C District, the subject tract shall front on and gain access from either an arterial, major collector, or minor collector road as identified in the Zoning Ordinance, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.

2) The minimum lot area shall be two (2) acres, and the minimum lot width shall be two hundred (200) feet.

3) A side yard setback of fifty (50) feet shall be maintained on each side.

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

5) The applicant shall demonstrate that sufficient water and sewage disposal service is available for the church and any related uses. If the property is served by public water and/or public sewer service, the applicant shall provide confirmation from the water and/or sewer service provider that capacity is available for the church and any related uses. If the property is served by on-lot sewage disposal, the applicant shall present evidence that the on-lot sewage disposal system is adequate to dispose of the anticipated sewage flows from the church and any related uses.

6) All lighting within the subject tract shall be designed and located so as not to produce a glare or direct illumination onto abutting properties through the use of flat lenses and full cut-off shields on all light fixtures.

b. Church-Related Educational or Day Care Facilities

1) If educational facilities are offered below the college level, the applicant shall provide an outdoor plan for recreation which shall be acceptable to the Zoning Hearing Board and which shall include appropriate screening and buffering from any adjacent residential property and/or residentially-zoned property.

2) Student and child drop-off areas shall be designed to eliminate the need to cross traffic lanes within or adjacent to the site.

3) The applicant shall provide a parking plan which justifies that the proposed parking facilities are sufficient for the intended use.

20. CLUBHOUSES (PRIVATE CLUBS)

a. Off-street parking shall be provided at least twenty-five (25) feet from all street rights-of-way, and parking compounds shall be at least fifty (50) feet from any adjoining residential property and/or residentially zoned property and screened in accordance with Article 21.

b. Any outdoor recreational facilities shall be located at least one hundred (100) feet from any property line.

c. Screening and buffering in accordance with Article 21 shall be provided along any adjoining residential property.

d. The applicant shall demonstrate that sufficient water and sewage disposal service is available for the clubhouse. If the property is served by public water and/or public sewer service, the applicant shall provide confirmation

from the water and/or sewer service provider that capacity is available for the clubhouse. If the property is served by on-lot sewage disposal, the applicant shall present evidence that the on-lot sewage disposal system is adequate to dispose of the anticipated sewage flows from the clubhouse.

e. All lighting within the subject tract shall be designed and located so as not to produce a glare or direct illumination onto abutting properties through the use of flat lenses and full cut-off shields on all light fixtures.

f. Shooting range facilities shall be planned, built, operated and maintained in accordance with the recommendations of the National Rifle Association's Range Sourcebook. Credible evidence of compliance with the NRA's recommendations needs to be provided.

21. CLUSTER DEVELOPMENTS

a. The applicant shall demonstrate that the design of the development implements current smart growth recommendations as provided by the Pennsylvania Planning Association. Adjacent and surrounding land uses, especially residential uses, shall be considered when developing plans for a cluster development to provide the opportunity for well-planned and interconnected communities.

b. The applicant proposing the cluster development shall demonstrate compliance with all of the expressed standards and criteria set forth in Section 2109 of this Zoning Ordinance.

22. CHILD OR ADULT DAY CARE FACILITIES

a. Recognizing the growing need for child and adult day care facilities, it is the intent of the Township to encourage the establishment of such facilities in a manner which will preserve the character of residential neighborhoods while meeting the operational and physical standards of the Pennsylvania Department of Public Welfare (DPW). Child and adult day care facilities, operated within a residence, are not subject to the requirements for home occupations or home businesses contained elsewhere in This Ordinance.

b. The provisions of this Section shall apply to child or adult day care facilities providing service for all or part of a 24-hour day for children less than 16 years of age, or for persons who are otherwise disabled. Day care facilities shall include day care homes and day care centers as defined by this Ordinance, many of which are subject to Chapter II, Sections 8A, 8B, and 8C of DPW Social Services Manual Regulations. This Section does not apply to activities excluded by the definition of "child or adult day

care" in this Ordinance or child day care service furnished in places of worship during religious services.

c. The following general provisions apply to all child or adult day care facilities.

1) All child day care facilities shall comply with all current DPW regulations including those standards governing adequate indoor space, accessible outdoor play space and any applicable state or local building and fire safety codes.

2) The operator of a day care facility will allow appropriate representatives of the municipality to enter the property to inspect such use for compliance with the requirements of this Ordinance.

3) Hours of outside play shall be limited to the hours of 8:00 a.m. until sunset, as defined by the National Weather Service.

4) An outdoor play area, as required by DPW regulations, shall be provided for child day care facilities and shall not be located in the front yard.

5) The applicant shall demonstrate that sufficient water and sewage disposal service is available for the day care facility and if additional sewage facilities planning are required. If the property is served by public water and/or public sewer service, the applicant shall provide confirmation from the water and/or sewer service provider that capacity is available for the day care facility. If the property is served by on-lot sewage disposal, the applicant shall present evidence that the on-lot sewage disposal system is adequate to dispose of the anticipated sewage flows from the day care facility. If the property is served by on-lot water, the applicant shall provide current test results indicating the on-lot supply is potable.

6) Child drop-off areas shall be designed to eliminate the need for pedestrians to cross traffic lanes within or adjacent to the site.

7) Fencing shall be provided to restrict occupants from hazardous areas, such as open drainage ditches, wells, holes, and arterial and major collector roads. Natural or physical barriers may be used in place of fencing so long as such barriers functionally restrict occupants from these areas.

8) The expansion of a day care home to a day care center (from six (6) to seven (7) or more persons) shall require a special exception.

9) Adult and child day care facilities shall not provide medical or personal care services which extend beyond simple first aid and assistance with dressing, bathing, diet, and medication prescribed for self administration unless licensed by the DPW to provide such services.

10) When applying for a special exception, the applicant shall submit a plan showing any existing or proposed outdoor play areas, outdoor play equipment, fencing, access drives, adjacent streets, adjacent hazardous land uses, on-site hazardous areas (as previously defined), merchandise delivery areas, parking spaces, and the child or adult drop-off circulation pattern.

d. DAY CARE HOMES: In addition to the provisions of subsection c. above, day care homes shall comply with the following:

1) If care is provided to more than three (3) adults and/or children at any one time, the facility must have an approved and currently valid DPW registration certificate.

2) Any external evidence of such use shall be limited to one (1) non-illuminated sign subject to the sign regulations in Article 17.

3) Day care homes shall only be permitted in single-family detached dwellings and shall not be permitted in accessory buildings.

4) The person primarily responsible for the day care home shall be a full-time resident.

5) A fence with a minimum height of four (4) feet shall physically contain the children or adults within the outdoor play area. Natural or physical barriers may be used in place of fencing so long as such barriers functionally contain children or adults.

e. DAY CARE CENTERS: In addition to the provisions of subsection c. above, day care centers shall comply with the following:

1) The facility must have an approved and currently valid DPW registration certificate.

2) A fence with a minimum height of four (4) feet shall physically contain the children or adults within the outdoor play area. Natural or physical barriers may be used in place of fencing so long as such barriers functionally contain children or adults.

3) Play equipment shall be located at least ten (10) feet from an abutting property line.

4) All pedestrian pathways shall be adequately lit for safety if utilized during non-daylight hours. Specific areas for lighting are entrance ways, pedestrian access to the outdoor play areas, sidewalks, drop-off areas, merchandise delivery areas, and all parking lots. All lighting within the subject tract shall be designed and located so as not to produce a glare or direct illumination onto abutting properties through the use of flat lenses and full cut-off shields on all light fixtures.

5) Day care centers may be permitted as an accessory use to churches, schools, recreation centers, and similar uses by special exception. Accessory day care centers must comply with all other requirements for day care centers. In addition, evidence must be submitted to document that indoor space, outdoor play space, and safe vehicular access are provided in accordance with DPW requirements.

f. Child and adult day care facilities shall be subject to the following application and approval process:

1) The applicant shall demonstrate compliance with the requirements of this Ordinance and shall request a special exception from the Zoning Hearing Board. If the day care facility will be subject to DPW requirements, evidence of the ability to comply with said requirements must be presented as part of the special exception request.

2) If a special exception is granted, the applicant shall apply for a Child or Adult Care Facility Zoning Permit from the Zoning Officer.

3) The Zoning Officer shall review the application for compliance with the Zoning Ordinance, visit the facility if deemed necessary, and approve or deny the application for the Child or Adult Care Facility Zoning Permit.

23. RECREATION FACILITIES

a. The classification(s) of the road(s) providing access to the commercial recreational facilities (for profit facility) shall be appropriate for the anticipated volume and class of vehicle(s) generated by the commercial recreational facilities as determined by a traffic impact study conducted in

accordance with Article 4 of the West Cocalico Township Subdivision, Land Development and Storm Water Management.

b. Uses involving extensive outdoor or noise generating activities shall provide buffering and screening along the side and rear property lines adjacent to any residential property or residentially-zoned property in accordance with Article 21 of this Ordinance

c. Any structures exceeding the maximum permitted height may be permitted so long as they are setback from all property lines at least the horizontal distance equal to their height. Such structures shall not be used for occupancy.

d. All lighting within the subject tract shall be designed and located so as not to produce a glare or direct illumination onto abutting properties through the use of flat lenses and full cut-off shields on all light fixtures.

e. When deemed necessary, the Zoning Hearing Board may require an unimproved grassed overflow parking area for peak period use, located and designed in a manner which prohibits vehicles from crossing adjoining properties or directly accessing adjoining roads.

f. All entrances to, and parking facilities for the recreation facility shall be designed so that vehicles backing onto the adjoining roadways is prohibited.

g. The application for a special exception shall be accompanied by a working plan for the clean-up and disposal of litter and the prevention of loitering on the subject property.

h. The applicant shall demonstrate that sufficient water and sewage disposal service is available for the day care facility and if additional sewage facilities planning are required. If the property is served by public water and/or public sewer service, the applicant shall provide confirmation from the water and/or sewer service provider that capacity is available for the day care facility. If the property is served by on-lot sewage disposal, the applicant shall present evidence that the on-lot sewage disposal system is adequate to dispose of the anticipated sewage flows from the day care facility. If the property is served by on-lot water, the applicant shall provide current test results indicating the on-lot supply is potable.

24. COMMERCIAL COMMUNICATIONS ANTENNAS

a. A commercial communications antenna that is attached to an existing communications tower, smokestack, water tower, farm silo, or other tall

structure, is permitted in all zoning districts, provided:

1) That the height of the antenna shall not exceed the height of the existing structure by more than fifteen (15) feet; and

2) All other uses associated with the commercial communications antenna, with the exception of equipment storage boxes, such as a business office, maintenance depot, or vehicle storage shall not be located on the site, unless the use is otherwise permitted in the zoning district in which the site is located.

b. A commercial communications antenna that is either not mounted on an existing structure or is more than fifteen (15) feet higher than the structure on which it is mounted is permitted by special exception in the ES, OS, and I-C zoning districts, subject to the following:

1) The applicant shall be required to demonstrate, using technological evidence, that the antenna must be placed in the general location where it is proposed, in order to satisfy its function in the company's service system.

2) If the applicant proposes to erect a new tower (as opposed to mounting the antenna on an existing structure), the applicant shall demonstrate that it has contacted the owners of other tall structures within a one-half mile radius of the proposed site and has requested permission to install the antenna on those structures. The applicant shall make a good-faith effort to install the antenna on an existing structure, including, but not limited to smokestacks, water towers, tall buildings, antenna support structures of other communications companies, farm silos, and other tall structures. The Zoning Hearing Board may deny the application to construct a new tower if the applicant has not made a good faith effort to mount the antenna on an existing structure.

3) The applicant must demonstrate that the antenna is not higher than the minimum height required to function satisfactorily.

4) If a new antenna support structure is constructed (as opposed to mounting the antenna on the existing structure), and the applicant meets the requirements of (5) below, the minimum distance between the base of the support structure or any guy wire anchors and any property line or street right-of-way line shall be the lesser of the following:

a) A distance equal to the total height of the facility.

b) The minimum distance from the base in which the antenna, as designed, could fall under any credible conditions.

In addition, no habitable building or structure, other than that which is necessary to house supportive equipment essential to the operation of the tower, shall be located within the fall zone of the facility.

5) The applicant shall demonstrate that the proposed antenna and support structure are safe and that the surrounding area will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All support structures shall be fitted with anti-climbing devices, as approved by the structure manufacturer.

6) A non-climbable fence with self-locking gate shall be required around the antenna support structure and other equipment, unless the antenna is mounted on an existing structure. The fence shall be eight (8) feet in height.

7) The applicant shall install landscaping to screen the entire perimeter of the facility consistent with the following: Landscaping shall consist of evergreen trees planted on ten (10) feet centers maximum, which shall have a minimum height of six (6) feet at the time of planting. The trees shall be of a species which shall grow to a minimum height of twenty (20) feet at maturity. The Zoning Hearing Board may require further deciduous plantings to mitigate the impact of the development on the surrounding neighborhood. All landscaping must be installed prior to the issuance of a certificate of use and occupancy by the Zoning Officer. Existing vegetation on and around the site shall be preserved unless absolutely necessary to be removed for functioning of the equipment. This requirement shall not be applicable to antennas located upon an existing structure where the total height of the structure and antenna does not exceed one hundred fifty (150) feet.

8) Antenna support structures less than two hundred (200) feet in height shall be painted with silver or have a galvanized finished retained in order to reduce visual impact; provided, however, this requirement shall not apply to an antenna which is installed upon an existing structure such as a silo or water tower. Support structures may be painted green up to the height of nearby trees to lessen visual impact. Support structures two hundred (200) feet in height or taller shall meet all Federal Aviation Administration

regulations.

9) If the use of the communication tower, antenna or cell site requires licensing by any state or federal agency, including but not limited to the Federal Communications Commission, the applicant shall present evidence that it has obtained such license.

10) If an antenna site is fully automated, two (2) off-street parking spaces shall be required. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift, but in any event, may not be less than two (2) off-street parking spaces.

11) No antenna support structure may be artificially lighted, except when required by the Federal Aviation Administration.

12) All other uses, excluding fences and equipment storage boxes, associated with the antenna, such as a business office, maintenance depot, or vehicle storage shall not be located on the site, unless the use of otherwise permitted in the zoning district in which the site is located.

13) In order to reduce the number of antenna support structures needed in the Township in the future, the proposed support structure shall be required to accommodate other uses, including local police, fire and ambulance companies.

14) The applicant shall submit a plan for the removal of the facility when it becomes obsolete or is no longer in use. The applicant shall be responsible for the removal of the facility within one hundred eighty (180) days from the date the applicant ceases use of the facility or the facility becomes obsolete. After the one hundred eighty (180) day time period has elapsed, the Zoning Officer shall notify the property owner (or other responsible party) that the antenna and related support structure must be removed within sixty (60) days after receipt of said notice. If such persons fail or refuse to remove such facilities after the notice said, the Zoning Officer may have the facilities removed at the expense of the property owner or the persons responsible for the erection and/or maintenance thereof.

15) Ownership of site:

a) If the proposed commercial communications antenna site is to be leased only for the time period in which said site is in

operation, then the minimum site area shall be only as large as is necessary to meet the required setbacks, off-street parking area, and other applicable provisions of this section.

b) If the proposed commercial communication antenna site is to be subdivided, then the minimum lot area and dimensions shall be of sufficient size so that, in the event discontinuance of said use, the subdivided lot will meet the minimum area and dimensional requirements for permitted uses in the zoning district in which it is located.

16) All commercial communications antenna sites, after approval as a special exception by the Zoning Hearing Board, shall be required to be reviewed in accordance with the requirements of the applicable Subdivision and Land Development Ordinance.

25. DRIVE-THROUGH AND FAST FOOD RESTAURANTS

a. The subject tract shall front on and gain access from either an arterial, major collector, or minor collector road as identified in the Zoning Ordinance, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial and collector street design and improvement requirements.

b. The application for a special exception shall be accompanied by a working plan for the clean-up and disposal of litter and the prevention of loitering on the subject project property.

c. Drive-through lanes shall be separated from the internal circulation system for the parking facilities. Each drive through lane shall provide a minimum of two hundred (200) feet of on-site stacking proceeding the order location.

d. The applicant shall demonstrate that any external-internal microphone system shall be designed and operated so that the messages conveyed over the system will not exceed the average noise level of the use, as measured at each of the property lines, at any given time of the day.

e. Exterior seating areas shall be completely enclosed by a three (3) foot high fence and provided with screening and landscaping in accordance with Article 21 of this Ordinance.

f. Outdoor play areas shall be completely enclosed by a minimum six (6) foot high fence and screened in accordance with Article 21 of this Ordinance.

g. No part of any structure on the subject property shall be located within two hundred (200) feet of an existing residential structure.

h. All lighting within the subject tract shall be designed and located so as not to produce a glare or direct illumination onto abutting properties through the use of flat lenses and full cut-off shields on all light fixtures

i. The applicant shall demonstrate that sufficient water and sewage disposal service is available for the facility and if additional sewage facilities planning are required. If the property is served by public water and/or public sewer service, the applicant shall provide confirmation from the water and/or sewer service provider that capacity is available for the facility. If the property is served by on-lot sewage disposal, the applicant shall present evidence that the on-lot sewage disposal system is adequate to dispose of the anticipated sewage flows from the facility. If the property is served by on-lot water, the applicant shall provide current test results indicating the on-lot supply is potable.

j. Adequate provision for the collection and disposal of greases shall be demonstrated.

k. All exhaust vents shall be directed away from residential zones properties or properties used for residential purposes.

26. DRY CLEANERS, LAUNDRIES, AND LAUNDROMATS

a. The subject tract shall front on and gain access from either an arterial, major collector, or minor collector road as identified in the Zoning Ordinance, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.

b. Centralized sewer and water shall be utilized.

c. All activities shall be within completely enclosed buildings.

d. All windows and doors on walls facing adjoining residential properties shall be kept closed during hours of operation and occupancy.

e. Exhaust and ventilation equipment shall discharge away from any

adjoining residential properties.

27. ECHO HOUSING

a. The proposed dwelling unit may not exceed twelve hundred (1200) square feet of floor area.

b. The total building coverage for the principal dwelling, the accessory structures, and the proposed dwelling together shall not exceed the maximum requirement of the prevailing zoning district.

c. The proposed dwelling shall be not occupied by more than two (2) people, and who are either elderly, handicapped, or disabled individuals related to the occupants of the principal dwelling by blood, marriage, or adoption.

d. The applicant shall demonstrate that sufficient water and sewage disposal service is available for the principal dwelling and ECHO unit and whether additional sewage facilities planning is required. If the property is served by public water and/or public sewer service, the applicant shall provide confirmation from the water and/or sewer service provider that capacity is available for the principal dwelling and the ECHO unit. If the property is served by on-lot sewage disposal, the applicant shall present evidence that the on-lot sewage disposal system is adequate to dispose of the anticipated sewage flows from the principal dwelling and ECHO unit. If the property is served by on-lot water, the applicant shall provide current test results indicating the on-lot supply is potable.

e. The proposed dwelling shall be located to the side or rear of the principal dwelling and shall be subject to all side and rear yard requirements of the prevailing zoning district.

f. The applicant shall furnish proof of the filing of either a land development plan or an accessory dwelling agreement in accordance with the West Cocalico Subdivision, Land Development and Storm Water Management Ordinance.

g. The proposed dwelling unit shall be removed within ninety (90) days after it is no longer occupied by the individual who qualifies for the use.

28. FUNERAL HOMES

a. Centralized sewer and water shall be utilized.

b. The applicant shall demonstrate that sufficient off-street parking is being provided so that no traffic back-ups occur onto adjoining roads.

29. FLOODPLAIN USES

a. General

1) For any development within the FP - Floodplain District, the applicant shall demonstrate the effect of the development on flood heights, frequencies and velocities, the susceptibility of the development to flood damage, the availability of emergency access, and the necessity of the proposal to be located near or within the floodplain area.

a) All buildings and structures shall be designed, located, and constructed so as to offer the least reasonably possible obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

2) No construction, development, use, activity, or encroachment of any kind shall be permitted in the floodway if the proposed development will increase the floodplain elevation.

3) No use or structure shall endanger human life or be placed where the natural flow of the floodwaters would carry any structure downstream to the damage or detriment of property within or adjacent to the FP - Floodplain District.

4) No use shall be susceptible to flotation and subsequent movement which would cause damage to other property.

5) All uses and structures shall be designed and constructed so as (a) not to increase the height or frequency of floodplain water, (b) to allow the unrestricted passage of floodwater, (c) to not create unhealthy or unsanitary conditions, and (d) to not degrade the quality of surface water or the quality of groundwater.

6) Where practical, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow and shall be placed approximately on the same flood flow lines as those of nearby structures.

7) No use or structure shall degrade the water carrying capacity of any watercourse, channel, or floodway.

8) Prior to any proposed alteration or relocation of any watercourse, a permit should be obtained by the landowner from the Pennsylvania Department of Environmental Protection, Bureau of Dams and Waterways Management, and notification of any such proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to the Federal Emergency Management Agency (FEMA) and the Pennsylvania Department of Community and Economic Development.

9) Where applicable and where possible, all necessary permits or other written approvals must be obtained from all other agencies before any approvals of plans, special exceptions, variances, or permits may be granted by West Cocalico Township, its agencies, officials, or employees.

10) Where necessary permits or written approvals from other agencies cannot be obtained prior to action by West Cocalico Township, any approval of plans, special exceptions, variances, or permits by the Township, its agencies, officials, or employees shall be conditioned upon receiving such other required permits or written approval from the other agencies.

b. Agricultural Uses

1) A filter strip is required between any watercourse and any land. Such strip shall be a minimum of fifteen (15) feet in width, measured from the bank of the watercourse channel, and shall be protected by a permanent planted groundcover.

2) Within the FP - Floodplain District, a cover crop, such as annual rye grass, is required whenever the land is not being tilled for major crops.

c. Improvements to Residential Structures - All improvements or additions to existing residential structures shall be elevated to one (1) foot above the flood elevation unless the cost of the proposed improvement or addition is less than fifty (50) percent of the market value of the structure, in which case, any portion of said improvement or addition not elevated to one (1) foot above the flood elevation shall be flood-proofed.

d. Improvements to Non-Residential Structures

1) All improvements or additions to existing non-residential structures shall be elevated to one (1) foot above the flood elevation and shall be placed on pilings, columns, or fill material. Pilings or columns are preferred over fill material in order to maintain the storage capacity of the floodplain and to minimize the potential negative impacts to sensitive ecological areas.

2) If fill is utilized to elevate structures, it shall be in accordance with the following:

a) Fill shall be extended laterally at least fifteen (15) feet beyond the limits of the proposed structure.

b) The fill shall be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.

c) Fill shall be no steeper than one (1) vertical to two (2) horizontal unless substantiated data justifying steeper slopes is provided and approved.

d) The fill shall be provided and installed in a manner which assures that the requirements of Section 2204.29 (a)(4) can be met.

e. Construction Within Floodplain

1) All proposed non-residential structures or improvements and additions to existing non-residential structures which are not adequately elevated shall be constructed so as to have the capability of resisting the hydrostatic and hydrodynamic loads and pressures and the effect of buoyancy of the flood, and shall be flood-proofed according to the standards and provisions for flood-proofing classes W-1 and W-2 contained in the publication, Flood-Proofing Regulations, by the United States Army Corps of Engineers, June 1972, as may be amended.

2) Where flood-proofing is proposed to be utilized for a particular structure, the zoning permit application shall be accompanied by a document signed and sealed by a professional engineer or architect registered by the Commonwealth of Pennsylvania, certifying that the flood-proofing methods used are adequate to withstand the flood depths, pressures, velocities, impact, and uplift forces, and other factors associated with the flood and indicating the specific

elevation to which the structure is being flood-proofed.

3) All structures shall be firmly anchored to prevent flotation, movement, or collapse.

4) No materials that are buoyant, flammable, explosive, or in time of flooding, could be injurious to human, animal, or plant life, shall be stored below the flood elevation.

5) All electrical and mechanical equipment shall be permitted only at elevations above the flood elevation.

6) Electrical distribution panels shall not be permitted at an elevation of less than three (3) feet above the flood elevation. Separate electrical circuits shall serve lower levels of structures and shall be dropped from above.

7) All utilities, including gas, oil, electrical, or telephone systems shall be elevated where possible or shall be flood-proofed when located below the flood elevation. All such utilities shall be constructed to minimize the chance of impairment, the infiltration of floodwaters, or the discharge from the systems into floodwaters during a flood. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

8) Uniform Construction Code Coordination: The Standards and Specifications contained in 343 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and subsections of the Ordinance, to the extent that they are more restrictive and/or supplement the requirements of the Ordinance:

   International Building Code (IBC) 2003 or the latest edition thereof: Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

   International Residential Building Code (IRC) 2003, or the latest edition thereof: Sections R104, R105, R109, R323, Appendix AE101, Appendix E, and Appendix J.

f. Space Below the Lowest Floor -

1) Fully enclosed space below the lowest floor (including basement)

is prohibited.

2) Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl spaces.

Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

a) A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.

b) The bottom of all openings shall be no higher than one (1) foot above grade.

c) Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

g. Utility Facilities in Floodplain - Utility facilities not under the exclusive jurisdiction of the Pennsylvania Public Utility Commission shall comply with the following conditions:

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

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

a) Above ground lines and supporting structures shall enter the FP - Floodplain District only to cross a watercourse, shall cross the watercourse and the District using the most direct and shortest route possible, shall make the minimum number of crossings necessary, and shall be designed and installed so as to minimize or eliminate flood damage.

b) Above ground lines shall be elevated so that the lowest portions are a minimum of ten (10) feet above the maximum flood elevation.

c) Supporting structures for above ground lines within the District shall be the minimum number necessary to carry the lines across the District. Supporting structures shall be designed and installed so as to be able to withstand the maximum volume, velocity, and force of floodwaters which can be expected at the point where they are located.

d) Facilities and services in the District shall be designed so that flood damage within the District does not disrupt service outside the District.

Utility facilities and structures (excluding buildings) subject to the jurisdiction of the Pennsylvania Public Utility Commission are requested to comply with the above standards in the interest of achieving the purpose and intent of this Zoning Ordinance.

h. Streets in Floodplain - The finished elevation of proposed new streets shall be no more than one (1) foot below the flood elevation subject to the performance standards stated above.

i. Evacuation Plan - Where necessary, a plan which provides for alternative vehicular access and escape routes when normal routes are blocked or destroyed by flooding shall be submitted to the Lancaster County Office of Civil Defense by all owners of buildings located in the floodplain.

j. Existing Manufactured Homes - If any existing manufactured home is replaced with another, or if any substantial improvement is made to an existing manufactured home, the replacement or substantial improvement shall be:

1) Placed on a permanent foundation;

2) Elevated so that the lowest floor is at least one (1) foot above the elevation of the one hundred (100) year flood; and

3) Anchored to resist flotation, collapse, or lateral movement.

30. GOLF COURSES (INCLUDING DRIVING RANGES AND PAR 3 COURSES)

a. No golf hole shall be designed which requires any ball to cross a street, access drive, driveway, building, or parking lot.

b. At any point where the golf course crosses a public or private road or a private access drive, the road or access drive shall be signed to identify a golfer's crossing and the golfer's crossing shall be signed to identify the road or access drive crossing.

c. All accessory uses of the golf course are permitted, provided such uses are reasonably sized and located, so as to provide incidental service to the golf course employees and users, including but not limited to:

1) Clubhouse, which may consist of:

a) Restaurant (excluding Drive-In), snack bar, lounge and banquet facilities;

b) Locker and rest rooms;

c) Pro shop;

d) Administrative offices;

e) Golf cart and maintenance equipment storage and service facilities;

f) Guest lodging for those using the golf course, provided:

(1) No lodging units have separate exterior means of

ingress/egress;

(2) All lodging units shall be contained within the main clubhouse; and,

(3) Such guest lodging shall have a total occupancy of no more than twenty (20) persons.

g) Fitness and health equipment, including workout machines, spas, whirlpools, saunas, and steam rooms;

h) Game rooms, including card tables, billiards, ping-pong, and other similar table games; and,

i) Baby-sitting rooms and connected fence-enclosed play lots.

2) Accessory recreation amenities located outside of a building, including:

a) Driving range, provided the applicant shall furnish expert evidence that all lighting has been arranged to prevent glare on adjoining properties;

b) Practice putting greens;

c) Swimming pools;

d) Tennis, platform tennis, handball, racquetball, squash, volleyball, and badminton courts;

e) Bocce ball, croquet, shuffleboard, quoits, horseshoe pits, and washers courses;

f) Picnic pavilions, picnic tables, park benches, and barbecue pits;

g) Hiking. biking, horseback riding, and cross-country ski trails; and,

h) Playground equipment and play-lot games, including 4-square, dodge ball, tetherball, and hopscotch.

3) Freestanding maintenance equipment and supply buildings and storage yards; shall be setback at least one-hundred (100) feet from all property lines and seventy-five (75) feet from all street right-of-way lines.

d. All outdoor storage of maintenance equipment and/or golf carts shall be set back at least one hundred (100) feet and provided with buffering, landscaping, screening in accordance with Article 21 of this Ordinance.

e. All lighting facilities for night play on a par 3 course or driving range within the subject tract shall be designed and located so as not to produce a glare or direct illumination onto abutting properties through the use of flat lenses and full cut-off shields on all light fixtures.

f. There shall be a minimum setback of one hundred (100) feet from the field of play to any adjacent residential structure.

g. The applicant shall demonstrate that sufficient sewage disposal service is available for the golf course and related uses. If the property is served by public sewer service, the applicant shall provide confirmation from the water and/or sewer service provider that capacity is available for the golf course and related uses. If the property is served by on-lot sewage disposal, the applicant shall present evidence that the on-lot sewage disposal system is adequate to dispose of the anticipated sewage flows from the golf course and related uses. If the property is served by on-lot water, the applicant shall provide current test results indicating the on-lot supply is potable

31. GROUP FACILITIES

Group Facilities shall only include those facilities listed in, subsections b-f below.

a. The applicant shall demonstrate that sufficient sewage disposal service is available for the applicable group facility indicated below. If the property is served by public sewer service, the applicant shall provide confirmation from the water and/or sewer service provider that capacity is available for the group facility indicated below. If the property is served by on-lot sewage disposal, the applicant shall present evidence that the on-lot sewage disposal system is adequate to dispose of the anticipated sewage flows from the group facility indicated below. If the property is served by on-lot water, the applicant shall provide current test results indicating the on-lot supply is potable

b. EMERGENCY SHELTER:

1) The Emergency Shelter shall be sponsored and supervised by a government agency or an officially recognized nonprofit organization.

2) The applicant shall provide notice from the Township Building Code Official stating that the structure has been inspected and that it meets minimum code requirements of the Uniform Construction Code for the intended use. This shall be secured prior to application for the special exception.

3) The maximum number of residents shall be indicated at the time of application, and that number, not including employees, shall not exceed any applicable minimum space requirements.

c. GROUP CARE FACILITY:

1) The applicant shall indicate the maximum number and the need of the residents to be served and the type of care to be provided.

2) Counseling or other services for nonresidents is not permitted.

3) The applicant shall provide evidence that the Group Care Facility is sponsored and operated by an agency licensed, registered or certified by an applicable County, State, or Federal program providing on-going care to individuals requiring minimal non-medical day to day assistance.

4) For the purposes of this subsection, those individuals requiring on-site medical treatment or any type of on-site rehabilitation services provided by any individual or entity requiring a state or federal license, registration or certification shall not be included within a Group Care Facility.

5) The maximum number of residents and employees shall be indicated at the time of application, and that number shall not be exceeded at any time.

6) Twenty-four (24) hour on-site supervision by agency staff shall be provided.

d. SHELTER FOR ABUSED PERSONS:

1) The Shelter for Abused Persons shall be sponsored and supervised by a government agency or an officially recognized nonprofit organization.

2) The applicant shall indicate the maximum number and the need of the residents to be served and the type of care to be provided.

3) Counseling or other services for nonresidents is not permitted.

4) The applicant shall provide evidence that the Shelter for Abused Persons is sponsored and operated by an agency licensed, registered or certified by an applicable County, State, or Federal program providing on-going care to individuals requiring minimal non-medical day to day assistance.

5) For the purposes of this subsection, those individuals requiring on-site medical treatment or any type of on-site rehabilitation services provided by any individual or entity requiring a state or federal license, registration or certification shall not be included within a Shelter for Abused Persons.

6) The maximum number of residents and employees shall be indicated at the time of application, and that number shall not be exceeded at any time.

7) The applicant shall provide sufficient evidence to the Zoning Hearing Board that the security measures to be provided will provide adequate protection to the residents of the facility.

e. TEMPORARY SHELTER:

1) The Temporary Shelter shall be sponsored and supervised by a government agency or an officially recognized nonprofit organization.

2) The applicant shall indicate the maximum number and the need of the residents to be served and the type of care to be provided.

3) Counseling or other services for nonresidents is not permitted.

4) For the purposes of this subsection, those individuals requiring on-site medical treatment or any type of on-site rehabilitation services provided by any individual or entity requiring a state or federal license, registration or certification shall not be included within a Temporary Shelter.

5) The maximum number of residents and employees shall be indicated at the time of application, and that number shall not be exceeded at any time.

6) The applicant shall provide sufficient evidence to the Zoning Hearing Board that the security measures to be provided will provide adequate protection to the residents of the facility.

7) The Temporary Shelter shall be approved for a maximum time period of two (2) years and shall require another special exception approval every two (2) years. Upon applying for renewal, the applicant shall provide evidence of need for the continuation of the use.

f. COMMUNITY REHABILITATION FACILITY:

1) The Community Rehabilitation Facility shall be sponsored, supervised and licensed by a government agency or an officially recognized nonprofit organization.

2) The applicant shall indicate the maximum number and the need of the residents to be served and the type of care to be provided.

3) Counseling or other services for nonresidents is not permitted.

4) For the purposes of this subsection, those individuals requiring medical treatment or any type of rehabilitation services provided by any individual or entity requiring a state or federal license, registration or certification shall not be included within a Community Rehabilitation Facility.

5) The maximum number of residents and employees shall be indicated at the time of application, and that number shall not be exceeded at any time.

6) The applicant shall provide sufficient evidence to the Zoning Hearing Board that the security measures to be provided will provide adequate protection to the residents of the facility.

7) The facility shall have 24-hour on-site supervision by professionals trained to supervise the types of clients to be served by the facility.

8) If a facility will house persons presenting a potential physical threat to the safety of nonresidents, the facility operator shall provide evidence that sufficient staffing and other security measures will be provided.

9) The facility shall be located a minimum of 1,000 linear feet from any other such existing/approved facility.

32. HOME IMPROVEMENT AND BUILDING SUPPLY SHOWROOMS

a. The subject tract shall front on and gain access from either an arterial, major collector, or minor collector road as identified in the Zoning Ordinance, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.

b. All outside retail sales and storage area shall have a dust-free surface and a completely enclosed minimum six (6) foot high fence and gate. Outside retail sales and storage areas shall be included in the calculation of floor area and shall setback at least fifty (50) feet from any street right-of-way line and shall not occupy any parking areas.

c. All lighting within the subject tract shall be designed and located so as not to produce a glare or direct illumination onto abutting properties through the use of flat lenses and full cut-off shields on all light fixtures

33. HOME OCCUPATIONS, ON-FARM OCCUPATIONS AND RURAL OCCUPATIONS

a. The applicant shall demonstrate to the satisfaction of the Zoning Hearing Board that the proposed home occupation, on-farm occupation or rural occupation meets the following requirements:

b. The occupations shall be an accessory use and shall remain secondary to the principal use of the property as a dwelling or farm.

c. The occupations shall be conducted and owned by the resident on the property. No manufacturing, repairing or other mechanical work shall be performed in any open area.

d. The occupations shall be compatible with other uses permitted in the respective zoning district.

e. The occupations shall maintain and preserve the residential and/or agricultural character of the neighborhood.

f. The area used for the occupations shall not, at any time, be permitted to be subdivided from the property.

g. The occupations shall not interfere or conflict with the continuation and perpetuation of agricultural activities and the health, safety, and welfare of the community. The Zoning Hearing Board may require that impact

studies be furnished which evaluate the effect of the proposed occupations and land use upon the subject tract of land, the abutting properties, and the community in general.

h. All materials, products or supplies shall be contained within a completely enclosed building, unless by request and upon review, the Zoning Hearing Board allows outside storage or display for the particular application.

1) In no case shall outside storage be permitted in the required side, front or rear yard setback area, nor shall materials be stacked to a height greater than six (6) feet.

i. The Zoning Hearing Board shall determine if buffering from adjoining properties is necessary when:

1) Outside storage or display areas are permitted.

2) When the use is located within one-hundred (100) feet of an adjacent residential structure.

3) If required by the Zoning Hearing Board, a planting screen designed in accordance with Article 21 of this Ordinance shall be provided and maintained.

j. The occupations shall promote the efficient use of public services and facilities by assuring these services are provided to the residential population for which they are planned and constructed, rather than as commercial uses.

k. The applicant shall demonstrate that the operation of the occupation shall not create a traffic problem in terms of generating traffic congestion and shall provide for the safe and efficient movement of traffic by addressing anticipated changes in vehicular movements.

l. One (1) non-illuminated sign, which shall comply with Article 17 of this Ordinance, shall be permitted.

m. All off-street parking and loading spaces shall conform to Article 18 and shall be screened and buffered from adjoining roads and properties in accordance with Article 21 of this Ordinance.

n. When the property containing an occupation is located adjacent to lands within the VC - Village Center or the VR - Village Residential Districts, no part of the occupation activity shall be located within one hundred (100) feet of the adjacent zoning boundary.

o. All occupations shall provide a paved driveway or access drive of sufficient length extending into the subject parcel to prevent tracking of mud onto the public road and shall be of sufficient length to accommodate the off-road stacking of delivery and customer vehicles. In addition, a vehicular turnaround shall be provided to prohibit the backing out of vehicles onto such roadways. The vehicular turnaround area shall not be utilized as an off-street parking area.

p. Any retail sale display area shall not exceed fifteen (15) percent of the maximum permitted area of the occupation.

q. The applicant shall demonstrate compliance with the applicable provisions of the Industrial Performance Standards provided in Article 12 of this Ordinance. The applicant shall address these standards as they apply to the application. In addition, the applicant shall acknowledge as part of the special exception application that additional Township, County, Commonwealth, and Federal requirements may exist, and that it is his responsibility to comply with any additional requirements.

r. The following general standards shall apply to all in-home, on-farm, and rural occupations:

1) No manufacturing, mechanical processing or industrial uses shall be permitted which causes any: noise; odor; emission of gases; glare; heat; fumes; smoke; dust; vibration; electromagnetic interference; or, storage use or generation of any hazardous material, that is noticeable at or beyond the closest property line.

2) Excluding wastewater treatment, no use that requires application or permitting by the PA DEP for the handling of hazardous waste or other substances shall be permitted.

3) No discharge is permitted into a sewage or storm water management system, stream, open body of water, or into the ground of any materials in such a way or of such nature or temperature as could contaminate any water supply or damage or be detrimental to any sewage system or any sewage treatment plant, or otherwise could cause the emission of dangerous objectionable elements.

4) The operator of the occupation shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor. Additionally, the on-farm occupation shall be conducted in a manner which does not allow the accumulation of trash and debris.

All trash generated by the occupation shall be disposed of in trash cans with lockable lids or dumpsters. Trash disposal areas (trash cans with lockable lids or dumpsters) shall be located within a side or rear yard only and shall be completely enclosed within a masonry or fenced enclosure equipped with a self-latching door or gate

s. The applicant shall demonstrate that sufficient water and sewage disposal service is available for the facility and if additional sewage facilities planning are required. If the property is served by public water and/or public sewer service, the applicant shall provide confirmation from the water and/or sewer service provider that capacity is available for the facility. If the property is served by on-lot sewage disposal, the applicant shall present evidence that the on-lot sewage disposal system is adequate to dispose of the anticipated sewage flows from the facility. If the property is served by on-lot water, the applicant shall provide current test results indicating the on-lot supply is potable.

t. HOME OCCUPATIONS

1) Home occupations shall comply with the following specific regulations:

2) Only single-family detached dwelling units with direct access to a public street may be used for a home occupation.

3) If the resident conducting the home occupation is a tenant and not the owner of the property, the owner shall be party to the permit application for the home occupation.

4) All home occupations shall also meet the following criteria:

5) A home occupation conducted within a dwelling unit shall not occupy more than twenty-five (25) percent of the interior floor area of the dwelling, excluding unimproved attics, unimproved basements, and attached garages of the dwelling.

6) Accessory buildings may not be employed or incorporated with the home occupation except in the following zoning districts: ES - Ecologically Sensitive District, A-1 - Agricultural District, A-2 - Agricultural District, OS - Woodland District, and the RR - Rural Residential District. However, if an accessory building is used, the work and storage area may not exceed a total of six hundred (600) square feet.

7) Home occupations shall be limited to those occupations customarily conducted within a dwelling unit. These uses shall include, but are not limited to:

a) Artists and artisans.

b) Beauticians and barbers.

c) Office facilities, excluding medical offices and dental offices.

d) Individual tutoring provided that there are no more than two (2) students at any one (1) time.

e) Preparation of food or food products to be sold or served off-site.

f) Individual musical instruction provided that no instrument shall be amplified to be audible outside of the dwelling or accessory building.

g) Dressmaking, sewing, and tailoring.

h) Uses not listed that, in the determination of the Zoning Hearing Board, are considered to be of the same general character as the home occupations listed herein.

8) There shall be no more than one (1) home occupation per dwelling unit.

9) No more than two (2) non-resident employees shall be permitted.

10) The use of one (1) commercial vehicle is permitted as part of the home occupation. The vehicle shall not exceed a gross vehicle weight (truck plus rated payload) of ten thousand (10,000) pounds nor have more than two (2) axles

11) The exterior appearance of the dwelling shall be maintained as a residential dwelling.

12) If the number of parking spaces provided for the home occupation exceeds the number of parking spaces required for the single family dwelling (2), the parking spaces shall be screened from the

adjoining residential properties.

13) Retail sale of merchandise, supplies, or products is prohibited on the property except for the following:

a) The sale of items that are clearly incidental and subordinate to the conducting of the home occupation or items used in the home occupation such as the sale of beauty supplies used by the proprietor is permitted.

b) Orders previously made by telephone, by appointment or at a sales party may be filled at the site of the home occupation. There shall be no direct sales of products from display shelves or rack, but a person may pick-up an order placed earlier as described above. "Parties" for the purpose of selling merchandise or taking orders shall not be held more than one (1) time each month at the site of the home occupation.

14) No storage or display of goods shall be visible from the outside of the building.

15) No external storage of materials or products shall be permitted.

16) The use shall not require the delivery of materials and goods by trucks larger than standard panel (UPS) trucks.

17) A home occupation shall not generate waste products or material of a quality or quantity not normally associated with a residential use.

18) Unless otherwise determined by the Zoning Hearing Board, an approved home occupation may be conducted only during the hours of 6 a.m. to 9 p.m.

19) The Zoning Hearing Board shall deny a home occupation application, or limit its intensity through conditions, if the Board determines the use would be too intense for the proposed location. In making such determination, the Board shall review the likely amounts of traffic, the types of operations involved and related nuisances, the amount of off-street and on-street parking that is available, the density of the neighborhood, whether the use would be adjacent to another dwelling, and setbacks from other dwellings.

u. ON-FARM OCCUPATIONS

1) On-farm occupations shall comply with the following specific regulations:

2) The primary economic activity of the subject tract shall be agricultural and the tract shall be at least thirty (30) acres in area. The on-farm occupation shall be an accessory use and shall remain secondary to the principal agricultural use and shall not change or reduce the exterior farm character.

3) Only one (1) on-farm occupation shall be permitted per farm. For purposes of this section, a farm shall be defined as an area of land employed by the farmer as a single economic enterprise, regardless of the contiguity or number of parcels, plots, or tract comprising such enterprise.

4) The on-farm occupation shall be conducted and owned by the farmer in residence on the property, and only family members that include children and parents living on the farm shall be employed in the on-farm occupation

5) The land area of the proposed on-farm occupation shall not utilize more than one (1) acre of land area inclusive of buildings and parking facilities.

6) The maximum building area of any on-farm occupation shall not exceed four thousand (4,000) square feet. The on-farm occupation shall be located within existing conforming accessory buildings on the farm.

7) New buildings or additions to existing buildings shall be permitted. If the proposed on-farm occupation requires the construction of new buildings or additions to existing buildings, the applicant shall provide information justifying that the location of the proposed construction does not unnecessarily utilize existing agricultural lands and/or does not have an adverse effect upon the existing agricultural uses of the farm. Any new building constructed for use by the on-farm occupation shall be of a design so that it can be readily converted to agricultural use, or removed, if the farm occupation is discontinued.

8) Any structure used for the on-farm occupation shall be located at

least one hundred (100) feet from any property line and the legal right-of-way line.

v. RURAL OCCUPATIONS

1) Rural occupations shall comply with the following specific regulations:

2) The use of one (1) commercial vehicle is permitted as part of the rural occupation. The vehicle shall not exceed a gross vehicle weight (truck plus rated payload) of ten thousand (10,000) pounds nor have more than two (2) axles

3) Only one (1) rural occupation may be conducted on the same property as the owner's principal single-family detached dwelling. The gross floor area of the rural occupation shall follow the below scale:

a) Lot area up to five (5) acres gross - One thousand, five hundred (1,500) square feet.

b) Lot area from five (5) to ten (10) acres gross - Two thousand, five hundred (2,500) square feet.

c) Lot area greater than ten (10) acres gross - Four thousand (4,000) square feet.

d) In addition, the operator of a rural occupation is permitted to utilize no more than five hundred (500) square feet of any building for fully enclosed storage of materials used in the rural occupation.

4) If a new building is constructed for the rural occupation, it shall be located to the side or rear of the principal residence.

5) The maximum number of employees that do not reside on the site shall not exceed two (2) full-time positions. For the purposes of this section, "employees" shall be defined as those involved in the on-site conduct of the rural occupation.

6) Rural occupations shall only be conducted between the hours of 6:00 a.m. and 9:00 p.m., Monday through Saturday, unless otherwise specified by the Board.

34. INDUSTRIAL ACTIVITIES INVOLVING PROCESSING, PRODUCTION, REPAIR, OR TESTING OF MATERIALS, GOODS, AND/OR PRODUCTS, INVOLVING THOSE INDUSTRIES PRIMARILY PERFORMING CONVERSION, ASSEMBLY, OR NON-TOXIC CHEMICAL OPERATIONS

a. The subject tract shall front on and gain access from either an arterial, major collector, or minor collector road as identified in the Zoning Ordinance, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.

b. The applicant shall provide a detailed description of the proposed use in each of the following topics:

1) The nature of the on-site processing operations, the materials used in the process, the products produced, and the generation and methods for disposal of any by-products.

2) The applicant shall demonstrate that sufficient water and sewage disposal service is available for the facility. If the property is served by public water and/or public sewer service, the applicant shall provide confirmation from the water and/or sewer service provider that capacity is available for the facility. If the property is served by on-lot sewage disposal, the applicant shall present evidence that the on-lot sewage disposal system is adequate to dispose of the anticipated sewage flows from the facility. If the property is served by on-lot water, the applicant shall provide current test results indicating the on-lot supply is potable

3) The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size.

4) Any environmental impacts that are likely to be generated (e.g. odor, noise, smoke, dust litter, glare, vibration, electrical disturbance, waste water, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish expert evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances.

c. All lighting within the subject tract shall be designed and located so as not to produce a glare or direct illumination onto abutting properties through the use of flat lenses and full cut-off shields on all light fixtures.

d. The applicant shall demonstrate compliance with the Industrial Performance Standards provided in Article 12.

35. JUNKYARDS

a. The minimum lot area requirement shall be ten (10) acres.

b. The outdoor junk storage area shall be completely enclosed by an eight (8) foot high, sight-prohibitive fence which shall be setback at least fifty (50) feet from all property lines and shall be provided with landscaping and screening in accordance with Article 21 of this Ordinance.

c. All buildings used to store junk shall be completely-enclosed and setback at least fifty (50) feet from all property lines.

d. No material shall be stored or stacked in a manner that it is visible from adjoining properties and roads.

e. All additional Federal and State laws shall be satisfied.

f. The setback area between the fence and property line shall be kept free of weeds and all scrub growth.

g. All junk shall be stored or arranged to permit access by fire fighting equipment and to prevent the accumulation of water. Storm water shall be discharged in a manner which does not result in chemical residues being discharged from the site.

h. No oil, grease, tires, gasoline, or other similar material shall be burned at any time.

i. No junkyard shall be located on lands with an average slope of greater than five (5) percent, wetland areas or floodplain areas.

j. All vehicles within the junk yard shall be completely drained of fuel, lubricants, battery fluid, transmission fluid, brake fluids, coolants, and air conditioning fluids. Evidence of proper disposal of all fluids drained or removed from vehicles needs to be provided.

k. Any junk yard shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious sounds or odors beyond the borders of the junkyard, nor to cause the breeding or harboring of rats, flies, or other vectors.

36. KENNELS

a. The minimum lot area requirement shall be two (2) acres.

b. Animal boarding buildings and any outdoor animal pens, stalls, or runways shall be located within the rear yard.

c. Animal boarding buildings that are not completely-enclosed and any outdoor animal pens, stalls or runways shall be a minimum of one-hundred (100) feet from all property lines.

d. Outdoor running areas shall be fenced in a manner which restricts access and provides for a full enclosure. All enclosures shall be a minimum of fifty (50) feet from all property lines.

e. The owner of the animals shall exercise suitable control over the routine and proper disposal of all animal waste so as not to become a nuisance or health risk to adjoining properties.

f. The owner/operator of the kennel shall be responsible to exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.

g. The owner/operator of the kennel shall properly dispose of all dead animals in strict compliance with all applicable State laws and regulations.

h. The applicant shall provide evidence to the Zoning Officer demonstrating that all facilities are designed, operated and maintained in strict compliance with all applicable State laws and regulations pertaining to the design, operation, and maintenance of kennel including a copy of a valid kennel license issued by the Pennsylvania State Department of Agriculture.

37. LABORATORIES FOR SCIENTIFIC OR INDUSTRIAL RESEARCH AND DEVELOPMENT

a. The subject tract shall front on and gain access from either an arterial, major collector, or minor collector road as identified in the Zoning Ordinance, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design or improvement requirements.

38. NURSING, REST, OR RETIREMENT HOMES

a. The subject tract shall contain a minimum area of two (2) acres.

b. The number of permitted independent residential units of occupancy shall be based upon the area requirements of each respective zoning district, unless a centralized sewage facility is provided. In such case, the units of occupancy shall be based upon the density requirements of the V-C District for apartment-type dwellings.

c. Off-street parking lots and loading areas shall be screened from any adjoining residential property.

d. The applicant shall demonstrate that sufficient water and sewage disposal service is available for the principal use and all applicable accessory uses. If the property is served by public water and/or public sewer service, the applicant shall provide confirmation from the water and/or sewer service provider that capacity is available for the principal use and all applicable accessory uses. If the property is served by on-lot sewage disposal, the applicant shall present evidence that the existing on-lot sewage disposal system is adequate to dispose of the anticipated sewage flows from the principal use and all applicable accessory uses. If the property is served by on-lot water, the applicant shall provide current test results indicating the on-lot supply is potable.

e. The plan shall include a series of trails linking units of open space areas. A minimum of one (1) centralized, common, open green space with a minimum area of ten thousand (10,000) square feet shall be provided

39. PROFESSIONAL OFFICES, MEDICAL/DENTAL CLINICS, BANKS AND SIMILAR FINANCIAL INSTITUTIONS, AND RETAIL SALES

a. In the VC District, wherever possible, such uses shall be located in existing, historically and/or architecturally significant structures.

b. The subject tract shall front on and gain access from either an arterial, major collector, or minor collector road as identified in the Zoning Ordinance, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.

c. The applicant shall demonstrate that access to and the design of the parking facilities shall not create vehicle back-ups onto existing abutting streets.

d. All parking facilities shall be constructed and maintained with a paved surface of concrete or bituminous material, or other dust-free surface as approved by the Zoning Hearing Board.

e. The maximum building coverage shall be no greater than twenty-five (25) percent and shall not exceed fifty thousand (50,000) square feet.

f. The maximum lot coverage shall be no greater than seventy (70) percent.

g. The minimum landscape area shall be no less than thirty (30) percent.

h. No building shall be placed closer than thirty (30) feet to any property line. Where there exists a more stringent requirement, such requirement shall apply. Off-street parking shall not be permitted within required side and rear yard setback areas.

i. Curbs and sidewalks shall be provided in accordance with the West Cocalico Township Subdivision, Land Development, and Stormwater Management Ordinance. Sidewalks abutting the public rights-of-way shall coordinate with an internal pedestrian circulation design which allows for safe and convenient movement of pedestrians.

j. All lighting within the subject tract shall be designed and located so as not to produce a glare or direct illumination onto abutting properties through the use of flat lenses and full cut-off shields on all light fixtures.

k. The applicant shall demonstrate that sufficient water and sewage disposal service is available for the facility and if additional sewage facilities planning is required. If the property is served by public water and/or public sewer service, the applicant shall provide confirmation from the water and/or sewer service provider that capacity is available for the facility. If the property is served by on-lot sewage disposal, the applicant shall present evidence that the on-lot sewage disposal system is adequate to dispose of the anticipated sewage flows from the facility. If the property is served by on-lot water, the applicant shall provide current test results indicating the on-lot supply is potable.

40. PUBLIC AND PRIVATE SCHOOLS

a. All off-street parking facilities shall be setback twenty-five (25) feet and screened from adjoining property lines.

b. All structures shall be setback at least one hundred (100) feet from any

adjoining land within a residential zone.

c. Recreational areas shall be provided for all educational facilities below the college level at a scale of one hundred (100) square feet per individual enrolled. Off-street parking areas shall not be utilized as recreational areas, and such recreation areas shall not be located within the front yard and must be setback at least twenty-five (25) feet from all property lines. Outdoor recreation areas shall be screened from any adjoining residential property and/or residentially-zoned properties by means of fences, plantings, or decorative enclosures sufficient to screen activities from adjacent lots. Fencing shall be provided at all locations where public safety is an issue. Any vegetative materials located within the recreation area shall be non-harmful (i.e. thorny, poisonous, allergenic, etc.). All outdoor recreation areas shall provide a means of shade either by the planting of shade trees or the construction of pavilions. Enrollment, for the purposes of this section, shall be defined as the largest number of students on the site at any one time during a seven (7) day time period.

d. Passenger drop-off and pick-up areas shall be provided and designed so that there is no cross-traffic pedestrian circulation.

e. All lighting within the subject tract shall be designed and located so as not to produce a glare or direct illumination onto abutting properties through the use of flat lenses and full cut-off shields on all light fixtures.

f. The applicant shall demonstrate that sufficient water and sewage disposal service is available for the facility and if additional sewage facilities planning are required. If the property is served by public water and/or public sewer service, the applicant shall provide confirmation from the water and/or sewer service provider that capacity is available for the facility. If the property is served by on-lot sewage disposal, the applicant shall present evidence that the on-lot sewage disposal system is adequate to dispose of the anticipated sewage flows from the facility. If the property is served by on-lot water, the applicant shall provide current test results indicating the on-lot supply is potable.

41. QUARRIES AND OTHER EXTRACTIVE INDUSTRIES

a. The initial application submitted shall identify

1) The ownership and acreage of the land which is the site of quarrying operations, including all lands held under contract or lease.

2) The type of material being quarried.

3) The depth of excavations.

4) The probable effect of blasting and other excavation methods upon existing and permitted uses in the area surrounding the quarry site.

5) A map at any scale acceptable to the Zoning Hearing Board showing

a) All land owned under option, contract, or lease.

b) Lot or land quarried.

c) Internal private access drives and streets abutting the property.

d) Contour information of sufficient detail to evaluate areas beyond the site to the nearest abutting public streets.

e) Location of all structures.

f) Location of stockpiles and waste piles.

g) Title, scale, north point, and date.

h) Fencing and screen planting.

b. The applicant shall demonstrate that the proposed quarry operation

1) Will not substantially injure or detract from the lawful existing or permitted use of neighboring properties.

2) Will not adversely affect any public or private water supply source.

3) Will not adversely affect the logical, efficient, and economical extensions of public services, facilities, and utilities throughout the Township.

4) Will not create any significant damage to the health, safety, or welfare of the Township and its residents and property owners.

5) Complies with all applicable State regulations.

c. A substantial fence measuring at least six (6) feet in height must be placed around the area of actual quarrying to prevent unauthorized persons from

entering the area.

d. Trees and shrubs shall be provided or earth barriers with a suitable, stabilized ground cover erected to screen the operation where it is adjacent to a residential or public street or where the operation will substantially impair the beauty and character of the surrounding countryside.

e. The applicant shall demonstrate that the operation allows for the safe and efficient movement of all vehicles associated with the operation. The applicant shall perform a traffic study as called for by the West Cocalico Township Subdivision, Land Development and Storm Water Management Ordinance and shall provide an analysis of the physical conditions of the primary road system serving the proposed use. The analysis shall include information on the current traffic flows on this road system and projections of traffic generated by the proposed use. Improvements to the road shall be provided by the applicant to insure safe turning movements to and from the site and safe through-movements on the existing road.

f. All proposed entrances and exits to the operation shall be designed and improved in a manner which does not allow mud or gravel to be deposited or to accumulate on or along abutting public streets.

g. Where the subject lot or parcel of land is adjacent to a residential zone, no stockpiles, waste piles, or processing equipment shall be closer than one thousand (1000) feet to the residential zone. No part of the quarry pit, internal private access drive, truck parking area, scales, or operational equipment shall be closer than five hundred (500) feet to the residential zone or to a church, school or park.

h. No part of a quarry pit, stockpiles, waste piles, processing equipment, scales, operational equipment, or truck parking area shall be closer than one hundred (100) feet to a public street line.

i. Except for the setbacks specified above, no part of a quarry pit, stockpiles, waste piles, or processing equipment shall be closer than two hundred (200) feet to a property line or permanent water course.

j. Except for the setbacks specified in Subsections g. and h. above, no private access drive, truck parking area, scales, or operational equipment shall be closer than one hundred (100) feet to a property line.

k. All departing quarry material loads shall be covered to eliminate the air-borne spread of dust; site ingress and egress roadways shall be watered periodically to eliminate airborne dust.

l. The applicant shall provide quarry rehabilitation information and include a plan which indicates that:

1) Within two (2) years after the termination of quarrying operations, the area of actual quarrying operations must be rehabilitated to a condition of reasonable physical attractiveness and, as practical, restored.

2) The slope of earth material in any excavated pit shall not exceed the angle of slippage.

3) When the filling of any portion of the pit is desirable and economically feasible, such fill material must be able to sustain a vegetative cover of grass, plants, and trees, and such must be provided.

4) To prevent any silt, erosion debris, or other loose material from filling any existing drainage course or encroaching on existing public roads or private property, all surface drainage exiting or developing by or through the top soil shall be controlled by dikes, barriers, or drainage structures. All measures to control natural drainage or flood water must be approved by the Board of Supervisors.

5) Within two (2) years after termination of operations, all plant and equipment shall be removed, except where the plant and equipment is being utilized for processing earth material from other properties. Foundations and piers from any structure may remain in the ground if substantially covered.

6) Financial security shall be provided to guarantee quarry rehabilitation according to the requirements above.

42. RECREATIONAL CAMP

Within the ES District, Recreational Camps may be permitted subject to the following requirements:

a. The minimum lot area shall be fifty (50) acres.

b. The operator of the facility shall provide at least one (1) full-time manager that is responsible for the operation of the facility. The manager or other responsible staff shall be on site at all times (twenty-four (24) hours) when the recreational camp is in operation and shall maintain, at all times, a current register of guests and staff on-site.

c. Review by the "first run" emergency services providers is required. The applicant shall address the emergency services providers' comments to the satisfaction of the Township.

d. All buildings, including, but not limited to, sleeping quarters, dining halls, recreation and exercise facilities, accessory snack, supply, souvenir or educational concession stores, restrooms, indoor or outdoor swimming pools, maintenance facilities and campsites shall be located at least one hundred (100) feet from any property or street line. Any outdoor recreation facilities or mobile services such as concessions shall also be setback at least one hundred (100) feet from any property or street line.

e. Any structures exceeding the maximum permitted height may be permitted so long as they are setback from all property lines at least the horizontal distance equal to their height. Furthermore, the portion of such structures exceeding the maximum permitted height shall not be used for human occupancy.

f. All facilities shall be designed for and limited to use by the registered guests and staff of the resident camp and shall not be used or be made available to members of the general public and shall not be directly accessible from any existing or proposed public street located along the perimeter of the recreational camp parcel(s).

g. All site access points shall be designed and arranged to prevent vehicle back-ups on adjoining roads, especially during peak arrival periods. If, at any time after the opening of the recreational camp, the Township determines that traffic back-ups are occurring on adjoining roads, and such back-ups are directly related to the means of access to the subject property, the Township can require the applicant to revise means of access to correct the traffic situation.

h. The internal access drive system shall have a minimum cartway width of ten (10) feet for each driving lane and shall be improved with any hard surface material acceptable to the Zoning Hearing Board.

i. An unlimited number of internal, on-site directional and information signs are permitted provided such signs reasonably relate to the number and scale of facilities contained on the site. Each such sign shall be limited to no more than eight (8) square feet in area and a maximum permitted height of ten (10) feet. Recreational camp signage shall otherwise comply with the sign regulations contained elsewhere in this Ordinance.

j. Required parking will be determined based upon the types of activities proposed and the schedule listed in this Ordinance. In addition, the Zoning Hearing Board may require an unimproved grassed overflow-parking area to

be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot and shall only be used for passenger cars, SUV's and pickup trucks or other similar vehicles. Overflow parking areas shall contain fencing and/or a structural or landscape barrier acceptable to the Township to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.

k. The applicant shall demonstrate that sufficient water and sewage disposal service is available for the campground and related uses. If the property is served by public water and/or public sewer service, the applicant shall provide confirmation from the water and/or sewer service provider that capacity is available for the campground and related uses. If the property is served by on-lot sewage disposal, the applicant shall present evidence that the on-lot sewage disposal system is adequate to dispose of the anticipated sewage flows from the campground and related uses. If on-lot sewage disposal facilities are utilized within the campground, they must be part of a community sewage facilities collection and disposal system.

l. If individual campsites are provided, each campsite shall provide a minimum of three thousand (3,000) square feet and campsites shall be permitted at a maximum density of twelve (12) sites per acre. Campsites may be provided with a parking space for one (1) automobile which will not interfere with the convenient and safe movement of traffic. Parking to serve campsites shall otherwise be provided in a common area or lot. For the purposes of this subsection, a campsite shall be defined as a designated area within a Recreational Camp that is improved with a clear, level, well drained, mud free gravel pad to accommodate recreational vehicles, campers and tents and shall include provisions for connection to centralized electric supply, water supply and sewage collection facilities.

m. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, lights and property damage, litter, etc. All lighting within the subject tract shall be designed and located so as not to produce a glare or direct illumination onto abutting properties through the use of flat lenses and full cut-off shields on all light fixtures

n. A maintenance program needs to be provided that involves a discussion of the ownership and long term maintenance of the site including, but not limited to, the professional and personnel resources necessary to maintain the property; litter and refuse collection, control and disposal; sanitary sewage disposal facilities operation and maintenance; water supply system operation and maintenance; street and access drive maintenance; and,

compliance with the requirements of the PA Department of Environmental Protection.

o. Occupancy within the recreational camp by the same guest shall be limited to no more than one hundred eighty (180) days during any calendar year.

p. No guest of the campground shall be permitted to permanently reside on any campsite.

q. Where an outdoor recreational use adjoins a residential use, trees or shrubs must be planted on the site of this use so as to form an immediate six (6) foot high visual barrier between the outdoor recreational use and adjoining residential properties.

r. An undisturbed vegetative landscaped strip with a minimum width of fifty (50) feet shall be provided along all property lines.

s. Otherwise, buffers and screens shall be provided in accordance with Article 21 of this Ordinance to screen the use from adjoining streets and properties. This includes, but is not limited to, fences, walls, plantings and open spaces.

t. All recreational camps shall furnish centralized sanitary and garbage collection/recycling systems which shall be located at least one hundred (100) feet from adjoining residential property and/or residentially-zoned property and be appropriately screened in accordance with Article 21 of this Ordinance.

u. The following are prohibited uses within recreational camping areas:

1) In-patient, out-patient, parent-mandated, or court-mandated substance abuse or behavioral treatment services;

2) Half-way house, wilderness camp or other educational alternative for youths, rehabilitation center, "extreme" sports center, or health care facility;

3) Housing or counseling adults or juveniles who are sentenced to correctional facilities, on probation, or subject to any other court-restricted activity; and,

4) All illicit or illegal activities.

43. RECYCLING CENTERS

a. The subject tract shall front on and gain access from either an arterial,

major collector, or minor collector road as identified in the Zoning Ordinance, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.

b. All operations, including collection, shall be conducted within a completely-enclosed building.

c. There shall be no outdoor storage of collected or used materials generated from the operation.

d. The applicant shall provide an explanation of the scope of operation and any measures used to mitigate problems associated with noise, fumes, dust, and litter.

e. The applicant shall assure regular maintenance of the site to assure the immediate collection of stray debris.

f. All structures and parking and loading facilities shall be screened from any adjoining residential property and/or residentially-zoned land.

g. Drop off and collection facilities that are manned while in operation and sponsored by community service organizations and the Township are exempt from the requirement to obtain approval from the Zoning Hearing Board.

h. Leak, odor, and vector proof containers shall be provided for the storage of any waste that cannot be used in any disposal process or material that is to be recycled. Such containers shall be designed to prevent their being carried by wind and/or water and shall be stored within a completely-enclosed building.

44. RESTAURANTS, TAVERNS, AND NIGHTCLUBS

a. The subject tract shall front on and gain access from either an arterial, major collector, or minor collector road as identified in the Zoning Ordinance, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.

b. No part of any structure on the subject property shall be located within two hundred (200) feet of any residential property.

c. The applicant shall provide a working plan which demonstrates that the proposed land use will not create excessive light, noise, litter, and loitering

with respect to abutting properties. All lighting within the subject tract shall be designed and located so as not to produce a glare or direct illumination onto abutting properties through the use of flat lenses and full cut-off shields on all light fixtures.

d. A working plan for the clean-up of litter shall be furnished and implemented by the applicant.

e. Any proposal for an existing restaurant to provide for the sale of alcoholic beverages or for an existing restaurant or tavern to provide live entertainment, such proposal shall require the approval of an additional special exception by the Zoning Hearing Board.

f. Exterior seating areas may be permitted, provided that in addition to any screening and landscaping required according the Article 21, that a three (3) foot high opaque fence completely enclose such seating area, except for the entrances and any portion of the area where a building would serve as a visual barrier. Further, exterior seating shall be included in calculating the minimum parking area requirements for the use.

g. The applicant shall demonstrate that sufficient water and sewage disposal service is available for the facility and if additional sewage facilities planning are required. If the property is served by public water and/or public sewer service, the applicant shall provide confirmation from the water and/or sewer service provider that capacity is available for the facility. If the property is served by on-lot sewage disposal, the applicant shall present evidence that the on-lot sewage disposal system is adequate to dispose of the anticipated sewage flows from the facility. If the property is served by on-lot water, the applicant shall provide current test results indicating the on-lot supply is potable.

h. Adequate provision for the collection and disposal of greases shall be demonstrated.

45. RETAIL SALE OF NURSERY AND GARDEN MATERIALS

a. All driveways, parking areas, and loading zones shall be surfaced and maintained in a mud and dust free manner prescribed by the Zoning Hearing Board. Adequate parking and loading areas shall be provided and shall not be permitted on or along any public road.

b. The display and sale of items not grown on the premises shall be incidental to the nursery operation. The display area for these items shall not exceed twenty-five (25) percent of the total gross display and sales

area on the subject property. The display, sale, or repair of motorized nursery or garden equipment shall not be permitted.

c. All outdoor display areas shall be setback at least twenty-five (25) feet from the street right-of-way line.

d. All structures and parking and loading facilities shall be screened from any adjoining residential property and/or residentially-zoned land.

e. One (1) sign may be erected on the premises permitting the identification of the business in accordance with Article XVI of this Ordinance.

46. RETAIL SALES (See Section 2304.38)

47. SALE OF AGRICULTURAL PRODUCTS

a. A minimum of fifty (50) percent of the retail value of the products sold must be grown, raised, or cultivated on the premises which can include land farmed elsewhere by the owner of the premises. No manufactured products may be sold.

b. Any permanent structure used to display and sell such goods shall be located at least twenty-five (25) feet from any property line and the legal right-of-way line of any street. The sale of farm products from a portable stand shall be located a minimum of ten (10) feet from the street right-of-way and shall be removed at the end of the growing season. Mobile stands (i.e. farm wagons, pick-up trucks, etc.) shall be located outside the street right-of-way.

c. The structure and necessary parking area shall together occupy no more than one thousand five hundred (1500) square feet of area.

d. Off-street parking shall be provided for employees and customers in accordance with Article 18 of this Zoning Ordinance. In no case, however, shall fewer than three (3) parking spaces be provided. All parking spaces shall be located so that vehicles may not back onto the adjoining roadways.

48. ATTACHED AND SEMI-DETACHED BUILDINGS IN AN INDUSTRIAL / COMMERCIAL DISTRICT

The Zoning Hearing Board may allow the elimination of adjacent side or rear yards on two (2) or more adjacent lots in the I-C - Industrial/Commercial District provided the following conditions and standards are adhered to:

a. The owners of the adjacent lots jointly request the elimination.

b. The buildings to be constructed will be built at the same time and will be physically connected to each other and have uniform facades and roof lines.

49. SHOPPING CENTERS

a. The subject tract shall front on and gain access from either an arterial, major collector, or minor collector road as identified in the Zoning Ordinance, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.

b. The following types of commercial and commercial-related establishments shall be permitted:

1) Grocery store.

2) Banks and similar financial institutions.

3) Drugstore.

4) Home Improvement Store.

5) Retail sale of goods, provided the total sales and/or display area is less than one thousand, five hundred (1500) square feet.

6) Retail services, including barber/beauty salons, music, dance, art, or photographic studios, repair of small appliances, and laundromat and dry cleaning collection stations.

7) Professional offices.

8) Restaurants and taverns.

9) Any other establishment which in the opinion of the Board is of the same general character as any of the above identified uses.

c. The minimum lot area shall be two (2) acres.

d. The minimum lot width shall be two hundred (200) feet.

e. The applicant shall demonstrate that access to and the design of the parking facilities shall not create vehicle back-ups onto existing abutting streets.

f. All parking facilities shall be constructed and maintained with a paved surface of concrete or bituminous material, or other dust-free surface as approved by the Zoning Hearing Board.

g. The maximum building coverage shall be no greater than twenty-five (25) percent and shall not exceed fifty thousand (50,000) square feet.

h. The maximum impervious lot coverage shall be no greater than seventy (70) percent.

i. The minimum landscaped area shall be no less than thirty (30) percent.

j. No building shall be placed closer than thirty (30) feet to any property line. Where there exists a more stringent requirement, such requirement shall apply. Off-street parking shall not be permitted within side and rear yard setback areas.

k. Curbs and sidewalks shall be provided in accordance with the West Cocalico Township Subdivision, Land Development, and Stormwater Management Ordinance. Sidewalks abutting the public rights-of-way shall coordinate with an internal pedestrian circulation design which allows for safe and convenient movement of pedestrians.

l. All lighting within the subject tract shall be designed and located so as not to produce a glare or direct illumination onto abutting properties through the use of flat lenses and full cut-off shields on all light fixtures

m. The applicant shall demonstrate that sufficient water and sewage disposal service is available for the facility and if additional sewage facilities planning is required. If the property is served by public water and/or public sewer service, the applicant shall provide confirmation from the water and/or sewer service provider that capacity is available for the facility. If the property is served by on-lot sewage disposal, the applicant shall present evidence that the on-lot sewage disposal system is adequate to dispose of the anticipated sewage flows from the facility. If the property is served by on-lot water, the applicant shall provide current test results indicating the on-lot supply is potable.

50. NON-FARM SINGLE-FAMILY DETACHED DWELLINGS IN AGRICULTURAL DISTRICTS

a. The applicant shall demonstrate to the satisfaction of the Zoning Hearing Board that the proposed location and buffering of the dwelling incorporate and take into account the odor, noise, visual and other impacts of adjoining agricultural activities and do not cause required setback distances for agricultural operations to be violated.

51. SOLID WASTE DISPOSAL AND PROCESSING FACILITIES (LANDFILLS AND MASS BURN FACILITIES)

a. The subject tract shall front on and gain access from either an arterial, major collector, or minor collector road as identified in the Zoning Ordinance, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.

b. All solid waste processing operations shall be conducted within a completely-enclosed building.

c. No refuse shall be deposited or stored, and no building or structure shall be located within two hundred (200) feet of any property line or permanent water course and five hundred (500) feet of any land within a residential zone or in use as a church, school or park.

d. Any area used for the unloading, transfer, storage, processing, incineration, or deposition of refuse must be completely screened, buffered and landscaped in accordance with Article 21 of this Ordinance. The use of an earthen berm is required whenever possible. In addition, such areas must also be completely enclosed by an eight (8) foot-high fence, with no openings greater than two (2) inches in any direction.

e. The applicant must demonstrate compliance through a written statement and continue to comply with all applicable State and Federal standards and regulations.

f. The use shall be screened and buffered from all roads and adjoining properties in accordance with Article 21 of this Ordinance.

g. All uses shall provide sufficiently-long stacking lanes into the facility, so that vehicles waiting to be weighed will not back-up onto public roads.

h. All access drives serving the site shall be designed and constructed in accordance with the requirements of the West Cocalico Township Subdivision, Land Development and Storm Water Management Ordinance.

i. Access to the site shall be limited to those posted times when an attendant

is on duty. In order to protect against the indiscriminate and unauthorized dumping, all areas of the site shall be protected by locked barricades, fences, gates, or other means to prohibit access to the area at unauthorized times or locations.

j. Hazardous waste as identified by the Pennsylvania Department of Environmental Protection shall not be disposed of within the subject property.

k. The application for a special exception shall be accompanied by a working plan to prevent the scattering of debris and litter as well as the clean-up of the same.

l. The facility shall employ qualified facility operators responsible for supervising all unloading, processing, transfer, and deposition activities of solid waste.

m. Leak, odor, and vector proof containers shall be provided for the storage of any waste that cannot be used in any disposal process or material that is to be recycled. Such containers shall be designed to prevent their being carried by wind and/or water and shall be stored within a completely-enclosed building.

n. No more solid waste shall be stored on the property than what is necessary to keep the facility in constant operation; but in no circumstance shall such waste be stored for greater than seventy-two (72) hours.

o. A contingency plan for the disposal of solid waste shall be submitted to the Township in the event of a facility shutdown.

p. Leachate from the solid waste shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the Department of Environmental Protection's regulations.

q. A water supply feasibility report shall be prepared in accordance with Article 4 of the West Cocalico Township Subdivision, Land Development and Storm Water Management Ordinance

r. The applicant shall perform a traffic study as called for by the West Cocalico Township Subdivision, Land Development and Storm Water Management Ordinance and shall provide an analysis of the physical

conditions of the primary road system serving the proposed use. The analysis shall include information on the current traffic flows on this road system and projections of traffic generated by the proposed use. Improvements to the road shall be provided by the applicant to insure safe turning movements to and from the site and safe through-movements on the existing road.

s. A plan for the capture and productive use of methane from any landfill shall be submitted and implemented.

t. A minimum one-hundred (100) foot wide landscape strip shall be located and maintained along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this landscape strip.

u. All lighting within the subject tract shall be designed and located so as not to produce a glare or direct illumination onto abutting properties through the use of flat lenses and full cut-off shields on all light fixtures.

52. FARM EMPLOYEE HOUSING

a. The applicant shall demonstrate that sufficient water and sewage disposal service is available for the facility and if additional sewage facilities planning is required. If the property is served by public water and/or public sewer service, the applicant shall provide confirmation from the water and/or sewer service provider that capacity is available for the facility. If the property is served by on-lot sewage disposal, the applicant shall present evidence that the on-lot sewage disposal system is adequate to dispose of the anticipated sewage flows from the facility. If the property is served by on-lot water, the applicant shall provide current test results indicating the on-lot supply is potable.

b. The applicant shall furnish proof of the filing of either a land development plan or an accessory dwelling agreement in accordance with the West Cocalico Subdivision, Land Development and Storm Water Management Ordinance.

c. The off-street parking requirements of Article 18 of this Ordinance shall apply to each dwelling.

d. The minimum lot area and yard requirements of the respective zoning district shall apply to the principal and to the farm employee housing.

e. The applicant shall demonstrate that sufficient water and sewage disposal service is available for the facility and if additional sewage facilities

planning are required. If the property is served by public water and/or public sewer service, the applicant shall provide confirmation from the water and/or sewer service provider that capacity is available for the facility. If the property is served by on-lot sewage disposal, the applicant shall present evidence that the on-lot sewage disposal system is adequate to dispose of the anticipated sewage flows from the facility. If the property is served by on-lot water, the applicant shall provide current test results indicating the on-lot supply is potable.

f. Accessory Farm Dwelling

1) Accessory farm dwellings shall be permitted by Special Exception in the A-1, A-2 and O-S Districts. For the purposes of this Ordinance, an accessory farm dwelling is a permanent second dwelling having as its occupant(s) (1) an owner, (2) one or more full-time laborers, (3) or any family member of an owner or full-time laborer on the farm. No more than one (1) accessory farm dwelling shall be permitted on a farm.

2) The location of the accessory farm dwelling must also conform to the requirements of the West Cocalico Township Subdivision, Land Development and Stormwater Management Ordinance.

g. Temporary Farm Employee Housing

1) One (1) mobile home is permitted to be located on each farm as living quarters for farm workers and their families. The farm worker shall be employed by the owner of the farm, and the workers may occupy the mobile home for as long as they are employed by the owner of the farm.

2) All mobile homes shall be setback a distance that is at least equal to the front yard setback of the existing farm dwelling and be no further than three hundred (300) feet from said dwelling, provided that the mobile home is no closer than one hundred (100) feet to adjoining property lines.

3) All mobile homes shall be installed in accordance with the requirements of the Uniform Construction Code.

4) The mobile home shall be occupied at least thirty (30) days a year by at least one person who is employed on the farm where the mobile home is located. If this condition is not satisfied, then the mobile home shall be removed within ninety (90) days

53. WHOLESALE DISTRIBUTION OF INDUSTRIAL PRODUCTS, INCLUDING LUMBER AND COAL YARDS, BUILDING MATERIAL STORAGE YARDS, CONTRACTORS' EQUIPMENT AND STORAGE YARDS (FOR OPERATIONS IN EXCESS OF FOUR (4) EMPLOYEES), AND COMMERCIAL WAREHOUSES

a. The subject tract shall front on and gain access from either an arterial, major collector, or minor collector road as identified in the Zoning Ordinance, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.

b. All lighting within the subject tract shall be designed and located so as not to produce a glare or direct illumination onto abutting properties through the use of flat lenses and full cut-off shields on all light fixtures.

c. Any outdoor storage of industrial products, building materials, equipment, products, and waste material shall be secured with a six (6) feet high fence. Such outdoor storage shall be completely screened from view of adjoining properties and roads by a combination of earthen berm and shrubs and trees within two (2) years of building permit issuance.

54. ESSENTIAL SERVICES

Essential Services equipment and structures shall be permitted by Special Exception in all zoning districts without regard to the use, lot area, setbacks and impervious area regulations; provided, however, that buildings erected for these services shall be subject to the following regulations:

a. Unhoused equipment shall be enclosed with a chain link fence six (6) feet in height.

b. Housed Equipment - When the equipment is totally enclosed within a building, no fence or screen planting shall be required.

c. Screen Planting in Residential Districts - The required fence for unhoused equipment shall be screened in accordance with the requirements of Article 12 of this Ordinance.

d. The external design of the building shall be in conformity with the architectural character of the buildings in the surrounding area.

e. Storage of Vehicles - In residential districts, newly permitted essential services facilities shall not include the exterior storage of vehicles or equipment used in the maintenance of any utility.

f. All equipment shall conform to the Industrial performance Standards of Article 21 of this Ordinance.

g. Lands acquired for or by West Cocalico Township or its authorities shall not count against any remaining subdivision or development quota provided by this Ordinance.

h. Essential services provided by West Cocalico Township or its authorities shall be required to comply with these requirements but are not required to obtain approval from the Zoning Hearing Board.

55. RIDING SCHOOL OR HORSE BOARDING STABLE

a. The minimum area for a riding school or horse boarding stable shall be twenty (20) acres.

b. All horses except while exercising or pasturing shall be kept within a completely enclosed building which was erected or maintained for that purpose.

c. No building or stable shall be located less than one hundred (100) feet from any lot line, nor closer than two hundred (200) feet from the nearest existing dwelling, other than that of the owner. A minimum of one (1) acre of dedicated exercise or pasture per one animal unit maintained shall be provided.

d. All areas used for exercise and pasturing shall be securely fenced to prevent the escape of horses. A pasture fence shall be located a minimum distance of ten (10) feet from the property line.

e. No manure storage facility or area shall be established closer than one hundred fifty (150) feet to any property line. The applicant shall demonstrate to the satisfaction of the Zoning Hearing Board that the methods of disposing of manure are in compliance with applicable standards.

f. One sign shall be permitted which shall not be greater than four (4) square feet in area and located a minimum of twenty (20) feet from the street right-of-way line.

g. Adequate off-street parking shall be provided in accordance with requirements of Article 18.

ARTICLE XXIV

ZONING HEARING BOARD AND OTHER ADMINISTRATIVE PROCEEDINGS

SECTION 2400. **MEMBERSHIP**

1. The Zoning Hearing Board shall consist of five (5) residents of the Township appointed by the Board of Supervisors. The existing terms of office shall continue, with terms of office being five (5) years, and with the terms being so fixed that the term of office of one member shall expire each year. Members of the Board shall hold no other office in the Township.

2. Alternate Members. The Board of Supervisors may appoint alternate members of the Zoning Hearing Board within the applicable provisions of Section 903 of the Pennsylvania Municipalities Planning Code.

3. Vacancies. Appointments to fill vacancies shall be only for the unexpired portion of a term.

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

5. Organization. The applicable provisions of Section 906 of the MPC, shall apply.

SECTION 2401. **GENERAL PROCEDURES**

The Zoning Hearing Board shall adopt such rules and regulations to govern its procedures as it may deem necessary, and as provided for by Section 906, Section 907 and Section 908 of the MPC. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence, the acting chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official action, all of which shall be immediately filed with the Township Secretary and shall be a public record.

SECTION 2402. **APPLICATION PROCEDURES AND LIMITATIONS**

1. Any application, including an appeal, to the Zoning Hearing Board shall be submitted to the Zoning Officer. All applications shall be made on the form supplied by the Township (as amended by resolution from time to time) and shall contain, at a minimum, all information requested on such form. All applications shall contain the following information:

    a. Name and address of the applicant and, if different, the name and address of the landowner. If the applicant is not the landowner of record, information demonstrating that the applicant has the legal right to make the application shall accompany the application. The address and zoning district of the property for which relief is requested, needs to be provided.

    b. Dimensions and shape of the lot to be developed, the exact location and dimensions of any structures existing or to be erected, and the distance from each structure(existing and proposed) from all front, side and rear yard boundaries, and the location of any on-site sewage disposal systems and wells, and the distance of same from boundaries and structures.

    c. The height of any proposed buildings or structures.

    d. Existing and proposed uses of all existing and proposed structures.

    e. Existing and proposed off-street parking and loading spaces.

    f. Names and addresses of adjoining property owners, including properties directly across a public right-of-way.

    g. A site plan with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance.

    h. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance (1) if requesting a special exception, or (2) demonstrating unnecessary hardship if requesting a variance, or (3) explaining how the Zoning Officer erred in an appeal from a determination of the Zoning Officer.

    i. A reference to all sections of this Ordinance which are relevant to the application or appeal. The information required pursuant to sections b. and e. shall be included on the plan provided for submission.

    j. A listing of all special exceptions and/or variances which the applicant is requesting.

k. A recitation of all previous hearings before the Zoning Hearing Board concerning the property in question, together with the docket number, the date of such hearing, and a copy of the decision rendered as a result of such hearing.

2. Applications shall include the appropriate fee established by resolution or ordinance by the Board of Supervisors. Failure to complete the application as required in this Section with all requested information and/or failure to pay the prior required filing fee shall render the application void as if it had not been filed. Any such void application shall be immediately returned to the applicant, and the Board will take no further action in regard to same.

3. The Zoning Officer shall review the application to determine if it is generally in a form that complies with terms of this Ordinance. If within five (5) days from the date of submission, the Zoning Officer determines that the application is incomplete, the Zoning Officer shall return the application to the applicant and inform the applicant that his application is incomplete, in which event, it shall be considered as rejected pursuant to Paragraph 2 above. If the Zoning Officer fails to return an application to the applicant within the five (5) day period, it shall not be deemed an acknowledgement by the Township that the application meets the requirements of this Ordinance. Notwithstanding the foregoing, the Zoning Officer shall not be authorized to return appeals from a determination of the Zoning Officer.

4. After the Zoning Officer has reviewed the application for completeness, including any supplemental information submitted before the hearing has been advertised, the application shall be considered closed. The applicant shall not be permitted at the hearing to change the application or supplement the application with plans or other information which should have been submitted with the application, and the Zoning Hearing Board shall consider the application as filed. The Zoning Hearing Board shall not reform any application and shall not be required to grant parts of an application. If an applicant desires to change an application after it has been submitted, the applicant shall withdraw the application by filing a request to withdraw and shall submit another application in the form provided by the Township which will be considered filed on the date it is submitted to the Zoning Officer and a new application fee is paid. Pursuant to the foregoing, the Board, in its discretion, may allow permitted amendments at the time of the hearing in the interest of administrative economy which are not prejudicial to other parties or may continue the hearing subject to the applicant paying any fee established by the Township for continuances.

SECTION 2403. **HEARINGS**

Variances, special exceptions, and appeals to the Zoning Hearing Board or any other matter over which the Zoning Hearing Board has jurisdiction pursuant to Section 2404 of this Ordinance,

may be taken by any person or township official aggrieved or affected by any provision of the Zoning or decision, including any order to stop, cease and desist, issued by the Zoning Officer. The hearing for such appeal shall be taken within sixty (60) days from the date of the applicant's request and as provided by the rules of the Board by filing with the Zoning Officer and with the Board a notice of appeal specifying the grounds thereof, unless the applicant has agreed in writing to an extension of time. Upon payment of any fees established by resolution of the Board of Supervisors, the Zoning Officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

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

1. Public Notice. The Board shall fix a reasonable time and place for hearings and shall give notice thereof as required by the MPC.

    a. Ad. Public notice shall be given as required by the MPC. The notice shall state the time and place of the hearing and the particular nature of the matter to be considered.

    b. Posting. Notice of such hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. The Township Staff shall post the property. It is the responsibility of the applicant to make sure that such notice remains posted until the hearing.

    c. Persons Given Notice. The Township shall provide written notice to the Applicant of the time and place of the hearing. The Township should also provide notice to the Chairperson of the Board of Supervisors. Also, such notice shall be given to any other person or group (including civic or community organizations) who has made a written timely request for such notice. Any such notices should be mailed or delivered to the last known address.

2. Fees. The Board of Supervisors may by resolution prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs, and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural, or other technical consultants or expert witness costs. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or the hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

3. Conduct of Hearing. The hearings shall be conducted by the Board, or the Board may appoint any member as a hearing officer. The decision or, where no decision is called for, the findings shall be made by the Board. However, the appellant, or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.

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

5. Powers. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

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

7. Rules. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

8. Record. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings.

9. Communications. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed, and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

10. Decisions. The Zoning Hearing Board shall render decisions within the time limits and in the manner required by the MPC.

11. Mediation. Parties to proceedings authorized by this article may, following written agreement by all relevant parties, utilize mediation as an aid in completing such proceedings. In exercising such an option, the Township, the Board, and the mediating parties shall meet the stipulations and follow the procedures set forth in Section 908.1 of the MPC.

SECTION 2404. **JURISDICTION**

1. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final applications in the following matters:

   a. Appeals from the Determination of the Zoning Officer

      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.

   b. Variances

      Applications for variances from the terms of the Zoning Ordinance pursuant to Section 2405.1. and the flood hazard provisions within this Ordinance.

   c. Special Exceptions

      Applications for special exceptions pursuant to Section 2405.2 or flood plain or flood hazard provisions within this Ordinance.

   d. Appeals from the Determination of Flood Hazard or Flood Plain Provisions

      Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard provisions within this Ordinance.

   e. Appeals from the Determination of Erosion and Sedimentation and Stormwater Management

      Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any provision of this Ordinance with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving applications under the West Cocalico Township Subdivision, Land Development and Stormwater Management Ordinance.

   f. Appeals from the Preliminary Opinion of the Zoning Officer

      Appeals from the Zoning Officer's determination of Preliminary Opinion pursuant to Section 916.2 (and any subsequent amendments) of the Municipalities Planning Code.

g. Substantive Validity Challenge

Substantive challenges to the validity of this Ordinance, except those brought before the Board of Supervisors pursuant to Section 609.1 or Section 916.1(a)(2) of the Municipalities Planning Code. In all such challenges, the Zoning Hearing Board shall take evidence and make a record thereon as provided in Section 2403.8. At the conclusion of the hearing, the Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

h. Procedural Challenge

Challenges to the validity of this Ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of this Ordinance.

i. All other matters authorized by the MPC. In addition, to the powers set forth in this Section, the Zoning Hearing Board shall have all powers and jurisdiction set forth in the MPC.

SECTION 2405. ZONING HEARING BOARD FUNCTIONS - VARIANCES AND SPECIAL EXCEPTIONS

1. VARIANCES. The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Zoning Ordinance. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case, but the burden of proof of all elements of the application shall be upon the applicant:

   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 the Zoning Ordinance 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 the Zoning Ordinance, 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 appellant.

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.

f. When a variance for any development proposed within the Flood Plain District is before the Zoning Hearing Board for consideration, the following additional provisions apply:

1) No variance shall be granted for any construction, development, use, or activity within the floodway area that would cause any increase in the one hundred year flood elevation.

2) Whenever a variance is granted, the Township shall notify the applicant in writing that (a) the granting of the variance may result in increased premium rates for flood insurance and (b) such variances may increase the risks to life and property.

3) A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual or biennial report to the Federal Emergency Management Agency.

2. SPECIAL EXCEPTIONS. Where the Board of Supervisors, in the Zoning Ordinance, has allowed for the issuance of special exceptions 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 as provided in Article 23 of this Zoning Ordinance or any other relevant portions of the Zoning Ordinance. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Zoning Ordinance, as it may deem necessary to implement the purposes of this Zoning Ordinance. The burden of proof of all elements of the application is upon the applicant.

a. Referral to Township Planning Commission. All applications for a special exception shall be referred to the Township Planning Commission for review and comment. However, the Zoning Hearing Board shall meet the

time limits for a decision provided in this Section, regardless of whether the Township Planning Commission has provided comments.

b. In order to receive a special exception, the applicant shall establish by credible evidence that:

1) The proposed use is consistent with the purpose and intent of the Zoning Ordinance.

2) The proposed use does not detract from the use and enjoyment of adjoining or nearby properties beyond that which is to be ordinarily anticipated by the use.

3) The application complies with all criteria for the respective use in Article 23.

4) The proposed use does not substantially impair the integrity of the West Cocalico Township Strategic Plan and the Strategic Comprehensive Plan for the Cocalico Region.

5) The required front yard, side yards, rear yards, open space areas, and height limitations for the applicable zoning district have been met.

6) The off-street parking provisions are in conformance with those specified in Article 18 of this Ordinance.

7) Points of vehicular access to the lot are provided at a distance from intersections and other points of access and in number sufficient to prevent undue traffic hazards and obstruction to the movement of traffic.

8) The location of the site with respect to the existing roads, including the existing and future functional classification, giving access to it is such that the safe capacity of those roads is not exceeded by the estimated traffic generated or attracted is not out of character with the normal traffic using said public road.

9) The pedestrian access from the off-street parking facilities is separated from vehicular access and sufficient to meet the anticipated demand.

10) The proposed use is not incompatible with the existing traffic conditions and adjacent uses and will not substantially change the character of the immediate neighborhood.

11) Facilities are available to adequately service the proposed use (e.g. schools, fire, police, and ambulance protection, sewer, water, and

other utilities, etc.).

12) Screening of the proposed use from adjacent uses is sufficient to prevent the deleterious impact of the uses upon each other.

13) The use of the site complies with the requirements of any other public agency having jurisdiction over the proposed use.

14) Operations in connection with a special exception use will not be more objectionable to nearby properties by reason of noise, odor, fumes, vibration, glare, or smoke than would be the operations of any permitted use.

15) Sufficient setbacks to and/or from agricultural operations are provided, in accordance with the applicable zoning district regulations.

3. TIME LIMITATIONS. Unless otherwise specified by the Zoning Hearing Board or by law, a variance or special exception shall expire if the applicant fails to obtain a zoning permit within one (1) year of the date of authorization thereof by the Board or by the court if such special exception or variance has been granted after an appeal. A variance or special exception shall also expire if the applicant fails to complete any erection, construction, reconstruction, alteration or change in use authorized by the special exception or variance approval within two (2) years from the date of authorization thereof by the Board or by the court if such variance or special exception has been granted after an appeal. The Board, for reasonable cause shown, may extend the approval for such additional time as it deems appropriate under the circumstances.

SECTION 2406. **PARTIES APPELLANT BEFORE THE BOARD**

1. Appeals under Section 2404.1.(a), (d), (e), and (f) may be filed with the Board in writing by the landowner affected, any officer or agency of West Cocalico Township, an equitable owner with a signed agreement of sale or any person aggrieved. Requests for a variance under Section 2405.1 and for special exception under Section 2405.2 may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner, an equitable owner with a signed agreement of sale or other such person entitled by law to file such an application. Requests for a variance under Section 2405.1 or for a special exception under Section 2405.2 may be filed with the Board by any landowner or any tenant with the permission of the landowner, or other such person entitled by law to file such an application.

2. The Board of Supervisors may be a party to any proceeding before the Zoning Hearing Board. The Board of Supervisors may appeal any determination by the Zoning Hearing Board to the Court of Common Pleas.

SECTION 2407. **TIME LIMITATIONS**

1. No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate municipal officer, agency, or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan or from an adverse decision by the Zoning Officer on a challenge to the validity of an ordinance or map pursuant to Section 2409 of this Zoning Ordinance 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 landowners shall be filed by the landowner within thirty (30) days after notice of determination is issued.

SECTION 2408. **STAY OF PROCEEDING**

Upon filing of any proceeding referred to in Section 2404, and during its pendency before the Zoning Hearing 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 there under, 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.

SECTION 2409. **VALIDITY OF ORDINANCE: SUBSTANTIVE QUESTIONS**

1. A landowner who, on substantive grounds, desires to challenge the validity of an ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest shall submit the challenge either:

a. To the Zoning Hearing Board under Section 2404.1 of this Zoning Ordinance, or

b. To the Board of Supervisors under Section 2404.2 (c), together with a request for a curative amendment under Section 2504 of this Zoning Ordinance.

2. Persons aggrieved by a use or development permitted on the land of another by an ordinance or map, or any provision thereof, who desires to challenge its validity on substantive grounds shall first submit their challenge to the Zoning Hearing Board for a decision thereon under Section 2404.1 (a) of this Zoning Ordinance.

3. The submissions referred to in Sections 2409.1 and 2409.2 above shall be governed by the criteria established in the appropriate section of the MPC.

ARTICLE XXV

ADMINISTRATION AND ENFORCEMENT

SECTION 2500. THE ZONING OFFICER

The provisions of the Zoning Ordinance shall be administered and enforced by the Zoning Officer who shall be appointed by, and serve at the pleasure of, the Board of Supervisors. The Zoning Officer shall meet qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms, and shall not have the power to waive or modify any term or condition of the Ordinance or permit any construction or any use or change of use which does not conform to the Zoning Ordinance. The Zoning Officer and Assistant Zoning Officers shall not hold any elective office within the Township, but may hold other appointed offices. The Zoning Officer may be provided with assistance of such persons as the Board of Supervisors may direct and may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of their employment.

SECTION 2501. DUTIES AND RESPONSIBILITIES OF THE ZONING OFFICER

The Zoning Officer shall have all the duties and powers conferred upon him by the Zoning Ordinance in additions to those reasonably implied for that purpose, including the following:

1. APPLICATIONS FOR ZONING AND USE PERMITS.

    a. At any time that an owner or occupant shall wish to alter, change, or commence a particular use of a property or structure, or shall wish to erect, construct, alter, repair, extend, replace, relocate, demolish, or convert any building or structure, such person shall first apply to the Zoning Officer for a Zoning and Use Permit.

    b. No Zoning and Use Permit shall be required for repairs or routine maintenance of any structure, building, or land provided such repairs or maintenance do not change the use or the exterior dimensions of the structure, building, or otherwise violate the provisions of this Ordinance.

    c. APPLICATION FOR ZONING AND USE PERMIT.

        1) The applicant for a Zoning and Use Permit shall submit an application on forms provided by the Township. The application may be made by the owner of the property, by the lessee of the property with written approval of the owner, an equitable owner

with a signed agreement of sale or by the agent of either, provided, however, that if the application is made by a person other than the owner or lessee, the application shall be accompanied by a written authorization from the owner or lessee designating the agent and authorizing the work.

2) The application for a Zoning and Use Permit shall include

a) A description of the proposed work and/or use and occupancy of the building, structure and/or land as well as any other information required by the application form or the Zoning Officer to determine compliance with this Ordinance and other applicable Township, County, state and federal ordinances, statutes and regulations;

b) Plans, in duplicate, drawn to scale, showing the actual dimensions and shape of the lot, the size and location and dimensions of the proposed use, building or alteration, the location of the on-site well and on-site sewage disposal system, if applicable and all other pertinent information; and

c) The application fee. The application shall not be considered complete without the fee established by the Board of Supervisors by ordinance or resolution. The applicant shall submit all necessary information to demonstrate:

(1) Approval and recording of any necessary subdivision and/or land development plan, if applicable.

(2) Submission to and approval by the Lancaster County Conservation District of a sedimentation and erosion control plan where earth disturbance activities are proposed.

(3) Issuance of a permit to install or modify an on-lot sewage disposal system or the issuance of a permit by the provider of centralized sewer service, as applicable.

(4) Issuance of a permit to connect to a centralized water supply, if applicable.

(5) Issuance of any permits required for the relocation

or alteration of any existing public utility line or other facility.

(6) If the applicant is, or would be, serviced by public sewer or water from an adjacent municipality, pursuant to a reciprocal agreement, the issuance of the necessary connection permits or waivers from the necessity to acquire same.

c. Zoning and Use Permits shall be granted or refused within such time period as may be required by the law. In the event that the request is in full compliance, the Zoning Officer shall issue to the applicant a Zoning and Use Permit and shall immediately forward a copy of the application and the permit to the Township Secretary and the Building Inspector. In the event that the application involved construction, alteration, repair, extension, replacement, relocation, or conversion of said structure or building, the Zoning Officer shall also notify the applicant that he will be required to secure a building permit and occupancy permit and shall direct the applicant to the Building Inspector.

d. If the request is not acceptable, the Zoning Officer shall send to the applicant by certified mail, return-receipt requested to addressee a written statement explaining the reason or reasons why the permit cannot be issued, including the sections of the Ordinance upon which the decision is based. In addition, the Zoning Officer shall advise the applicant if a special exception may be an available remedy, and that the applicant always has the right to request a variance. The applicant also has the right to appeal a decision by the Zoning Officer adverse to the applicant's request within thirty (30) days of issuance of the same.

e. The Zoning and Use Permit shall be authorization under this Ordinance to proceed with the work described in the application, provided a building permit is secured, if necessary. A Zoning and Use Permit shall not be deemed to supersede or annul any restrictions on the use or development of the property imposed by deed restrictions, restrictive covenants, or other private agreements. Permit holders shall proceed with work at their own risk and subject to the rights of aggrieved persons to appeal the issuance of the Zoning and Use Permit as authorized by the Municipalities Planning Code or to take action to enforce deed restriction, restrictive covenants, or private agreements as authorized by law.

f. The Zoning Officer shall revoke a Zoning and Use Permit or approval issued under the provisions of this Ordinance in the case of any false statement or misrepresentation of fact in the application on which the permit or approval was based, or if the permit or approval was issued in

error, or if work is not undertaken in accordance with the terms of the permit or approval, or for any other proper case.

g. Zoning and Use Permits shall be issued with a one (1) year life, provided, however, that if work is not commenced or a change in use of building or land is not commenced within one hundred and eighty (180) days after issuance of the Zoning and Use Permit, the permit shall automatically expire and a new permit shall be required before such work or change in use commences.

2. CERTIFICATE OF USE AND OCCUPANCY PERMIT

a. A Certificate of Use and Occupancy Permit issued by the Zoning Officer stating that the buildings or proposed uses fully comply with the provisions of this Ordinance, and the provisions of all other relevant ordinances (e.g. West Cocalico Subdivision, Land Development and Storm Water Management Ordinance), shall be required prior to any proposed building or use being occupied or established.

b. It shall be unlawful to use and/or occupy a structure, building, sign and/or land for which a Zoning and Use Permit is required herein until a Certificate of Use and Occupancy Permit for such structure, building, sign and/or land has been issued by the Zoning Officer as required herein.

c. The application for a Certificate of Use and Occupancy Permit shall include a fee adopted from time to time by resolution of the Board of Supervisors, and be in such a form as the Zoning Officer may prescribe and may be made on the same application as is required for a Zoning and Use Permit.

d. The application shall contain the intended use and/or occupancy of any structure, building, sign and/or land for which a Zoning and Use Permit is required herein.

e. The Zoning Officer shall inspect any structure, building, sign and/or land within ten (10) days upon notification that the proposed work that was listed under the Zoning and Use Permit has been completed; and receipt of a letter or other certification from the building inspector that the structure has been constructed according to the permit; and if satisfied that the work is in conformity and compliance with the work listed in the issued Zoning and Use Permit and other pertinent laws, the Zoning Officer shall issue a Certificate of Use and Occupancy Permit for the intended use listed in the original Zoning and Use Permit application.

f. The Certificate of Use and Occupancy Permit or true copy thereof shall be

kept available for official inspection at all times.

g. Upon request of a holder of a Zoning and Use Permit, the Zoning Officer may issue a Temporary Certificate of Use and Occupancy Permit for a structure, building, sign and/or land before the entire work covered by the permit shall have been completed, provided such portion or portions may be used and/or occupied safely prior to full completion of the work without endangering life or public welfare. The Zoning Officer shall also issue a Temporary Certificate of Use and Occupancy Permit for such temporary uses as tents, use of land for temporary religious or other public or semi-public purposes and similar temporary use and/or occupancy. Such temporary certificates shall be for a period of time to be determined by the Zoning Officer, however, in no case exceeding six (6) months.

h. A Certificate of Use and Occupancy Permit shall not be issued for structures and buildings located in subdivision and/or land developments requiring Improvement Guarantees in accordance with the West Cocalico Subdivision, Land Development and Storm Water Management Ordinance, until the structure or building abut either a roadway which has been accepted by the Township for dedication or abuts upon a street which has been paved with a base wearing or binder course.

i. For uses subject to the provisions of subsection 2501.2.a (land development approvals) herein above in which operation standards are imposed, no Certificate of Use and Occupancy Permit shall not become permanent until thirty (30) days after the facilities are fully operational when, upon a re-inspection by the Zoning Officer, it is determined that the facilities are in compliance with all operation standards.

3. COMPLAINTS REGARDING VIOLATIONS. The Zoning Officer shall, upon learning of an alleged violation, investigate said alleged violation. A written report of all investigations of alleged violations of the Zoning Ordinance shall be prepared and properly filed, and a copy sent to the Board of Supervisors. Additionally, the Zoning Officer, when in receipt of a signed written complaint stating fully the cause and basis of any alleged violation, shall complete said investigation and also submit the written report of said investigation with the individual filing the complaint. If, after the investigation, the Zoning Officer determines that a violation has occurred, he shall take action as provided by the Zoning Ordinance.

4. ENFORCEMENT. If it appears that a violation of any of the provisions of this Zoning Ordinance has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided below:

a. The enforcement notice shall be sent to the owner of the record of the parcel on which the violation has occurred to any person whose actions or failure to act have made it a necessity or who have created the existence of the violation, 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.

b. An enforcement notice shall state at least the following:

1) The name of the owner of record and any other person against whom West Cocalico Township intends to take action.

2) The location of the property in question.

3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Zoning Ordinance, and a brief explanation of what must be done to return to compliance.

4) The date before which the steps for compliance must be commenced, and the date before which the steps must be completed.

5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board in accordance with the terms and procedures stated in Article 24 of this Zoning Ordinance.

6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, clearly constitutes a violation, with possible sanctions clearly described.

c. If any person does not comply with the notice of violation and the stop, cease and desist order within a period of thirty (30) days from the date of posting of the cease and desist order, the Zoning Officer shall notify the Board of Supervisors, that the Township Solicitor shall be asked to initiate in the name of the Township, appropriate legal action against such person in accordance with Sections 2504, 2505 and 2506 of this Zoning Ordinance. However, in no case shall the person notified abandon the premises in such condition so as to create a hazard to the public health, safety, morals, or welfare.

In the event, however, that any such violation shall create a significant risk of injury to persons, then the Board of Supervisors may instruct the Solicitor to seek injunctive relief to immediately terminate such violation as soon as the Board of Supervisors shall deem advisable. In the event that

such violation shall create a significant risk of damage to property, or shall create a risk of irreparable harm, then the Board of Supervisors may, five (5) days after receipt of such stop, cease and desist order, instruct the Solicitor of the Township to request injunctive relief to terminate such violation.

5. OFFICIAL RECORDS. It shall be the duty of the Zoning Officer to maintain and be responsible for all pertinent records on zoning matters in the Township. These records shall include, but not be limited to, all applications received, copies of all permits and certificates issued, copies of orders and findings of the Zoning Hearing Board, written complaints of alleged violations, records of all inspections made, a current copy of the Zoning Ordinance and all amendments, the Official Zoning Map, and all other pertinent information. The records of his office, including the written statement of all Zoning and Use and/or Building Permit and Certificates of Use and Occupancy issued and violations and stop work orders recommended or promulgated, shall be available for the use of the Township government and inspection by any interested party during normal office hours.

6. NON-CONFORMITIES. It shall be the duty of the Zoning Officer to inspect nonconforming uses, structures, and lots and to keep a file record of such nonconforming uses and structures, together with the reasons why the Zoning Officer identified them as nonconformities, as a public record and to examine them periodically, with the view of eliminating the nonconforming issues under the existing laws and regulations.

SECTION 2502. **TEMPORARY ZONING AND USE PERMIT**

1. The Zoning Officer shall also issue a Temporary Zoning and Use Permit for such temporary uses as tents, trailers, and temporary buildings on construction sites, and the temporary use of land for religious or other public or semi-public purposes, or other such temporary uses which will be used for a brief, specified period of time.

2. Where the proposed temporary use is permitted as a use by right in the zoning district, the applicant shall apply to the Zoning Hearing Board for a Zoning and Use Permit. If the temporary use will be operated from a temporary, removable structure and shall have a duration of not more than fourteen (14) calendar days at any time, the Zoning Officer may issue a temporary Zoning and Use Permit upon the applicant's presentation of evidence that adequate off-street parking shall be provided, any signs will be temporary in nature, and any signs shall not exceed the number or area which would be permitted for a permanent use. The off-street parking for a temporary use may be shared with off-street parking for an existing permanent use. The Zoning Officer shall issue the temporary Zoning and Use Permit which shall specify the dates upon which the temporary use may be

operated, the temporary structures which may be erected and the temporary signs which may be erected.

3. Where the proposed temporary use is permitted as a special exception in the zoning district, the applicant shall apply to the Zoning Hearing Board for a Special Exception. The Zoning Hearing Board may authorize a temporary use if the applicant demonstrates compliance with the general standards for all special exceptions in Article 23 of this Ordinance and all applicable standards for the use set forth in Article 21 of this Ordinance.

4. The Zoning Hearing Board, by special exception, may authorize a temporary use in a zoning district where such use is not allowed if the applicant demonstrates compliance with the general standards for all special exceptions in Article 23 of this Ordinance, all applicable standards for the use set forth in Article 21 of this Ordinance, and with all the following requirements:

    a. The temporary use shall not exceed five (5) calendar days in any calendar year.

    b. The applicant shall demonstrate that adequate off-street parking and other facilities, including but not limited to sewage disposal facilities, are available for persons reasonably anticipated to attend the temporary use.

    c. The applicant shall provide a plan for addressing traffic to be generated by the temporary use. If necessary, the applicant shall arrange for the provision of fire police or other persons to direct traffic to the temporary off-street parking facilities.

    d. The applicant shall present evidence to demonstrate that the temporary use will not adversely affect the health, safety or welfare of the adjoining residents or the uses permitted within the zoning district in which the temporary use is proposed.

5. Not more than two (2) Temporary Zoning and Use Permits in any one calendar year shall be issued for a property.

SECTION 2503. **SCHEDULE OF FEES, CHARGES, AND EXPENSES**

1. The Board of Supervisors shall from time to time establish by resolution a schedule of fees, charges, and expenses and collection procedures for Zoning and Use Permits, Certificate of Use and Occupancy Permits, uses by special exception, variances, and appeals and other matters pertaining to this Ordinance.

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

3. Such alterations shall not be considered an amendment to this Ordinance and may be adopted as a resolution at any public meeting by the Board of Supervisors.

4. Until all application fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

SECTION 2504. **VIOLATIONS**

Failure to secure a Zoning and Use Permit, Certificate of Use or Occupancy Permit or any other permit required by this Ordinance prior to a change in the use of land or structure, or the erection, construction, demolition, or alteration of any structure or portion thereof, or any occupancy of same, or any violation of any other term or condition of this ordinance, including those imposed upon the grant of a special exception or variance by the Zoning Hearing Board, or inclusion of false or misleading information of any zoning ordinance related application filed with the Township, shall be a violation of this Zoning Ordinance.

SECTION 2505. **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 any provisions of this Zoning Ordinance, 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 municipality at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

SECTION 2506. **ENFORCEMENT REMEDIES**

1. Following the issuance of any notice of violation by the Zoning Officer, should said notice not be complied with within a period of thirty (30) days; or in the case of a violation which creates a significant risk of injury to persons at any time the Board of Supervisors deems advisable; or in the case of a violation which creates a significant risk of damage to property or of irreparable harm, within five (5) days after posting of such notice: the Zoning Officer shall notify the Board of Supervisors and the Township Solicitor shall, upon authorization by the Board,

initiate in the name of the Township any appropriate action or proceedings at law or in equity to prevent such unlawful erection, construction, alteration, repair, extension, replacement, relocation, conversion, maintenance, and/or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

2. Thirty (30) days, or such lesser time for compliance as may be required in Section 2506 1. above, after posting of any notice of violation by the Township Zoning Officer, such Officer shall, provided the recipient of such notice shall have failed to fully comply with that notice, prepare a citation. Such citation shall set forth the date of mailing of the notice of violation, the section of the code violated, a brief explanation of the violation, a statement that the recipient shall have fifteen (15) days to remit the fine assessed, and a place for inclusion of a fine. Such citation shall be presented to the Board of Supervisors at its next regularly-scheduled meeting. The Supervisors shall, by resolution, assess the amount of the fine, not to exceed $500.00 per violation. The amount of the fine shall be determined based upon consideration of the following criteria:

   a. The extent of the recipient's efforts to come into compliance, if any.

   b. Whether the notice of violation was for a first or subsequent offense.

   c. The extent to which the violation poses a risk to the safety of persons or property.

   d. The nature of the violation.

   e. Whether the violation was committed innocently or with knowledge, and

   f. The extent of the effect of such violation upon the general welfare of the citizens.

   A separate violation shall arise for each day or portion thereof in which a violation is found to have existed or for each section of the ordinance which is found to have been violated. After the fine is assessed, the citation shall be adopted by resolution, and thereafter mailed to the recipient of the notice of violation, by certified mail, return receipt requested. If the mailed citation is refused or otherwise not delivered, the Zoning Officer is authorized to secure personal service by sheriff, constable, or other duly authorized citizen. If the fine is not paid within fifteen (15) days of receipt of such citation, the Solicitor shall institute civil suit against the recipient at the appropriate District Justice for judgment in the amount of the fine assessed, together with a request for court costs and reasonable attorney's fees. Any final judgment may be enforced according to the Pennsylvania Rules of Civil Procedure.

SECTION 2507. **APPEAL TO COURT**

Nothing contained in this Article shall be construed to deny the appellant the right to proceed directly to court where appropriate, pursuant to the Pennsylvania Rules of Civil Procedure No. 1091 (relating to action in mandamus). Procedures set forth to constitute the exclusive mode for securing review of any decision rendered pursuant to this article or deemed to have been made under this Zoning Ordinance shall be in accordance with Article X-A of the MPC.

ARTICLE XXVI

AMENDMENTS, VALIDITY AND EFFECTIVE DATE

SECTION 2600. **AMENDMENTS**

The West Cocalico Township Board of Supervisors may from time to time as hereinafter provided, amend, supplement, change, or repeal the Zoning Ordinance or any part of this Ordinance or the Official Zoning Map of the Township. Any amendment, supplement, change, or repeal may be initiated by the Board of Supervisors, the Township Planning Commission, or by a petition to the Board of Supervisors by one (1) or more owners of property to be affected by the proposed amendment.

SECTION 2601. **PROCEDURE FOR PETITION TO THE BOARD OF SUPERVISORS BY PROPERTY OWNERS**

1. PETITION REQUIREMENTS. The petition for amendment, supplement, change, or repeal shall be submitted in duplicate and contain information to identify:

   a. The petitioner;

   b. The amendment, supplement, change, or repeal; and,

   c. The petitioner's interest in the amendment, supplement, change, or repeal.

   In instances where the petition requests a change in the boundaries of a Zoning District on the Official Zoning Map, an accurate legal description and surveyed plan of any land to be rezoned shall be provided and shall be signed by at least one (1) record owner of the property in question whose signature shall be notarized attesting to the truth and correctness of all the facts and information presented in the petition. A fee to be established by resolution by the Board of Supervisors shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings.

2. PROCEDURE FOR PETITION CONSIDERATION. After receipt of the petition by the Board of Supervisors, the Zoning Officer shall simultaneously transmit said petition to the West Cocalico Township and Lancaster County Planning Commissions for their review and recommendations. A report of the review of the Township Planning Commission, together with any recommendations, shall be given to the Board of Supervisors in writing within thirty (30) days from the date of said referral. The recommendation of the Township Planning Commission shall include a specific statement as to whether or not the proposed action is in accordance with the intent of the West Cocalico Township Strategic Plan and the

Strategic Comprehensive Plan for the Cocalico Region. The Township shall, at least thirty (30) days prior to the public hearing on the requested amendment by the Township, submit the proposed amendment to the Lancaster County Planning Commission for recommendations.

3. PETITION EXEMPTED FROM STANDARD PROCEDURE. When the Zoning Officer determines that the petition for change is substantially the same as a petition submitted within six (6) months previous, he shall transmit the petition to the Board of Supervisors who shall instruct the Zoning Officer to process the petition as specified in this Article or, stating their reasons, refuse to take further action on the petition.

SECTION 2602. AMENDMENT INITIATED BY THE TOWNSHIP PLANNING COMMISSION

When an amendment, supplement, change, or repeal is initiated by the Township Planning Commission, a report of the proposed amendment, supplement, change, or repeal shall be presented to the Zoning Officer. Said proposal shall be processed in the same manner as a petition filed under Section 2601 with the exception that no review of the petition is required by the Township Planning Commission.

SECTION 2603. AMENDMENT INITIATED BY THE BOARD OF SUPERVISORS

When an amendment, supplement, change, or repeal is initiated by the Board of Supervisors, said proposal shall be processed in the same manner as a petition filed under Section 2601 of this Zoning Ordinance.

SECTION 2604. CURATIVE AMENDMENT BY A LANDOWNER

1. PROCEDURE

   a. A landowner who desires to challenge on substantive grounds, the validity of this Zoning Ordinance or the Zoning Map or any provision thereof which prohibits or restricts the use or development of land in which such landowner has an interest may submit a curative amendment to the Board of Supervisors with a written request that its challenge and proposed amendment be heard and decided as provided in the MPC. The Board of supervisors shall fix a reasonable time and place for the hearing and shall give notice as required by the MPC. The Board of Supervisors shall conduct all hearings on the curative amendment and shall render its decision within the time limits and in the manner required by the MPC.

b. 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 the entire zoning ordinance and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

c. When the Board of Supervisors has determined that a validity challenge has merit, it 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:

1) The impact of the proposal upon roads, sewer facilities, water supplies, schools, and other public service facilities.

2) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map.

3) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources, and other natural features.

4) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development, and any adverse environmental impacts.

5) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

6) Any comments or submissions provided to the Board by the Township or County Planning Commission, if a referral of the petition to them is made.

SECTION 2605. **CURATIVE AMENDMENT BY THE BOARD OF SUPERVISORS**

The Board of Supervisors, by formal action, may declare this Zoning Ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity.

1. PROCEDURE.

a. The Board of Supervisors shall declare by formal action its Zoning Ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration, the Board of Supervisors shall:

1) By resolution, make specific findings setting forth the declared invalidity of the Zoning Ordinance or portions thereof which may include:

a) References to specific uses which are either not permitted or not permitted in sufficient quantity.

b) References to a class or use(s) which require revision; or

c) References to the entire Zoning Ordinance which require revisions.

b. Within one hundred and eighty (180) days from the date of the declaration and proposal, the Board of Supervisors shall enact a curative amendment to, or reaffirm the validity of, this Zoning Ordinance pursuant to the provisions required by Section 2601 to cure the declared invalidity of the Zoning Ordinance.

c. Within one hundred and eighty (180) days from the date of the declaration, the Board of Supervisors shall not be required to entertain or consider any curative amendment filed by a landowner, nor shall the Zoning Hearing Board be required to give a report, upon request, for a challenge to the validity of the Zoning Ordinance under Section 2402 or for a unified appeal under Section 2403.4, subsequent to the declaration and proposal, based upon the grounds identical to or substantially similar to those specified in the resolution required by this Section. Upon the enactment of a curative amendment to, or the reaffirmation of the validity of this Zoning Ordinance, no rights to a cure by amendment or challenge shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which the Board of Supervisors propose to prepare a curative amendment.

d. The Board of Supervisors, having utilized the procedures as set forth in this Section, may not again utilize said procedures for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of the Ordinance; provided however, that if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township by virtue

of a Pennsylvania Appellate Court decision, the Board of Supervisors may utilize the provisions of this Section to prepare a curative amendment to the Ordinance to fulfill this duty or obligation.

SECTION 2606. **PUBLIC NOTICE**

The Board of Supervisors shall fix a reasonable time and place for the public hearing on any proposed amendment to this Zoning Ordinance or to the Zoning Map. The Board of Supervisors shall provide notice of the public hearing and consideration for enactment of such proposed ordinance in accordance with the MPC.

SECTION 2607. **VALIDITY**

Should any section or provision of this Zoning Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Zoning Ordinance as a whole or of any other part thereof.

SECTION 2608. **REPEALER**

All ordinances or parts of ordinances inconsistent with the provisions of this Zoning Ordinance are hereby expressly repealed.

SECTION 2609. **EFFECTIVE DATE**

The Zoning Ordinance shall become effective five (5) days after its adoption by the Board of Supervisors of the Township of West Cocalico, Lancaster County, Pennsylvania.

ENACTED AND ORDAINED this _____ day of _____, 2010, at a meeting of the Board of Supervisors of West Cocalico Township, Lancaster County, Pennsylvania.

BOARD OF SUPERVISORS
OF WEST COCALICO TOWNSHIP
LANCASTER COUNTY, PENNSYLVANIA

By:_____(Vice) Chairman,
West Cocalico Township
Board of Supervisors

By:_____
Supervisor

By: _____
Supervisor