

EPHRATA TOWNSHIP

ZONING ORDINANCE

ADOPTED

February 8, 2000

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ARTICLE I
GENERAL PROVISIONS

Section 101. TITLE

This Ordinance shall be known and may be cited as "The Zoning Ordinance of Ephrata Township".

Section 102. PURPOSE

The provisions of this Ordinance are designed for the following purposes:

- A. 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, sewerage, schools, public grounds and other public requirements as well as,
- B. 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.

Section 103. COMMUNITY DEVELOPMENT OBJECTIVES

As empowered and directed by the Municipalities Planning Code, this Ordinance was developed in accordance with the community development objectives as set forth in the adopted Comprehensive Plan of Ephrata Township. The general community development goals developed by the Board of Supervisors and the Planning Commission of Ephrata Township for the Comprehensive Plan are as follows:

- To preserve agricultural areas for agricultural use.
- To protect, conserve and preserve the open spaces, drainageways, floodplains and other natural resources of the Township.
- To provide for growth in appropriate areas so as to avoid the problems of random development.
- To preserve the community character that makes Ephrata Township and the Ephrata area a unique, distinctive and identifiable place.
- To provide for the diverse housing needs of all Township residents.
- To maintain a healthful residential environment with adequate recreational, commercial and industrial supporting areas.
- To provide needed community facilities and services.
- To promote the economical and efficient provision of all municipal services.

- To provide for the safe, efficient and convenient movement of people and goods.

In addition to these general goals, consideration has also been given to the Comprehensive Plan's specific community development objectives, along with the character of the Township and its various parts, together with the suitability of these various parts for particular uses and structures.

Section 104. INTERPRETATION

This Ordinance is not intended to interfere with, abrogate, annul, supersede or cancel any easements, covenants, restrictions or reservations contained in deeds or other agreements, but if this Ordinance imposes more stringent restrictions upon the use of buildings and land than are contained in the deeds or agreements, the provisions of this Ordinance shall control.

In interpreting the language of this Ordinance, except for provisions pertaining to nonconforming uses, in order to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the governing body, in favor of the property owner and against any implied extension of the restriction.

Section 105. REPEALER

All Ordinances or parts of Ordinances in conflict with this Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Zoning Ordinance full force and effect.

Section 106. VALIDITY AND SEVERANCE

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

Section 107. EFFECTIVE DATE

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

ARTICLE II

CLASSIFICATION OF ZONING DISTRICTS

Section 201. LIST OF DISTRICTS

For the purpose of this Ordinance, the Township is hereby divided into the following Districts:

Base Districts

AH	-	Agricultural Holding
A	-	Agricultural
RLD	-	Residential Low Density
RMD	-	Residential Medium Density
RHD	-	Residential High Density
C	-	Commercial
C-2	-	Mixed Use
I	-	Industrial
I-2	-	Industrial-Institutional
MR	-	Mineral Recovery

Overlay Districts

FP - Floodplain District

Section 202. ZONING MAP

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

If, in accordance with the provisions of this 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 that amends the Official Zoning Map.

Section 203. INTERPRETATION OF DISTRICT BOUNDARIES

- A. Boundaries indicated as approximately following the centerlines of roads, streets and alleys, railroad rights-of-way, and streams shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.

- C. Boundaries indicated as approximately following Township Limits shall be construed as following such limits.
- D. Where figures are shown on the Zoning Map between a street, stream or other natural feature and a district boundary line, they indicate that the district boundary line runs parallel to the centerline of the feature, at a distance equivalent to the number of feet so indicated. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
- E. Should any uncertainty exist, the Zoning Hearing Board shall interpret the intent of the Zoning Map as to the exact location of district boundaries.

Section 204. APPLICATION OF DISTRICT REGULATIONS

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided, in conformity with this Ordinance:

- A. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.
- B. No building or other structure shall hereafter be erected or altered: (a) to exceed the height or bulk; (b) to accommodate or house a greater number of families; (c) to occupy a greater percentage of lot area; (d) to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Ordinance.
- C. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, off-street parking or loading space similarly required for any other building.
- D. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

Section 205. USE ADJUSTMENT ON DISTRICT BOUNDARIES

In unsubdivided land where a district boundary line divides a lot held in single and separate ownership, the following rules shall apply:

- A. The use in a less restricted district may extend over the portion of the lot in the more restricted district, a distance of not more than fifty (50) feet beyond the district boundary line providing such extension does not extend the frontage of the use along a street in the more restricted district.
- B. The frontage of the use in a less restricted district may extend over the portion of the lot in the more restricted district, a distance of not more than fifty (50) feet beyond the district line, providing a variance is granted by the Zoning Hearing Board.

- C. Where a district boundary divides a lot, the permitted use of either district may extend not more than 50 feet into the other district.

ARTICLE III

NON-CONFORMING USES AND STRUCTURES

Section 301. ABANDONMENT

No non-conforming use or structure may be reestablished after it has been discontinued for a period of one year and all reasonable efforts for its sale or lease have been exhausted. Vacating of premises or buildings or non-operative status of such premises or buildings shall be conclusive evidence of a discontinued use. In cases where the discontinuance is due to a death and the settling of an estate, the discontinuance shall not be presumed to start until the estate is settled or a court order concerning the disposition of the estate has been entered.

Section 302. CONTINUANCE

Except as otherwise provided in this Article, any use or structure existing at the time of enactment of this Ordinance may be continued although it is not in conformity with the regulations specified by this Ordinance.

Section 303. EXPANSION

No expansion of a non-conforming structure or use shall hereafter be made unless an appeal has been filed with the Zoning Hearing Board and such expansion has been approved by such Board as a special exception, subject to the following limitations:

- A. 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, or to an area equal to fifty percent (50%) of the existing non-conforming use, whichever is lesser;
- B. The expansion of a non-conforming building shall be limited to not more than fifty percent (50%) of the existing building footprint of the building;
- C. The expansion or completion of an existing mobile home park within the property that existed at the time of adoption of this Ordinance is permitted if there has been prior construction in accordance with plans filed with the Township prior to the adoption of this Ordinance.
- D. The expansion of a non-conforming structure or use shall be limited to the lot limits that existed for the property in question at the time of adoption of this Ordinance.

Section 304. RESTORATION

A non-conforming structure which is partially damaged or entirely destroyed may be rebuilt and occupied for the same use as before the damage, provided the reconstructed structure shall not be larger than the damaged structure and that the reconstruction shall start within one (1) year from either (1) the date of damage to the structure or (2) the date of settlement of any applicable insurance claim(s). Said one-year limitation may be extended for cause by the Zoning Hearing Board

Section 305. SUBSTITUTION

- A. No non-conforming use or structure may be changed to any other non-conforming use or structure unless the Zoning Hearing Board shall, in granting a special exception, find that the proposed non-conforming use or structure is not more detrimental to the district than the existing non-conforming use or structure. The Zoning Hearing Board may specify such appropriate conditions and safeguards as may be required in connection with such change and the granting of such special exception.
- B. If a non-conforming use or structure is proposed to be eliminated and a conforming use or structure substituted but certain land regulations cannot be met (such as area, yard, etc.) the Zoning Hearing Board, with such appropriate conditions and safeguards as the Board may see fit, may grant a special exception to permit such conforming use or structure.

Section 306. NON-CONFORMING LOTS

- A. Lot Area Exception. Any lot represented on the effective date of this Ordinance by an existing deed which does not meet the minimum area and lot size requirement of the zoning district in which it is located shall be regarded as non-conforming and may be used for any use permitted in that district. However, all yard, height and open space requirements for that district shall be met unless a variance is granted by the Zoning Hearing Board.
- B. Prior Recorded Plans. If the lot sizes on those subdivision plans that were approved by the Township and recorded in the Office of Recorder of Deeds prior to the adoption of this Ordinance do not meet the minimum requirements of the district in which the lot is located, they may be used for any use permitted in the district where they are located subject to the following requirements.
 - 1. If the lot is a minimum of ninety (90) feet wide and has a minimum area of fifteen thousand (15,000) square feet and is located in a zoning district where the required minimum lot width is greater than ninety (90) feet and/or the required minimum lot area is greater than fifteen thousand (15,000) square feet, it may be used at the size of prior approval without additional approval.
 - 2. If the lot is less than ninety (90) feet wide or is less than fifteen thousand (15,000) square feet in area, and is located in a zoning district where the required minimum lot width is ninety (90) feet or greater and/or the required minimum lot area is fifteen thousand (15,000) square feet or greater, the Zoning Hearing Board may grant a special exception to the required minimum lot size requirements if the Zoning Hearing Board determines that a hardship would be created by requiring the redesign of the subdivision so that the lots would conform to minimum requirements and further that the smaller lot sizes would not be detrimental to the district.
 - 3. All yard, height and open space requirements in the district in which the lot is located shall be met unless a variance is specifically granted by the Zoning Hearing Board.
 - 4. All requirements of the Pennsylvania Department of Environmental Protection relating to on-site sewage disposal and on-site water supply must also be met.

- C. Lot Size Reductions. No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per dwelling unit, lot width or other requirements of this Ordinance are not maintained. This shall not apply when a portion of a lot is acquired for a public purpose.

Section 307. DISTRICT CHANGES

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any non-conforming uses or structure existing therein or created thereby.

ARTICLE IV

DISTRICT REGULATIONS

Section 400. AGRICULTURAL HOLDING (AH) DISTRICT

A. Intended Purpose

The regulations for this district are intended to provide for "staged" future growth areas in the Township that are not yet needed for development. The locations of this district correspond to existing areas of farmland amid or adjacent to the Township's developed/developing areas. All use and dimensional regulations of the Agricultural (A) District shall also apply to the Agricultural Holding (AH) District.

B. Uses and Structures

As regulated in Section 401 B.

C. Lot, Yard and Height Requirements

As regulated in Section 401 C.

D. Parking and Loading Requirements

Off-street parking and loading requirements shall be provided in accordance with Section 508 of this Ordinance.

E. Signs

All proposed signs shall conform to the requirements of Section 507 of this Ordinance.

F. Design and Performance Standards

As regulated in Section 401 F.

Section 401. AGRICULTURAL (A) DISTRICT

A. Intended Purpose

1. Agriculture in Ephrata Township and Lancaster County is a special, non-replaceable resource that needs to be preserved for the benefit of the world and the nation as well as the County and this Township.
2. The Agricultural District is designed and intended to:
 - a. Permit only those land uses and activities that are agricultural in nature.

- b. Encourage the preservation of the most productive farmland within the Township as a valuable resource that is lost and not reclaimable once it is developed for building purposes.
 - c. Prevent adverse effects resulting from the encroachment and mixing of residential and other incompatible development with agricultural uses and reduce or eliminate complaints about odors, noise, dust, barbed wire or electric fences, night operations, and other items that are a normal part of farming.
 - d. Guide development incompatible with agriculture into more appropriate zoning districts.
 - e. Provide maximum protection to existing and future agricultural enterprises.
3. Future population and housing demand projections for the Township and County have been analyzed and future population growth and housing needs can be accommodated in other zoning districts, given their size and permitted densities.
 4. In the Agricultural District, agriculture is the primary use with residential uses accessory to farm operations. Residential uses must accept the nuisances and hazards that are a normal adjunct to farming.

B. Uses and Structures

1. Permitted uses by right
 - a. Agriculture and Agricultural production.
 - b. Principal farm dwellings.
 - c. Display and sale of farm products by a person farming land in the Agricultural District, provided that:
 - (1) All farm stands and related signs shall require a permit from the Township. The applicant shall provide a sketch plan showing the proposed display/sales area, the parking area and access drive
 - (2) Only one stand per farm shall be permitted.
 - (3) The hours of operation shall be dawn to dusk.
 - (4) At least half of the products sold must be produced on the premises. The provisions of this section shall not affect or defeat the limitations imposed on local ordinances by 3 P.S. 353b. and other state statutes as enacted or amended.
 - (5) Any structure used to display and sell products shall be located at least twenty-five feet from the legal right-of-way line of any street and fifty feet from any other property. The setback from a property line may be reduced to not less than ten feet with a written agreement between the adjoining property owners.
 - (6) The maximum size of the area used to display products shall be 2,000 square feet. The area used to display products shall include all product

display areas regardless of whether the product is displayed within a structure or not within a structure. If the proposed area used to display products exceeds 2,000 square feet, the use will be considered a farm related business and will require approval of a Special Exception from the Zoning Hearing Board.

- (7) Off-street parking shall be provided for employees and customers in accordance with Section 508.B.2.X of this Ordinance. In no case, however, shall fewer than three (3) off-street parking spaces be provided.
 - (8) All farm stands shall have a single access drive with a maximum width of 24 feet. The access shall require a driveway permit from either the Township or State depending on the roadway. The access drive must meet sight distance requirements. The parking area shall not permit cars to back out onto the roadway.
 - (9) The access drive and parking area must be constructed with an all weather surface.
- d. Processing of farm products where such use is designed to be accessory to the raising or growing of such products and is located on the same property on which the products are raised or grown on the premises; however, the processing of such products from other farms shall also be permitted.
 - e. Accessory farm dwellings, subject to the limitations of Section 401 C.1. and Section 605.
 - f. Non-farm single family dwellings, subject to the limitations of Section 401 C.1.
 - g. Customary accessory uses and buildings (both permanent and temporary) incidental to the above permitted uses
 - h. Non-residential structures customarily accessory to uses on the property which are permitted in a. above.
 - i. Accessory buildings and uses customarily incidental to Special Exception uses approved under 2. below.
 - j. Essential services buildings and structures (see Section 627).
 - k. Non-commercial manure storage facilities.
 - l. Home occupations (see Section 632).
2. Special Exceptions

The following uses and no others are permitted as special exceptions when granted by the Zoning Hearing Board, subject to the standards and criteria set forth in this Section and in Article VI of the Zoning Ordinance:

- a. Home businesses (see Section 632).

- b. Farm-based businesses customarily pursued by farm operators in order to provide supplemental income (see Section 628), provided that:
 - (1) The farm-based business is related to permitted uses in the Agricultural District.
 - (2) The farm-based business is located on the same premises as a permitted use in the Agricultural District.
 - (3) The farm-based business is conducted by a person in residence on the property.
 - (4) The conduct of the farm-based business is secondary to the use of the premises for a permitted use in the Agricultural District.
- c. Churches and related uses (see Section 619).
- d. Public and private schools grades 1 through 12 (see Section 638).
- e. Bark mulch processing, provided that
 - (1) The bark mulch processing operation including any buildings related thereto shall be setback a minimum of one hundred (100) feet from any property line or street right of way line.
 - (2) The shredded bark may only be obtained from logging mills or trees and may not be generated from scrap lumber.
 - (3) One identification sign not exceeding three (3) square feet on each side may be erected. The sign must comply with the requirements of Section 507.
 - (4) All of the product must be sold at wholesale.
 - (5) The bark mulch processing operation must be located on a farm.
 - (6) The bark mulch processing operation must be owned and operated by a person in residence on the farm.
 - (7) The bark mulch processing operation must be setback at least one hundred (100) feet from any well.
 - (8) The bark mulch processing operation must be setback at least seven hundred (700) feet from any residential district.
 - (9) The bark mulch processing operation must be setback at least two hundred fifty (250) feet from any dwelling not located on the same farm.
- f. Boarding farms.

- g. Commercial processing of agricultural products.
 - h. Farm equipment sales and service (see Section 629).
 - i. Commercial grain or commercial feed mills (see Section 621).
 - j. Commercial stockyards or commercial feedlots.
 - k. Riding schools or horse boarding stables (see Section 644).
 - l. Veterinary offices or animal hospitals (see Section 609).
 - m. Kennels (see Section 633).
 - n. Commercial communications antennas (see Section 624).
 - o. Large Manure Digester (see Section 659)
3. Conditional Uses - the following uses and no others are permitted subject to the issuance of a Conditional Use Permit by the Board of Supervisors, subject to the standards and criteria set forth in this Section and in Article VI of the this Ordinance:
- a. Public schools on a lot in excess of five acres in size.
4. Applications for permitted uses, special exception uses and/or conditional uses in agricultural districts shall include a scaled drawing of the site with sufficient detail and accuracy to demonstrate compliance with the requirements of Section 602 of this Ordinance, as well as to allow the designated Township review bodies to determine conformance with the requirements below.

In their review of permitted uses, special exception use and/or conditional use requests in agricultural districts, the Zoning Officer, Planning Commission, Zoning Hearing Board, and/or Board of Supervisors, as appropriate, shall consider the following factors:

- a. Location of the proposed use in relation to the remainder of the parent tract, and to adjacent subdivided lots.
- b. Location of the proposed use on the least agriculturally productive land feasible, so as to minimize interference with agricultural production.
- c. Existing features of the site such as rock outcroppings, wetlands, or slopes exceeding fifteen (15%) percent,
- d. Existing land cover, e.g., forest land, meadow land or scrub vegetation unsuitable for agriculture
- e. Size and shape of the subject parcel

- f. Adjacent land uses
- g. Potential of the proposed use interfering with any surrounding parcel's agricultural use
- h. Suitability of on-site sewage disposal and availability of on-site water supply if public services are unavailable

C. Lot, Yard and Height Requirements

1. Lot Requirements

a. Lot Area

- (1) Farms - Minimum lot size - fifty (50) acres.
- (2) The minimum lot area required for all other permitted uses and special exception uses in the 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.
- (3) The maximum lot area for all non-farm single-family detached dwellings shall be two (2) acres, unless the physical characteristics of the proposed site dictate a larger lot area. The maximum lot area for all other permitted and special exception uses except as noted below shall be five (5) acres. There shall be no maximum lot area for commercial farming, commercial manure storage facilities, essential services, golf courses, parks and recreation areas.
- (4) One lot may be subdivided from the farm for a non-farm single-family dwelling provided that:
 - (a) The ability to subdivide a lot for a non-farm single-family dwelling shall be fixed according to the contiguous tract area owned by the same landowner and all land owned by the same landowner on April 7, 1981 (or on the date at which said tract was rezoned to Agricultural), which is or was contiguous except for the presence of public or private roads. Any lot subdivided from an agriculturally tract for a non-farm single-family dwelling subsequent to April 7, 1981 shall be counted as meeting the one-lot able to be subdivided under this Ordinance.
 - (b) The farm is not reduced to less than twenty-five plus (25+) acres.
 - (c) The subdivision must be for the property owner (or any family member thereof) or one or more full-time laborers (or any family member thereof).

- (d) The subdivided lot is laid out so as to preserve the maximum amount of farmland.
 - (e) The subdivider of the lot places a notation on the subdivision plan that states: "To the purchaser, his heirs and assigns, this lot is located in an Agricultural District, and you must tolerate the nuisances and annoyances of odors, dust, night operations and other items which are considered by the Township to be a normal part of farming".
 - (f) Any subsequent owner of a lot after the effective date of this Zoning Ordinance shall be bound by the actions of his predecessor.
 - (g) Any subdivision plan hereinafter filed with the applicable approving body for subdivision of a lot in this District for other than a non-farm single family dwelling shall specify which lot shall carry with it a right of further subdivision for a non-farm single family dwelling, if any such right remains. This right of further subdivision, or an indication that no further subdivision 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.
 - (h) All other applicable provisions of this Ordinance or any other Township or governmental ordinances and/or statutes are satisfied.
- (5) Accessory farm dwellings may be constructed on a farm provided that:
- (a) The initial occupant(s) of an accessory farm dwelling are an owner (or any family member thereof) or one or more full-time laborers (or any family member thereof) on the farm.
 - (b) Any accessory farm dwelling is located so as to preserve the maximum amount of farmland.
 - (c) All other applicable provisions of this Ordinance or any other Township or governmental ordinances and/or statutes are satisfied (see Section 605).
- b. Minimum Lot Width - One hundred fifty (150) feet at the building line.
 - c. Minimum Lot Depth - One hundred fifty (150) feet.

- d. Maximum Lot Coverage -
 - (1) Lot area of two (2) acres or less - Twenty (20) percent.
 - (2) Lot area of greater than two (2) but less than four (4) acres - Fifteen (15) percent.
 - (3) Lot area of four (4) acres or greater - Ten (10) percent.

2. Yard Requirements

- a. Front yard depth - Twenty-five (25) feet.
- b. Side yard width - Twenty-five (25) feet.
- c. Rear yard depth - Twenty-five (25) feet.

3. Height Requirements -

- a. Residential dwellings - Thirty-five (35) feet.
- b. Non-residential buildings - no restriction.

D. Parking and Loading Requirements

Off-street parking and loading requirements shall be provided in accordance with Section 508 of this Ordinance.

E. Signs

All proposed signs shall conform to the requirements of Section 507 of this Ordinance.

F. Design and Performance Standards - Within the Agricultural District, the following design and performance standards shall apply:

- 1. All grazing areas or pasture areas utilized for grazing shall be fenced.
- 2. Wherever and as much as possible, all structures should be placed on soils which have the poorest Agricultural Land Capability Classification as defined by the United States Department of Agriculture, and all proposed uses shall be situated in a manner reducing to a minimum the amount of productive agricultural land which is converted to the proposed uses.
- 3. Except as provided for below, no new building in which farm animals are kept shall be located closer than twenty-five (25) feet from any adjoining lot line, except that the distance shall be two hundred (200) feet from any adjoining residence or commercial building in which people are employed or work and shall be exhausted away from the closest residences or said commercial buildings. The location of manure storage and

processing facilities shall conform to the requirements of the Pennsylvania Nutrient Management Act.

- a. Where it is shown that, because of prevailing winds, topography, unusual obstructions, or other conditions, a lesser distance would protect adjoining lands from odor, dust, or other hazards, the Zoning Hearing board may as a Special Exception reduce the above special setback requirements. In no case, however, shall the Zoning Hearing Board reduce the special setback requirement to less than one hundred (100) feet. The burden shall be on the applicant to prove that a lesser distance would not be detrimental to the health, safety, and general welfare of the community.
4. The spreading of manure is permitted, provided that when such procedure is employed within two hundred (200) feet of a property line of any adjoining residence or commercial building in which people are employed or work, the manure shall be incorporated with the soil within forty-eight (48) hours of spreading, weather permitting, and within a reasonable time after spreading in all other areas. Notwithstanding anything contained in this Ordinance to the contrary, all manure shall be managed in a manner to comply with the Clean Streams Law and the practices prescribed by the Manure Management Manual.
5. Buffer Planting:
 - a. Whenever any of the following uses are created by any property in this district which adjoins the boundary between this district and any other zoning district where residential or commercial structures exist as permitted uses on properties which adjoin that same boundary, a landscaped screen shall be provided along the district boundary by the owner of the use being created. Said screening shall be designed and located in accordance with the requirements of Section 521 of this Ordinance.
 - (1) Facilities for the commercial processing of agricultural products.
 - (2) Kennels.
 - (3) Stockyards.
 - (4) Bark mulch processing.

Section 402. RESIDENTIAL LOW DENSITY (RLD) DISTRICT

A. Intended Purpose

The regulations for this district are intended to provide suburban residential areas in the Township with limited public utility services where low-density single family residential development may occur. Higher densities at a future date would be contingent upon the provision of public water and sewer service.

B. Uses and Structures

1. Permitted Uses by Right

- a. Single-family detached dwellings.
- b. Essential services buildings and structures (see Section 627).
- c. New agricultural operations.
- d. Customary accessory uses and buildings incidental to the above permitted uses.
- e. Accessory buildings and uses customarily incidental to Special Exception uses approved under 2. below.
- f. Home occupations (see Section 632).

2. Special Exceptions - The following uses are permitted subject to the issuance of a permit by the Zoning Hearing Board. (See Article VI)

- a. Public and private schools (see Section 638).
- b. Churches and related uses (see Section 619).
- c. Home businesses (see Section 632).
- d. Commercial communications antennas (see Section 624).
- e. Campgrounds (see Section 616).
- f. Life care facilities (see Section 634).
- g. Cemeteries (see Section 618).
- h. Golf courses, parks and recreational areas (see Section 639).
- i. Other uses determined by the Zoning Hearing Board to be of the same general character as those listed above and which will not be detrimental to any permitted uses and structures.

C. Lot, Yard, and Height Requirements

1. Basic dimensions as follows:

RLD	LOT REQUIREMENTS			YARD REQUIREMENTS		
	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage	Front Yard Depth	Side Yard Depth	Rear Yard Depth
a. Any dwelling without public water and public sewer	One (1) acre per dwelling unit	120'	25%	25'	10'	25'
b. Single-family detached dwelling with public sewer only	15,000 s.f. per dwelling unit	100'	25%	25'	10'	25'
c. Single-family detached dwelling with public water and sewer	10,000 s.f. per dwelling unit	70'	30%	25'	10'	25'
d. Farm	10 acres	200'	10%	25'	25'	25'

2. Building Height

- a. Principal Building - Thirty-five (35) feet.
- b. Accessory Building - Twenty-five (25) feet.

D. Parking and Loading Requirements

Off-street parking and loading requirements shall be provided in accordance with Section 508 of this Ordinance.

E. Signs

All proposed signs shall conform to the requirements of Section 507 of this Ordinance.

F. Standards for Farms in Non-agricultural Districts

It is the intent of these requirements that new or existing farms in non-agricultural districts be regulated for the purpose of protecting the public health, safety, and welfare. The following restrictions shall apply on all lots of ten (10) or more acres in the RLD District.

- 1. No structure other than a dwelling or residential accessory use shall be constructed closer than fifty (50) feet to any property line.

2. Except as provided for below, no new building in which livestock are housed shall be located closer than two hundred (200) feet from any adjoining lot line, except that the distance shall be four hundred (400) feet from any adjoining residence or commercial building in which people are employed or work and shall be exhausted away from the closest residences or said commercial buildings. The location of manure storage and processing facilities shall conform to the requirements of the Pennsylvania Nutrient Management Act.

The spreading of manure is permitted, provided that when such procedure is employed within two hundred (200) feet of a property line of any adjoining residence or commercial building in which people are employed or work, the manure shall be incorporated with the soil within forty-eight (48) hours of spreading, weather permitting, and within a reasonable time after spreading in all other areas.

3. All grazing or pasture areas utilized for this purpose shall be fenced.
4. No manure storage shall be established closer than one hundred (100) feet to any property line.
5. Notwithstanding anything contained in this Ordinance to the contrary, all manure shall be managed in a manner to comply with the Clean Streams Law and the practices prescribed by the Manure Management Manual.

G. Setbacks from Agricultural Districts

No new dwelling unit or new principal non-agricultural building shall be located within fifty (50) feet of any land within any Agricultural District. In addition, no shrub or tree shall be planted within five feet (5') and twenty feet (20'), respectively, of any land within any Agricultural District.

Section 403. RESIDENTIAL MEDIUM DENSITY (RMD) DISTRICT

A. Intended Purpose

The regulations for this district are intended to provide for various types of residential development in order to encourage a suburban growth concept. Emphasis is placed upon accessibility to transportation, community facilities, and public utilities. Intense urban development in this district must be contingent upon the provision of public water and sewerage facilities.

B. Uses and Structures

1. Permitted Uses by Right

- a. Single-family detached dwellings.
- b. Single family semi-detached dwellings.
- c. Two-family detached dwellings.

- d. Essential services buildings and structures (see Section 627).
 - e. Customary accessory uses and buildings incidental to the above permitted uses.
 - f. Accessory buildings and uses customarily incidental to Special Exception uses approved under 2. below.
 - g. Home occupations (see Section 632).
2. Special Exceptions - The following uses are permitted subject to the issuance of a permit by the Zoning Hearing Board. (See Article VI).
- a. Single family attached dwellings (townhouses).
 - b. Two-family semi-detached dwellings.
 - c. Two-family attached dwellings.
 - d. Conversion apartments.
 - e. Multi-family dwellings (apartment houses)
 - f. Public and private schools (see Section 638).
 - g. Boarding houses (see Section 615).
 - h. Home businesses (see Section 632).
 - i. Life care facilities (see Section 634).
 - j. Nursing, rest, or retirement homes (see Section 641).
 - k. Churches and related uses (see Section 619).
 - l. Cemeteries (see Section 618).
 - m. Golf courses, parks and recreational areas (see Section 639).
 - o. Other uses determined by the Zoning Hearing Board to be of the same general character as those listed above and which will not be detrimental to any permitted uses and structures.

C. Lot, Yard and Height Requirements

1. Basic dimensions as follows:

<i>RMD</i>	LOT REQUIREMENTS			YARD REQUIREMENTS		
	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage	Front Yard Depth	Side Yard Depth	Rear Yard Depth
a. Any dwelling without public water and public sewer	One (1) acre per dwelling unit	120'	25%	25'	10'	25'
b. Single-family detached dwelling with public sewer only	15,000 s.f. per dwelling unit	80'	30%	25'	10'	25'
c. Single-family detached dwelling with public water and sewer	7,500 s.f. per dwelling unit	70'	30%	25'	10'	25'
d. Single-family semi-detached dwellings with water and sewer	4,500 s.f. per dwelling unit	40' per dwelling unit	30%	25'	10'	25'
e. Two-family detached dwelling with water and sewer	4,000 s.f. per dwelling unit	65'	30%	25'	10'	25'
f. Single family attached dwelling (Townhouse) with water and sewer	2,400 s.f. per dwelling unit	24 ^(a)	35%	25'	10'	25'
g. Multi-family (Apartment) with water and sewer	2,000 s.f. per dwelling unit	100'	40%	25'	10'	25'
h. Farm	10 acres	200'	10%	25'	25'	25'

(a) Minimum lot width may be reduced to 20' feet if satellite/over-flow parking areas are provided in accordance with Section 508

2. For single family attached dwellings (townhouses) and multi-family dwellings (apartments), there shall be a minimum of fifty (50) feet between each structure and the lot shall be a minimum of one hundred (100) feet in depth.

3. Building Height

- a. Principal Building - Thirty-five (35) feet.
- b. Accessory Building - Twenty-five (25) feet.

D. Parking and Loading Requirements

Off-street parking and loading requirements shall be provided in accordance with Section 508 of this Ordinance.

E. Signs

All proposed signs shall conform to the requirements of Section 507 of this Ordinance.

F. Standards for Farms in Non-agricultural Districts

It is the intent of these requirements that existing farms in non-agricultural districts be regulated for the purpose of protecting the public health, safety, and welfare. The following restrictions shall apply on all lots of ten (10) or more acres in the RMD District.

1. No structure other than a dwelling or residential accessory use shall be constructed closer than fifty (50) feet to any property line.
2. Except as provided for below, no new building in which farm animals are kept shall be located closer than two hundred (200) feet from any adjoining lot line, except that the distance shall be four hundred (400) feet from any adjoining residence or commercial building in which people are employed or work and shall be exhausted away from the closest residences or said commercial buildings. The location of manure storage and processing facilities shall conform to the requirements of the Pennsylvania Nutrient Management Act.

The spreading of manure is permitted, provided that when such procedure is employed within two hundred (200) feet of a property line of any adjoining residence or commercial building in which people are employed or work, the manure shall be incorporated with the soil within forty-eight (48) hours of spreading, weather permitting, and within a reasonable time after spreading in all other areas.

3. All grazing or pasture areas utilized for this purpose shall be fenced.
4. No manure storage shall be established closer than one hundred (100) feet to any property line.
5. Notwithstanding anything contained in this Ordinance to the contrary, all manure shall be managed in a manner to comply with the Clean Streams Law and the practices prescribed by the Manure Management Manual.

G. Setbacks from Agricultural Districts

No new dwelling unit or new principal non-agricultural building shall be located within fifty (50) feet of any land within any Agricultural District. In addition, no shrub or tree shall be planted within five feet (5') and twenty feet (20'), respectively, of any land within any Agricultural District.

Section 404. RESIDENTIAL HIGH DENSITY (RHD) DISTRICT

A. Intended Purpose

The regulations for this District are intended to provide for a wide range of higher density residential development, including provisions for mobile home parks and/or subdivisions.

B. Uses and Structures

1. Permitted Uses by Right

- a. Single-family detached dwellings.
- b. Single-family semi-detached dwellings.
- c. Single family attached dwellings (townhouses).
- d. Two-family detached dwellings.
- e. Two-family semi-detached dwellings.
- f. Two-family attached dwellings.
- g. Conversion apartments.
- h. Multi-family dwellings (apartment houses)
- i. Manufactured home parks (See Section 604).
- j. Essential services buildings and structures (see Section 627).
- k. Customary accessory uses and buildings incidental to the above permitted uses.
- l. Accessory buildings and uses customarily incidental to Special Exception uses approved under 2. below.
- m. Home occupations (see Section 632).

2. Special Exceptions - The following uses are permitted subject to the issuance of a permit by the Zoning Hearing Board. (See Article VI)

- a. Home businesses (see Section 632).
- b. Boarding houses (see Section 615).
- c. Churches and related uses (see Section 619).
- d. Nursing, rest, or retirement homes (see Section 641).
- e. Life care facilities (see Section 634).
- f. Cemeteries (see Section 618).
- g. Golf courses, parks and recreational areas (see Section 639).

- h. Other uses determined by the Zoning Hearing Board to be of the same general character as those listed above and which will not be detrimental to any permitted uses and structures.

C. Lot, Yard, and Height Requirements

- 1. Basic dimensions as follows:

RHD	LOT REQUIREMENTS			YARD REQUIREMENTS		
	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage	Front Yard Depth	Side Yard Depth	Rear Yard Depth
a. Any dwelling without public water and public sewer	One (1) acre per dwelling unit	120'	25%	25'	10'	25'
b. Single-family detached dwelling with public sewer only	10,000 s.f. per dwelling unit	80'	30%	25'	10'	25'
c. Single-family detached dwelling with public water and sewer	7,500 s.f. per dwelling unit	60'	30%	25'	10'	25'
d. Single-family semi-detached dwellings with water and sewer	4,500 s.f. per dwelling unit	40' per dwelling unit	30%	25'	10'	25'
e. Two-family detached dwelling with water and sewer	4,000 s.f. per dwelling unit	65'	30%	25'	10'	25'
f. Single family attached dwelling (Townhouse) with water and sewer	2,400 s.f. per dwelling unit	24 ^(a)	35%	25'	10'	25'
g. Multi-family (Apartment) with water and sewer	2,000 s.f. per dwelling unit	100'	40%	25'	10'	25'
h. Other permitted uses	1 acre	120'	25%	25'	10'	25'

- (a) Minimum lot width may be reduced to 20' feet if satellite/over-flow parking areas are provided in accordance with Section 508.

- 2. For single family attached dwellings (townhouses), two-family attached dwellings, and multi-family dwellings (apartments), there shall be a minimum of fifty (50) feet between each structure and the lot shall be a minimum of one hundred (100) feet in depth.

3. Building Height

- a. Principal Building - Thirty-five (35) feet.
- b. Accessory Building - Twenty-five (25) feet.

D. Parking and Loading Requirements

Off-street parking and loading requirements shall be provided in accordance with Section 508 of this Ordinance.

E. Signs

All proposed signs shall conform to the requirements of Section 507 of this Ordinance.

Section 405. COMMERCIAL (C) DISTRICT

A. Specific Intent

These districts are designed for commercial uses that are dependent on highway traffic or need open areas for display of merchandise.

B. Uses and Structures

1. Permitted land and buildings in a C District may be used for the following purposes and not others:

- a. Business, professional or governmental office or studio (see Section 637).
- b. Banks, savings and loan associations, finance companies and similar types of businesses (see Section 637).
- c. Personal and household service establishments such as, but not limited to, barber shops, beauty shops, laundromats, laundry and dry cleaning shops, restaurants, tailor and seamstress shops, taverns, hotels, motels, and other places of lodging.
- d. Offices of plumbers, masons, carpenters, heating contractors and similar personnel.
- e. Retail business establishments for the sale of goods such as, but not limited to, antiques, appliances, audio/video, beverages, bicycles, books, clothing, confections, drugs, dry goods, flowers, food, furniture, gifts, hardware, jewelry, liquor, machinery, motorcycles, newspapers, notions, office equipment, paint, personal and household supplies, photographic supplies, sporting goods, stationery and tobacco (see Section 637).
- f. Shops for the repair of goods permitted to be sold by letter e above. All activities shall be performed and all parts stored within the building or screened from view so as not to be visible from public streets or adjacent properties.
- g. Motor vehicular and mobile home/modular dwelling sales agency (see Section 637).
- h. Wholesaling businesses.
- i. Automobile/truck service and repair facilities (see Section 612).

- j. Automobile filling stations (see Section 611).
 - k. Essential services buildings and structures (see Section 627).
 - l. Churches and related uses (see Section 619).
 - m. Existing agricultural operations.
 - n. Veterinary offices or animal hospitals (see Section 609).
 - o. Farm Equipment Sales and Service (see Section 629).
 - p. Customary accessory uses and buildings incidental to the above permitted uses.
2. SPECIAL EXCEPTIONS - the following uses are permitted subject to the issuance of a permit by the Zoning Hearing Board (See Article VI).
- a. Billboards (see Section 614).
 - b. Amusement arcades (see Section 608).
 - c. Recreation facilities including bowling alleys, miniature golf courses, driving ranges and similar uses (see Section 639).
 - d. Shopping centers (see Section 646).
 - e. Life-care facilities (see Section 634).
 - f. Nursing, rest, or retirement homes (see Section 641).
 - g. Commercial communications antennas (see Section 624).
 - h. Self-service storage facilities (see Section 649).
 - i. Golf courses, parks and recreational areas (see Section 639).
 - j. Other uses determined by the Zoning Hearing Board to be of the same general character as those listed above and which will not be detrimental to any permitted uses and structures.
3. CONDITIONAL USES - the following uses are permitted subject to the issuance of a Conditional Use permit by the Board of Supervisors (See Article VI).
- a. Commercial regional impact developments (see Section 623).

C. Lot, Yard, and Height Requirements

1. Lot Requirements

- a. Minimum Lot Area - One (1) acre.
- b. Minimum Lot Width - Two Hundred (200) feet.
- c. Maximum Lot Coverage - Fifty percent (50%).
- d. Maximum Impervious Area - Seventy (70) percent - Impervious area may be increased to Eighty (80) percent if regional storm water management or underground storage is utilized as the primary means of meeting storm water management requirement

2. Yard Requirements

- a. Front Yard Depth - Twenty-five (25) feet.
- b. Side Yard Width - Ten (10) feet, except when adjacent to a residential district, a minimum side yard of twenty-five (25) feet is required.
- c. Rear Yard Depth - Twenty-five (25) feet.

3. Building Height

- a. Principal Building - Forty (40) feet.
- b. Accessory Building - Twenty-five (25) feet.

4. Building Separation - – New non-residential buildings shall be located not closer than seventy-five (75) feet from existing residential structures.

D. Parking and Loading Requirements

Off-street parking and loading requirements shall be provided in accordance with Section 508 of this Ordinance.

E. Signs

All proposed signs shall conform to the requirements of Section 507 of this Ordinance.

Section 406 MIXED USE (C-2) DISTRICT

A. Specific Intent

These districts are designed to permit a mix of residential and commercial uses to locate in an existing older area already containing such a mix of uses.

B. Uses and Structures

1. Permitted – including building that contain two (2) or more of the following permitted uses:
 - a. All those uses and structures listed as permitted by right and not by special exception in a Residential Low Density (RLD) District.
 - b. All those uses and structures listed as permitted by right and not by special exception in a Commercial (C) District.
 - c. Business conversions.
 - d. Home occupations and home businesses (see Section 632).
 - e. Agricultural production.
 - f. Accessory buildings, structures, and uses customarily incidental to the above uses when located on the same lot.
 - g. Accessory buildings and uses customarily incidental to Special Exception uses approved under 2. below.

2. Special Exceptions
 - a. Public and private schools (see Section 638).
 - b. Commercial communications antennas (see Section 624).
 - c. Cemeteries (see Section 618).
 - c. Conversion apartments
 - d. Other uses determined by the Zoning Hearing Board to be of the same general character as those listed above and which will not be detrimental to any permitted uses and structures.
 - e. Shopping Centers (see Section 646)

- C. Lot, Yard and Height Requirements
 1. The lot, yard and height requirements for properties containing only residential dwellings shall comply with the requirements of Section 403.C.
 2. The lot, yard and height requirements for properties containing commercial buildings shall comply with the requirements of Section 405.C.
 3. If the property contains both a residential and a commercial building, then the more restrictive requirements shall apply.

D. Parking and Loading Requirements

Off-street parking and loading requirements shall be provided in accordance with Section 508 of this Ordinance.

E. Signs

All proposed signs shall conform to the requirements of Section 507 of this Ordinance.

Section 407. INDUSTRIAL (I) DISTRICT

A. Intended Purpose

The regulations of this district are intended to maximize industrial potential while ensuring compatibility with the surrounding districts. New residential development is excluded from this district, both to protect residences from an undesirable environment and to ensure the reservation of adequate areas for industrial development.

B. Uses and Structures

1. Permitted

- a. Wholesale businesses and warehouses, except bulk storage of chemicals, petroleum products and other flammable explosives, or noxious materials (see Section 649).
- b. Offices for scientific, agricultural, or industrial research and development.
- c. Laboratories for scientific, agricultural, or industrial research and development.
- d. Light manufacturing of beverages, confections, food products (exclusive of meat and fish packing), ceramics, clothing, plastics, electrical goods, furniture, hardware, tools, dies, patterns, professional and scientific instruments, handicraft products, electronics and small parts assembly and/or manufacture.
- e. Essential services buildings and structures (see Section 627).
- f. Self-service storage facilities (see Section 649).
- g. Truck and motor freight terminal (see section 647)
- h. Customary accessory uses and buildings incidental to the above permitted uses.

2. Special Exceptions

The following are permitted subject to the issuance of a permit by the Zoning Hearing Board.

- a. Billboards (see Section 614).
- b. Commercial communications antennas (see Section 624).
- f. Salvage yard (see Section 645).
- g. Large Solar Energy Production Facility (See Section 657)
- h. Large Wind Energy Production Facility (See Section 658)
- i. Large Manure Digester (See Section 659)
- j. Other uses determined by the Zoning Hearing Board to be of the same general character as those listed above and which will not be detrimental to any permitted uses and structures.

C. Lot, Yard, and Height Requirements

1. Lot Requirements

- a. Minimum Lot Area - One (1) acre.
- b. Minimum Lot Width - Two Hundred (200) feet.
- c. Maximum Lot Coverage - Sixty percent (60%).
- d. Maximum Impervious Area - Seventy (70) percent - Impervious area may be increased to Eighty (80) percent if regional stormwater management or underground storage is utilized as the primary means of meeting stormwater management requirements.

2. Yard Requirements

- a. Front Yard Depth - Fifty (50) feet.
- b. Side Yard Width - Twenty-five (25) feet, except when adjacent to any Residential District, a minimum side yard of fifty (50) feet is required.
- c. Rear Yard Depth - Fifty (50) feet.

3. Building Height

- a. Principal Building - Forty (40) feet, except that the maximum height may be increased by a Special Exception from the Zoning Hearing Board.
- b. Accessory Building - Twenty-five (25) feet.

D. Parking and Loading Requirements

Off-street parking and loading requirements shall be provided in accordance with Section 508 of this Ordinance.

E. Signs

All proposed signs shall conform to the requirements of Section 507 of this Ordinance.

Section 408. INDUSTRIAL-INSTITUTIONAL (I-2) DISTRICT

A. Intended Purpose

The regulations of this district are intended to encourage industrial potential while ensuring compatibility with the surrounding districts. In addition, religious institutional uses are permitted by Conditional Use in this district. The nature of such uses also are not always compatible or desirable in residential neighborhoods, and they are often better located in areas which provide greater visibility and vehicular access. New residential development is excluded from this district, both to protect residences from an undesirable environment and to ensure the reservation of adequate areas for industrial development.

B. Uses and Structures

1. Permitted

- a. Wholesale businesses and warehouses, except bulk storage of chemicals, petroleum products and other flammable explosives, or noxious materials (see Section 649).
- b. Offices for scientific, agricultural, or industrial research and development.
- c. Laboratories for scientific, agricultural, or industrial research and development.
- d. Light manufacturing of beverages, confections, food products (exclusive of meat and fish packing), ceramics, clothing, plastics, electrical goods, furniture, hardware, tools, dies, patterns, professional and scientific instruments, handicraft products, electronics and small parts assembly and/or manufacture.
- e. Essential services buildings and structures (see Section 627).
- f. Self-service storage facilities (see Section 649).
- g. Churches (see Section 619)
- h. Customary accessory uses and buildings incidental to the above permitted uses.

2. Special Exceptions

The following are permitted subject to the issuance of a permit by the Zoning Hearing Board.

- a. Billboards (see Section 614).
 - b. Commercial communications antennas (see Section 624).
 - c. Other uses determined by the Zoning Hearing Board to be of the same general character as those listed above and which will not be detrimental to any permitted uses and structures.
3. Conditional Uses - the following uses are permitted subject to the issuance of a Conditional Use permit by the Board of Supervisors (See Article VI).
- a. Church related uses (see Section 619).
 - b. Life care facilities (see Section 634).
- C. Lot, Yard, and Height Requirements
1. Lot Requirements
- a. Minimum Lot Area - One (1) acre.
 - b. Minimum Lot Width - Two Hundred (200) feet.
 - c. Maximum Lot Coverage - Sixty percent (60%).
 - d. Maximum Impervious Area - Seventy (70) percent - Impervious area may be increased to Eighty (80) percent if regional storm water management or underground storage is utilized as the primary means of meeting storm water management requirements.
2. Yard Requirements
- a. Front Yard Depth - Fifty (50) feet.
 - b. Side Yard Width - Twenty-five (25) feet, except when adjacent to any Residential District, a minimum side yard of fifty (50) feet is required.
 - c. Rear Yard Depth - Fifty (50) feet.
3. Building Height
- a. Principal Building - Forty (40) feet, except that the maximum height may be increased by a Special Exception from the Zoning Hearing Board.
 - b. Accessory Building - Twenty-five (25) feet.
- D. Parking and Loading Requirements

Off-street parking and loading requirements shall be provided in accordance with Section 508 of this Ordinance.

E. Signs

All proposed signs shall conform to the requirements of Section 507 of this Ordinance.

Section 409. MINERAL RECOVERY (MR) DISTRICT

A. Intended Purpose

The regulations of this district are intended to provide suitable areas for mineral recovery and other activities whose operation may have an adverse effect on the general public's health, safety or welfare if the mass of the general public is consistently exposed to such activities. The district is also suited for the uses which are permitted in the Agricultural District (A).

B. Uses and Structures

1. Permitted Uses

- a. Any use specifically listed as a permitted use in the Agricultural (A) District. Permitted uses shall be subject to all applicable conditions and requirements contained in Section 401 and elsewhere in this Ordinance.
- b. Mineral Recovery in accordance with the following terms and conditions:
 - (1) Extraction of minerals shall be undertaken only from minerals occurring naturally on the property. Spoil piles, slag, solid waste, or other materials shall not be brought to the property for the extraction of minerals, except for asphalt if an asphalt manufacturing plant is to be operated as an accessory use, or materials necessary for the manufacture of ready mix concrete if a ready mix concrete manufacturing plant is approved as a special Exception.
 - (2) No quarry or surface mine shall generate or emit air pollutants or noise in excess of standards established by the Commonwealth of Pennsylvania.
 - (3) All quarries or surface mines, or other areas where minerals are extracted by the surface mining method shall comply with the requirements of the Surface Mining Conservation and Reclamation Act and its Rules and Regulations and/or any other applicable state law, rules and regulations, as presently existing or as may be hereafter enacted or promulgated, which Rules and Regulations are incorporated herein by reference. Any violation of any such statute, rule or regulation shall constitute a violation of this Ordinance.
 - (4) All quarries or surface mines, or other areas where minerals are extracted by the surface mining method, excluding extraction of minerals by a landowner for his own non-commercial purposes from land owned or

leased by him, but including all other extraction shall be licensed under the Surface Mining Conservation and Reclamation Act and/or any other applicable state law.

- (5) Gates, which shall be locked except during business hours, shall be located at all entrances.
- (6) All explosives shall be stored in a permanent building adequately locked in accordance with the state law, rules and regulations.
- (7) All blasting operations shall conform to the latest regulations of the Pennsylvania Department of Mines and Mineral Industries and also with all applicable federal laws, rules and regulations. Blasting shall not be permitted between 5 P.M. and 7 A.M. the following day.
- (8) Minimum lot size for any quarry or mining operation shall be five (5) acres, except for the expansion of an existing quarry or mining operation in an adjoining municipality area within Ephrata Township.
- (9) All applicable rules and regulations promulgated by the Pennsylvania Department of Environmental Protection, 25 Pa. Code Chapter 77 and Pa. Code Chapter 123, are incorporated herein by reference as though more fully set forth herein. Any violation of any such regulation shall constitute a violation of this Zoning Ordinance, and shall be subject to enforcement and penalties as set forth in Article VII of this Ordinance.
- (10) The applicant shall file with the Township duplicate sets of applications and supporting data submitted to the Department of Environmental Protection as part of any mining application. A copy of each permit or violation issued to the applicant by to the Department of Environmental Protection shall be filed with the Township within two (2) weeks of receipt by the operator.
- (11) Waste product containers shall be screened and set back at least one hundred (100) feet from any adjoining public road or property boundary.

c. Accessory uses, including such uses as the following: stockpiling; storage, maintenance and repair of construction and mining vehicles and equipment used for mineral recovery; sales of quarry or mining products; administrative offices; and asphalt manufacturing plants.

2. Special Exceptions. The following are permitted as a Special Exception subject to the issuance of a permit by the Zoning Hearing Board.

a. Any use listed as a Special Exception in the Agricultural District (A) with the exception of the following, which shall not be allowed as a Special Exception in the Mineral Recovery (MR) District: schools, churches and related uses, veterinary offices, animal hospitals, commercial grain or commercial feed mills, golf courses,

parks and recreational areas. All allowable Special Exception uses shall be subject to all applicable conditions and requirements as contained in this Ordinance.

- b. Ready mix concrete manufacturing and production.
- c. Adult Oriented business will be a special exception use in the Mineral Recovery District only and will be subject to the special exception requirements of Section 606.

C. Lot, Yard and Height Requirements. All uses shall be subject to the height, dimensional, impervious coverage and setback regulations of the Agricultural District (A).

Section 410. FLOODPLAIN (FP) DISTRICT

A. Intended Purpose

1. The Floodplain District includes the areas of Ephrata Township, which are subject to periodic inundation by floodwaters. This inundation results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, impairment of the tax base, and other adverse effects on the public health, safety, and general welfare.
2. In the interest of public health, safety and welfare, the regulations of the Floodplain District are designed and intended to protect floodplain areas subject to and necessary for floodwaters, to permit and encourage the retention of open land uses so located and utilized as to constitute a harmonious and appropriate part of the physical development of Ephrata Township as provided for in the Ephrata Township Comprehensive Plan, and to guide incompatible development into more appropriate zoning districts.
3. In advancing these principles and the general purposes of this Zoning Ordinance and the Ephrata Township Comprehensive Plan, and as a supplement to Section 410 of this Zoning Ordinance, the specific intent of this district includes the following:
 - a. To combine with present regulations, certain restrictions necessary for the control of floodplains for the general health, safety, and welfare of the community.
 - b. To prevent the erection of structures in areas unfit for human usage by reason of damage from flooding.
 - c. To minimize danger to public health by protection of waters quality and promoting safe and sanitary drainage.
 - d. To control development which, acting alone or in combination with similar development, will create and impose additional unjustified burdens on the community, its governmental units, and its individuals for the costs of flood control works, rescue, relief, emergency preparedness measures, sandbagging, pumping, temporary dikes or levees, as well as business interruptions, factory closings, disruptions of transportation routes, and interference with utility services, as well

as other factors that result in loss of wages, sales, and production and generally adversely affect the economic well being of the community.

- e. To maintain a stable tax base through the preservation or enhancement of property values adjacent to the floodplain, as well as by preventing the creating of future flood blighted areas on floodplains.
- f. To permit certain uses which can appropriately be located in the floodplain as herein defined without impeding the flow of floodwaters or otherwise causing danger or damage to life or property at, above, or below their locations in the floodplain.
- g. To permit certain uses in the floodplain in ways that preserve natural conditions conducive to the maintenance of ecological balance, wildlife and productive wildlife habitat, marine life and productive marine habitat, other healthy biotic systems, scenic and natural values, constant rates of water flow throughout the year, and areas for groundwater absorption for sustaining the subsurface water supply.
- h. To provide sufficient unimpeded drainage courses and prohibit the restriction of their carrying capacities so as to safely carry abnormal flows of storm water from periods of heavy precipitation.
- i. To encourage the utilization of appropriate construction practices that will minimize flood damage in the future.
- j. To prevent the placement of materials which might be swept by floods onto other lands or downstream to the injury of others.
- k. To provide for public awareness of flooding potential and to discourage and protect unwary individuals from buying land and structures that are unsuited for intended purposes because of flood hazards.
- l. To regulate uses, activities, development, and structures which, acting alone or in combination with existing or future uses, activities, development, or structures, will cause increases in flood heights, velocities, and frequencies.
- m. To provide areas for the deposition of sediment.
- n. To protect people and property in other municipalities within the same watershed from the impact of improper development in floodplains and the consequent increased potential for flooding.

B. Definitions. Unless specifically defined below or in Section 1002 of Article X of this Zoning Ordinance, words and phrases used in this Article shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Zoning Ordinance its most reasonable application. The present tense shall include the past and future tenses. Words used in the singular include the plural, and words used in the plural include the singular. The words "shall" and "will" are mandatory, and the words "may" and "should" are permissive. The following specific

definitions of words and phrases are intended to supplement the definitions contained in Section 1002, Article X, and are intended to be applicable to this Section only:

1. Accessory use or structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
2. Basement: Any area of the building having its floor below ground level on all sides.
3. Building: a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.
4. Channel: A natural or artificial watercourse with a definite bed and banks that confine and conduct continuously or periodically flowing water.
5. Channel Flow: That water which is flowing within the limits of a defined channel.
6. 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.
7. Conservation Plan: A plan including a map(s) and narrative that, at the very least, outlines an erosion and sedimentation control plan for an identified parcel of land.
8. 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.
9. Driveway: A private drive providing access between a public or private street or access drive and a permitted use or structure.
10. 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.
11. Fill: Material placed or deposited so as to form an embankment or raise the surface elevation of the land, including but not limited to levees, bulkheads, dikes, jetties, embankments and causeways.
12. Flood: A temporary inundation of normally dry land areas.
13. Flood of Record: The flood that has reached the highest flood elevation above mean sea level at a particular location.
14. 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

15. Floodproofing: Any combination of structural and nonstructural additions, changes, of adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
16. 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 flood of the one hundred (100) year magnitude.
17. Hazardous Material: Materials that have the potential to damage health or impair safety. Hazardous materials include but are not limited to inorganic mineral acids or sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium, and arsenic and their common salts, lead, nickel, and mercury and their inorganic salts or metallo-organic derivatives; coal, tar acids, such as phenols and cresols, and their salts; petroleum products; and radioactive material. Also included are floatable materials with the potential to cause physical damage, such as logs, storage tanks, and large containers.
18. Historic structure: Any structure that is:
 - a. 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;
 - b. 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;
 - c. 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
 - d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in states without approved programs.
19. Identified floodplain area: The floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood.
20. Land development: Any of the following activities:
 - a. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:

- (1) a group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
- (2) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

b. A subdivision of land.

21. 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.
22. 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 other similar vehicles which are placed on a site for more than 180 consecutive days.
23. Manufactured home park: A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.
24. Maximum Flood Elevation: The water surface elevations of a flood that would completely fill the floodplain to the boundaries of the Floodplain District.
25. Mean Sea Level: The average height of the sea for all stages of the tide, using the National Geodetic Vertical Datum of 1929.
26. 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, pavilion 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 exitway 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, electric wiring or mechanical or other work affecting public health or general safety
27. New construction: Structures for which the start of construction commenced on or after

April 7, 1981, and includes any subsequent improvements thereto.

28. Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, or other matter in, along, across, or projecting into any channel, watercourse, or floodplain, which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to cause damage to life or property.
29. 100-Year Flood: A flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one (1) percent chance of occurring each year, although the flood may occur in any year).
30. 100-Year Flood Boundary: The outer boundary of an area of land that is likely to be flooded once every 100 years (i.e. that has a one percent chance of being flooded each year). A study by the Federal Emergency Management Agency (FEMA), the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this boundary.
31. 100-Year Flood Elevation: The water surface elevations of the 100-Year Flood.
32. Person: An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
- 33.. Pesticide: Any substance or mixture of substances intended for use in preventing, destroying, repelling, sterilizing, or mitigating any insects, rodents, nematodes, predatory animals, fungi, weeds, or other forms of plant or animal life.
- 34.. Petroleum Product: Oil or petroleum of any kind as in any form, including crude oil and derivatives of crude oil. It may be alone, as a sludge, as oil refuse, or mixed with other wastes.
35. Radioactive Material: Any natural or artificially produced substance that emits radiation spontaneously.
36. Recreational vehicle: A vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light-duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
37. Regulatory flood elevation: The one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1 1/2) feet.
38. Repetitive loss: Flood related damages sustained by a structure on two separate

occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

39. Soil Survey: The latest published version of the United States Department of Agriculture's soil survey for Lancaster County, Pennsylvania.
40. Solid Waste: Garbage, sludge, refuse, trash, rubbish, debris and other discarded materials, including but not limited to solid and liquid waste materials resulting from industrial, commercial, agricultural, residential, and community activities.
41. Special permit: A special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing packs, when such development is located in all, or a designated portion of a floodplain.
42. 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 land.
43. Subdivision: The division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
44. 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.
45. 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" (*or "repetitive loss" when repetitive loss language is used*) regardless of the actual repair work performed. The term does not, however include either:
 - a. 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;
 - b. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure".

46. 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.
- 47.. Watercourse: A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake, or other body of surface water, carrying or holding surface water, whether natural or man-made.
48. Watershed: All the land from which water drains into a particular watercourse.

C. Lands in District Defined.

The identified floodplain area shall be those areas of Ephrata Township, 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.

The identified floodplain area shall consist of the following specific areas:

1. FW (Floodway Area) - the areas identified as "Floodway" in the AE Zone in the Flood Insurance Study prepared by the 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 floodway has been delineated.

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

3. FA (General Floodplain Area) - the areas identified as Zone A in the FIS for which no one hundred (100) year flood elevations have been provided. When available, information from other Federal, State, and other acceptable sources shall be used to determine the one-hundred(100) year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area, which is nearest the construction site in question.
4. In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated

qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, data, facts, analyses, and computations, shall be submitted in sufficient detail to allow a thorough technical review by the Township.

D. Boundary Disputes.

1. Should a dispute concerning any boundary of the Floodplain District arise, the initial determination of the zoning officer may be appealed to the Zoning Hearing Board. The burden of proof in such an appeal shall be on the property owner. The property owner shall pay all costs associated with the hearing before the Zoning Hearing Board, including all costs for advertising public notice, for fees to Zoning Hearing Board Members, for fees to the municipal solicitor, and for all stenographic records including the attendance of a stenographer and, when necessary, the transcription of the records.
2. All changes to the boundaries of the Floodplain District which affect areas identified in Subsection C.1.a. of this Section are subject to the review and approval of the Federal Emergency Management Agency (FEMA) for compliance with the Rules and Regulations of the National Flood Insurance Program.

E. Relationship to Other Sections.

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

F. Permitted Uses -

The following uses are permitted by right in the Floodplain District, and they are permitted only if done under and in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 394 of 1937, as amended; the Rules and Regulations of the Pennsylvania Department of Environmental Protection; Subsections H and J of this Section; and all other applicable provisions of this Zoning Ordinance:

1. Agriculture, horticulture, and forestry, all excluding any structures, and excluding any grading or filling which would cause any increase in flood heights or frequency.
2. Erosion and sedimentation control measures, facilities, and structures, provided no increase in flood heights or frequency, unhealthful ponding, or other unsanitary conditions shall occur.
3. Public and private recreational uses such as parks, swimming areas (excluding swimming pools), play areas, day camps, campgrounds (excluding camp sites), picnic groves, lawns, gardens, golf courses, driving ranges, archery ranges, game farms, areas or clubs for hunting, fishing, and/or boating (including marker or anchor buoys), paved bicycle paths, and hiking and horseback riding trails, all excluding any structures, and excluding any grading or filling which would cause any increase in flood heights or frequency.

4. Harvesting of any wild crop, such as marsh hay, ferns, moss, berries, tree fruits and seeds, or wild rice, excluding any plants appearing on the latest edition of the United States List of Endangered and Threatened Plant Species maintained by the United States Fish and Wildlife Service and/or the Pennsylvania List maintained by the Pennsylvania Natural Diversity Inventory (PNDI).
5. Activities related to the preservation of natural amenities, including wildlife sanctuaries, nature preserves, woodland preserves, botanical gardens, arboretums or blinds for the observation of wildlife (provided no increase in flood heights or frequency, unhealthful ponding, or other unsanitary conditions shall occur), excluding any other structures, and excluding any grading or filling which would cause any increase in flood heights or frequency.
6. Open space and front, side, or rear yards required by other Sections of this Zoning Ordinance. Floodplain land may be used to meet minimum open space, yard and lot area requirements, provided that the purpose and intent of this Section, as set forth in Subsection A of this Section, together with the requirements of any other pertinent municipal regulations, are complied with; if such compliance cannot be shown, the land areas within the Floodplain District shall not be used or calculated for purposes of meeting lot open space, area, or yard requirements.
7. Stream improvements whose sole purpose is to improve aquatic life habitat, and which are approved by the Pennsylvania Fish Commission and reviewed by the Lancaster County Conservation District, and subject to the provisions of Subsection J.2.c. of this Section.
8. One or two strand fences, which don't cause damming or result in increased flood heights.
9. Picnic tables, park benches, fireplaces and grills, open air pavilions, and playground equipment and other recreational structures, all if anchored to prevent flotation.
10. Blinds for the shooting of wildlife, provided that such blinds may only be placed, erected, and maintained during the open season established by the Pennsylvania Game Commission for the taking of migratory waterfowl and the three weeks immediately preceding that open season and the three weeks immediately following that open season. Blinds must be removed during all other times of the year.
11. Circuses, carnivals, and similar transient enterprises, provided that natural vegetative ground cover is not destroyed, removed, or covered in such a way as to create erosion or sedimentation.
12. Farm ponds that are constructed in accordance with a Conservation Plan reviewed by the Lancaster County Conservation District and which do not create any increase in flood heights or frequency, and subject to the provisions of Subsection J.2.c. of this Section.
13. Floodproofing and flood hazard reduction structures to protect only lawfully existing and registered nonconforming structures and lawfully existing and registered nonconforming uses within structures.

14. Public utility facilities (except buildings) under the exclusive jurisdiction of the Pennsylvania Public Utility Commission and specifically exempted from control by municipal zoning ordinances subject to the provisions of Subsection J.7 of this Section.
15. Public utility facilities not under the exclusive jurisdiction of the Pennsylvania Public Utility Commission, subject to the following conditions:
 - a. Facilities such as pipelines, gas lines, storm sewers, sanitary sewers, water lines, outlet installations for sewage treatment plants, sealed public and private water supply wells, pumping stations, and underground communications facilities, shall, together with associated structures, but excepting necessary vents, be designed and installed underground so as to be at or below the existing natural surface grade such a manner as will prevent flotation, minimize or eliminate flood damage, and not alter the cross-sectional area of the floodplain. All new or replacement water supply facilities and/or sanitary sewage facilities shall be designed to minimize or eliminate infiltration of floodwaters into the facilities and discharges from the shut-off valves for service to the Floodplain District to allow positive control during flood emergencies.
 - b. Electrical distribution lines and supporting structures shall be installed so as to minimize or eliminate flood damage, and all lines of less than fifteen (15) kilovolts shall be installed underground, below the existing natural surface grade within the floodplain. Above ground electrical distribution and transmission lines of fifteen (15) kilovolts or more may be allowed above ground as a special exception.
16. Marker Buoys.
17. Culverts, bridges, and approaches to public and private culverts and bridges which following conditions:
 - a. Review and/or approval by the Lancaster County Planning Commission, if required.
 - b. Approval by the Susquehanna River Basin Commission, if required.
 - c. Approval by the Pennsylvania Department of Environmental Protection, if required.
 - d. Approval by the United States Army Corps of Engineers, if required.
 - e. Approval by the Pennsylvania Department of Transportation, if required.
 - f. If approval by the Pennsylvania Department of Transportation is not required, the proposed use must still meet all of the appropriate minimum design standards of the Pennsylvania Department of Transportation.
 - g. The proposed structure must be designed in such a way as to have the capacity to allow the unrestricted passage of waters of maximum flood elevation

below and through it without any upstream or downstream increase in water surface elevation.

Special Requirements for the FW, FF and FA Areas

1. With any FW (Floodway Area), the following provisions apply:
 - a. Any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited.
 - b. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.
2. Within any FA (General Floodplain Area), the following provisions apply:
 - a. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection Regional Office.
 - b. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
 - c. Any new construction or development, which would cause any increase in flood heights shall be prohibited within any floodway area.

G. Special Exception Uses and Variances.

1. The following uses are permitted in the Floodplain District only when special exceptions are granted by the Zoning Hearing Board as provided for herein and in Article VI, when permitted by the underlying zoning district as permitted uses or special exception uses, and when done under and in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 394 of 1937, as amended, the Rules and Regulations of the Pennsylvania Department of Environmental Protection, and all other provisions of this Zoning Ordinance.
 - a. Parking lots, loading areas, driveways, and aircraft landing strips and taxiways if they are consistent with the provisions of Subsection H. of this Section, except that parking lots designed or used for storage and parking lots for hotels, motels, and other transient lodgings are prohibited.
 - b. Water-oriented uses such as docks, piers, wharves, marinas, boat liveries, and boat launching ramps.

- c. Above ground electrical distribution and transmission lines of fifteen (15) kilovolts or more may be allowed above ground as a special exception, provided they are certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania as meeting all of the following standards:
 - (1) Above ground lines and supporting structures shall enter the Floodplain District only to cross a watercourse, shall cross the watercourse and the Floodplain District using the most direct and shortest route possible consistent with the goals, objectives, purposes, and intents of this Zoning Ordinance, shall make a minimum number of crossings necessary, and shall be designed and installed so as to minimize or eliminate flood damage.
 - (2) Above ground lines shall be elevated so that their lowest portions are a minimum of ten feet above the maximum flood elevation.
 - (3) Supporting structures for above ground lines within the Floodplain District shall be the minimum number necessary to carry the lines across the Floodplain 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.
 - (4) Facilities and services in the Floodplain District shall be designed so that damage within the District does not disrupt service outside the District.
- d. Fish hatcheries, including uncovered ponds and raceways, which are approved by the Pennsylvania Fish Commission, but excluding other structures.
- e. Water monitoring devices.
- f. Wastewater treatment plants and water supply treatment plants.
- g. Extraction of sand, gravel, and other mineral resources, excluding topsoil.
- h. Other uses similar to the above, provided the use will not increase flood elevations or velocities.

2. Standards and Criteria for Special Exceptions

In addition to the provisions of Article VI, in hearing and deciding upon special exceptions to be granted or denied under the provisions of this Section, the Zoning Hearing Board shall also determine that the following standards and criteria have been complied with:

- a. The danger to life and property due to increased flood heights, velocities, or frequencies caused by encroachments, is minimized.
- b. That the danger that floodwaters or materials may be swept onto other lands or downstream to cause injury to others is minimized.

- c. That the possibility of disease, contamination, and unsanitary conditions is minimized and especially that any proposed water supply or sanitation systems are able to prevent these problems.
- d. That the susceptibility of the proposed facility and its contents to flood damage, the effect of such damage on the individual owners, and the need for and effect of floodproofing, are minimized.
- e. That the proposed facility and its services are important to the community.
- f. That the proposed facility needs a waterfront or floodplain location.
- g. That there are no available alternate locations not subject to flooding for the proposed use.
- h. That the proposed use is compatible with existing and anticipated development.
- i. That the proposed use is consistent with the Ephrata Township Comprehensive Plan and any floodplain management program for the area.
- j. That the safety of access to the property in times of flooding for ordinary and emergency vehicles is assured.
- k. That the expected area, height, depth, velocity, pressure, frequency, duration, rate of rise, seasonality, and sediment, debris, and pollutant load of floodwaters expected at the site is not inconsistent with the proposed use.
- l. That the proposed activity will not unduly alter natural water flow or water temperature.
- m. That archeological or historical sites and structures, endangered or threatened species of animals or plants, high quality wildlife habitats, scarce vegetation types, and other irreplaceable land uses will not be degraded or destroyed.
- n. That the natural, scenic, and aesthetic values at the proposed site will be conserved.
- o. That the danger, damage, and injury to all adjoining properties on both sides of any watercourse, regardless of municipality, is minimized. In this regard, any proposal affecting an adjacent municipality shall be submitted to that municipality's planning commission and governing body for review and comment.
- p. That the granting of the special exception will not result in any of the following:
 - (1) Increases in flood elevations or velocities.
 - (2) Additional threats to public safety.
 - (3) Extraordinary public expense.

- (4) Creation of nuisances.
 - (5) Fraud or victimization of the public.
 - (6) Conflict with local laws or ordinances.
3. In hearing and deciding upon special exceptions to be granted or denied under the provisions of this Section, the burden of proof shall be on the applicant. The Zoning Hearing Board may require the applicant to submit such plans, specifications, and other information as it may deem necessary to assist it in arriving at a fair and impartial determination. Such required information may include, but is not limited to, the following:
- a. Plans drawn to scale showing the nature, location, dimensions, and elevations of the lot, existing or proposed structures, fill storage of materials, floodproofing measures, and the relationship of the above to the location of the channel.
 - b. A typical valley cross-section showing the channel of the watercourse, elevations of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
 - c. A plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply facilities, and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types; and other pertinent information.
 - d. A profile showing the slope of the bottom of the channel or flow line of the watercourse.
 - e. Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvement, storage of materials, water supply facilities and sanitary facilities.
4. In hearing and deciding upon special exceptions to be granted or denied under the provisions of this Section, the Zoning Hearing Board may solicit the comments and recommendations of the Ephrata Township Planning Commission, and any other experts or authorities it may deem necessary to assist it in arriving at a fair and impartial determination.
5. In granting any special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Zoning Ordinance, as it may deem necessary to implement the purposes of this Zoning Ordinance.
6. Fees for Special Exceptions. Any fees assessed an applicant for a special exception, whether for a hearing, a flood study, or any other purpose, shall not exceed those costs directly associated with the particular application.

7. Variances. Variances from the provisions of this Section are discouraged. Where, however, a variance is essential, the following requirements of the National Flood Insurance Program must be complied with in addition to all other variance provisions of this Zoning Ordinance and the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended. In all variance proceedings, the burden of proof shall be on the applicant.
 - a. No variance shall be granted for any development, structure, use or activity within the Floodplain District that would cause any increase in flood levels during the 100-year flood as defined by Subsection C.1.a. of this Section, unless such development, use or activity is accompanied by measures to offset the impact of its location in the Floodplain District.
 - b. Variances shall only be granted upon:
 - (1) A showing of good and sufficient cause.
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant.
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with any other applicable laws, ordinances, or regulations.
 - (4) A determination that the granting of a variance will not jeopardize Ephrata Township's participation in the National Flood Insurance Program.
 - c. Variance shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - d. Whenever a variance is granted, the Board will notify the applicant in writing that:
 - (1) The granting of the variance may result in increased premium rates for flood insurance.
 - (2) Such variance may increase the risks to life and property.
 - e. A complete record of all variance requests and actions, including justifications for granted variances, shall be maintained by the Board.

H. Prohibited Uses.

The following uses are prohibited in the Floodplain District:

1. All uses prohibited either expressly or implicitly in the underlying zoning district for the land in question.

2. All structures, with the exception of those specifically allowed in Subsections F. and G. of this Section.
3. Sanitary landfills, dumps, junk and salvage yards, and outdoor storage of vehicles and/or materials.
4. Placing, depositing, or dumping any spoil, fill, or solid waste, except such grading or filling necessary to accomplish and carry out those uses which are permitted in Subsections F., G. and I. of this Section; provided, however, that no grading or filling is permitted which would cause any increase in flood height or frequency.
5. Removal of topsoil, excluding sod production and nursery activities as allowed in Subsections F. and G. of this Section, and excluding such grading and filling necessary to accomplish and carry out those uses which are permitted in Subsections F. and G. of this Section; provided, however, that no grading or filling is permitted which would cause any increase in flood heights or frequency.
6. Damming or relocation of any watercourse, except as provided for in Subsections F. and G. of this Section.
7. Any parts of any on-site sewage disposal system.
8. Swimming pools.
9. Fences except one or two-strand fences that don't cause damming or result in increases flood heights.
10. 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:
 - 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. Sulfur and sulfur 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.
11. Cemeteries for humans or animals.
12. Zoos, menageries, wild animal farms, or domestic or farm animal enclosures which will not allow all animals to escape floodwaters of maximum flood elevation without human intervention while remaining safely confined.
13. The following obstructions and activities as set forth in the Pennsylvania Floodplain Management Act (Act 1978-166):
- a. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
 - (1) hospitals
 - (2) nursing homes
 - (3) jails or prisons
 - b. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.
14. Any development, structure, or use that may, whether alone or in combination with others, and except where specifically authorized elsewhere in this Section:

- a. Endanger human life.
- b. Obstruct, impede, retard, change, or increase the velocity, direction or flow of floodwaters.
- c. Increase the surface elevation of floods, or the frequency of floods.
- d. Catch or collect debris carried by floodwater.
- e. Be placed where the natural flow of the stream or floodwaters would carry it downstream to the damage or detriment of property within or adjacent to the Floodplain District.
- f. Degrade the water carrying capacity of any watercourse, channel, or floodplain.
- g. Increase the rate of local runoff, erosion, or sedimentation.
- h. Degrade the quality of surface water or the quality or quantity of ground water.
- i. Be susceptible to flotation and subsequent movement that would cause damage to other property.
- j. Create unhealthful ponding or other unsanitary conditions.
- k. Not be in harmony with the intent and purpose of this Section, as set forth in Subsection A. of this article.
- l. Fully and partially enclosed space below the lowest floor (including basement) is prohibited.

I. Nonconforming Uses and Structures in the Floodplain District

1. Continuation: All uses or structures lawfully existing in the Floodplain District on the effective date of this Section which are not in conformity with the provisions of this Section shall be deemed nonconforming uses or structures. Such nonconforming uses or structures may be continued, maintained, repaired, and floodproofed, except as otherwise provided for in this Section. However, such nonconforming uses or structures may at any time be improved to comply with existing Pennsylvania or Ephrata Township health, sanitary or safety code specifications which are necessary solely to assure safe living conditions.
2. Abandonment: Nonconforming uses or structures that have been discontinued or vacated for twelve (12) consecutive months shall be considered abandoned. Vacation of land or structures or the comparative status of the use normally carried on by the property shall be evidence of discontinuance. No abandoned use or structure may be reestablished, repaired, or reoccupied. The Ephrata Township Supervisors may require the removal of any abandoned nonconforming use or structure upon proper notice to the owner of the property on which an abandoned nonconforming use or structure exists. If the owner has not

completely removed the abandoned use or structure within a reasonable amount of time, not to exceed nine months, the Ephrata Township Supervisors shall have the authority to itself cause the removal to be accomplished, the costs of such removal to be paid by the property owner.

3. Expansion and Modification: A nonconforming use or structure may not be expanded or modified in any manner that would increase or aggravate flooding or flood hazards. Nothing shall be done which would otherwise violate any of the provisions of this Section. No nonconforming use or structure shall be expanded, enlarged, or altered in any way which increases its nonconformity with respect to height, area, yard, and other requirements established in other Sections of this Zoning Ordinance, nor in any way which causes it to occupy more space within the Floodplain District than was occupied by it on November 19, 1980, or on such subsequent date when said use or structure was identified as being located within the Floodplain District, unless said expansion or enlargement is offset by measures to preclude any increased flood elevations or increased flood velocities.
4. Replacement and Rebuilding:
 - a. A nonconforming use or structure may be replaced, repaired or rebuilt if it is damaged or destroyed by any means, including floods, to the extent of less than fifty percent of its fair market value at the time of its damage or destruction. In such a case, however, the nonconformity of the new use or structure with respect to requirements as expressed in provisions of this 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 Section.
 - b. A nonconforming use or structure which has been damaged or destroyed by any means, including floods, to the extent of fifty 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 Section, all other Sections of this Zoning Ordinance and all other ordinances of Ephrata Township. The Zoning Hearing Board may waive, as a special exception, the requirements of this paragraph where it is shown that such requirements could not be met on land owned by the appellant or where such requirements would impose undue hardship to 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 Section, while respecting and maintaining the purpose and intents of this Section.
 - 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 on any experts or authorities he may deem necessary to assist him in arriving at a fair and impartial determination. Appeals of the decision of the zoning officer may be made to the Zoning Hearing Board.
 - d. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in

full compliance with the provisions of this Ordinance.

5. Historic Structures. The Zoning Hearing Board shall have the right to waive, as a special exception, any of the requirements of this Subsection and Section J for any structure listed on the National Register of Historic Places or the Pennsylvania Register of Historic Sites and Landmarks, or certified as being eligible for inclusion on such lists, and the provisions of Subsection G - 2., 3., 4. and 5. of this Section shall be applied in such a case.

J. Design and Performance Standards

1. Applicability: Unless otherwise specified in this Section, the standards and criteria included in this Subsection are to be used, together with the provisions of all other Sections and all other ordinances in force in Ephrata Township by the zoning officer and Zoning Hearing Board in their administration of this Section.
2. Regulations and Reviews of Other Agencies:
 - a. Where applicable and where possible, all necessary permits or other written approval must be obtained from all other agencies before any approvals of plans, special exceptions, variances, or permits may be granted by Ephrata Township or its agencies.
 - b. Where necessary permits or written approvals from other agencies cannot be obtained prior to action by Ephrata Township, any approval of plans, special exceptions, variances, or permits by Ephrata Township or its agencies, officials, or employees shall be conditioned upon receiving such other agencies' permits or written approvals.
 - c. No regulations of the Commonwealth governing watercourses are amended or repealed by this Ordinance. Prior to any proposed alteration or relocation of any watercourse, a permit shall be obtained from the Pennsylvania Department of Environmental Protection, and notification of any such proposal shall be given to all affected adjacent municipalities.
3. The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:
 - a. 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.
 - b. No expansion or enlargement of an existing structure shall be allowed within any FE area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1) foot at any point.
 - c. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial

improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.

- d. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or flood-proofed to the greatest extent possible.
- e. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this ordinance..

4. Elevation and Floodproofing Requirements

a. Residential Structures

Within any identified floodplain area, any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation. The design and construction standards and specifications contained in the 2003 IBC (Sec. 1612.4, 1603.1.6 and 3403.1) and in the 2003 IRC (Sec. R323.1.4, R323.2.1, and R323.2.2) and ASCE 24 (Sec. 2.4 and 2.5, Chap.5) and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

If fill is used, it shall:

- 1. extend laterally at least fifteen (15) feet beyond the building line from all points;
- 2. consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
- 3. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
- 4. be no steeper than one (1) vertical to two (2) horizontal, feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Building Permit Officer; and,
- 5. be used to the extent to which it does not adversely affect adjacent properties. The provisions contained in the 2003 IBC (Sec. 1801.1 and 1803.4) shall be utilized.

b. Equipment

- 1. 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.

5. Anchoring: All structures, including buildings, air ducts, large pipes, and storage tanks, within the Floodplain District shall be firmly anchored to prevent flotation, movement or collapse, thus reducing the possibility of the blockage of bridge openings and other restricted sections of the watercourse.
6. Surface Drainage: Adequate drainage shall be provided for all new development to reduce exposure to flood hazards.
7. Public Utility Facilities and Structures: Public utility facilities and structures (except buildings) subject to the jurisdiction of the Pennsylvania Public Utility Commission are requested to comply with the following standards in the interest of achieving the purpose and intent of this Section.
 - a. Public utility facilities and associated structures such as pipelines, gas lines, storm sewers, sanitary sewers, water lines, outlet installations for sewage treatment plants, sealed public and private water supply wells, pumping stations, and underground communications facilities, should, except for necessary vents, be designed and installed underground so as to be at or below the existing natural surface grade within the floodplain, and in such a manner as will prevent flotation, minimize or eliminate flood damage, and not alter the cross-sectional area of the floodplain. All new or replacement water supply facilities and/or sanitary sewage facilities should be designed to minimize or eliminate infiltration of floodwaters into the facilities and discharges from the facilities into floodwaters. All gas lines should have a system of shutoff valves for service to the Floodplain District to allow positive control during flood emergencies.
 - b. Public utility electrical distribution lines and supporting structures should be installed so as to minimize or eliminate flood damage and be installed underground below the existing natural surface grade within the floodplain. Above ground electrical transmission lines should be designed to meet the following standards:
 - (1) Above ground lines and supporting structures should enter the Floodplain District only to cross a watercourse and the Floodplain District using the most direct and shortest route possible consistent with the goals, objectives, purposes and intents of this Zoning Ordinance; should make the minimum number of crossings necessary; and should be designed and installed so as to minimize or eliminate flood damage.
 - (2) Above ground lines should be elevated so that their lowest portions are a minimum of ten (10) feet above the maximum flood elevation.
 - (3) Supporting structures for above ground lines within the Floodplain District should be the minimum number necessary to carry out the lines across the Floodplain District. Supporting structures should be designed and installed so as to be able to withstand the maximum volume, velocity, and

force of floodwaters which can be expected at the point where they are located.

- (4) Facilities and service in the Floodplain District should be designed so that flood damage within the district does not disrupt service outside the district.

8. Agricultural Standards:

- a. A filter strip is required between any watercourse and any tilled land. Such strip shall be a minimum of fifteen (15) feet in width measured from the bank of the watercourse channel. The filter strip shall be planted and maintained in grass.
- b. Within the Floodplain District, a cover crop, such as annual rye grass, is required whenever the land is not being tilled for major crops.
- c. Livestock shall not be confined in pasture or other enclosures located entirely within the Floodplain District (See Subsection H.).

K. Plan Approvals and Building Permits

1. Irrespective of the provisions of Section 704 of this Zoning Ordinance, within the Floodplain District building permits shall be required for all proposed development, construction, reconstruction, placement, replacement, expansion, renovation, extension, repair, or other improvement of uses or structures, regardless of value, including the placement of mobile homes and activities such as mining, dredging, filling, grading, logging, paving, excavation, or drilling operations. Building permits shall not be required for normal maintenance.
2. Every application for work or uses within the Floodplain District shall include or be accompanied by all information necessary for the zoning officer to determine that the proposal meets all of the provisions of this Section and this Zoning Ordinance.
3. The following information is specifically required to accompany all building permit applications involving structures within the Floodplain District:
 - a. The elevation (in relation to mean sea level) of the lowest floor (including basement).
 - b. Whether or not the structure includes a basement.
 - c. If the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed.
 - d. Plans and calculations which demonstrate to the satisfaction of the Township Engineer that there will be no increase in flood heights or velocity on any adjoining properties.
 - e. The elevation of the one hundred (100) year flood.

4. Where floodproofing is proposed to be utilized for a particular structure, the building permit application shall be accompanied by a document certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania or a licensed professional architect registered by the Commonwealth of Pennsylvania certifying that the floodproofing methods used meet the provisions of Subsection J.4. of this Zoning Ordinance and are adequate to withstand the flood depths, pressures, velocities, impact, uplift forces, and other factors associated with the one hundred (100) year flood as defined by Subsection C.1.a. of this Section, and indicating the specific elevation (in relation to mean sea level) to which such structure is floodproofed.
5. A copy of all plans and applications for proposed construction or other improvements within the Floodplain District to be considered for approval may be submitted by the zoning officer to any other appropriate agencies and/or individuals for review and comment.

6. Uniform Construction Code Coordination

- a. The Standards and Specifications contained 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this ordinance, to the extent that they are more restrictive and/or requirements of this ordinance.

International Building Code (IBC) 2003 or the latest edition thereof:
Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) 2003 or the latest edition thereof:
Secs. R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

L. Municipal Liability

The lawful granting of a permit or making any other administrative decision under this Section shall not constitute a representation, guarantee, or warranty of any kind by Ephrata 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 Section. There is also no assurance that lands not included in the Floodplain District are now or ever will be free from flooding or flood damage.

M. Validity

Severance: If any section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in this Section is for any reason, declared to be illegal, unconstitutional or invalid,

by any court of competent jurisdiction, such decision shall not affect or impair the validity of this Section or the Zoning Ordinance as a whole, or any other Article, Section, Subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the Zoning Ordinance.

ARTICLE V

SUPPLEMENTARY DISTRICT REGULATIONS

Section 500. GENERAL INTENT AND APPLICATION

Unless otherwise stated, the regulations and restrictions established in this Article are intended to apply to all districts in Ephrata Township.

Section 501. ACCESSORY BUILDINGS

An accessory building shall comply in all respects with the yard requirements of this Ordinance for the principal building. Except as provided herein, accessory buildings shall not exceed twenty-five (25) feet in height.

Accessory buildings shall be permitted in any zoning district provided the following requirements are met:

- A. Minimum distance between buildings - ten (10) feet.
- B. Maximum height - fifteen (15) feet.
- C. No structure shall be within ten (10) feet of any property line, except as follows:
 - 1. Detached accessory buildings not exceeding a maximum gross floor area of two hundred (200) square feet are permitted on lots containing single family detached dwellings provided that:
 - a. they conform to all other applicable setbacks.
 - b. they are located a minimum of five (5) feet from any side or rear property line.
 - 2. Detached accessory buildings not exceeding a maximum gross floor area of two hundred (200) square feet are permitted on lots containing semi-detached dwellings, attached dwellings, and apartment houses homes provided that:
 - a. they conform to all other applicable setbacks.
 - b. they are located a minimum of three (3) feet from any side property line formed by a building party wall, and
 - 3. Detached accessory buildings not exceeding a maximum gross floor area of one hundred (100) square feet 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 lot line.
- c. No structure shall be permitted between the front building setback line and the street right-of-way.

Section 502. SWIMMING POOLS, SPAS AND WHIRLPOOLS - IN-GROUND AND ABOVE-GROUND

- A. No swimming pool, spa or whirlpool shall be permitted without a filtering system.
- B. No swimming pool shall be permitted unless it is enclosed by a permanent fence with a self-closing gate which is at least four (4) feet in height and conforms to other requirements listed in Section 510. This requirement shall not apply to aboveground pools having a wall measuring four (4) feet in height and having a retractable ladder.
- C. No swimming pool, spa or whirlpool shall be within fifteen (15) feet of any property line.
- D. No swimming pool shall interfere with any domestic water facilities, any sanitary sewage facilities, any streets or any neighboring properties.
- E. No swimming pool, spa or whirlpool shall be located closer to the front of the lot than the front wall of the principal building.
- F. Swimming pools, spas or whirlpools shall be secured from unauthorized access by means of a lockable door, gate, cover or similar control device.

Section 503. PUBLIC UTILITY CORPORATIONS

This Ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

Section 504. ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT.

- A. In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot.
- B. In the Commercial (C) District, and Mixed Use (C-2) District, more than one nonresidential structure housing a permitted or permissible principal use may be erected on a single lot, provided that the yard and other requirements of this Ordinance with the exception of the minimum lot area and minimum lot width requirements shall be met for each structure as though it were on an individual lot.

The minimum distance between principal structures shall be the total of the two required minimum side yards. The minimum lot area and minimum lot width requirements for the

particular district must still be met for the lot as a whole. If differing lot area or lot width requirements apply for the uses, the more restrictive (greater) requirement shall apply. All structures shall share a common access point or points as tragic safety warrants and shall utilize common storm water management facilities.

This provision may only be used for the development of legally conforming use, structure or lot. Any future subdivision of the lot shall require submittal and approval of a subdivision plan as be required by applicable law.

Section 505. EXCEPTIONS TO HEIGHT REGULATIONS

The height limitations contained in the District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

Section 506. STRUCTURES TO HAVE ACCESS

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

Section 507. SIGNS

A. 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 VI 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 any Commercial or Industrial 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 twenty (20) 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, home business, accessory use, name or address signs in any Residential 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 exists.

10. Business or industrial signs, provided that:
 - a. The area on one (1) side of any freestanding sign shall not exceed eighty (80) square feet in the Commercial or Industrial District. In the Mixed Use District, the area on one (1) side of any freestanding sign shall not exceed one (1) square foot for each five (5) feet of frontage or lot width. In no case shall the freestanding sign exceed a maximum size of eighty (80) square feet.
 - b. Not more than one (1) such sign shall be erected on each street frontage.
 - c. In Commercial, Industrial or Mixed Use Districts, 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 other than Commercial, Industrial or Mixed Use Districts, 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.

B. GENERAL SIGN REGULATIONS

The following regulations shall apply to all permitted sign uses:

1. Area of a 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.

In computing the square foot area of a free standing sign, any area devoted to the display of automobile fuel prices shall not be included in the computation. The area devoted to the display of automobile fuel prices shall not exceed thirty-six (36) square feet.

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 that 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 that 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, 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 that obstructs free ingress to or egress from a fire escape, door, window or other required building exit.
 - f. Signs which make use of the 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.
5. No roof signs shall be permitted.
6. Except as noted below, no freestanding sign shall be higher than the height limitation of twenty (20) feet from the ground. Height shall be measured from the actual grade of the premises directly below the face of the sign (exclusive of any mounds or other additions to the grade level) to the highest part of the sign. In the C-2 District, where the nature of the business warrants increased visibility of a sign(s) and/or the physical characteristics

of the surrounding area would restrict the visibility of a sign(s), the Zoning Hearing Board may approve signs of greater height subject to the following:

- a. The sign shall be setback from all street rights-of-way and property lines a distance equal to or greater than the height of the sign.
 - b. In no case shall the Zoning Hearing Board approve a sign in excess of eighty (80) feet in height.
7. In addition to the above requirements of this Article, every sign referred to in this Section 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. 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.
 - c. All signs shall be maintained in good structural condition.

C. NON-CONFORMING SIGNS

Any sign that 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.

D. 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.

E. **REMOVAL OF CERTAIN SIGNS.** After one hundred eighty (180) days, any sign that 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.

Section 508. PARKING AND LOADING

Off-street parking and loading spaces shall be provided in accordance with the regulations of this section in all districts whenever any new use is established or an existing use is enlarged.

A. DESIGN REQUIREMENTS FOR PARKING FACILITIES

1. **Size.** The size of a parking space for one (1) vehicle shall not be less than one hundred eighty (180) square feet. Minimum parking space width shall be nine (9) feet. For purposes of computing the number of parking spaces available in a given area, the ratio of one hundred 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.** 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 meet the requirements of the Subdivision and Land Development Ordinance.
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 Hearing Board may grant a special exception to 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. Satisfactory arrangements shall be made, and approved by the Zoning Hearing Board, to maintain the required number of off-premises spaces available either (a) throughout the existence of such use to which they are accessory, or (b) until such 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 Compounds. Parking compounds designed for more than ten (10) spaces shall meet the dimensional and landscaping requirements of the Subdivision and Land Development Ordinance.
7. On Lots Divided by District Boundaries. Parking spaces on lots divided by zoning district boundaries may be located without regard to district lines, provided that no such parking spaces shall be located in any Residential District, unless 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 compounds 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 the Subdivision and Land Development Ordinance.

B. MINIMUM PARKING REQUIREMENTS

The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following provisions. When the computation to determine the number of required parking spaces results in a requirement of a fractional space, any fraction up to and including one-half (0.5) shall be disregarded, and fractions over one-half (0.5) shall equal one (1) space.

1. Residential

- a. Dwellings: Two (2) spaces for each dwelling unit. In townhouse, apartment developments and mobile home parks additional parking for visitors shall be provided. The number of such additional parking spaces in townhouses, apartment developments and mobile home parks with an average of two bedrooms or less per dwelling unit shall not be less than ten (10) percent of the number of off-street parking spaces otherwise required for the dwelling units in the townhouse or apartment development or mobile home park. The number of such additional parking spaces in townhouse or apartment developments or mobile home parks with an average of more than two bedrooms per dwelling unit shall not be less than twenty (20) percent of the number of off-street parking spaces otherwise required for the dwelling units in the townhouse or apartment development or mobile home park. Adequate provisions for ownership and maintenance of said common parking areas shall also be provided.

2. Commercial

- a. Beauty shops and barbershops: Three (3) parking spaces for each chair to be utilized in the business. If, however, the beauty shop or barbershop is legally part of a residence, two (2) spaces for each chair provided there are two (2) parking spaces for the residents.
- b. Boarding and rooming houses, hotels, motels, and bed and breakfast inns: At least one (1) parking space for each guest room, plus one additional space for every two (2) full-time employees. If a restaurant in connection with the above

is open to the public, the off-street parking facilities shall be not less than those required for restaurants, in addition to those required for guest rooms.

- c. Bowling Alleys: Five (5) spaces for each alley.
- d. Convenience stores: One (1) space for every one hundred (100) square feet of net floor area plus one (1) space for every employee on the largest shift.
- e. Dance halls, roller rinks, clubs, lodges and other similar places: At least one (1) parking space for each one hundred (100) square feet of floor area.
- f. Food stores and pharmacies: At least one (1) space for every one hundred (100) square feet of floor area devoted to the sale or display of merchandise, office use and employee use, plus one space per each employee on the two largest shifts.
- g. Golf courses: At least eight (8) parking spaces for each tee plus one per each employee.
- h. Golf driving ranges: At least one (1) parking space per tee plus one per each employee.
- i. Medical/Dental Veterinary Offices/Clinics: Six (6) spaces for each doctor/practitioner maintaining an office.
- j. Miniature golf courses: At least two (2) parking spaces per hole plus one per each employee.
- k. Mortuaries, funeral homes and undertaking establishments: At least one (1) parking space for each three (3) seats for public use. Such space shall be in addition to employee parking needs, and service area for mobile equipment such as hearses and ambulances.
- l. Motor vehicle sales and service: At least one (1) parking space for each five hundred (500) square feet of indoor and outdoor area devoted to sales, repairs, service facilities, display and storage.
- m. Motor vehicle body shops and repair garages: At least one (1) parking space for every service bay plus one (1) parking space for every employee.
- n. Motor vehicle service stations: At least one (1) parking space for every service bay plus one (1) parking space for every two (2) fuel pumps, or fraction thereof. In no case shall there be fewer than five (5) parking spaces provided.
- o. Motor vehicle washes: No less than four (4) spaces per wash lane.
- p. Office buildings: At least one (1) parking space for each two hundred fifty (250) square feet of floor area, or fraction thereof.
- q. Open areas used for commercial purpose: At least one (1) parking space for each one thousand five hundred (1,500) square feet of area, or fraction thereof.

- r. Other Commercial Recreation: One (1) space for each two hundred (200) square feet of floor area.
- s. Park or recreation area; private club for hunting, horseback riding, tennis or other racquet sports; or other outdoor recreational use: Variable, depending upon proposed intensity of use, and subject to the approval of the Zoning Hearing Board.
- t. Personal service establishments (not otherwise provided for): One (1) space for each two hundred fifty (250) square feet of floor area or fraction thereof devoted to such use plus one (1) space per employee.
- u. Professional Offices: One (1) space for each two hundred (200) square feet of floor area, or fraction thereof.
- v. Restaurants - fast-food, or similar establishments: At least one (1) spaces for every two (2) seats plus one (1) additional space for every two (2) employees on the largest shift.
- w. Restaurants, taverns and bars - sit-down: At least one (1) parking space for each four (4) customer seats, plus one (1) additional space for every two (2) employees on the largest shift.
- x. Retail Stores: One (1) space for each two hundred fifty (250) square feet of floor area, exclusive of areas not used for sale or display of merchandise, plus one (1) additional space for every two (2) employees on the largest shift.
- y. Self-service laundries: One (1) space per every 1.5 washing machines.
- z. Shopping centers/malls: Not less than one (1) parking space for each two hundred fifty (250) square feet of gross leasable floor area, or fraction thereof.
- aa. Swimming pools: Where a swimming pool is the principal use at least one (1) parking space for each four (4) persons based upon the designed capacity of the pool.
- bb. All other commercial uses: One (1) space per employee plus such space as may be determined by the Township on a case by case basis
- cc. In addition to all of the above minimum requirements, additional spaces for visitor parking and salesmen shall be provided according to the specific requirements of each use.

3. Institutional

- a. Day care centers and nursery schools: One (1) space per employee plus three (3) spaces for a drop-off area.

- b. Elementary schools: One (1) space for each six (6) students of rated building capacity.
- c. Hospitals: Parking space shall be provided for visitors at the rate of at least one (1) parking space for each one and one-half (1.5) accommodations (beds) for patients, plus one (1) space for each employee/practitioner on largest shift.
- d. Nursing or convalescent homes: Parking space shall be provided for visitors at the rate of at least one (1) parking space for each three (3) accommodations (beds) for patients, plus one (1) space for each employee/practitioner on largest shift.
- e. Secondary schools and similar educational establishments: One (1) space for each three (3) students of rated building capacity plus one (1) space for each five (5) seats in any auditorium or other place of public assembly.
- f. Theaters, auditoriums (excluding schools), places of worship, stadiums, or any other place of public or private assembly: At least one (1) parking space for every two and one-half (2.5) seats or three hundred (300) square feet of floor space provided for public or private assembly, whichever is greater.

4. Industrial

- a. Bus and trucking terminals: Sufficient parking to accommodate employees and visitors, subject to the approval of the Township.
- b. Manufacturing, printing or publishing, and other industrial establishments: At least one (1) parking space for each employee on the largest shift plus sufficient additional spaces to accommodate overlapping shifts.
- c. Warehousing, wholesale, and storage establishments: At least one (1) parking space for each one thousand (1,000) square feet of sales and storage area, or one (1) parking space for each employee on the largest shift plus sufficient additional spaces to accommodate overlapping shifts, whichever is greater.
- d. Visitor Parking: Each industrial plant shall provide one (1) parking space for each two hundred fifty (250) square feet of company office gross floor area or four (4) spaces minimum.
- e. Adequate off-street loading and unloading space shall be provided on the same premises with every building erected or occupied for any use which involves the receipt or distribution of materials or merchandise by motor vehicle. This space shall be so placed and arranged as not to interfere with the free movement of vehicles and pedestrians over a public road.
- f. In addition to all of the above minimum requirements, additional spaces for visitor parking and salesmen shall be provided according to the specific requirements of each use.

5. Agricultural
 - a. If the farm is strictly a farming operation, parking will be based on dwelling units.
 - b. If supplemental uses are present, parking will be based on dwelling units plus whatever farm related commercial or industrial parking requirements are most appropriate to the supplemental use or uses.
 - c. Boarding stables: one (1) space for each rental stall and two (2) spaces for each dwelling unit.
6. For other uses that 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.
7. **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 most accessible and approximate to the building or buildings that 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 ninety-six (96) inches wide with a ninety-six (96) inch 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 Spaces 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

C. 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 the uses delineated below which may involve large volume receipt or distribution of materials or merchandise by motor vehicle. This space shall be so placed and arranged as to not interfere with the free movement of vehicles and pedestrians over a public or private road. Unobstructed access, at least twelve (12) feet wide, to and from a street shall be provided. Such access may be combined with access to a parking lot. All permitted or required loading spaces shall be on the same lot as the use to which they are accessory. No off-street loading space shall be located in any front yard. Off-street loading space shall be located on the face of a building not facing any adjoining land in a residential district. Required off-street parking space shall not be utilized for loading space.

1. Uses for Which Required: Accessory off-street loading spaces shall be provided for any use specified below. Any land which is developed as a unit under single ownership and control shall be considered a single lot for the purpose of these minimum loading requirements.
 - a. For a public library, museum, or similar quasi-public institution, or governmental building, community center, hospital or sanitarium, nursing or convalescent home, institution for children or the aged, or school with floor area of up to 10,000 square feet, one (1) space; for each additional 25,000 square feet or fraction thereof, one (1) additional space.
 - b. For buildings with professional, governmental, or business offices, or laboratory establishments, with floor area of 10,000 to 25,000 square feet, one (1) space; for each additional 25,000 square feet or fraction thereof up to 100,000 square feet, one (1) additional space; for each additional 50,000 square feet or fraction thereof, one (1) additional space.
 - c. For buildings with offices and retail sales and service establishments, one (1) space for 8,000 to 25,000 square feet of floor area, and one (1) additional space for each additional 25,000 square feet of floor area or fraction thereof so used.

- d. For mortuaries and funeral homes, one (1) space for each chapel. (Such spaces shall be at least 10 feet wide, 20 feet long, and 14 feet high).
 - e. For hotels, motels and resorts, one (1) space for each 25,000 square feet of floor area.
 - f. For manufacturing, wholesale and storage uses, and for dry -cleaning and rug cleaning establishments and laundries, one (1) space for 5,000 to 10,000 square feet of floor area in such use, and one (1) additional space for each additional 20,000 square feet of floor area or fraction thereof so used.
 - g. Off-street loading requirements for uses not specifically cited above will be determined by the Zoning Hearing Board on a case-by-case basis.
2. Size of Spaces. Each required loading space shall conform to a dimension of not less than twelve (12) feet by fifty (50) feet, or six hundred (600) square feet in area, with a minimum overhead clearance of not less than sixteen (16) feet in height. These minimum dimensional requirements may be reduced by a special exception from the Zoning Hearing Board.
 3. Location and Access. Unobstructed access, at least ten (10) feet wide, 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.
 3. Joint Facilities. Permitted or required loading berths, open or enclosed, may be provided in spaces designed to serve jointly two (2) or more adjacent establishments on the same lot, provided that the number of required berths in such joint facilities shall not be less than the total required for all such requirements.

D. PARKING AND STORAGE OF VEHICLES

1. Derelict Vehicles. The term derelict motor vehicles, as used in this Ordinance, shall include motor vehicles or parts thereof without current registration and inspection stickers other than useable farm machinery on farms. No derelict motor vehicles may be stored in any residential, commercial or industrial district except in enclosed buildings which can be locked, unless authorized in connection with a business properly complying with and operated pursuant to this and all other ordinances and statutes.
2. All off-street parking areas shall be reserved and used for automobile parking only, with no sales, dead storage, repair work, dismantling, or servicing of any kind on residential dwelling lots.
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 is 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.

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.

Section 509. FENCES AND WALLS

No permanent fence or wall shall be erected which is over six (6) feet in height, and no closed 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 the property.

Section 510. PATIOS, PAVED TERRACES, DECKS, AND OPEN PORCHES

No patio, paved terrace, uncovered deck, or open porch shall be located within ten (10) feet of any property line or between the building setback line and the street right-of-way line. In the case of attached or semi-detached dwellings, there is no setback requirement from a side property line formed by a projection of the party wall..

Section 511. SLOPE

In those areas of the Township where the natural slope of the land exceeds twenty percent (20%) as generally indicated on the Topographic Map contained in the Comprehensive Plan of Ephrata Township, no structure will be erected which will unduly disturb existing grade and natural soil conditions. A statement must be prepared by a registered architect, engineer, or landscape architect in regard to the building method used in overcoming foundation problems, the maintenance of the natural watershed, and the means for prevention of soil erosion. A grading plan shall be required to be submitted to the Township, subject to the review of the Township Engineer, prior to the issuance of any permit for construction.

Section 512. 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.

- A. 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:
 1. Maintaining dogs and cats shall be on a non-commercial basis.
 2. The area on which a shelter and/or exercise pen is maintained must be suitably enclosed and located not closer than fifty (50) feet to the nearest dwelling other than that of the owner. A shelter and/or exercise pen also shall comply in all respects with the yard requirements of this Ordinance for the principal building, except that

- a. they shall be located no closer to the front lot line than the rear wall of the principal building, and
 - b. They may be located in the rear yard if located at least ten (10) feet from any lot line.
3. 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.
 4. 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.
- B. It is permitted to maintain small domestic animals up to a total of twelve (12) provided the following conditions are met. 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 animals held in captivity.
1. The area where small domestic animals are maintained shall be located no closer to the front lot line than the rear wall of the principal building.
 2. Maintaining small domestic animals shall be on a non-commercial basis and be strictly as an incidental use.
 3. The area around which small domestic animals are kept shall be enclosed by a fence designed for containment.
 4. 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.
 5. The area around 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.
 6. 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.
- C. The ownership of large domestic animals shall be limited to lots in the A and RLD zoning districts and shall not exceed one and one half (1-1/2) animals per acre, provided the following conditions are met. For the purposes of this sub-section, large domestic animals shall include animals of the bovine, equine, swine, and sheep families, but shall not include wild animals held in captivity.
1. The area where large domestic animals are maintained shall be located no closer to the front lot line than the rear wall of the principal building.
 2. Maintaining large domestic animals shall be on a non-commercial basis and be strictly as an incidental use.

3. The area around which large domestic animals are kept shall be enclosed by a fence designed for containment.
 4. No building, corral, fence, or stable shall be closer than ten (10) feet to the nearest dwelling other than that of the owner.
 5. The area around 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.
 6. 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.
- D. Wild or exotic animals held in captivity shall be limited to lots located in the Agricultural zoning district with a minimum lot area of two (2) acres or greater, and shall be subject to the following additional requirements:
1. The number of such animals shall not exceed the equivalent of one (1) animal unit per acre.
 2. The area where wild or exotic animals are maintained shall be located no closer to the front lot line than the rear wall of the principal building.
 3. The building or area within which such animals are kept shall be enclosed by a fence or other form of enclosure designed for containment.
 4. 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.
 5. 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.
 6. 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.
 7. 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 513. TENNIS COURTS

A permanent open mesh fence ten (10) foot in height shall be provided behind each baseline. This fence shall be parallel to the baseline and at least ten (10) feet beyond the playing surface unless the entire court is enclosed.

Section 514. ALTERNATIVE ENERGY SOURCES

- A. Wind assisted energy conversion facilities 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 off the subject property.

- B. Solar energy units shall be permitted on any residential lot and are subject to the requirements of the respective zoning district.

Section 515. YARDS

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.

Section 516. SETBACK MODIFICATIONS

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. Appurtenances, 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.

Section 517. PROHIBITED USES

No building may be erected, altered, or used, and no lot or premises may be used for any activity that is noxious, injurious, or offensive by reason of dust, smoke, refuse matter, odor, gas, fumes, noise, vibration, illumination, or similar substances or conditions.

Section 518. 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 519. STORAGE OF EXPLOSIVES

The storage of explosives shall be prohibited in Residential Districts. Explosives may be kept in all other districts provided the place where they are stored is no closer than two-hundred (200) feet to any property line, and provided that all State standards are met.

Section 520. RECYCLING COLLECTION FACILITIES

Existing commercial facilities that sell products containing recyclable materials such as aluminum, glass, and plastics may establish as an accessory use a recycling collection facility 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.

Section 521. LANDSCAPING AND SCREENING

A. LANDSCAPING.

1. Any part or portion of a property being developed that 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.
2. Except for 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 Land Development Plan required under the Ephrata Township Subdivision and Land Development Ordinance.

B. PLANTING STRIP. All commercial, industrial and nonresidential 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:

1. The planting strip shall be ten (10) feet wide, measured from the property line or street right-of-way line.
2. 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.
3. Said planting strip shall only be broken by approved entrances or exits.
4. Accessory buildings or structure shall be permitted within a planting strip provided they conform to the specific District requirements of This Ordinance.
5. EXCEPTIONS. Except as may be required by the Planning Commission (or the Zoning Hearing Board in the case of a Special Exception) on a case-by-case basis:
 - a. No planting strip is required along a rear property line when the rear property line abuts a public alley.
 - b. No planting strip is required along a side and/or rear property line where the adjacent owners have a written agreement, suitable to the Board of Supervisors,

waiving the side and/or rear yard setbacks relating to parking facilities along their abutting property line(s).

- c. No planting strip is required along a street right-of-way if the building or buildings is permitted (under the applicable zoning district regulations) to be constructed immediately behind the sidewalk.

C. SCREENING

1. Screening requirements shall be applicable under the following circumstances:
 - a. Where a proposed commercial, industrial, or institutional use abuts an existing residential use or residential district.
 - b. 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 not located on the same lot or in the same residential development.
 - c. Any other instances where screening is required by This Ordinance or by the Township.
2. Screening shall comply with the requirements of the Ephrata Township Subdivision and Land Development Ordinance.
3. EXCEPTIONS. Except as may be required by the Planning Commission (or the Zoning Hearing Board in the case of a Special Exception) on a case-by-case basis:
 - a. No screening along a rear property line is required when the rear property line abuts a public alley.
 - b. No screening is required along a side and/or rear property line where the adjacent owners have a written agreement, suitable to the Board of Supervisors, waiving the side and/or rear yard setbacks relating to parking facilities along their abutting property line(s).

D. 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:

1. 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.
2. 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.

3. 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 substantial wall, fence, or thick hedge, approved by the Planning Commission.
4. 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 thick hedge, wall, or fence approved by the Planning Commission, located along a line drawn parallel to the street and a distance of twenty (20) feet therefrom; such screening to be interrupted only at points of ingress and egress

E. SERVICE, LOADING AND TRASH DISPOSAL AREAS.

1. All service, delivery, loading and outdoor storage and trash disposal areas shall be screened from all residential districts, public streets, parking lots and pedestrian walkways.
2. 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.

F. 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.

G. Water towers, storage tanks, processing equipment, fans, skylights, cooling towers, vents and any other structures or equipment which rise above the roof line shall be architecturally compatible or effectively shielded from view from any public or private dedicated street by an architecturally sound method which shall be approved, in writing, by the Township before construction or erection of said structures or equipment

Section 522. GARAGE / YARD SALES

Within any zone, an owner and/or occupant may conduct up to four garage/yard sales per year. No garage or yard sale shall be conducted for a period longer than three consecutive days. Such sales may offer for sale personal possessions; no imports or stocking of inventory shall be permitted. Only one four square foot sign shall be permitted advertising the garage/yard sale located upon the premises where the sale occurs, and shall be removed promptly upon the completion of the sale. In no case shall any aspect of the garage/yard sale be conducted in a street right-of-way. The conduct of garage / yard sales beyond the extent described herein represents a commercial business and requires appropriate zoning authorization.

ARTICLE VI

CRITERIA FOR SPECIAL EXCEPTIONS, CONDITIONAL USES AND OTHER SELECTED USES

Section 600. GENERAL DESCRIPTION

It is the intent of this Article to provide special controls and regulations for particular uses which may be permitted by right, or by Special Exception, or by Conditional Use within the various zoning districts established in This Ordinance. 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. All such 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. Similarly, the Board of Supervisors may grant approval of a conditional use under applicable regulations. The burden of proof shall rest with the applicant. In granting a special exception or conditional use, the Zoning Hearing Board or Board of Supervisors, as appropriate, 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.

Section 601. PROCEDURE

The procedure for consideration of a special exception or conditional use shall follow the procedure for review and hearings as stated in Article VIII of this Zoning Ordinance.

Section 602. PLAN REQUIREMENTS

In addition to any plan informational requirements for a specific land use identified in this Article, the special exception or conditional use 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:

- A. The location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, and other pertinent information.
- B. The names and addresses of adjoining property owners, including properties directly across a street right-of-way.
- C. Ground floor plans and building elevations of proposed structures.
- D. A written narrative of the proposed use in sufficient detail to determine that all applicable standards are adequately addressed.

**Section 603. GENERAL STANDARDS FOR ALL SPECIAL EXCEPTION AND
CONDITIONAL USE APPLICATIONS**

In order to receive a special exception or conditional use approval, the applicant shall establish by credible evidence that:

- A. The proposed use is consistent with the purpose and intent of the Zoning Ordinance.
- B. The proposed use does not detract from the use and enjoyment of adjoining or nearby properties.
- C. The application complies with all criteria established for the respective land use proposal addressed elsewhere in this Article.
- D. The proposed use does not substantially impair the integrity of the Township's Comprehensive Plan.
- E. The required front yard, side yards, open space areas, and height limitations for the applicable zoning district have been met.
- F. The off-street parking provisions are in conformance with those specified in Article V of this Zoning Ordinance.
- G. 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 traffic.
- H. The location of the site with respect to the existing roads 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.
- I. The pedestrian access from the off-street parking facilities is separated from vehicular access and sufficient to meet the anticipated demand.
- J. 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.
- K. Facilities are available to adequately service the proposed use (e.g. schools, fire, police, and ambulance protection, sewer, water, and other utilities, etc.).
- L. Screening of the proposed use from adjacent uses is sufficient to prevent the deleterious impact of the uses upon each other.
- M. The use of the site complies with the requirements of any other public agency having jurisdiction over the proposed use.
- N. 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.
- O. Sufficient setbacks to and/or from agricultural operations are provided, in accordance with the applicable district regulations.

Section 604. CRITERIA FOR SPECIFIC LAND USES

Each of the following land 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, or by the Board of Supervisors, when permitted by Conditional Use (in addition to those items required by Sections 602 and 603).

Section 605. ACCESSORY FARM DWELLINGS

For the purposes of this Ordinance, an accessory farm dwelling is a permanent second dwelling having as its occupant(s) an owner (or any family member thereof) or one or more full-time laborers (or any family member thereof) on the farm.

- A. The off-street parking requirements of this Ordinance shall apply to each dwelling.
- B. All water supply and sewage disposal facilities shall be approved by the appropriate agencies prior to the issuance of a building permit for the accessory farm dwelling.
- C. The location of the accessory farm dwelling must also conform to the requirements of the Subdivision and Land Development Ordinance.

Section 606. ADULT ORIENTED BUSINESSES

Adult oriented businesses shall comply with all other applicable sections and provisions of this Ordinance and with the following standards and criteria:

- A. No Adult Oriented Business shall contain any other type of Adult Oriented Business, ie. An adult book store shall not be operated in conjunction with an adult movie theater.
- B. No more than one (1) Adult Oriented Business shall be permitted in any one building.
- C. No Adult Oriented Business shall be located within the following distances measured in a straight line without regard to intervening structures from the closest point in any direction of the building within which the Adult Oriented Business is located to the closest point of the following:
 - 1) One thousand (1000) feet of any building within which is located another Adult Oriented Business; or
 - 2) Seven hundred fifty (750) feet of any building within which a residential use is located; or
 - 3) One thousand (1000) feet of the lot line of any lot upon which is located a school, church, child care facility, public park or playground, public recreation facility, library, museum, or a commercial recreation or entertainment

facility.

- 4) Adult Oriented Business shall be fully screened from adjoining streets and properties with suitable evergreen trees so as to provide a complete visual barrier between the Adult Oriented Business and the adjoining street and/or property.
- D. There shall be no display of sexually oriented devices, specified anatomical areas or specified sexual activities that can be seen from the exterior of the building.
- E. No unlawful sexual activity or conduct shall be performed or permitted
- F. No Adult Oriented Business may change to another type of Adult Oriented Business except upon application to and approval of the Zoning Hearing Board of such change as a special exception subject to the criteria set forth herein.
- G. 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 materials, merchandise, or film are exhibited or displayed.
- H. No sign shall be located upon the premises which depicts a visual representation of the type of materials, merchandise, or film being offered therein.
- I. 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 materials, merchandise, or film exhibited or displayed therein.
- J. The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate.
- K. Persons or owners who intend to open an Adult Oriented Business must obtain from the Township a license form on which they shall supply detailed information as to the ownership and operation of the business including but not limited to sufficient information to allow background checks on all employees and management of the business.

Section 607. AIRPORTS/HELIPORTS

- A. All facilities shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations.
- B. 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.
- C. 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.

Section 608. 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 wholly 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. One parking space per employee plus one space for each eighty (80) square feet of gross leasable floor area shall be provided.
- 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.

Section 609. 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 wholly-enclosed buildings, and any outdoor animal pens, stalls, or runways also shall comply in all respects with the yard requirements of this Ordinance for the principal building, except that
 - 1. they shall be located no closer to the front lot line than the rear wall of the principal building, and
 - 2. they may be located in the rear yard if located at least ten (10) feet from any lot line.
- 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 twenty-five (25) feet from all property lines.
- D. Suitable control shall be exercised over the animals so that a nuisance condition is not created in terms of excessive noise, dirt, or odor.

Section 610. ATTACHED AND SEMI-DETACHED BUILDINGS IN INDUSTRIAL OR COMMERCIAL DISTRICTS

The Zoning Hearing Board may allow the elimination of adjacent side or rear yards on two (2) or more adjacent lots 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 rooflines.

Section 611. 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.
- E. Gasoline pump islands shall be at least thirty (30) feet from the street right-of-way line.
- F. Entrances and exits shall be a minimum of thirty (30) feet in width.
- G. All ventilation equipment associated with fuel storage tanks shall be at least one hundred (100) feet from any adjoining residential property or residentially zoned property.
- H. All uses involving drive-through service shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads.

Section 612. AUTOMOBILE/TRUCK SERVICE AND REPAIR 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 service and/or repair activities shall be conducted within a single, wholly 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 wholly enclosed dumpster equipment.
- E. All exterior vehicle storage areas shall be screened from adjoining residential and residentially zoned property.
- F. The storage of unlicensed 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 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.

Section 613. BED AND BREAKFAST ESTABLISHMENTS

- A. No external modifications that 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. One off-street parking space shall be provided for each proposed rental unit, in addition to the required spaces for the existing dwelling.
- D. One (1) sign may be erected which shall be no larger than twelve (12) square feet in size and which shall be no less than ten (10) feet from all property lines.
- E. Meals, if offered, shall be available only for registered overnight guests.

Section 614. BILLBOARDS

Signs which advertise products or services other than those which are sold on the premises where the sign is located may be erected in any commercial or industrial zone providing that the surface area of the sign does not exceed three hundred (300) square feet; no sign shall be erected less than six hundred (600) feet from the existing residences; there shall be a minimum of one thousand (1,000) feet between signs; no sign shall be more than twenty-five (25) feet high; and the sign shall be set a minimum of thirty (30) feet from the street right of way line.

Section 615. BOARDING HOMES

- 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 minimum lot area shall be two (2) acres in all districts.
- C. The applicant shall furnish evidence that systems for sanitary sewage disposal and water supply have been approved by the appropriate agencies.
- D. No external modifications that 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. One (1) off-street parking space shall be provided for each room available for rent, in addition to the required spaces for the existing dwelling unit.
- G. All parking areas shall be at least ten (10) feet from all property lines.
- H. Meals shall be offered only to registered tenants.

Section 616. CAMPGROUNDS

- A. The minimum lot area for a campground shall be ten (10) acres.
- B. 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.
- C. The maximum number of campsites within each campground shall not exceed twelve (12) per acre.
- D. A minimum of one (1) automobile parking space shall be provided for each site, and such parking space shall not interfere with the vehicular movement along the internal access drives of the campground. Equivalent parking may be provided by a common parking compound. On-drive parallel parking shall not be permitted.
- 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. 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 sanitary and garbage collection systems that shall be located at least one hundred (100) feet from adjoining residential properties and be appropriately screened.
- 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 adjacent residential properties.
- I. Campground identification signs shall not exceed 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 adjacent property lines.
- J. Active or passive recreation areas shall comprise at least twenty (20) percent of the gross area of the campground.

- K. All sanitary sewer and water supply facilities shall be subject to the approval of the appropriate authorities.
- L. All lighting facilities shall be designed and located so as to not produce a glare or direct illumination onto abutting properties.

Section 617. 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. Public sewer and water facilities shall be provided. In addition, on-lot wash water recycling systems are required.
- C. Each car wash bay in an automatic/conveyorized facility shall allow for a stacking of ten (10) vehicles. Each car wash bay in a self-serve facility shall allow for a stacking of three (3) vehicles.
- 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-five (25) feet from any side lot line.
- E. The site shall be kept debris and trash free with the owner or manager of the car wash responsible for site maintenance.
- F. All entrances to the commercial recreation facility shall be designed so that vehicle back-up on abutting roads does not occur.
- G. All lighting facilities shall be designed and located so as to not produce a glare or direct illumination onto abutting properties.

Section 618. CEMETERIES

- A. A minimum lot area of one (1) acre shall be provided for a cemetery.
- B. All burial plots and facilities shall be in accordance with the appropriate setbacks of the governing zoning district.
- C. In no case shall any use relating to a cemetery be located within the one hundred (100) year floodplain of an adjacent watercourse.
- D. With the exception of service to a church located on the same lot, no public water or sewer facilities shall be permitted in the tract.

Section 619. CHURCHES AND RELATED USES

- A. Churches and Related Uses Standards

1. The subject tract shall front on and gain access from either an arterial, major collector, or minor collector road, or a street that conforms to the 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. The lot coverage, yard area, and building height requirements of the applicable zoning district shall be maintained.
4. Church-Related Residences shall be accessory to, and located upon the same parcel as, the church and subject to all of the underlying zoning district's standards.

B. Church-Related Educational or Day Care Standards

1. All church-related educational or day-care facilities shall be accessory to, and located upon, the same parcel as a house of worship.
2. If the church-related educational or day-care facility is offered below the college level, an outdoor play area, acceptable to the Board of Supervisors, shall be provided. Such facility shall include appropriate screening and buffering from adjacent land uses. Off-street parking lots shall not be used as outdoor play areas.
3. The application shall be accompanied by a plan which demonstrate that adequate outdoor recreational facilities are being provided.
4. Outdoor play areas shall not be located within the front yard and must be set back a minimum of fifty (50) feet from all property lines. Outdoor play areas shall be completely enclosed by a minimum four (4) foot high non-climbable fence and screened from adjoining property.
5. Student and child "drop-off areas" shall be provided and designed to eliminate the need to cross traffic lanes on or adjacent to the site.
6. Unless the applicant can demonstrate that the off-street parking associated with the house of worship is sufficient for the church-related educational or day-care facility, one (1) off-street parking space shall be provided for each six (6) students enrolled below the grade of ten (10) and/or one (1) off-street parking space for each three (3) students, grade ten (10) and above. Enrollment shall be defined as the largest number of students and/or children (or adults) under day-care supervised at any one time during a seven-day period.

C. Church-Related Recreation Standards

1. All church-related recreational facilities shall be accessory to, and be located upon, the same parcel as a house of worship.
2. Church-related recreational facilities shall be set back fifty (50) feet from all property lines and street rights-of-way.

3. Outdoor play areas for individuals below the age of sixteen (16) shall be completely enclosed by a minimum four (4) foot high non-climbable fence, and screened from adjoining property.
4. All lighting of outdoor facilities shall be arranged to prevent glare on adjoining properties and streets.
5. Unless the applicant can demonstrate that the off-street parking associated with the house of worship is sufficient for the church-related recreational facility, one (1) off-street parking space shall be provided for every three (3) estimated users of the facility.

Section 620. 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 thirty (30) feet from any adjoining residential property.
- B. Any outdoor recreational facilities shall be located at least fifty (50) feet from any property line.
- C. Screening shall be provided adjacent to any residential land use.

Section 621. COMMERCIAL GRAIN OR COMMERCIAL FEED MILLS

- A. The applicant shall demonstrate that the commercial grain or commercial feed mill allows for the safe and efficient movement of all vehicles associated with the operation.
- B. All proposed entrances and exits to the commercial grain or commercial feed mill 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.
- C. Any commercial structure in excess of thirty-five (35) feet shall be set back from all property lines a distance equal to the height of the structure.
- D. When determined by the Zoning Hearing Board, suitable buffering shall be provided when any structure, access drive, and parking, loading, or unloading areas are located within one hundred and fifty (150) feet of adjacent residential structures.

Section 622. COMMERCIAL MANURE STORAGE FACILITIES

- A. Animal manure storage facilities shall be designed in compliance with the guidelines outlined in the publication Manure Management for Environmental Protection, Bureau of Water Quality Management Publication No. 43, revisions, supplements, and successors thereto, of the Pennsylvania Department of Environmental Protection.
- B. The applicant shall provide either (1) a letter from the Lancaster County Conservation District stating that the applicant's animal manure storage facility design has been reviewed and approved by the Lancaster County Conservation District and that all regulations and requirements of the State animal manure management program have been satisfied, or (2) submit a letter from the Lancaster County Conservation District stating that it will not review the plan or that no review is required

under applicable ordinances, or 3) submit evidence that such a letter has been requested and the Lancaster County Conservation District has failed to respond.

- C. The following additional criteria shall apply for commercial manure storage facilities:
1. 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.
 2. No underground storage, inground storage, trench silo, earthen bank, stacking area, or above ground storage facility shall be located within one hundred (100) feet of any side or rear property line and at least two hundred (200) feet from any residential structure not located on the subject property.
 3. All commercial waste storage facilities adjacent to floodplains shall have a minimum floor elevation of two (2) feet above the one hundred (100) year floodplain elevation.

Section 623. COMMERCIAL REGIONAL IMPACT DEVELOPMENTS

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

- A. The commercial regional impact development and the individual uses within the development shall comply with the following height, bulk, coverage and area regulations:
1. The minimum lot area of the commercial regional impact development, excluding existing street rights of way, shall be five (5) contiguous acres.
 2. The minimum lot width of the commercial regional impact development shall be two hundred (200) feet measured at both the street right of way line and the building setback line.
 3. The minimum lot depth of the commercial regional impact development shall be five hundred (500) feet measured at the narrowest part of the development between any existing street right of way and the opposite rear property line, or in the case of a corner lot, from the opposite side property line.
 4. All uses within a commercial regional impact development shall be served with public sanitary sewer and public water facilities.
 5. Yards within commercial regional impact developments. Part of the required yard area may be used for the purpose of meeting off-street parking requirements subject to, however, the requirements of Section 508. Yards of the following minimum size shall be provided:
 - a. Front Yard Minimum Depth

- (1) The minimum building line from all streets shall be in compliance with the requirements of the underlying zoning district, provided however, that the minimum distance shall be fifty (50) feet from the centerline of the street.
 - (2) In developed areas where existing buildings are located closer to the street than is permitted by these regulations, a new building may be placed at the same setback distance as the adjacent buildings. If the adjacent buildings have varying setbacks, the proposed building shall not be located closer to the street than the average setback distance of the two (2) existing adjacent buildings.
- b. Side Yard. The minimum side yard shall be fifty (50) feet, except that the side yard requirement shall be waived when a rail siding is to be provided to serve an industrial lot. In the case of a shopping center, there will be no side yard requirement between buildings which form a continuous structure when located within the shopping center; provided however, that no building shall be located closer than fifty (50) feet from any side property line.
 - c. Rear Yard. The minimum rear yard shall be fifty (50) feet. In the case of a shopping center, there will be no rear yard requirement between buildings which form a continuous structure when located within the shopping center; provided however, that no building shall be located closer than fifty (50) feet from the rear property line.
6. Maximum Impervious Area. Not more than seventy (70%) percent of the area of the lot shall be covered with impervious surface. However, this maximum impervious area shall be increased to seventy-five (75%) percent of the area of the lot where more than one-half (1/2) of all parking spaces within the lot are located behind the front building line.
 7. Maximum Building Coverage - Not more than sixty (60%) percent of the area of the lot shall be covered by buildings.
 8. Minimum Landscape Area - Not less than thirty (30%) percent of the area of the lot shall be covered by vegetation materials. However, this minimum landscape area shall be reduced to twenty-five (25%) percent of the area of the lot where more than one-half (1/2) of all parking spaces within the lot are located behind the front building line.
- B. The commercial regional impact development shall front and have all of its primary points of access onto an arterial or major collector street as identified in the Ephrata Township Comprehensive Plan. Internal vehicular circulation shall be designed in accordance with the requirements of the Ephrata Township Subdivision and Land Development Ordinance. Ingress and egress to the development shall be provided through two (2) or more controlled access points that are designed to handle the traffic generated by the site in a safe and efficient manner.
 - C. The applicant shall provide a traffic evaluation study, prepared in accordance with the requirements of the Ephrata Township Subdivision and Land Development Ordinance, indicating that adverse traffic conditions are minimized.
 - D. Sufficient off-street parking shall be provided for each use; however, where it can be shown to the satisfaction of the Township Board of Supervisors that various uses within a commercial regional

impact development will be generating parking needs at different times of the day or week, or that various uses when combined in a commercial regional impact development will generate reduced parking needs than if the uses were not combined, the amount of parking may be reduced accordingly. Parking compounds and internal vehicular circulation patterns shall be designed to prevent traffic that is utilizing any facility within the development from backing onto public streets.

- E. Where a regional mass transit system provides service along a street adjacent to the development or where such a system is proposed as part of an adopted municipal or regional transportation plan to serve the area of the development, appropriate drop-off and shelter facilities shall be located along such street, or within such development, or at some alternate location, as may be required by the Board of Supervisors, mass transit company, or other applicable municipal agency.
- F. Strong, clearly defined internal pedestrian circulation patterns shall be provided within the commercial regional impact development. Crossing of vehicular traffic should be eliminated wherever possible. Sidewalks shall be provided in accordance with the requirements of the Ephrata Township Subdivision and Land Development Ordinance. The internal pedestrian circulation system shall be coordinated with the pedestrian circulation system along the existing streets and on abutting properties.
- G. Exterior lighting shall be required, in accordance with the Ephrata Township Subdivision and Land Development Ordinance, to provide convenience and safety for people utilizing the facilities within the development; however, all such lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.
- H. No use shall emit any obnoxious noise, glare, dust, odor, vibration, electrical disturbance, smoke, toxic gas, radiation, heat or any other objectionable impact beyond the lot line of the facility.
- I. All outdoor storage, parking and loading/unloading areas shall be screened from adjoining properties that are within a residential zoning district. Said screening shall be provided in accordance with the design requirements of the Ephrata Township Subdivision and Land Development Ordinance.
- J. In addition to the screening requirements of this Ordinance, the developer shall be responsible for providing landscaping throughout the entire commercial regional impact development in accordance with a landscape plan designed by a registered landscape architect. Said plan shall provide a uniform, cohesive and visually attractive landscape for the development that also de-emphasizes that size and bulk of the development so that it is visually compatible with the surrounding neighborhood.
- K. As part of any application for a conditional use the applicant shall also be required to show that any individual use within a commercial regional impact development that would otherwise be subject to special exception regulations is in compliance with all special exception design standards specifically set forth in Article VI of this Ordinance for such individual use.
- L. Where a proposed development is (1) an extension, expansion or revision of a development existing prior to the adoption of this Ordinance, and (2) where the combination of the existing use(s) and the proposed extension(s), expansion(s) or revision(s) would qualify as a commercial regional impact development, the requirements of this Section 642, shall be considered only if the proposed

extension(s), expansion(s) or revision(s) exceed 10% of the existing use(s) or 25,000 square feet, whichever is greater.

- M. Where a multi-phase commercial regional impact development is proposed, the application for a conditional use shall include the entire development; however, the applicant may provide a phasing schedule, subject to the approval of the Board of Supervisors, for all site improvements and for all transportation and traffic improvements which shall coincide with the phasing of the development.

Section 624 COMMUNICATION ANTENNAS, TOWERS AND EQUIPMENT FOR COMMERCIAL OPERATION

A. General requirements for Communications Antennas and Communications Buildings

1. Building mounted Communications Antennas shall not be located on any residential structure.
2. Building mounted Communications Antennas shall be permitted to exceed the height limitations of the applicable zoning districts by no more than twenty (20) feet.
3. Omnidirectional or whip Communications Antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
4. Directional or panel Communications Antennas shall not exceed five (5) feet in height and three (3) feet in width.
5. Any applicant proposing Communications Antennas to be mounted on a Building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.
6. Any applicant proposing Communications Antennas to be mounted on a building or structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by the Township Engineer.
7. Any applicant proposing Communications Antennas to be mounted on a building or structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and Communications Equipment can be accomplished.
8. Communications Antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
9. Communications Antennas shall not cause radio frequency interference with other communications facilities located within Ephrata Township.

10. A Communications Equipment Building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory building.
11. The owner and operator of Communications Antennas shall be licensed by the Communications Commission to operate such antennas, and shall provide a copy of such license to the Township.

B. General Requirements for Communications Towers

1. The applicant shall be required to submit to the Township evidence of the need for the Communications Tower and that all alternatives have been exhausted to constructing the Communications Tower in a Residential District. Applicants are required to prove need by:
 - a. Providing evidence, including coverage diagrams and technical reports, that, in terms of location and construction, there are no existing towers, Communications Towers, buildings or structures able to provide the platform for the necessary equipment for one or more of the following reasons:
 - (1) Planned equipment would exceed the structural capacity of the existing Communications Towers, buildings or structures, and existing Communications Towers, buildings or structures, cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost; or
 - (2) Planned equipment will cause interference with other existing or planned equipment for that Communications Tower, building or structure and the interference cannot be prevented at a reasonable cost; or
 - (3) Existing or approved Communications Towers, buildings or structures do not have the space on which planned equipment can be placed so it can function effectively and at least be in parity with other similar equipment in place or planned; or
 - (4) Other reasons make it impractical to place the equipment by the applicant on existing and approved Communications Towers.
2. No Communications Tower shall be permitted within Ephrata Township that is of a height that would require attached lighting as required by standards of the Federal Aviation Administration (FAA). Other lighting shall be permitted in accordance with the provisions contained elsewhere in this Ordinance.
3. Communications Towers may not be located on a lot that is listed on a historic register or in an officially designated state or federal historic district.
4. Communications Towers shall be no closer than one thousand (1,000) feet from another Communications Tower, such distance being measured as a horizontal distance from tower to tower.

5. The applicant for a Communications Tower must execute an agreement with Township, in a recorded instrument legally sufficient to the Township, reviewed by the Solicitor, requiring the removal of the Communications Tower within one (1) year after the Communications Tower ceases to function as such. Removal of the Communications Tower shall include the tower, all appurtenances or component parts thereof, including any associated buildings or structures.
 - a. Responsibility of Owner and Occupant of Premises for Removal: No person, firm, or corporation owning or occupying any property within Ephrata Township shall permit, leave or cause to be left any Communications Tower, appurtenances, or component part thereof, including any associated buildings or structures on said property on and after the aforesaid one year period. A Communications Tower, all appurtenances or component part thereof, including any associated buildings or structures so remaining on the premises after the prescribed removal date shall be deemed in violation of the provisions of this section.
 - b. Notice to Conform: Ephrata Township is hereby authorized, and directed to give notice, by a personal service or US mail to the owner or occupant, or both, as the case may be, by certified mail of the violation of the provisions of this Ordinance, and directing and requiring said owner or occupant to conform with the requirements of this Ordinance within 30 days after issuance of such notice.
 - c. Violations and Penalties: In case any person, firm or corporation shall neglect, fail or refuse to comply with said notice within the period of time stated therein, Ephrata Township may enter the premise and remove the Communications Tower, all appurtenances or component part thereof, including any associated buildings or structures. In such event all costs associated with the removal, together with reasonable attorney's fees and any additional payment authorized by law, may be collected by Ephrata Township, from such person, firm or corporation in the manner provided by law for collection of municipal claims or by an action of assumpsit
6. A security fence and gate, of approved design, of not less than eight (8) feet, including barbed wire at the top, shall completely enclose the Communications Tower and anchor locations of guy wire (if used). This fencing shall be designed to be compatible with surrounding land uses.
7. The applicant shall submit a landscaping plan. Landscaping requirements shall be in accordance with the requirements of the governing Subdivision and Land Development Ordinance.
 - a. Landscaping, consisting of approved evergreen trees, shall be required at the perimeter of the security fencing. Layout and type of trees permitted shall be as set forth in the Ephrata Township Subdivision and Land Development Ordinance.
 - b. This requirement may be waived by the Township if there is existing acceptable vegetation along the property lines.

8. A minimum of one (1) parking space shall be required. Spaces shall meet requirements of this Ordinance. Parking spaces may be surfaced with a durable and dustless gravel surface.
9. Access shall be provided to the Communications Tower and Communications Equipment Building by means of a public street or easement of twenty (20) feet in width and shall be improved to a width of at least twelve (12) feet.
10. Internal access to the Communications Tower shall be provided by a minimum twelve (12) foot width driveway with a durable and dustless surface, such as concrete or a bituminous surface, for a minimum of thirty-five (35) feet from the centerline of any public street. The length of the driveway beyond this thirty-five feet shall, at a minimum be surfaced with durable and dustless gravel.
11. Communications Towers shall be fully automated and unattended on a daily basis. The site shall be visited only for periodic maintenance.
12. The Communications Equipment Building shall be identified as an accessory building, and the applicable regulations for the host zoning district shall apply.
13. Guy wires, if utilized, may not be anchored in any setback area of the host zoning district. Guy wires shall not cross or encroach any overhead telephone or electric power lines.
14. Tower height shall be measured from the top of the foundation to the top of the tower
15. A security gate shall be required to be installed a minimum of forty-five feet (45) from the centerline of the public or private roadway.
16. The applicant shall be required to have control over any land that is within a required setback area of this Ordinance. This control, submitted in writing, may be either in the form of ownership, lease, or recorded easement, as reviewed by the solicitor.
17. The applicant shall submit a copy of its current Federal Communications Commission license: the name, address and emergency telephone number for the operator of the Communications Tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the amount \$1,000,000 per occurrence covering the Communications Tower and Communications Antennas.
18. No Communications Tower shall be located closer than five hundred (500) feet from any existing structure, playground, ballfield or other area used for active recreation within a municipal park or school.
19. No more than ten thousand (10,000) square feet of clear-cutting of wooded areas shall be allowed for the site area of the Communications Tower.

C. Additional Conditions Applicable to Communications Towers and Equipment Buildings Located in Residential Low Density (RLD) Districts.

In addition to the conditions stated in Subsection B, the following conditions shall also apply:

1. Setbacks shall be no less than one hundred fifty (150) feet from adjacent property lines and public road right-of-way lines. Such distance shall be in a straight line from the Communications Tower to the appropriate line.
2. The undisturbed ground elevation for any Communications Tower proposed in a Residential Low Density (RLD) District shall be at least 750 feet above mean sea level.

D. Additional Conditions Applicable to Communications Towers and Equipment Buildings Located in Agriculture, Commercial, Mixed Use and Industrial Zones.

In addition to the conditions stated in Subsection B, the following conditions shall also apply:

1. Setbacks shall be no less than fifty percent (50%) of the tower height from adjacent property lines and public road right-of-way lines. Such distance shall be in a straight line from the Communications Tower to the appropriate line. This set back shall be increased to one hundred fifty (150) feet if any Residential Zoning District abuts the property in which the Communications Tower is located.

E. General Requirements for Co-Location of Facilities

The applicant for the Co-Location of Facilities shall be required to submit a Building Permit application for approval.

Section 625. 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. Drive-through lanes shall be designed for stacking of at minimum of ten (10) vehicles and shall be separated from the internal circulation system for the parking facilities.
- C. The applicant shall demonstrate that any external-internal microphone system shall not operate in a manner that causes an objectionable noise impact to abutting properties.
- D. Exterior seating and/or play areas shall be completely enclosed by a three (3) foot high fence.
- E. No part of any structure on the subject property shall be located within one hundred (100) feet of an existing residential structure or within two hundred (200) feet of a Residential zoning district.
- 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.

- G. 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.

Section 626. 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. Public sewer and water shall be utilized.
- C. All activities shall be within completely enclosed buildings.
- D. Exhaust and ventilation equipment shall discharge away from any adjoining residential properties.

Section 627. ESSENTIAL SERVICES

Essential Services buildings and structures shall be permitted by right 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. Unless the Zoning Hearing Board grants relief as part of the Special Exception approval, front, side and rear yards shall be provided in accordance with the regulations of the district in which the building is located.
- B. Height of building or structure shall be as required by the district regulations.
- C. Unhoused equipment shall be enclosed with a chain link fence six (6) feet in height.
- D. Housed Equipment - When the equipment is totally enclosed within a building, no fence or screen planting shall be required and the yard shall be maintained in conformity with the district in which the facility is located.
- E. Screen Planting in Residential Districts - The required fence for unhoused equipment shall be screened in accordance with the requirements of This Ordinance and of the Ephrata Township Subdivision and Land Development Ordinance.
- F. The external design of the building shall be in conformity with the buildings in the district.
- G. 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.
- H. No equipment causing excess noise, vibration, smoke, odor, or hazardous effect shall be installed.

Section 628. FARM BASED BUSINESSES

- A. The primary economic activity of the subject tract shall be agricultural and shall be at least ten (10) acres in area.

- B. The land area of the proposed farm based business shall not utilize more than one (1) acre of land area inclusive of buildings and parking facilities.
- C. The business shall be conducted and owned by the farmer in residence on the property.
- D. The Zoning Hearing Board shall determine if the proposed farm based business and land use are not detrimental to the agricultural uses of the Agricultural District and do not interfere or conflict with the continuation and perpetuation of agricultural activities and the health, safety, and welfare of the community. Additionally, the Zoning Hearing Board may require that impact studies be furnished which evaluate the effect of the proposed business and land use upon the subject tract of land, the abutting properties and the community in general.
- E. 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.
- F. In the case where the proposed farm based business 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.
- G. The land area of the farm-based business shall not, at any time, be permitted to be subdivided from the farm.
- H. No more than two (2) non-residents shall be employed in a farm based business.
- I. The applicant shall demonstrate that the proposed farm based business and land use provide for the safe and efficient movement of traffic by addressing anticipated changes in vehicular movements.
- J. Signs that advertise the farm-based business shall not exceed fifteen (15) square feet in area.
- K. If determined by the Zoning Hearing Board, suitable buffering shall be provided when the farm based business is located within one-hundred (100) feet of an adjacent residential structure.
- L. The owner and/or occupant of the farm-based business shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor. Additionally, the farm based business shall be conducted in a manner that does not allow the accumulation of trash and debris.
- M. 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.

Section 629. FARM EQUIPMENT SALES AND SERVICE

- A. Activities and services provided by the land use should address the needs of those engaged in local farming. The facility should be directed at providing materials and services needed to farm rather than the distribution of goods produced on the farm.

- B. Minimum lot areas shall be two (2) acres with the maximum lot area being five (5) acres.
- C. Vehicular and pedestrian traffic to and from the use shall not create undue congestion or hazards within the general neighborhood.
- D. Structures shall be located at least fifty (50) feet from all property lines.
- E. The maximum lot coverage shall be not greater than twenty (20) percent.
- F. Screening and/or landscaping as may be determined by the Zoning Hearing Board shall be provided.
- G. All driveways, parking areas, and loading zones shall be surface and maintained in a 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.

Section 630. FUNERAL HOMES

- A. The subject tract shall front on and gain access from either a 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.
- B. Public sewer and water shall be utilized.
- C. The applicant shall demonstrate that sufficient off-street parking is being provided so that no traffic back-ups occur onto adjoining roads.

Section 631. 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 inventory shall be located within a fully enclosed building.
- C. Building material storage yards in conjunction with showrooms are not permitted.

Section 632. HOME OCCUPATIONS AND HOME BUSINESSES

- A. The Township recognizes the need to establish regulations pertaining to home-based occupations as a result of the increased need for the diversity of income to help offset the rising cost of living. Home occupations and home businesses will particularly benefit individuals with physical disabilities as well as those having to care for children or the elderly within their home. The Township also recognizes the potential benefits to the local community that could be realized by those seeking services or goods supplied through home occupations.

- B. It is the intent of this Section to establish regulations which will permit home occupations and home businesses in a manner which will preserve the peace, quiet, and tranquillity of residential neighborhoods and to ensure the compatibility of such uses with other uses permitted within the same zoning district.
- C. All dwellings containing a home occupation or home business shall comply with the following:
1. The person primarily responsible for the home occupation or home business shall be a full-time resident of the premises.
 2. No more than twenty-five (25) percent of the gross floor area of the dwelling unit, excluding attics, attached garages, and basements, of the dwelling may be used for the practice of a home occupation or home business.
 3. No displays or change in the building facade, including the dwelling and all accessory buildings, shall indicate from the exterior that the dwelling is being utilized for purposes other than a dwelling.
 4. Storage of materials, products, or machinery used for the home occupation or home business shall be wholly enclosed by the dwelling, within the maximum floor area previously defined, and shall not be visible from any adjacent lot or street.
 5. The home occupation or home business shall be conducted entirely within the dwelling.
 6. Deliveries shall not restrict traffic circulation.
 7. Traffic generated by the home occupation or home business shall not exceed volumes than would normally be expected in a residential neighborhood.
 8. A home occupation or home business shall not produce noise, obnoxious odors, vibrations, lighting glare, fumes, or smoke detectable to normal sensory perception on any adjacent lots or streets or electrical interference.
 9. The disposal of all materials, fluids, and gases shall be in a manner that complies with all regulations of the Township and all other applicable government codes.
 10. Home occupations or home businesses utilizing, or proposing to utilize, explosive, highly flammable or hazardous materials shall require proof of fire department notification and compliance with applicable building codes prior to using such materials.
- D. **ADDITIONAL REQUIREMENTS FOR HOME OCCUPATIONS:** Notwithstanding the provisions of C. above, home occupations shall be subject to the following additional restrictive requirements:
1. There shall be no visitations by non-residents for business purposes.
 2. There shall be no retail sales of goods on the premises.
 3. No signs shall be utilized.

4. There shall be no need for additional off-street parking.
 5. All persons involved in the occupation shall be full-time residents.
- E. **ADDITIONAL REQUIREMENTS FOR HOME BUSINESSES:** Notwithstanding the provisions of C. above, home businesses shall be subject to the following additional restrictive requirements:
1. A home business shall limit any external evidence of an occupation to one (1) non-illuminated sign, not exceeding one (1) square feet in sign area, subject to the sign regulations of Article V.
 2. The requirement for additional parking facilities shall be determined by the Zoning Hearing Board.
 2. Sales of goods on the premises shall be limited to goods made on the premises and goods which are incidental to services performed on the premises.
 4. The Zoning Hearing Board shall approve the permitted hours of operation to avoid land use conflicts.
 5. In addition to full-time residents, the home business is limited to no more than two (2) non-resident employees.

Section 633. KENNELS

- A. The minimum lot area requirement shall be two (2) acres.
- B. Animal boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls, or runways also shall comply in all respects with the yard requirements of this Ordinance for the principal building, except that
 1. they shall be located no closer to the front lot line than the rear wall of the principal building, and
 2. they may be located in the rear yard if located at least ten (10) feet from any lot line.
- C. Animal boarding buildings that are not wholly-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 that restricts access and provides for a full enclosure. All enclosures shall be a minimum of fifty (50) feet from all property lines.
- E. All animal wastes shall be regularly removed and disposed from the premises.
- 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.

Section 634. LIFE CARE FACILITIES

- A. General.

1. The life care facility and accessory facilities shall be designed and used to serve its residents and their guests only.
2. The life care facility shall be planned, developed, and operated according to a unified plan under the direction of a single owner or agent for the owner.
3. The life care facility may include a community center in which an auditorium, activity rooms, craft rooms, library, lounges, or similar recreational facilities for members of the life care facility may be included. Additional facilities provided as part of the life care facility may include:
 - a. Dining facilities;
 - b. Medical facilities, including treatment, nursing and convalescent facilities;
 - c. Office and retail service facilities designed and adequate to serve only the members of the life care facility, including but not necessarily limited to doctor's offices, pharmacy, gift shop, coffee shop, bank, barber or beauty shop;
4. Life Care Facilities in the Industrial-Institutional (I-2) District shall not include independent living in single family or multiple family units.

B. Area and Bulk Regulations.

The following area and bulk regulations shall apply:

1. The minimum lot area shall be two (2) acres plus
 - a. 800 sq. ft. per patient bed; and
 - b. 5,000 sq. ft. per individual room or apartment unit in congregate residences; and
 - c. three (3) times the gross floor area of permitted and housed accessory uses, such as the community center and personal service shops, but not including the recreational common open areas.
2. The minimum front, side, and rear yards shall be fifty (50) feet.
3. There shall be a minimum setback of one hundred (100) feet from all tract boundaries in which no structures shall be located. The buffer yard and screening provisions of this Ordinance shall be incorporated within setback areas.
4. Building setbacks from streets and minimum distances between buildings may be varied in order to create interesting architecture in the layout and character of housing.
5. The maximum impervious area shall be sixty-five (65) percent.

6. A minimum of thirty percent (30%) of the total tract area shall be designated as and used exclusively for common open space. Design and layout of common open space shall be in accordance with the requirements of Subsection F below.
7. Maximum building height shall be as follows:
 - a. Principal building - 35 feet
 - b. Accessory building - 25 feet

C. Density.

The maximum gross density within a life care facility shall not exceed eight (8) dwelling units per acre. For the purposes of this section, four (4) beds for patient, resident and/or staff person use provided within a medical facility within the life care facility shall be deemed the equivalent of one (1) dwelling unit. Two (2) apartment units in a congregate residence shall also be deemed the equivalent of one (1) dwelling unit.

D. Site Design Requirements.

1. Residential Uses.

- a. Structures shall be located and arranged so as to promote privacy for residents within the life care facility and maintain privacy for residents adjacent to the life care facility. Structures shall be located within the development so that there will be no adverse impact such as excluding natural light or invading the privacy of adjacent structures.
- b. Structures shall be located and sited so as to promote pedestrian and visual access to common open space wherever possible. Routes for vehicular and pedestrian access and parking areas shall be convenient without creating nuisances or detracting from the privacy of residents.
- c. Structures located along the perimeter of the tract shall be designed so as to be harmonious with adjacent areas.

2. Non-residential Uses.

- a. All non-residential uses shall be located in a single area of the life care facility site.
- b. All non-residential uses shall be located with direct access to either a collector or arterial street.
- c. Signs for non-residential uses are permitted, subject to the signage requirements of this Ordinance.
- d. All non-residential uses shall have architectural compatibility with residential structures.

- e. Parking facilities for non-residential uses shall be designed solely for the intended use and shall be physically separated from other parking areas in the development.

E. The following additional requirements shall apply:

1. No parking area shall be located within the yard requirements.
2. No structure shall be within twenty-five (25) feet of the street line or parking areas.
3. No structure shall be located within thirty (30) feet of any other structure.
4. Sufficient exterior nighttime illumination of the parking area shall be required to provide convenience and safety. All such illumination shall be shielded from view of all surrounding streets and lots.
5. All buildings shall be of fireproof construction.
6. All permitted uses shall be served by public water and public sewer systems.

F. Common Open Space

1. The location, shape, size and character of the common open space should take into consideration the natural features and physical characteristics of the site.
2. Whenever possible, common open space shall be designed as a contiguous area between residential areas, with pedestrian and visual access available to all residents of the life care facility.
3. Significant natural features such as woodland areas, steep slopes, floodplain areas, large trees, natural water courses and bodies of water, rock outcroppings, and scenic views shall be incorporated into the common open space whenever possible, provided, however, that not less than twenty-five percent (25%) of the total common open space shall be suitable and designed for use as an active recreation area.
4. Areas designated for common open space shall contain no structures other than those directly related to outdoor recreational uses and structures associated with utilities.
5. Any areas designated as common open space, of such size as may be capable of further subdivision under the provisions of this Ordinance, must be made subject to a deed restriction or agreement eliminating the possibility of such further subdivision. Said deed restriction or agreement shall be in a form acceptable to the Board of Supervisors and duly recorded in the Recorder of Deeds Office for Lancaster County.
6. The common open space shall be owned and maintained under the direction of a single owner or agent for the owner.

G. Streets, Sewer and Water Utilities, Storm Drainage and Soil Erosion Control, Curbs and Gutters and Sidewalks

Streets, sewer and water utilities, storm drainage and soil erosion control, curbs and gutters and sidewalks shall be designed and improved in accordance with the requirements and standards set forth in the Ephrata Township Subdivision and Land Development Ordinance. Performance and maintenance guarantees and subsequent release of guarantees for all required improvements shall be in accordance with the requirements and procedures of the Subdivision and Land Development Ordinance.

H. Other Utilities

1. All streets, off-street parking areas and areas of intensive pedestrian use shall be adequately lighted. All such lighting shall be designed and located so as to direct light away from adjacent residences.
2. Telephone, electric, and cable television utilities shall be installed underground.

I. Minimum Number of Parking Spaces Required.

Parking space shall be provided for visitors at the rate of at least one (1) parking space for each three (3) accommodations (beds) for patients, plus one (1) space for each employee on largest shift. In addition, at least one (1) parking space for each two (2) beds or one (1) apartment unit in congregate residences shall be provided.

Section 635. LIQUOR STORES

- 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.
- B. No part of the subject property shall be located within one hundred and fifty (150) feet of any residential property line.
- C. No part of the subject property shall be within three hundred (300) feet of any school, museum, library, playground, park, day care facility, or church property.
- D. 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.

Section 636. MOBILE HOME PARKS

Each mobile home park shall be established, maintained, conducted, and operated in strict compliance with the Ephrata Township Mobile Home and Mobile Home Park Ordinance.

Section 637. PROFESSIONAL OFFICES, MEDICAL/DENTAL CLINICS, BANKS AND SIMILAR FINANCIAL INSTITUTIONS, AND RETAIL SALES

- 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 demonstrate that access to and the design of the parking facilities shall not create vehicle back-ups onto existing abutting streets.
- C. The maximum building coverage shall be no greater than twenty-five (25) percent and shall not exceed fifty thousand (50,000) square feet.
- D. The maximum impervious coverage shall be no greater than seventy (70) percent except that developments utilizing regional stormwater management facilities or underground storage as the primary means of meeting stormwater management requirements may increase maximum impervious coverage to eighty (80) percent.
- E. The minimum landscaped area shall be no less than thirty (30) percent except that developments utilizing regional stormwater management facilities or underground storage as the primary means of meeting stormwater management requirements may decrease minimum landscaped area to twenty (20) percent.

Section 638. PUBLIC AND PRIVATE SCHOOLS

- A. All height, area, setback, and coverage standards within the applicable zoning district shall apply.
- B. All off-street parking facilities shall be setback twenty-five (25) feet and screened from adjoining property lines.
- C. All structures shall be setback at least one hundred (100) feet from any adjoining land within a residential zone.
- D. 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 adjoining 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 at 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.
- E. Passenger drop-off and pick-up areas shall be provided and designed so that there is no cross-traffic pedestrian circulation.

Section 639. RECREATION FACILITIES

- A. All tracts with commercial recreation facilities 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. Uses involving extensive outdoor activities shall provide sufficient screening and/or landscaping measures to prevent any reasonable harm on adjoining properties.
- 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, plus an additional fifty (50) feet. Such structures shall not be used for occupancy.
- D. Required parking shall be based upon the requirements of Article V of this Ordinance. 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 and directly accessing adjoining roads.
- E. All entrances to the commercial recreation facility shall be designed so that vehicle back-up on abutting roads does not occur.
- F. 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.

Section 640. 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. 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.
- C. The applicant shall assure regular maintenance of the site to assure the immediate collection of stray debris.

Section 641. NURSING, REST AND RETIREMENT HOMES

- A. The following area and bulk regulations shall apply:
 - 1. The minimum lot area shall be two (2) acres plus
 - a. 800 sq. ft. per patient bed; and
 - b. 5,000 sq. ft. per individual room or apartment unit in congregate residences.
 - 2. The minimum front, side, and rear yards shall be fifty (50) feet.
 - 3. The maximum impervious area shall be sixty-five (65) percent.
 - 4. Maximum building height shall be as follows:

- a. Principal building - 35 feet
 - b. Accessory building - 25 feet
- B. The following additional requirements shall apply:
- 1. No parking area shall be located within the yard requirements.
 - 2. No structure shall be within twenty-five (25) feet of parking areas.
 - 3. No structure shall be located within thirty (30) feet of any other structure.
 - 4. Sufficient exterior nighttime illumination of the parking area shall be required to provide convenience and safety. All such illumination shall be shielded from view of all surrounding streets and lots.
 - 5. All buildings shall be of fireproof construction.
 - 6. All uses shall be served by public water and public sewer systems.

Section 642. 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 one hundred (100) feet of an existing residential structure or within two hundred (200) feet of a Residential Zoning District.
- C. The applicant shall provide a working plan that demonstrates that the proposed land use will not create excessive light, noise, litter, and loitering with respect to abutting properties.
- D. The applicant shall furnish evidence identifying how the use will be controlled and will not constitute a nuisance due to noise, light, or loitering outside the building.
- E. A working plan for the clean-up of litter shall be furnished and implemented by the applicant.

Section 643. RETAIL SALE OF NURSERY AND GARDEN MATERIALS

- A. All driveways, parking areas, and loading zones shall be surfaced and maintained in a 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 fifty (50) 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 residentially zoned properties.
- E. One (1) sign may be erected on the premises permitting the identification of the business. Such sign shall not exceed twelve (12) square feet in size and must be setback at least ten (10) feet from all lot lines.

Section 644. RIDING SCHOOL OR HORSE BOARDING STABLE

- A. All animals except while exercising or pasturing shall be kept within a completely enclosed building that was erected or maintained for that purpose.
- B. 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 lot size of one (1) acre per one and one-half (1 1/2) animals maintained shall be provided.
- C. No manure storage facility or area shall be established closer than one hundred (100) feet to any property line.
- D. One sign shall be permitted which shall not be greater than two (2) square feet in area and located a minimum of twenty (20) feet from the street right-of-way line.
- E. Adequate off-street parking shall be provided in accordance with requirements of Article V.

Section 645. SALVAGE YARDS

- A. The minimum lot area requirement shall be five (5) 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.
- C. All buildings used to store junk shall be wholly enclosed and setback at least fifty (50) feet from all property lines.
- D. Screening shall be required when the proposed use is located adjacent to a non-industrial use or non-industrial zoning district.
- 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 drained in a manner that 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.
- J. A Certificate of Use shall be issued for a period of one (1) year, and shall be subject to annual renewal.

Section 646. 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. Retail sale of goods, provided the total floor area is less than one hundred thousand (100,000) square feet.
 - 5. Retail services, including barber/beauty salons, music, dance, art, or photographic studios, repair of small appliances, and laundromat and dry cleaning collection stations.
 - 6. Professional offices.
 - 7. Restaurants and taverns.
 - 8. Any other establishment that 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. The maximum building coverage shall be no greater than twenty-five (25) percent.
- G. The maximum impervious coverage shall be no greater than seventy (70) percent except that

developments utilizing regional stormwater management facilities or underground storage facilities as the primary means of meeting stormwater management requirements may increase maximum impervious coverage to eighty (80) percent.

- H.. The minimum landscaped area shall be no less than thirty (30) percent except that developments utilizing regional stormwater management facilities or underground storage as the primary means of meeting stormwater management requirements may decrease minimum landscaped area to twenty (20) percent.
- I. 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.

Section 647. TRUCK OR MOTOR FREIGHT TERMINALS

The subject tract shall front on and gain access from either an arterial or major 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 major collector street design and improvement requirements.

Section 648. WHOLESALE AGRICULTURAL PRODUCE SALES, STOCKYARDS, AND BUYING 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. While the maximum lot area for the land use shall not exceed five (5) acres in area, the use shall be of appropriate size and design so that vehicular and pedestrian traffic to and from the use will not create undue congestion or hazards within the general neighborhood.
- C. All driveways, parking areas, and loading zones shall be surfaced and maintained in a 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.
- D. The owner and/or operator of the land use shall be responsible for removing any mud from public roads caused by vehicles traveling to and from the facility.
- E. The Zoning Hearing Board shall establish the permissible days and hours of operation for the land use.
- F. Soil erosion, sedimentation, and storm water runoff shall be controlled in accordance with all applicable laws and regulations.
- G. Screening and/or landscaping as may be determined by the Zoning Hearing Board shall be provided.
- H. The application for a special exception shall be accompanied by a working plan for the clean up and disposal of litter on the subject property.

- I. All outdoor loudspeaker and lighting systems shall be designed, arranged, and operated to prevent a nuisance on adjoining properties.
- J. No building or parking facility shall be located within one hundred (100) feet of any adjacent residential property.

Section 649. WHOLESALE DISTRIBUTION OF INDUSTRIAL PRODUCTS, LUMBER AND COAL YARDS, BUILDING MATERIAL STORAGE YARDS, CONTRACTORS' EQUIPMENT AND STORAGE YARDS, COMMERCIAL WAREHOUSES AND SELF-STORAGE FACILITIES

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.

The following shall specifically apply to self-storage facilities:

- A. Off-street parking shall be provided in accordance with the requirements of this Ordinance.
- B. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-six (26) feet wide when cubicles open onto one side of the lane only, and at least thirty (30) feet wide where cubicles open onto both sides of the lane.
- C. Required parking may not be rented as, or used for, vehicular storage. However, additional external storage may be provided for the storage of operable and properly licensed/registered privately-owned travel trailers and/or boats, so long as such external storage area is screened from adjoining residentially-zoned land and adjoining roads, and is located behind the minimum front yard setback line. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperative vehicles.
- D. All storage other than that provided for under Section C. shall be kept within an enclosed building, except that storage of flammable, highly combustible, explosive or hazardous chemicals shall be prohibited. Any fuel tanks and/or machinery or other apparatuses relying upon such fuels shall be stored only in an external storage area as described above.
- E. Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture is prohibited.
- F. No door openings for any self-service storage unit shall be constructed facing any residentially-zoned property.
- G. Self-service storage facilities shall be used solely for the dead storage of property. The following lists examples of uses expressly prohibited on the site:
 - 1. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.

2. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
3. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

The applicant shall adequately demonstrate that all self-service storage facilities' rental and/or use contracts shall specially prohibit these uses.

Section 650. PUBLIC SCHOOLS ON A LOT IN EXCESS OF FIVE ACRES IN SIZE IN THE AGRICULTURAL DISTRICT

- A. The maximum area to be developed for school buildings and playgrounds shall be five (5) acres unless preempted by State Law that prevents the Township from imposing a maximum size requirement for public schools providing the School Board has officially determined by whatever guide lines, if any, that the state and courts have set, that a larger size school and/or lot size is warranted.
- B. There shall be a minimum setback of one hundred (100) feet from all tract boundaries, in which no structures shall be located.
- C. Outdoor recreation facilities shall be setback a minimum of twenty-five (25) feet from all property lines and screened from adjoining residentially zoned properties by means of fences, plantings or decorative enclosures sufficient to screen activities from adjacent lots.
- D. All uses shall be served by public water and public sewer.
- E. Ingress and egress to the school shall be provided through two (2) or more controlled and fully improved access points that are designated to handle traffic generated by the site in a safe and efficient manner. The location of the access points shall be determined by a traffic study to be submitted with the conditional use application. The access drives shall be constructed and designed, and the traffic studies shall be made in accordance with the requirements set forth in the Ephrata Township Subdivision and Land Development Ordinance as amended. One of the access points must access to either a collector or arterial street as defined in the Ephrata Township Subdivision and Land Development Ordinance.
- F. Clearly defined internal pedestrian circulation patterns shall be provided within the school property. Crossing of vehicular traffic should be eliminated whenever possible. Sidewalks shall be provided in accordance with the Subdivision and Land Development Ordinance. The internal pedestrian circulation system shall be coordinated with the pedestrian circulation system along the existing streets and on abutting properties.
- G. All off-street parking facilities shall be setback twenty-five (25) feet and screened from adjoining property lines.
- H. Parking and loading requirements for all uses shall comply with Section 508 of this Ordinance.
- I. Exterior lighting shall be required, in accordance with the Ephrata Township Subdivision and Land Development Ordinance, to provide convenience and safety to people utilizing the facilities within

the development; however, all such lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.

- J. Storm water management facilities shall be provided in compliance with the Ephrata Township Storm Water Ordinance. In addition, an approved Lancaster County Soil Conservation Plan shall be required for all land proposed to remain in agricultural production or open space.

Section 651 ECHO Housing

- A. Within the (A, AH, RLD, RMD, RHD, C, C-2, I, and I-2) Zones on the same lot where a single family dwelling currently exists, ECHO housing is permitted by right subject to the following criteria.
- B. Echo housing can be provided by renovating or constructing an addition to an existing single family dwelling, converting an existing accessory structure to a dwelling unit, placing a mobile or modular home (hereinafter “manufactured home”) on the property.
- C. A minimum lot size of one (1) acre is required to use a manufactured home for Echo housing. All echo housing dwelling units must comply with the applicable zoning regulations for the District in which it is located.
- D. The echo housing dwelling unit may not exceed one thousand (1000) square feet of floor area with the exception of an existing accessory structure that may be temporarily converted for this use.
- E. The total building coverage for the lot shall not exceed the maximum requirement for the zoning district in which the echo housing is located.
- F. The echo housing dwelling unit shall be occupied by either an elderly (60 years or older) or challenged (mentally, physically, emotionally) person hereinafter called “approved occupant”. The approved occupant must be related to the occupants of the principal dwelling by blood, marriage or adoption. The burden is on the applicant to produce evidence such as birth certificates, doctor’s certifications, medical reports and other documentation to the Zoning Officer where in the Zoning Officer’s opinion the age or disability factor or relationship is not readily apparent.
- G. The echo housing dwelling unit shall be occupied by a maximum of two (2) people. The Zoning Officer may approve additional occupancy if an approved occupant is a primary care provider of a minor or challenged person.
- H. If public utilities are available to the property, the echo housing dwelling unit shall be physically connected to those systems serving the principal dwelling. No separate utility systems or connections shall be constructed or used. All connections shall meet the applicable utility company standards and fees.
- I. If on-site sewer or water systems are to be used, the applicant shall submit evidence to the Zoning Officer showing that the total number of occupants in both the principal dwelling and the echo housing dwelling unit will not exceed the maximum capacities for which the one-unit systems were designed, unless those systems are to be expanded, in which case, the expansion

approvals are to be submitted. Any connection to or addition to an existing on-site sewer system shall be subject to the review and approval of the Sewage Enforcement Officer.

- J. A minimum of one (1) all-weather, off-street parking space, with unrestricted ingress and egress to the street, shall be provided for the echo housing use, in addition to that required for the principal dwelling;
- K. An echo housing manufactured home shall be located between the principal building and the rear lot line unless the Zoning Officer determines that locating the dwelling unit between the principal structure and the street will not have a negative impact on neighboring properties.
- L. Echo housing dwelling units within the principal structure may not be occupied by non-family members as a separate dwelling unit after it is no longer occupied by a person who qualifies for the use. An existing accessory structure must be reconverted to or used as a permitted use and manufactured echo housing dwelling unit that was temporarily placed on the property shall be removed from that property within forty-five (45) days after it is no longer occupied by a person who qualifies for the use. The Township may remove the manufactured housing at the expense of the real property owner and lien the real estate if the property owner fails to do so after being given written notice.
- M. Upon the proper installation of the echo housing dwelling unit, the Zoning Officer shall issue a temporary use and occupancy permit. Such permit shall be reviewed every twelve (12) months, until such time as the echo housing use is required to be removed. A fee, in the amount to be set by the Board of Supervisors, shall be paid by the landowner upon each renewal of the temporary use and occupancy permit. Such fee shall be based upon the cost of the annual review of the permit.
- N. The use of a unit for Echo housing before a permit is issued or in contravention of this section is a violation of this ordinance and subject to the penalties and sanctions contained herein including but not limited to fines and a cease and desist order.

Section 652 - GEOTHERMAL ENERGY SYSTEMS

Open loop geothermal systems shall not be permitted in the Township. Closed loop geothermal systems shall be permitted in all zoning districts and shall be subject to the following regulations:

- A. The design and installation of geothermal systems and related boreholes for geothermal heat pump systems shall conform to applicable industry standards, including those of the ANSI, the IGSHA, ASTM, the ARI, or other similar certifying organizations, and shall comply with the Building Code and with all other applicable Township requirements. The manufacturer specifications shall be submitted as part of the application, and the applicant shall provide documentation to demonstrate that the design complies with and the installation shall comply with applicable industry standards.
- B. In all closed loop geothermal systems relying upon circulating fluids, only nontoxic, biodegradable circulating fluids such as food grade propylene glycol shall be permitted.
- C. All parts of the geothermal system shall be located a minimum distance of ten feet (10) feet from any property line.

Section 653 -SMALL SOLAR ENERGY SYSTEM

Small solar energy systems shall be permitted in all zoning districts as appurtenances to any building or as accessory structures and shall be subject to the following regulations:

- A. The design and installation of small solar energy system shall conform to applicable industry standards, including those of the ANSI, Underwriters Laboratories (UL), the ASTM, or other similar certifying organizations, and shall comply with the Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
- B. All small solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent lots as well as adjacent street rights-of-way.
- C. All on-site utility and transmission lines extending to and from the small solar energy system shall be placed underground.
- D. No part of any small solar energy system shall be located within or above any front yard, along any street frontage, nor within any required setback of any lot.
- E. Small solar energy systems mounted on the roof of any building shall be subject to the maximum height regulations specified within each zoning district. The owner shall provide evidence in the form of stamped plans certified by a professional engineer that the roof is capable of holding the load.
- F. Small solar energy systems which are ground mounted or detached from the principal or accessory structure shall not exceed fifteen (15) feet in height.
- G. The owner shall provide a copy of the letter from the electric utility company indicating that it has received and processed an application for interconnection of renewable generation equipment with the application for a zoning permit. The owner shall provide a copy of the final inspection report or other final approval from the electric utility company to the Township prior to the issuance of a certificate of use and occupancy for the small solar energy system. Off-grid systems shall be exempt from this requirement.

Section 654 - SMALL WIND ENERGY SYSTEM

Small wind energy systems shall be permitted in all zoning districts as accessory uses and accessory structures and shall be subject to the following regulations:

- A. The design and installation of all small wind energy systems shall conform to applicable industry standards, including those of the ANSI, Underwriters Laboratories (UL) , Det Norske Veritas, Germanischer Lloyd Wind Energies, the ASTM, or other similar certifying organizations, and shall comply with the Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
- B. No more than one (1) small wind energy system shall be permitted per lot.
- C. Small wind energy systems shall not generate noise which exceeds fifty-five (55) decibels measured at any property line.
- D. Small wind energy systems shall not be artificially lighted, except to the extent required by the FAA.
- E. All on-site utility and transmission lines extending to and from the small wind energy system shall be placed underground.
- F. No part of any small wind energy system shall be located within or above any front yard, along any street frontage, nor within any required setback of any lot.
- G. All small wind energy systems shall be independent of any other structure and shall be located a minimum distance of one and one tenth (1.1) times the turbine height from any inhabited structure, property line, street right-of-way, or overhead utility line.
- H. The maximum height of any small wind energy system shall not exceed fifty (50) feet, except that the maximum height shall be increased to eighty-five (85) feet in the Rural Agricultural District.
 - 1. No portion of any small wind energy system shall extend over parking areas, access drives, driveways or sidewalks.
- I. The minimum height of the lowest position of the wind turbine shall be fifteen (15) feet above the ground.
- J. All small wind energy systems shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, or the wind turbine's climbing apparatus shall be limited to no lower than fifteen (15) feet from the ground, or the wind turbine's climbing apparatus shall be fully contained and locked within the tower structure.
- K. Small wind energy systems shall not display advertising, except for reasonable identification of the small wind energy system's manufacturer. Such sign shall have an area of less than four (4) square feet.
- L. When an accessory building is necessary for storage cells or related mechanical equipment,

the accessory building shall not have a floor area exceeding two hundred (200) square feet, and shall comply with the accessory building requirements specified within each zoning district.

1. Accessory buildings shall not be located within any front yard or along any street frontage, nor within any required setback of any lot.
- M. The owner shall provide a copy of the letter from the electric utility company indicating that it has received and processed an application for interconnection of renewable generation equipment with the application for a zoning permit. The owner shall provide a copy of the final inspection report or other final approval from the electric utility company to the Township prior to the issuance of a certificate of use and occupancy for the small wind energy system. Off-grid systems shall be exempt from this requirement.
- N. The owner of the small wind energy system shall, at the owner's expense, complete decommissioning within twelve (12) months after the end of the useful life of the small wind energy system. It shall be presumed that the wind turbine is at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.
- O. The owner of the small wind energy system shall provide evidence that the owner's insurance policy has been endorsed to cover damage or injury that might result from the installation and operation of the small wind energy system.

Section 655 - SMALL MANURE DIGESTERS

Small manure digesters shall be permitted as accessory uses and/or accessory structures to agricultural and farm uses and shall be subject to the Agricultural Design and Performance Standards of Section 401 of this Ordinance. The owner shall provide a copy of the letter from the electric utility company indicating that it has received and processed an application for interconnection of renewable generation equipment with the application for a zoning permit. The owner shall provide a copy of the final inspection report or other final approval from the electric utility company to the Township prior to the issuance of a certificate of use and occupancy for the small manure digester. Off-grid systems shall be exempt from this requirement.

Section 656 - OUTDOOR HYDRONIC HEATERS

Outdoor hydronic heaters shall be permitted in all zoning districts as accessory uses and accessory structures and shall be subject to the following regulations;

- A. The design and installation of outdoor hydronic heaters shall conform to applicable industry standards, including those of the EP A, the ANSI, the ASTM, Underwriters Laboratories (UL), or other similar certifying organi-

zations, and shall comply with the Building Code and with all other applicable Township requirements. The manufacturer specifications shall be submitted as part of the application.

- B. Unless otherwise specified, only outdoor hydronic heaters qualifying for or better than the EPA Phase 2 voluntary program for outdoor hydronic heaters shall be permitted.
- C. In addition to the types of wood meeting the definition of "clean wood", outdoor hydronic heaters shall also be permitted to burn;
 - 1. wood pellets made from clean wood, if the device has been tested and listed to utilize this fuel; and
 - 2. home heating oil meeting applicable sulfur content limit, propane or natural gas, when used as auxiliary starter fuels for devices tested and listed as dual-fired outdoor hydronic heaters.
- D. In addition to the types of wood not meeting the definition of clean wood, outdoor hydronic heaters shall not be permitted to burn;
 - 1. Tires.
 - 2. Lawn clippings or yard waste.
 - 3. Materials containing plastic.
 - 4. Materials containing rubber.
 - 5. Waste petroleum products.
 - 6. Paints and paint thinners.
 - 7. Coal.
 - 8. Any type of paper.
 - 9. Construction and demolition debris.
 - 10. Animal carcasses.
 - 11. Asphalt products.
 - 12. Used cooking oils.
- E. No more than one (1) outdoor hydronic heater shall be permitted per lot.
- F. No outdoor hydronic heater shall be located within any front yard, along any street frontage, nor within any required setback of any lot.
- G. All outdoor hydronic heaters shall be located a minimum distance of one hundred fifty (150) feet from any property line or street right-of-way.
- H. All outdoor hydronic heaters shall have a permanent attached stack with a minimum stack height of ten feet above the ground that also extends at least two feet above the highest peak of a residence located less than 150 feet from the hydronic heater.
- I. Existing outdoor hydronic heaters that were installed before the effective date of this Ordinance shall have a permanent attached stack with a minimum stack height of ten feet above the ground that also extends at least two feet above the highest peak of a residence

located less than 150 feet from the hydronic heater.

- J. Outdoor hydronic heaters shall be maintained and operated in compliance with all emissions of air quality standards promulgated by EPA, the DEP, or other relevant state or federal agency including emissions of dust and particulates.
- K. Outdoor hydronic heaters located within five hundred (500) feet of an adjoining residence or commercial building where people are employed or work shall not be operated before October 1 or after April of each calendar year.

Section 657 - LARGE SOLAR ENERGY PRODUCTION FACILITIES

Large solar energy production facilities shall be subject to the following regulations:

- A. The layout, design, and installation of large solar energy production facilities shall conform to applicable industry standards, including those of the ANSI, Underwriters Laboratories (UL), the ASTM, or other similar certifying organizations, and shall comply with the Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
- B. All on-site utility and transmission lines extending to and from the large solar energy production facility shall be placed underground.
- C. All large solar energy production facilities shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street rights-of-way.
- D. Large solar energy production facilities mounted on the roof of any building shall be subject to the maximum height regulations specified within each zoning district.
- E. The owner shall provide evidence in the form of stamped plans certified by a professional engineer that the roof is capable of holding the load.
- F. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fence.
- G. The large solar energy production facility owner is required to notify the Township immediately upon cessation or abandonment of the operation. The large solar energy production facility owner shall then have twelve (12) months in which to dismantle and remove the large solar energy production facility from the property. At the time of issuance of the permit for the construction of the large solar energy production facility, the owner shall provide financial security in form and amount acceptable to the Township to secure the expense of dismantling and removing said structures.

- H. The owner of the large solar energy production facility shall be required to provide a certificate of insurance to the Township providing evidence of liability insurance of not less than One Million (\$1,000,000.00) Dollars and naming the Township as an additional insured on the policy or policies of the owner and/or lessee.

Section 658 - LARGE WIND ENERGY PRODUCTION FACILITY

Large wind energy production facilities shall be subject to the following regulations:

- A. The layout, design, and installation of large wind energy production facilities shall conform to applicable industry standards, including those of the ANSI, Underwriters Laboratories (UL) , Det Norske Veritas, Germanischer Lloyd Wind Energies, the ASTM, or other similar certifying organizations, and shall comply with the Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
- B. Large wind energy production facilities shall not generate noise which exceeds fifty-five (55) decibels measured at any property line.
- C. All on-site utility and transmission lines extending to and from the large wind energy production facility shall be placed underground.
- D. All large wind energy production facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Staff regulation shall not be considered a sufficient braking system for over speed protection.
- E. Large wind energy production facilities shall not be artificially lighted, except to the extent required by the FAA.
- F. Wind turbines and towers shall not display advertising, except for reasonable identification of the large wind energy production facility's manufacturer. Such sign shall have an area of less than four (4) square feet.
- G. Wind turbines and towers shall be a non-obtrusive color such as white, off-white or gray.
- H. All large wind energy production facilities shall, to the extent feasible, be sited to prevent shadow flicker on any occupied building on adjacent lot.
- I. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fence.
- J. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

- K. No portion of any large wind energy production system shall extend over parking areas, access drives, driveways or sidewalks.
- L. All large wind energy production facilities shall be independent of any other structure and shall be located a minimum distance of one and one tenth (1.1) times the turbine height from any inhabited structure, property line, street right-of-way, or overhead utility line.
- M. The minimum height of the lowest position of the wind turbine shall be thirty (30) feet above the ground.
- N. All large wind energy production facilities shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, or the wind turbines' climbing apparatus shall be limited to no lower than twelve (12) feet from the ground, or the wind turbines' climbing apparatus shall be fully contained and locked within the tower structure.
- O. The large wind energy production facility owner is required to notify the Township immediately upon cessation or abandonment of the operation. The large wind energy production facility owner shall then have twelve (12) months in which to dismantle and remove the large wind energy production facility from the lot. At the time of issuance of the permit for the construction of the large wind energy production facility, the owner shall provide financial security in form and amount acceptable to the Township to secure the expense of dismantling and removing said structures.
- P. The owner of the large wind energy production facility shall be required to provide a certificate of insurance to the Township providing evidence of liability insurance of not less than One Million (\$1,000,000.00) Dollars and naming the Township as an additional insured on the policy or policies of the owner and/or lessee.

Section 659 - LARGE MANURE DIGESTERS

Large manure digesters shall be subject to the following regulations:

- A. The applicant shall provide a detailed description of the proposed use in each of the following topics and a complete land development application shall be submitted to the Township once the special exception application has been approved.
 - 1. The nature of the on-site activities and operations, the types of materials stored and used, the frequency and duration period of storage of materials and the methods for use and disposal of materials. In addition the applicant shall furnish evidence that the use, handling, and disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
 - 2. The general scale of operation in terms of its market area, specific space and area

requirements for each activity, the total number of employees of each shift, and an overall needed site size.

3. The proposed use shall be subject to the Industrial Performance Standards of Article 800 of this Ordinance, in accordance with provisions relating to the 1-1 Light Industrial District.
- B. The proposed use shall comply with all the requirements of the applicable district, except that all buildings, structures and facilities used as part of the manure digesting operations shall be setback two hundred (200) feet of from any property line. Additionally, no building, structures, or facility shall be located nearer than three hundred (300) feet to an existing residential building unless the owner of such residence waives this restriction in writing to the Township.
- C. In addition to all provisions set forth in Section 1005.3 of this Ordinance, the proposed use shall also be required to comply Section 1005.3.B. (1) of this Ordinance relating to traffic impacts.

Section 660 - CO-LOCATION OF COMMUNICATIONS FACILITIES ON EXISTING TOWERS

The co-location of communications facilities on existing towers shall be permitted as an accessory use to the existing tower subject to the requirements of Section 624.

ARTICLE VII

ENFORCEMENT PROCEDURE

Section 701. ZONING OFFICER

The provisions of the Zoning Ordinance shall be administered and enforced by a zoning officer who shall be appointed by, and be responsible to, the Township 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 may be provided with the assistance of such persons as the Township 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. The compensation of all employees shall be determined by the Township Supervisors.

Section 702. DUTIES AND RESPONSIBILITIES OF ZONING OFFICER

The zoning officer shall administer this Ordinance in accordance with its literal terms and shall not have the power waive or modify any term or condition of the Ordinance or to permit any construction or any change of use which does not conform to this Ordinance.

- A. Application and Permits. He shall receive applications and issue permits, and/or certificates of use and occupancy for the erection, construction, alteration, repair, extension, replacement, relocation, conversion, demolition, and/or use and occupancy of any building, structure, sign or land in the Township.
- B. Inspections. Before issuing any permit the zoning officer may, at his discretion, examine or cause to be examined all buildings, structures, signs or land and portions thereof for which an application has been filed for the erection, construction, alteration, repair, extension, replacement, relocation, conversion, and/or use. Thereafter he may make such inspections during the completion of work for which a permit has been issued. Upon completion of work and before issuing a certificate of use and occupancy, a final inspection shall be made and all violations of approved plans or permit shall be noted and the holder of the permit shall be notified of the discrepancies.
- C. Complaints Regarding Violations. The zoning officer may, and when in receipt of a signed written complaint stating fully the cause and basis thereof, shall, investigate alleged violations of the Zoning Ordinance. If a signed written complaint is received, said investigation shall be completed within fifteen (15) days of said complaint. A written report of all investigations of the Zoning Ordinance shall be prepared and filed by the zoning officer and a copy sent to the Township Supervisors.
- D. 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 permits and certificates issued, copies of orders and findings of the Zoning Hearing Board, written complaints of alleged violations, records of all inspections made, a current copy of the Zoning Ordinance and all amending ordinances, the Official Zoning Map, and all other pertinent information. The records of his office shall be available for the use of the Township government and for inspection of any interested party during normal office hours. The zoning officer shall at least annually submit to the Township Supervisors a written

statement of all permits and certificates of use and occupancy issued and violations and stop-work orders recommended or promulgated.

E. Notice of Violation.

1. If it appears to the Township that a violation of any zoning ordinance enacted under this act or prior enabling laws has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.
2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
3. An enforcement notice shall state at least the following:
 - a. The name of the owner of record and any other person against whom the Township intends to take action.
 - b. The location of the property in violation.
 - c. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
 - d. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - e. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in the ordinance.
 - f. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

F. Prosecution of Violation. If the notice of violation is not complied with promptly, the zoning officer shall notify the Township Supervisors and they shall request the Township solicitor to institute in the name of the Township any appropriate action or proceeding at law or in equity to prevent, restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the structure, building, sign, or land in violation of the provisions of this Ordinance or of the order of direction made pursuant thereto.

G. Temporary Certificate of Use and Occupancy. Upon request of the holder of a permit, the zoning officer may issue a temporary certificate of use and occupancy for a structure, building, sign or land or portion thereof before the entire work covered by the permit shall have been completed; provided that such portion or portions may be used or occupied safely prior to full completion of the work without endangering life or public welfare. The zoning officer may also issue a temporary certificate of use and occupancy for such temporary uses as tents, trailers and buildings on construction sites, use of land for religious or other public or semi-public purposes and similar

temporary use or occupancy. Such temporary certificates shall be for a period of time to be determined by the zoning officer, however, in no case for a period exceeding six (6) months.

- H. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained, demolished, or used in violation of any ordinance enacted under this act or prior enabling laws, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least 30 days prior to the time the action is begun by serving a copy of the complaint on the governing body of the Township. No such action may be maintained until such notice has been given.
- I. District justices shall have initial jurisdiction over proceedings brought under Section 703.

Section 703. VIOLATIONS AND REMEDIES

- A. Remedies. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by a municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the Township whose ordinance has been violated.
 - B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
 - C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.
- D. Abatement of Violation. The imposition of the penalties herein prescribed shall not preclude the Township from instituting appropriate action to prevent unlawful erection or construction or to restrain, correct or abate a violation or to prevent illegal use or occupancy of any structure, building, sign, land or premises or to stop an illegal act, conduct, business, use or occupancy of a structure, building, sign or land in and about any premises.

Section 704. PERMITS

- A. It shall be unlawful to commence excavation for or the construction of any building, sign or structure, including accessory structures, or to commence the moving, alteration, reconstruction, demolition, or repair of any existing structure, building or sign or any portion thereof or to change the use, area, percentage of use or extend or displace the use of any existing structure, building, sign and/or land or portion thereof in the Township until the zoning officer has issued a permit for such work or has determined a permit is not necessary. No permit shall be issued until a sewage permit and the approval of Labor and Industry has been obtained where applicable.
- B. Form of Application. The application for a permit shall be submitted in such form as the zoning officer may prescribe and shall be accompanied by the required fee as prescribed. Application for a permit shall be made by the landowner or developer, and of the responsible officers, if the landowner or developer is a corporate body, shall be stated in the application.
- C. Description of Work. The application shall contain a general description of the proposed work and/or use and occupancy of all parts of the building structure or sign and such additional information as may be required by the zoning officer. The application for the permit shall be accompanied by a plot plan of the proposed building, structure or sign drawn to scale with sufficient clarity to show the nature and character of the work to be performed, including off-street parking and loading space if required, the location of new and existing construction, and the distances of the same from the existing lot lines and street right of way lines.
- D. Time Limit for Application. An application for a permit for any proposed work shall be deemed to have been abandoned six (6) months after the date of filing, unless during that six (6) month period a permit shall have been issued; provided, that reasonable extensions of time for additional periods not exceeding ninety (90) days each may be granted at the discretion of the zoning officer.
- E. Issuance of Permit. Upon receiving the application, the zoning officer shall examine the same within a reasonable time after filing. If the application or plans do not conform to the provisions of all pertinent laws, he shall reject such application in writing, stating the reasons therefore. He shall inform the applicant of his right of appeal to the Zoning Hearing Board in the event such application is rejected. If satisfied that the proposed work or use conforms to the provisions of this Ordinance and all other pertinent laws and ordinances and that the certificate of use and occupancy as required herein has been properly applied for, he shall issue a permit therefore as soon as practical.
- F. Payment of Fees. No permit shall be issued until the fees prescribed by the Township Supervisors shall be paid to the zoning officer. The payment of fees under this section shall not relieve the applicant or holder of said permit from payment of other fees that may be required by this Ordinance or by another ordinance or law.
- G. Compliance with Ordinance. The permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel, or set aside any of the provisions of this Ordinance. All work or use shall conform to the approved application and plans for which the permit has been issued as well as the approved plot plan.
- H. Expiration of Permit. The permit shall expire one year from the date of issuance; provided, that the permit may be extended by the zoning officer upon reasonable cause shown and at his discretion for one to two, six (6)-month periods not to exceed an additional one (1) year.

- I. Revocation of Permit. The zoning officer may revoke a permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance.
- J. Posting of Permit. A true copy of the permit shall be kept on the site of operations and open to inspection by the zoning officer during the entire time of prosecution of the work and until the completion of same as defined in the application.

Section 705. CERTIFICATES OF USE AND OCCUPANCY

- A. When Required. It shall be unlawful to use and/or occupy any structure, building, sign or land or portion thereof for which a permit is required until a certificate of use and occupancy has been issued by the zoning officer. The zoning officer shall not issue such certificate unless such structure, building, sign or land is inspected by the Township and it has been determined that all provisions of the Zoning Ordinance and other ordinances of the Township have been satisfied.
- B. Form of Application. The application for a certificate of use and occupancy shall be in such form as the zoning officer may prescribe and shall be made at the same time as the application for a permit is filed with the zoning officer.
- C. Description of Use and Occupancy. The application shall contain a description of the intended use and occupancy of any structure, building, sign or land or portion thereof, for which a permit is required herein.
- D. Action upon Application. The zoning officer shall inspect any structure, building or sign within seven (7) days after notification that the proposed work that was listed under the permit has been completed. If he is satisfied that the work is in conformity and compliance with the work listed in the issued permit and all other pertinent laws, he shall issue a certificate of use and occupancy for the intended use listed in the approval application.
- E. Availability of Certificate. The certificate of use and occupancy for non-conforming uses, or a true copy thereof, shall be kept available for inspection by the zoning officer at all times.

ARTICLE VIII

ZONING HEARING BOARD AND OTHER ADMINISTRATIVE PROCEDURES

Section 801. CREATION OF ZONING HEARING BOARD

There is hereby created a zoning hearing board which, for the purpose of this Ordinance, shall be referred to as the "Board". Membership of the Board shall consist of five (5) residents of the Township appointed by the Township Supervisors. The term of the office shall be five (5) years. Members of the Board shall hold no other office in the Township. The Board shall promptly notify the Board of Supervisors should any vacancies in the Board occur. Appointments to fill vacancies shall be only for the unexpired portion of the term.

The Board of Supervisors may appoint by resolution at least one (1) but not more than three (3) residents of the Township to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. The powers and duties of alternate members shall be as provided for in Section 905 of the MPC.

Section 802. ORGANIZATION OF ZONING HEARING BOARD.

The Board shall adopt such rules and regulations to govern its procedures as it may deem necessary. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. Meetings of the Board shall be at the call of the chairman and at such other time as the Board may determine. The chairman, or in his absence, the acting chairman may administer oaths and compel the attendance of witnesses. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board. The Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board. 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. The Board shall keep full public records of its business and shall submit a report of its activities to the Township Supervisors once a year.

Section 803. FUNCTIONS OF THE ZONING HEARING BOARD

- A. Appeals from the Zoning Officer. The Board shall hear and decide appeals where it is alleged by the appellant that the zoning officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map or any valid rule or regulation governing the action of the zoning officer.
- B. Challenge to the Validity of the Ordinance or Map. The Board shall hear challenges to the validity of the Zoning Ordinance or Map except for landowner curative amendments provided for in Section 609.1 of the Municipalities Planning Code, as amended. In such challenges, the Board shall take evidence and make a record as provided in Section 804 G. Following 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.
- C. 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. The Board may by rule

prescribe the form of application and may require preliminary application to the zoning officer. The Board may grant a variance provided the following findings are made where relevant in a given case:

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

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

- D. Special Exceptions. Where the Township Supervisors, in the Zoning Ordinance, have stated special exceptions to be granted or denied by the Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes of this Zoning Ordinance.
- E. Unified Appeals. Where the Board has jurisdiction over a zoning matter pursuant to Section 803, A through D, of this Ordinance, the Board shall also hear all appeals which an applicant may elect to bring before it with respect to any municipal ordinance or requirement pertaining to the same development plan or development. In any such case, the Board shall have no power to pass upon the non-zoning issues, but shall take evidence and make a record thereon as provided in Section 804 of this Ordinance. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact that shall become part of the record on appeal to the court.
- F. Parties Appellant Before Board. Appeals under Section 803, A and B, may be filed with the Board in writing by the landowner affected, any officer or agent of the Township or any person aggrieved. Requests for a variance or a special exception may be filed with the Board by any landowner or any tenant with the permission of such landowner.

- G. Effect of Board's Decision. If the variance is granted or the issuance of a permit is finally approved, or other action begun within three (3)-months after the date when the variance is finally granted or the issuance of a permit is finally approved or the other action by the appellant is authorized; the building or alteration, as the case may be, shall be completed within twelve (12)-months of said date. For good cause, the Board may upon application in writing stating the reasons therefore, extend either the three (3) month or twelve (12) month period.

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

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

- H. Appeal to the Court. Zoning appeals may be taken to the Court of Common Pleas of Lancaster County. Appeal procedures shall be as enumerated in the Pennsylvania Municipalities Planning Code.

Section 804. ZONING HEARING BOARD HEARING PROCEDURE.

- A. Fees and Notice.

1. The Township 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 cost, however, shall not include legal expenses of the Board, expenses for engineering, architectural or other technical consultants or expert witness costs. The applicant shall pay this fee prior to the hearing.

2. The Board shall fix a time and place for public hearings within sixty (60) days after receipt of the applicant's request for a hearing and shall give notice thereof as follows:

- a. By publishing notice thereof once each week for two (2) successive weeks in a newspaper of general circulation in the Township. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.
- b. By mailing thereof to the applicant, Zoning officer, each Township Supervisor, the Township and County Planning Commission, to all parties in interest, and to every person or organization who shall have registered with the Board for the purpose of receiving such notice.

- c. The notice shall state the location of the lot or building, the particular nature of the matter to be considered, and the time and place of the hearing.
 - d. Notice of the hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
- B. 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, but the parties may waive decision of findings of the hearing officer as final.
- C. The parties to the hearing shall be the Township, and any person or organization affected by the application who has made timely appearance of record before the Board.
- D. 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.
- E. 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.
- F. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- G. The Board or the hearing officer, as the case may be, shall record the proceedings stenographically. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer; or shall be paid by the person appealing from the decision of the Board if such appeal is made. In either event the cost of the additional copies shall be paid by the person requesting such copy or copies. Copies of the transcript and any written material received as evidence shall be made available to any party at cost.
- H. 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 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.
- I. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Zoning Hearing Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provision of this Ordinance or of any act, rule or regulation shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available within forty-five (45) days and the parties

shall be entitled to make written representations thereon to the Board prior to the final decision or entry of the findings, and the Zoning Hearing Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Zoning Hearing Board fails to render the decision within the period required by this section, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or to render a decision as hereinabove provided, the Zoning Hearing Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Section 804.A.2. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

J. A copy of the final decision or, where no decision is called for of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

Section 805. CONDITIONAL USE REGULATIONS

Conditional uses 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 Ordinance. The Board of Supervisors may attach certain conditions to its approval that it feels are necessary in order to preserve and protect the character of the particular district in which the proposed use would locate.

Section 806. CONDITIONAL USE REVIEW PROCEDURE

The Board of Supervisors shall hear and decide requests for conditional uses in accordance with express standards and criteria. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes of this Zoning Ordinance. At their discretion, the Board may use the appropriate testimony and/or written comments from the emergency management director, police chief, fire chief, or ambulance director in evaluating the proposed use's conformance with the standards included in this Article.

Section 807. CONDITIONAL USE HEARING PROCEDURE.

A. Fees and Notice.

1. The Board of Supervisors may by resolution prescribe reasonable fees with respect to conditional use hearings before them. Fees for said hearings may include compensation for the secretary, notice and advertising costs and necessary administrative overhead connected with the hearing. The cost, however, shall not include legal expenses of the Board of Supervisors, expenses for engineering, architectural or other technical consultants or expert witness costs. The applicant shall pay this fee prior to the hearing.

2. The Board of Supervisors shall fix a time and place for public hearings within sixty (60) days after receipt of the applicant's request for a hearing and shall give notice thereof as follows:
 - a. By publishing notice thereof once each week for two (2) successive weeks in a newspaper of general circulation in the Township. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.
 - b. By mailing thereof to the applicant, Zoning officer, each Township Supervisor, the Township and County Planning Commission, to all parties in interest, and to every person or organization who shall have registered with the Board of Supervisors for the purpose of receiving such notice.
 - c. The notice shall state the location of the lot or building, the particular nature of the matter to be considered, and the time and place of the hearing.
 - d. Notice of the hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
- B. The hearings shall be conducted by the Board of Supervisors. The decision shall be made by the Board.
- C. The parties to the hearing shall be the Township, and any person or organization affected by the application who has made timely appearance of record before the Board of Supervisors.
- D. The chairman or acting chairman of the Board of Supervisors 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.
 - E. 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.
- F. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- G. The Board of Supervisors shall record the proceedings stenographically. The appearance fee for a stenographer shall be shared equally by the applicant and the Township. The cost of the original transcript shall be paid by the Board of Supervisors if the transcript is ordered by the Board; or shall be paid by the person appealing from the decision of the Board of Supervisors if such appeal is made. In either event the cost of the additional copies shall be paid by the person requesting such copy or copies. Copies of the transcript and any written material received as evidence shall be made available to any party at cost.
- H. The Board of Supervisors 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 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.

- I. The Board of Supervisors shall render a written decision within forty-five (45) days after the last hearing before the Board. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provision of this Ordinance or of any act, rule or regulation shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found. Where the Board of Supervisors fails to render the decision within the period required by this section, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board of Supervisors to meet or to render a decision as hereinabove provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Section 808.A.2. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
- J. A copy of the final decision shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board of Supervisors not later than the last day of the hearing, the Board of Supervisors shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

Section 808. EFFECT OF BOARD'S DECISION

- A. If the application for conditional use is approved, the necessary permit shall be secured and the authorized action begun within twelve (12) months after the date when the conditional use is finally granted. The building or alteration, as the case may be, shall be completed within twenty-four (24) months of said date. For good cause, the Board may upon application in writing stating the reasons therefore, extend either of these deadlines.
- B. Should the applicant fail to obtain the necessary permits within said twelve (12) month period, or having obtained the permit should he fail to commence work thereunder within such twelve (12) month period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his application, and all provisions and permits to him granted shall be deemed automatically rescinded by the Board of Supervisors.
 - C. Should the applicant commence construction or alteration within said twelve (12) month period, but should he fail to complete such construction or alteration within said twenty-four (24) month period the Board of Supervisors may upon ten (10) days notice in writing, rescind or revoke the issuance of the permit or permits or the other action authorized to the applicant, if the Board finds that no good cause appears for the failure to complete within such twenty-four (24) month period, and if the Board further finds that conditions have so altered or changed in the interval since the granting of the permit or action, that revocation or rescission of the action is justified.

ARTICLE IX

AMENDMENT PROCEDURE

Section 901. PUBLIC HEARING

Before voting on the enactment of an amendment, the Township Supervisors shall hold a public hearing thereon, pursuant to public notice. In the case of an amendment other than that prepared by the Planning Commission, the Township Supervisors shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing in order to provide the Planning Commission an opportunity to submit recommendations. If, after any public hearing held upon an amendment, the proposed amendment is revised, or further revised, to include land previously not affected by it, the Township Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment. In addition, at least thirty (30) days prior to any hearing the Township Supervisors shall submit the proposed ordinance to the Lancaster County Planning Commission for recommendations.

After receipt of the petition by the Board of Township Supervisors, said petition shall be presented to the Township Planning Commission and County Planning Commission for review and recommendations at least forty-five (45) days prior to the public meeting. A report of said review, together with any recommendations, shall be given to the Board of Township Supervisors in writing within forty-five (45) days from the date of said referral.

The Board of Township Supervisors shall fix a time and place for a public hearing at which parties of interest and citizens shall have an opportunity to be heard. Notice of the hearing shall be public notice as defined in Section 1002. of this Ordinance.

In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the municipality at points deemed sufficient by the municipality along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the public hearing.

Section 902. CURATIVE AMENDMENTS

A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Township Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in the Pennsylvania Municipalities Planning Code. The Township Supervisors shall commence a hearing thereon within sixty (60) days of the request. The curative amendment shall be referred to the Planning Commission as outlined in Section 901 of this Ordinance.

Section 903. PETITIONS TO REZONE FARMS HAVING PRIME SOILS

The Township Supervisors shall not act on a petition (except a curative amendment) to rezone any farm having prime soils as defined by the United States Department of Agriculture's Soil Conservation Service or soils of statewide importance from Agricultural to any other zoning classification until the Township has notified the County of the petition and the County has a reasonable opportunity (45 days) to acquire

said land. This Section is conditional upon the County having implemented a program for land acquisition under Act 442 or other applicable legislation.

ARTICLE X

DEFINITIONS

Section 1001. GENERAL INTERPRETATION

In this Ordinance the following rules of interpretation shall be used:

- A. The word "lot" includes the word "plot" or "parcel".
- B. Words in the present tense may imply the future tense.
- C. Words used as singular imply the plural.
- D. The masculine gender includes the feminine and neuter genders.
- E. The word "person" includes a partnership, corporation, association, trust, estate, or any other legally recognized entity as well as an individual.
- F. The word "shall" is to be interpreted as mandatory; the word "may" as directory.
- G. References to codes, ordinances, resolutions, plans, maps, governmental bodies, commissions, agencies, or officials are to codes, ordinances, resolutions, plans, maps, governmental bodies, commissions, agencies, or officials of the Township of Ephrata as in effect or office from time to time including amendments thereto or revisions or successors thereof, unless the text indicates another reference is intended.

Section 1002. TERMS

Unless otherwise stated, the following words and phrases shall be construed throughout this Ordinance to have the meanings indicated in this Section:

Access Drive. A private drive providing pedestrian and vehicular access between a public or private street and a parking compound within a land development.

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

Accessory Farm Dwelling. See FARM DWELLING, ACCESSORY.

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

Adult Oriented Business - An adult bookstore, adult mini motion picture theater, adult motion picture theater, adult walk-in/drive-in picture theater, massage establishment or adult theater. Adult Oriented Businesses shall be uses separate and distinct from commercial or retail uses and businesses as defined in this Ordinance and shall not qualify as uses "of the same general character" where that phrase or description is used in this Ordinance.

Adult Bookstore - An establishment having as a substantial and significant portion of its stock or trade in (i) books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas and/or (ii) sexually oriented devices or an establishment with any segment or section devoted to the sale or display of such publications or devices.

Adult Mini Motion Picture Theater - An enclosed building with a capacity for less than 50 persons used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult Motion Picture Theater - An enclosed building with a capacity of 50 or more persons used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult Walk-In/Drive-In Picture Theater - An area enclosed or not enclosed, including a pavilion, tent, etc., where material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult Theater - An establishment featuring live performances on a regular basis which are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

Massage Establishment - An establishment which provides the services of massage, unless operated by a medical practitioner, chiropractor or other professional physical therapist licensed by the Commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

Sexually Oriented Devices - Without limitation, any artificial or simulated specified anatomical area or other device or paraphernalia that is designed in whole or in part for specified sexual activities.

Specified Anatomical Areas -

- a. Less than completely and opaquely covered:
 1. Human genitals, pubic regions, buttocks, or female breast below a point immediately above the top of the areola; or
 2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified Sexual Activities -

- a. Human genitals in a state of sexual stimulation or arousal;
- b. Acts of human masturbation, sexual intercourse or sodomy; or
- c. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts

Agent. Any person, other than a landowner or developer, who, acting for the landowner or developer, submits to the Planning Commission and Township Supervisors subdivision or land development plans for the purpose of obtaining approval thereof.

Agriculture. The tilling of the soil, raising of crops, forestry, horticulture gardening, and animal and poultry husbandry, including sale of crops, dairy, and horticultural products incidental to the operation of the farm.

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.

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.

Anaerobic Digestion - The process in which microorganisms in the absence of oxygen convert the energy stored in volatile acids in livestock and poultry manure or other organic materials into biogas.

Animal, Domestic: Any dog, cat, equine animal, bovine animal, sheep, goat, or porcine (swine) animal.

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.

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

ANSI – The American National Standards Institute.

Apartment, Conversion. A multi-family dwelling constructed by converting a building existing on the effective date of this ordinance into up to three independent dwelling units, without substantially altering the exterior of the building.

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

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

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

Appurtenances – The visible, functional, or ornamental objects accessory to and part of buildings.

ARI – The Air-Conditioning and Refrigeration Institute.

ASTM- The American Society for Testing and Materials (ASTM).

Authority (Sewer). The Ephrata Township Sewer Authority or its successor.

Authority (Water). The Ephrata Joint Water Authority or its successor.

Automobile Filling Station. SEE VEHICLE SERVICE STATION.

Automobile/Truck Service and Repair Facilities. SEE VEHICLE BODY SHOP and VEHICLE REPAIR GARAGE.

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

Basement. A story partly underground and having one-half or more of its height below the average level of the adjoining ground.

Bed and Breakfast Inn. An owner-occupied dwelling in which a room or rooms are rented on a nightly basis for periods of not more than thirty (30) days. Meals may or may not be provided.

Bed and Breakfast Unit A room or group of rooms in a Bed and Breakfast Inn forming a single habitable unit used or intended to be used for living and sleeping, but not cooking or eating purposes.

Bedroom. A room in a dwelling unit marketed, designed or otherwise likely to be used for sleeping.

Berm. An earthen mound designed to create a visual and sound barrier between a use and adjoining properties, streets, and adjacent uses.

Billboard. See SIGN, BILLBOARD.

Biogas - A fuel consisting of methane, carbon dioxide, and small amounts of water and other compounds produced as part of anaerobic digestion processes.

Board of Supervisors. The Ephrata Township Board of Supervisors.

Boarding Farm. A farm which in addition to the other permitted agricultural uses may as of right, by special exception, engage in: the boarding, training, leasing, and caring of horses for others, equitation instruction,

and the non-commercial showing of horses, provided such shows are limited to the horses trained and boarded on the farm.

Boarding House. A dwelling or part thereof where meals and lodgings are provided for compensation for at least two (2) but not more than six (6) persons not transients and no public restaurant is maintained.

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

Building. Any structure enclosed within exterior walls or fire walls; built, erected, and framed of component structural parts, designed for the housing, shelter, enclosure, or support of individuals, animals, or property, of any kind; and occupying more than ten (10) square feet of area. Porches and carports shall be considered a part of the building.

Detached - A building that has no party wall.

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

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

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

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

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 of individuals, and is the main structure on a given lot.

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

Building Code - The Township Uniform Construction Code Ordinance No. 198, as amended.

Building Coverage. That portion of a lot covered or occupied by structures. For the purpose of computation, building coverage excludes fences, free-standing walls, retaining walls, decks extending no more than eight feet from the building wall, playground equipment, wading pools no more than 30 inches above grade, cornices, eaves, gutters, unenclosed porches, stoops, terraces, balconies, fire escapes, and unenclosed steps.

Building Height. The vertical dimensions measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling at the top story in the case of a flat roof, to the deck line of a mansard roof and to the average height between the plate and ridge of a gable, hip or gambrel roof. (SEE APPENDIX). The grade shall not be altered for the purpose of increasing the elevation of an object.

Building Line. A line formed by the intersection of a horizontal plane and a vertical plane that coincides with the exterior surface of the building on any side. In case of a cantilevered or projected section of a

building, except overhanging eaves, gutters and cornices, the vertical plane will coincide with the most projected surface.

Building Setback Line. The line within a property usually parallel to the right-of-way or property line), defining the required minimum distance between any enclosed structure and the adjacent street right-of-way or property line. (SEE APPENDIX).

- A. Front Setback Line: The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of buildings and structures and the front lot line.
- B. Side Setback Line: The line nearest the side of and across a lot establishing the minimum open space to be provided between the side line of buildings and structures and the side lot line.
- C. Rear Setback Line: The line nearest the rear of and across a lot establishing the minimum open space to be provided between the rear line of buildings and structures and the rear lot line. In the case of a corner lot, there are no rear setback lines.

Business. Any enterprise, occupation, trade or profession engaged in, either continuously or temporarily, for profit. The term "business" shall include the occupancy or use of a building or premises or any portion thereof for the transaction of business or the rendering or receiving of professional or personal service.

Business Conversion. The conversion of all or a portion of an existing residential or nonresidential building for business use.

Business Office Building. A building used as offices and occupied by personnel to perform business, professional, administrative or clerical functions.

Business Services. Includes such uses as banks, credit unions, loan and insurance agencies, utility offices, government, business and professional offices, medical or dental office facilities.

Car Wash. SEE VEHICLE WASH.

Cartway. The portion of a street or alley intended for vehicular use.

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.

Certificate of Use and Occupancy. A certificate issued and enforced by the zoning officer upon completion of the construction of a new building or upon a change or conversion of the structure or use of a building, which certifies that all requirements and regulations are provided herein, and within all other applicable requirements have been combined with.

Change of Use. An alteration of a building or a change of use theretofore existing within a building or on a lot to a new use which imposes other provisions of the Zoning Ordinance.

Church and Related Uses. Any building, structure, or group of buildings or structures, for public worship, including accessory uses, such as rectories, parsonages, convents and church-related educational, recreational and day-care facilities.

Clean Wood - Natural wood that has been seasoned to reduce its water content and provide more efficient combustion. The term clean wood does not include wood:

- a. coated with paint, stain, oil, resin or any other preservative, fire retardant or decorative materials;
- b. impregnated with preservatives or fire retardants;
- c. exposed to salt water; nor
- d. manufactured with the use of adhesives, polymers or resins, such as strand, particle and veneer lumber and recycled lumber.

Clear Sight Triangle. An area of unobstructed vision at the intersection of two (2) or more streets, access drives or alleys. It is defined by lines of sight between points at a given distance from the intersection of the centerlines of both streets.

Clinic/Medical Center. The use of land and/or a building for examination, diagnosis, and treatment of ill or afflicted human outpatients, including office, laboratory and dispensaries for the use of physicians, dentists, technicians and pharmacists.

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.

Commercial Animal Laboratory. Any location or structure where animals, birds, or reptiles are bred, raised, or maintained for purposes of medical or veterinary research, experimentation, study, or for the production of pharmaceutical products.

Commercial 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.

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.

Commercial Regional Impact Development. A development project which, due to (1) the size of the development, (2) the types of uses involved, (3) the significant amount of vehicular and pedestrian traffic generated by the development, (4) the impact of the development on the infrastructure of the area, or (5) the potential adverse effects of such development on adjacent lands and municipalities, should be regulated by the Township in a manner so as to effectively mitigate such impacts of the development on the entire region surrounding the development. A commercial regional impact development may be comprised of one or more of the following:

- A. Retail stores and shops with more than 100,000 gross square feet of floor area, individually or in the aggregate.
- B. Shopping centers with more than 100,000 gross square feet of floor area.
- C. Business offices, professional offices and office parks, with more than 200,000 gross square feet of floor area, individually or in the aggregate.

- D. Entertainment or recreational complexes, including but not limited to the following:
1. multi-screen theaters, opera or symphony halls, theaters or centers for the performing arts, and stadiums for competitive sports, all with more than 5,000 seats;
 2. amusement parks containing ten (10) or more acres or which require a minimum of two hundred and fifty (250) parking spaces; and
 3. horse or dog racing tracks, motor vehicle raceways or drag strips, and related or similar facilities.
- E. Any commercial use that will generate at least five hundred (500) vehicle tips during the site peak traffic hour.

Commercial Use. A use of land or improvements thereto for the purpose of engaging in retail, wholesale, or service activities for profit.

Common Driveway. A private driveway utilized by two (2) or more separate lots or dwellings for access to a public or private street.

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.

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

Communications Equipment Building. An unmanned building or cabinet containing communications equipment required for the operation of Communications Antennas and covering an area on the ground not greater than 250 square feet.

Communications Tower. A structure other than a building, such as a monopole, self supporting or guyed tower, designed and used to support Communications Antennas.

Community Sewage System. A sewage disposal system, other than a public sewer system, which provides sewage disposal for two (2) or more units of occupancy which shall comply with all applicable regulations of the Department of Environmental Resources or other regulatory agency.

Community Water Supply System. A water supply system, other than a public water system, providing water for more than two (2) units of occupancy which shall comply with all applicable regulations of the Department of Environmental Resources or other regulatory agency.

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.

Conditional Use. A use in one or more districts for which the Board of Supervisors may grant a Conditional Use Permit pursuant to the provisions of this Ordinance.

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

Congregate Residence. Any building, structure, or group of buildings or structures, for residential occupancy with communal dining facilities and services, such as housekeeping, organized social and recreational activities, transportation services, and other support services appropriate for the residents.

Convenience Store. Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.

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

- A. Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans.
- B. Fruits, including apples, peaches, grapes, cherries and berries.
- C. Vegetables, including tomatoes, snap beans, cabbage, carrots, beets, onions and mushrooms.
- D. Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.
- E. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, furbearing animals, milk, eggs and furs.
- F. Timber, wood and other wood products derived from trees.
- G. Aquatic plants and animals and their byproducts.

County Planning Commission. The Lancaster County Planning Commission.

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

Dedication. The deliberate appropriation of land by its owner for general public use.

Density. A measure of the number of dwelling units which occupy, or may occupy, an area of land.

Density, Gross Residential. The number of dwelling units in relation to an area of land actually in use or proposed to be used for residential purposes, excluding public rights-of-way, whether exterior or interior, but including interior parking areas and access lanes, sidewalks, parks, playgrounds, common open spaces,

etc. In the case of applications for Planned Residential Development, "gross residential density" is defined as the number of dwelling units per acre, computed by dividing the number of dwelling units proposed by the number of acres in the development exclusive of areas to be devoted to commercial use.

Density, Net Residential. The number of dwelling units in relation to the land area actually in use or proposed to be used for residential purposes, exclusive of public rights-of-way, streets, sidewalks, parks, playgrounds, common open spaces, etc.

Department of Environmental Protection (DEP). The Department of Environmental Protection of the Commonwealth of Pennsylvania or any agency successor thereto.

Department of Transportation (PennDOT). The Department of Transportation of the Commonwealth of Pennsylvania or any agency successor thereto.

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

- A. The governing body:
- B. The zoning hearing board: or
- C. 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 Plan. The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density or development, streets, ways and parking facilities, common open space, and public facilities. The phrase "Provisions of the Development Plan" shall mean written and graphic materials referred to in this definition.

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

Drainage Facility. Any ditch, gutter, pipe, culvert, storm sewer, or other structure designed, intended or constructed for the purpose of carrying surface waters off streets, public rights-of-way, parks, recreational areas, or any part of any subdivision or contiguous land areas.

Drive-In Business. An establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service, obtain a product, or be entertained while remaining in a motor vehicle. Accessory services provided for customers that do not require the direct assistance of personnel of the establishment outside of the confines of the building (e.g. self-service gasoline pumps, vending machines, automatic teller machines etc.) shall not be encompassed in this definition.

Drive-Through Facility. Any portion of a building or structure, from which business is transacted, or capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

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.

Dwelling. A house, apartment building or other building designed or used primarily for human habitation. The word "dwelling" shall not include boarding - or rooming houses, hotels, motels, tents, trailers or any structure designed or used for transient residence. (SEE APPENDIX FOR DWELLING TYPES)

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

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. One of two buildings, arranged or designed as dwellings located on abutting lots, separated from each other by a party wall, without openings, extending from the cellar floor to the highest point of the roof along the dividing lot line, and separated from any other building or structures by space on all sides.

Dwelling, Single-Family, Attached (Townhouse or Row House). A building used by one family and having two party walls in common with other dwellings, except in the case of an end-of-row unit which only has one 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 dwelling units, arranged one above the other or side by side, and not occupied by more than two families.

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

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

Dwelling, Two Family, Semi-Detached. A building used by two families, with one dwelling unit arranged over the other, having one side yard, and one 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 limited right of use granted in private land for a public or quasi-public purpose.

Echo Housing. An additional dwelling unit placed on a property as an accessory use for occupancy by either an elderly, (60 years of age)) or challenged individual related to the occupant of the principal dwelling by blood, marriage or adoption.

For the purpose of echo housing only, “a challenged individual” shall mean a person who is physically or mentally or emotionally disabled or handicapped to the point that he or she requires some readily available physical assistance or monitoring by a relative to continue to live and function independently. In the event the challenged or elderly person is the owner of the principal dwelling and prefers living in the principal dwelling and having their relative upon who they are dependent for physical assistance and or monitoring living in the Echo housing unit, that too is permissible under the same terms and conditions.

Engineer. A professional engineer licensed as such in the Commonwealth of Pennsylvania.

EPA- The United States Environmental Protection Agency or any agency successor thereto.

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. Essential services shall not include Communications Towers and Communications Antennas, as defined herein.

FAA- The United States Federal Aviation Administration or any agency successor thereto.

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

- A. One 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;
- B. Not more than two 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 a share all of the facilities of that unit in common; or
- C. One 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-Based Business. Any occupation in addition to the primary agricultural use whereby the farmer in residence engages in an occupation that is secondary to the primary agricultural use.

Farm Dwelling, Accessory. An accessory farm dwelling is a second dwelling having as its occupant(s) an owner (or any family member thereof) or one or more full-time laborers (or any family member thereof) on the farm.

Farm Dwelling, Principal. A dwelling unit occupied by the farm owner, whether or not he is farming the land, or by permanently employed persons and their families who receive housing in lieu of all or part of their wages.

Farm Equipment Sales and Service. The distribution, sale and/or servicing of new and used equipment and machinery, including construction equipment, commonly used for agricultural purposes.

Fence. Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Floor Area of a Building. The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

Footers. Concrete which has been poured into the ground below the frost line to a sufficient depth that will prevent heaving, shifting, or settling unevenly because of frost action, inadequate drainage, vibration or other forces acting on it or the wall or the structure which it supports.

Foundation. Solid walls of masonry or stone located above and below ground level, which enclose the area between the ground and the buildings they support and which have been placed on footers.

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

Funeral Home. A building devoted to the care, embalming, and holding of services for the dead, including the sale of funeral equipment as an accessory activity.

Garage, Private. A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

Garage, Public. A building designed and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.

Gardening. The cultivation of herbs, fruits, flowers, or vegetables, excluding the keeping of livestock.

Geothermal Terms -

Closed Horizontal Loop Geothermal System - A mechanism for heat exchange which consists of the following basic elements: underground loops of piping; heat transfer fluid; a heat pump; an

air distribution system. An opening is made in the Earth. A series of pipes are installed into the opening and connected to a heat exchange system in the building. The pipes form a closed loop and are filled with a heat transfer fluid. The fluid is circulated through the piping from the opening into the heat exchanger and back. The system functions in the same manner as the open loop system except there is no pumping of groundwater. A horizontal closed loop system shall be no more than twenty (20) feet deep.

Closed Vertical Loop Geothermal System- A borehole that extends beneath the surface. Pipes are installed with U-bends at the bottom of the borehole. The pipes are connected to the heat exchanger and heat transfer fluid is circulated through the pipes.

Geothermal Boreholes - A hole drilled or bored into the earth into which piping is inserted for use in a closed vertical loop geothermal system.

Geothermal Energy System- An energy generating system that uses the Earth's thermal properties in conjunction with electricity to provide greater efficiency in the heating and cooling of buildings.

Open Loop Geothermal System- Water is pumped from a water well or other water source into a heat exchanger located in a surface building. The water drawn from the Earth is then pumped back into the ground through a different well or in some cases the same well, also known as "re-injection". Alternatively, the groundwater could be discharged to a surface water body also known as a "pump and dump". In the heating mode, cooler water is returned to the Earth, and in the cooling mode, warmer water is returned to the surface water body or well.

Grade. The slope expressed in a percent, which indicates the rate of change of elevation in feet per hundred feet.

Grade, Finished. The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

Green Area. The portion of a lot which may not be occupied or covered by buildings or paved areas.

Height of a Communications Tower: The vertical distance measured from the ground level to the highest point on an Communications Tower, including antennas mounted on the tower.

Heliport (Helipad). An area, either at ground level or elevated on a structure, licensed by the federal government or an appropriate state agency and approved for loading, landing, and takeoff of helicopters, and which may include auxiliary facilities such as parking, waiting room, fueling, and maintenance equipment.

Home Business. An occupation, profession, activity or use conducted within a dwelling unit by the residents thereof and up to two (2) non-resident employees. Home business uses are intended to be of a service nature and not involve the purchase and/or sale of goods on the premises. The use shall be clearly incidental and secondary to the use of the dwelling unit for dwelling purposes and the exterior appearance of the structure and premises shall remain residential in character. There shall be no external evidence of the home business except a permitted sign, and the use shall cause no offensive noise, vibration, smoke, dust, odor, heat or glare. Since the use may be of such nature that may require regular visits by customers and/or

deliveries, adequate off-street parking space shall be required in addition to the spaces required for the residential use.

Home Occupation. An occupation, profession, activity or use conducted within a dwelling unit solely by the residents thereof. The use shall be clearly incidental and secondary to the use of the dwelling unit for dwelling purposes and the exterior appearance of the structure and premises shall remain residential in character. The use shall be of such nature that will not require visits by customers and/or deliveries and the use shall cause no offensive noise, vibration, smoke, dust, odor, heat or glare.

Homeowners' Association. An unincorporated association or not-for-profit corporation whose membership consists of the lot owners of a residential development. A homeowners' association shall also include a condominium unit owners' association. All such associations shall comply with the requirements for unit owners' associations contained in the Pennsylvania Uniform Condominium Act, 68 Pa. C.S. Section 3101 et seq.

Hospital. An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by state law to provide facilities and services in surgery, obstetrics, and general medical practice.

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

IGSHPA - The International Ground Source Heat Pump Association.

Impervious Area. Any portion of a lot covered by material impenetrable by precipitation, including buildings, structures, parking lots, parking areas and paved areas. (SEE APPENDIX)

Impervious Surface. Those surfaces which do not absorb rain. All buildings, including roof overhangs, parking areas, driveways, roads, sidewalks, and such areas as those in concrete and asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the Township Engineer to be impervious within the meaning of this definition will also be classed as impervious surfaces.

Individual On-Lot Sewage System. Any system of piping tanks, or other facilities serving a single lot and collecting and disposing of sewage, in whole or in part, into the soil and any waters of the Commonwealth of Pennsylvania or by means of conveyance to another site for final disposition, and which is located upon the lot which it serves.

Industrial Park. An industrial park is an industrial area -

- A. organized and laid out in accordance with an overall plan for a community of industries, including the servicing of these industries, and
- B. designed to insure compatibility between the industrial operations in the park and the surrounding area through such devices as landscaping, architectural control, setbacks, and use requirements.

Industrial Use.

- A. General Industrial Use. Manufacturing or storage uses which, because of their shipping, storage and other requirements should not be located in close proximity to residential areas.
- B. Light industrial use. Manufacturing or storage uses which are characterized by uses of large sites, attractive buildings and inoffensive processes, and which can be compatible with neighboring residential uses.

Junk Yard. SEE SALVAGE YARD.

Kennel. A structure on any lot on 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.

Land Development.

- A. 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 non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
 - b. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
 - 2. A subdivision of land.
 - 3. Except as provided below, development in accordance with Section 503. (1.1) of the Municipalities Planning Code.
- B. Land Development shall not include the following:
 - 1. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;
 - 2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
 - 3. The addition or conversion of buildings or rides within the confines of an enterprise that would be considered an amusement park.

For purposes of this subclause, 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.

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

Landscape Architect. A professional landscape architect licensed as such in the Commonwealth of Pennsylvania.

Landscaping. The planting of turf, trees, shrubs, and other appropriate vegetative materials and ground cover within the open areas of a lot other than for agricultural purposes, and including the maintenance and replacement thereof, for the purposes of erosion control, retention of precipitation, protection against the elements and promotion of human comfort and welfare.

Large Manure Digester - A manure digester principally used to convert biogas into electricity, heat, and water. Large manure digesters accept livestock and poultry manure (primary catalyst), generated off-site or from more than one (1) farm. Large manure digesters may include "co-digestion" in which the livestock and poultry manure (primary catalyst) may be mixed with other organic materials (secondary catalysts).

Large Solar Energy Production Facility - An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy. Large solar energy production facilities consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities. A facility is considered a large solar energy production facility if it supplies electrical or thermal power solely for off-site use.

Large Wind Energy Production Facility - An area of land or other area used for a wind energy conversion system principally used to capture wind energy and convert it to electrical energy. Large wind energy production facilities consist of one (1) or more wind turbines, tower, and associated control or conversion electronics and other accessory structures and buildings including substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities. A facility is considered a large wind energy production facility if it supplies electrical power solely for off-site use.

Laundry, Self-Service. A business that provides home-type washing, drying and/or ironing machines for hire to be used by customers on the premises.

Lawn and Garden Sales and Service. The distribution, sale and/or servicing of new and used lawn and garden equipment and machinery and the sale of lawn and garden supplies.

Life Care Facility. A planned development designed for the elderly and/or disabled persons, which may include congregate residences, and/or full health and continuing care nursing home facilities. A Life Care Facility may also include accessory uses such as a community center, personal service shops, recreation areas and common open areas.

Livestock. SEE CROPS, LIVESTOCK AND LIVESTOCK PRODUCTS.

Line, Lot. Lines forming the front, rear, and sides of lots as described in the title ordered. Any lot line that abuts a street or other public way shall be measured from the street right-of-way.

- A. Lot Line, Front. On an interior lot, the lot line abutting the street; on a corner or through lot, each lot line which abuts a street; on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained. (SEE APPENDIX)
- B. Lot Line, Rear. A lot line which does not intersect a front lot line and is most distant from, and most parallel to, a front lot line. Corner lots shall not have a rear lot line. For the purposes of this Ordinance, where the side lot lines of an interior lot meet in a point, the rear lot line shall be assumed to be a line not less than 10 feet long drawn within the lot between the two side lot lines, which is parallel to, or in the event of a curved front lot line, equidistant to, to the front lot line. (SEE APPENDIX)
- C. Lot Line, Side. Any lot line that is not a front or rear lot line. (SEE APPENDIX)

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

Loading Space. An off-street space suitable for the loading or unloading of goods and having direct usable access to a street or alley.

Lodging House. SEE BOARDING HOUSE.

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

- A. Corner Lot. A lot at the junction of and abutting on two or more intersecting streets where the interior angle of intersection does not exceed 135 degrees. A lot abutting a curved street shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135 degrees.
- D. Double Frontage Lot. A lot, other than a corner lot, fronting on two (2) streets.
- C. Flag Lot. A lot or parcel that has been approved with access provided to the bulk of the lot by means of a narrow corridor. Said lot has less frontage on a public street than is normally required.
- D. Interior Lot. Any lot other than a corner lot.
- E. 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.
- F. Through Lot. A lot extending between and having frontage on two streets.

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

Lot Coverage. See BUILDING COVERAGE.

Lot Depth. A mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.

Lot Width. The width of a lot shall be measured at the minimum building setback line. However, lots must also have a minimum width measured at the street right of way as follows.

- (a) single-family detached dwellings – 50 feet
- (b) single family semi-detached dwellings - 40 feet
- (c) two-family detached dwellings – 55 feet
- (d) single family attached dwellings (townhouse) – 20 feet
- (e) multi-family dwellings (apartments) – 100 feet

The width of a flag lot shall be measured at the flag.

Floor area of a Building Gross. The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellars, and basement floor areas not devoted to residential use, but including the area of the roof porches and roof terraces. All dimensions shall be measured between the exterior faces of the walls.

Net. Net floor area shall include all sales and other areas occupied by equipment, furnishings, and inventory accessible to customers or patrons but not including corridors, bowling lanes, rest rooms and similar accessory rooms as may be provided.

Manure Digester - A facility which main purpose is to use anaerobic digestion processes to convert livestock and poultry manure (primary catalyst) into biogas, which is generally burned on-site to produce electricity, heat, and water; as well as to manage livestock and poultry manure. Manure digesters may include "co-digestion" in which the livestock and poultry manure (primary catalyst) may be mixed with other organic materials (secondary catalysts). Types of manure digesters include covered anaerobic lagoons, plug-flow, and/or complete mix (or continually stirred tank reactor), along with other appurtenant sites, structures and buildings, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

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.

Medical Clinics and Facilities. Any building or group of buildings occupied by medical practitioners and related services for the purpose of providing health services to people on an outpatient basis.

Minerals. Any aggregate or mass of mineral matter, whether or not coherent, that is extracted by surface mining. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, and clay; but it does not include anthracite or bituminous coal or coal refuse, except as provided in Section 4 of the Noncoal Surface Mining Conservation and Reclamation Act, #1984-219, as amended.

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

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

Motel. A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, designed primarily for transient automobile travelers and provided with accessory off-street parking facilities. The term "motel" includes buildings designed as tourist courts and other similar designations.

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

Municipalities Planning Code. The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted, 53 P.S. Section 10101 et seq.

Nonconforming Lot. A lot the area or dimension of 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 reason of such adoption or amendment.

Non-Conforming Structures. 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.

Non-Conforming Uses. A use, whether of land or of a structure, which does not comply with the applicable use provisions of the Zoning Ordinance or amendments 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 a dwelling. An institutional use, in which persons may reside, such as a 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.

Open Area. A percentage which when multiplied by the lot area will determine the required unbuildable area of the lot. However, paved area is to be considered as part of the required Open Area.

Open Space. An area that is intended to provide light and air, and is designed for environmental, scenic or recreational purposes. Open space may include, but is not limited to, lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas and watercourses. Open space shall not be deemed to include driveways, parking lots or other surfaces designed or intended for vehicular travel.

Open Space, Common. (See COMMON OPEN SPACE).

Open Space, Passive. An open space area not occupied by any structures or impervious surfaces.

Outdoor Hydronic Heater - A fuel-burning device, also known as an "outdoor wood-fired boiler", "outdoor wood-fired furnace", and "outdoor wood-burning appliance", designed:

- a. to burn clean wood or other fuels specifically tested and listed for use by the manufacturer;
- b. by the manufacturer specifically for outdoor installation or installation in structures not normally intended for habitation by humans or domestic animals (e.g., garages); and
- c. to heat building space and/or water via distribution, typically through pipes, of a fluid heated in the device, typically water or a water/antifreeze mixture.

Park, Passive. An open space area not occupied by buildings or structures and used for passive recreation.

Park, Playground or Recreation Area. An open air, active or combination of active and passive, recreational facility which is not accessory to any other use on the same or any other lot, but excluding amusement parks, and further defined below:

Park, Playground, or Recreation Area, Commercial. Recreational facilities operated as a business and open to the general public for a fee. (See COMMERCIAL RECREATION).

Park, Playground or Recreation Area, Restricted. Recreational facilities operated for restricted use in conjunction with (1) a particular non-profit organization, and open only to its members and guests or (2) a particular housing development or private residences, and open only to the residents and guests of said developments or private residences.

Park, Playground or Recreation Area, Public. Recreational facilities operated as a nonprofit enterprise by a governmental or nonprofit organization, and open to the general public.

Parking Garage. A building where passenger 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 Lot (Parking Garage), Commercial. A parking lot or parking garage, either publicly or privately owned, which charges a fee and which operates independently of any other use.

Parking Space. An off-street space available for the parking of a motor vehicle and which, in this Ordinance, is held to be an area nine (9) feet wide by twenty (20) feet long, exclusive of passageways and driveways appurtenant thereto and giving access thereto. Occupancy of one (1) space shall not restrict ingress or egress to another space.

Personal Services. Includes such uses as barbershops, beauty salons, photographic studios, tailor, dressmaking, millinery shops and dry cleaning / laundry drop-off points.

Phase 2 Outdoor Hydronic Heater - An outdoor hydronic heater that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million British Thermal Units (BTU) output and is labeled accordingly, with a white "hang" tag.

Plan. The map or plan of a subdivision or land development, whether preliminary, tentative or final.

Planning Commission. The Ephrata Township Planning Commission.

Premises. The area occupied by a business or other commercial, professional or industrial enterprise. When more than one such enterprise occupies a building, each business area shall be considered separate premises.

Private Club. See CLUBHOUSE.

Private School. A non-profit educational institution offering a curriculum approved by the Department of Education and which is not administered by the Ephrata School District.

Professional Engineer - A licensed professional engineer registered by the Commonwealth of Pennsylvania.

Property Line. See LINE, PROPERTY.

Public Hearing. A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action on zoning-related matters.

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

Public Notice. Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty days, and the second publication shall not be less than seven days from the date of the hearing. Public notice shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property; this sign(s) shall be posted at least one week prior to the hearing and will provide the nature, date, time and location of the hearing.

Public Sewer System. A municipal sanitary sewer system approved and permitted by DEP and owned by the Sewer Authority or Township.

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

Public Water System. A municipal water supply facility approved and permitted by DEP and owned by the Water Authority or Township or a water supply facility owned by a public utility and operated in accordance with a certificate of public convenience granted by the Pennsylvania Public Utility Commission.

Recreation, Active. Leisure time activities, usually of a more formal nature and performed with other individuals, often requiring equipment and taking place at prescribed places, site or fields. Such areas usually require physical alteration to the area before they can occur and are intensively used, such as playgrounds, ball courts and swimming pools.

Recreation, Passive. Leisure time activities, usually of an informal nature and which can be carried out with no alteration or disruption to the area in which they occur, such as hiking and picnicking.

Repair Services. Includes such uses as radio, television and appliance repair shops, plumbing shops, carpenter shops, and shoe repair shops.

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 a decision or a determination. All reports are deemed recommendatory and advisory only.

Restaurant. A business establishment where food and drink are prepared, served, and consumed primarily within the principal building.

Restaurant, Fast Food. An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, in cars on the premises, or off the premises.

Restaurant, Take-Out. An establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the restaurant, and where ordering and pickup of food may take place from an automobile.

Retail Business. Includes such uses as variety stores, apparel stores, drug stores, grocery stores, eating establishments, antique shops, music shops, sporting good stores, and book, stationery, magazine, candy and tobacco shops.

Retirement Community. A group of dwellings, attached or detached, for the elderly (fifty-five (55) years or older) under single ownership, which may include nursing and personal care facilities as accessory uses.

Riding School. Any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association, school, ranch or similar establishment.

Right-of-Way. Land set aside for use as a street, alley or other means of travel.

Rooming house. SEE BOARDING HOUSE.

Salvage Yard. A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal or discarded material or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

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

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

Self-Service Storage Facility. A building or group of buildings that contains individual, compartmentalized, and controlled access stalls or lockers for the storage of customer's goods or wares.

Setback. The required horizontal distance between a structure and a street right-of-way or property line. (SEE APPENDIX)

- A. Setback, Front. The required distance between the street line and the front building line projected the full width of the lot. Commonly called "front yard".
- B. Setback, Rear. The required distance between the rear lot line and the rear building line projected the full width of the lot. Commonly called the "rear yard". Corner lots have no rear setbacks.
- C. Setback, Side. The required distance between the side lot line and the side building line projected from the front yard to the rear yard. Commonly called the "side yard".

Shopping Center. A group of retail stores, offices, and/or service businesses planned and designed for the site on which it is built, functioning as a unit, with off-street parking provided on the property as an integral part of the unit. A shopping center shall consist of five (5) or more other businesses.

Shopping Mall. A shopping center with stores, offices, and/or service businesses on both sides of an enclosed or open pedestrian walkway.

Sign. Any structure, device, fixture or placard that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. (SEE APPENDIX) Specific sign types are defined as follows:

- A. Animated Sign. Any sign that uses movement or change of lighting to depict action or create a visual effect or scene.
- B. Banner. Any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.
- C. Beacon. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.
- D. Billboard (Advertising Sign). A sign that directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.
- E. Building Marker. Any sign indicating the name of a building and data and incidental information about its construction, which sign is cut into a masonry surface or made bronze or other permanent material.
- F. Building Sign. Any sign attached to any part of a building, as contrasted to a freestanding sign.

- G. Canopy Sign. Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outside service area. A marquee is not a canopy.
- H. Changeable Copy Sign. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for the purposes of this ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for the purposes of this ordinance.
- I. Commercial Message. Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.
- J. Flag. Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.
- K. Freestanding Sign. Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.
- L. Identification Sign. Any sign indicating the name and address of an occupant of a building.
- M. Incidental Sign. A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.
- N. Luminous Sign. Any sign which contains a light shining from any source within the body of the sign.
- O. Marquee sign. Any sign attached to, in any manner, or made part of a marquee.
- P. Nonconforming Sign. Any sign which does not conform to the requirements of this ordinance.
- Q. Pennant. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, string, usually in series, designed to move in the wind.
- R. Portable Sign. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A-frames or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of way, unless said vehicle is used in the normal day-to-day operations of the business.
- S. Projecting Sign. Any sign affixed to a building or wall in such a manner that its leading edge extends more than twelve (12) inches beyond the surface of such building or wall.
- T. Real Estate Sign. A sign relating to the property on which it is located offering such property for sale, lease or rent.

- U. Residential Sign. Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of this ordinance.
- V. Roof Sign. Any sign erected and constructed wholly on and over the roof of building supported by the roof structure, and extending vertically above the highest portion of the roof.
- W. Roof Sign, Integral. Any sign erected or constructed as an integral or essentially integral part of a normal roof structure or design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.
- X. Suspended Sign. A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.
- Y. Temporary Sign. Any sign that is used temporarily and is not permanently mounted.
- Z. Wall Sign. Any sign attached parallel to, but within twelve (12) inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.
- AA. Window Sign. Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

Sign Setback. The distance from the property line or street right-of-way to the nearest part of the applicable sign, measured perpendicularly to the property line or street right-of-way line.

Single-family Dwelling. See DWELLING, SINGLE FAMILY DETACHED.

Site Plan. A plan of a lot or subdivision on which is shown topography, location of all buildings, structures, roads, right-of-way, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Board of Supervisors, Planning Commission or Zoning Hearing Board in unusual or special cases.

Small Manure Digester - A manure digester used to convert biogas into electricity, heat, and water and is intended to primarily reduce on-site consumption of utility power. A system is considered a small manure digester only if it supplies electrical or thermal power for on-site use, except that when a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company. Small manure digesters use livestock and poultry manure generated on-site from one (1) farm, and are designed and intended solely to generate power to off-set utility costs. Small manure digesters may include "co-digestion" in which the livestock and poultry manure (primary catalyst) may be mixed with other organic materials (secondary catalysts).

Small Solar Energy System - A solar collection system consisting of one (1) or more roof and/or ground mounted solar collector devices and solar related equipment, and is intended to primarily reduce on-site

consumption of utility power. A system is considered a small solar energy system only if it supplies electrical or thermal power solely for on-site use, except that when a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

Small Wind Energy System - A wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics, and is intended to primarily reduce on-site consumption of utility power. A system is considered a small wind energy system only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

Solar Collection System - A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

Solar Related Equipment - Items including a solar photovoltaic cell, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations used for or intended to be used for collection of solar energy.

Special Exception. A use permitted in a particular zoning district when the pertinent standards and criteria of the zoning ordinance and Articles VI and IX of the Municipalities Planning Code are met.

Stack - Any vertical structure enclosing a flue(s) that carry off smoke or exhaust from a furnace or other fuel-burning device, especially that part of a structure extending above a roof.

Story. A story is that part of a building between the surface of any floor and the next floor above it or, in its absence, then the finished ceiling or roof above it. A "split level" story shall be considered a second story if its floor level is six (6) feet or more above the level of the line of the finished floor next below it. Any floor under a sloping roof at the top of a building that is more than two (2) feet below the top plate shall be counted as a story; and, if less than two feet below the top plate, it shall be counted as a half-story. A basement shall be counted as a story if its floor level is six (6) feet or more above the level of the line of the finished floor next above it and has one-half or more of its height above the average level of the adjoining ground. (SEE APPENDIX)

Story, Half. A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor.

Street. A strip of land, including the entire right-of-way, intended primarily as a means of vehicular and pedestrian travel. 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

Street Line. A line defining the edge of a street right-of-way and separating the street from abutting property or lots. Also known as the "street right-of-way line."

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

Subdivider. A developer.

Subdivision. The division or redivision 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 division 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.

Surveyor. A professional land surveyor licensed as such in the Commonwealth of Pennsylvania.

Townhouse. See DWELLING, SINGLE FAMILY ATTACHED.

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

Tract. All contiguous land owned by the same landowner and all land owned by the same landowner on April 7, 1981 (or on the date on which the tract was rezoned to Agricultural), which is or was contiguous except for the presence of public or private roads and/or the presence of lots or parcels adversed from the original tract since April 7, 1981 (or since the date on which the tract was rezoned to Agricultural).

Truck and Motor Freight Terminal. –A facility used by an establishment engaged in the business of providing over the road transportation of freight, from which the establishment operates its business. The use of the terminal includes office space, vehicle parking either with or without cargo, repair, maintenance, and dispatching of vehicles and equipment.

Turbine Height - The distance measured from the highest point of the wind turbine rotor plane to the ground level.

Two-family Dwelling. See DWELLING, TWO FAMILY DETACHED.

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.

- A. Accessory Use. A use customarily incidental and subordinate to the principal use of a building or structure or principal use of the land, or a use not the principal use.
- B. 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.
- C. Temporary Use. A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period. Temporary uses usually do not involve the construction or alteration of any permanent building or structure.

Variance. A modification of the regulations of this Ordinance granted by the Zoning Hearing Board on grounds of unnecessary hardship, not self-imposed, pursuant to the provisions of this Ordinance and Articles VI and IX of the Municipalities Planning Code.

Vehicle Body Shop. A building or structure on a lot that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers and/or accessories of automobiles, trucks and other vehicles for conveyance.

Vehicle Parking Lot or Garage Commercial. A lot or building or portion thereof, other than an automobile sales lot used for the storage or parking of six or more motor vehicles for a consideration, where service or repair facilities are not permitted. Such parking lot or garage shall not be considered an accessory use; nor shall it be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk.

Vehicle Repair Garage. A building or structure on a lot designed and/or used primarily for mechanical and/or body repairs, storage, or servicing to automobiles, trucks and similar vehicles.

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

Vehicle Wash. A building on a lot, designed and used primarily for the washing and polishing of motor vehicles and which may provide accessory services as set forth herein for Vehicle Service Stations.

Violation. The construction, alteration or use of any structure, building, sign or land, or the change of use, area of use, percentage of use or displacement of the use of any structure, building, sign or land without first obtaining a permit; the use of any building, structure, sign, or land without receipt of a certificate of use and occupancy; or the failure to comply with any other provision of this Ordinance.

Wind Charger - A wind-driven direct-current generator used for charging storage batteries.

Wind Energy Conversion System (WECS)- A device such as a wind charger, wind turbine or windmill and/or other electric generation facility whose main purpose is to convert wind power into another form of energy such as electricity or heat, consisting of one (1) or more wind turbine and other structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

Windmill - A device that runs on the energy generated by a wheel of adjustable blades or slats rotated by the wind.

Wind Turbine - A device that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower and pad transformer, if any.

Wind Turbine Tower - The vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground.

Yard. A required open space on a lot adjoining a lot line, containing only landscaping or other uses as provided by this Ordinance. Distances which represent minimum yards throughout this Ordinance shall include all portions of a lot which are within such distances as measured at right angles from the respective lot line. (SEE APPENDIX)

A. Yard, Front. A yard extending along the full width of a front lot line between side lot lines and from the front lot line to the front building setback line in depth.

- B. Yard, Rear. A yard extending across the full width of the lot and lying between the rear lot line and the rear building setback line. Rear yard depth shall be measured at right angles to the rear lot line. Corner lots have no rear yard.
- C. Yard, Side. A yard lying between the side lot line and the nearest side building setback line and extending from the front yard to the rear yard, or in the absence of either of such front or rear yards, to the front or rear lot lines. Side yard width shall be measured at right angles to sidelines of the lot.

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

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

APPENDIX

USE SCHEDULE

USE	AH	A	RLD	RMD	RHD	C	C-2	I	I-2	MR
Agriculture and Agricultural Production	P	P				P	P			P
New agricultural operations			P							
Principal farm dwellings	P	P								P
Display and sale of farm products	P	P								P
Processing of farm products	P	P								P
Bark mulch processing	SE	SE								SE
Farm-based businesses (s.628)	SE	SE								SE
Commercial processing of agricultural products	SE	SE								SE
Non-commercial manure storage facilities	P	P								P
Boarding farms	SE	SE								SE
Farm equipment sales and service(s.629)	SE	SE				P	P			SE
Commercial grain or commercial feed mills (s.621)	SE	SE								
Commercial stockyards or commercial feedlots	SE	SE								SE
Accessory farm dwellings (s.605)	P	P								P
Non-farm single family dwellings	P	P								P
Single-family detached dwellings			P	P	P		P			
Single family semi-detached dwellings				P	P					
Single family attached dwellings (townhouses).				SE	P					
Two-family detached dwellings				P	P					
Two-family semi-detached dwellings				SE	P					
Two-family attached dwellings				SE	P					
Multi-family dwellings (apartment houses)				SE	P					
Conversion Apartments				SE	P		P			
Mobile home parks (s.636)					P					
Boarding houses (s.615)				SE	SE					
Essential services buildings and structures (s.627)	P	P	P	P	P	P	P	P	P	P
Churches (s.619)									P	
Churches and related uses (s.619)	SE	SE	SE	SE	SE	P	P			
Church related uses (s.619)									CU	
Cemeteries (s.618)			SE	SE	SE		SE			
Life care facilities (s.634)			SE	SE	SE	SE			CU	
Nursing, rest and retirement homes (s.641)				SE	SE	SE				
Public and private schools (s.638)			SE	SE			SE			
Public and private schools, grades 1-12 (s.638)	SE	SE								
Golf courses, parks and recreational areas (s.639)	SE	SE								
Campgrounds (s.616)			SE							
Riding school or horse boarding stables (s.644)	SE	SE								

USE SCHEDULE

USE	AH	A	RLD	RMD	RHD	C	C-2	I	I-2	MR
Home occupations (s.632)	P	P	P	P	P		P			P
Home businesses (s.632)	SE	SE	SE	SE	SE		P			SE
Business conversions (s.637)							P			
Business, professional or governmental office or studio (s.637)						P	P			
Banks, savings and loan associations, finance companies and similar types of businesses (s.637)						P	P			
Personal and household service establishments such as, but not limited to, barber shops, beauty shops, laundromats, laundry and dry cleaning shops, restaurants, tailor and seamstress shops, taverns, hotels, motels, and other places of lodging (s.637)						P	P			
Offices of plumbers, masons, carpenters, heating contractors and similar personnel (s.637)						P	P			
Retail business establishments for the sale of goods such as, but not limited to, antiques, appliances, beverages, bicycles, books, clothing, confections, drugs, dry goods, flowers, food, furniture, gifts, hardware, jewelry, liquor, machinery, motorcycles, newspapers, notions, office equipment, paint, personal and household supplies, phonograph records, photographic supplies, sporting goods, stationery and tobacco (s.637)						P	P			
Shops for the repair of goods permitted to be sold in the district						P	P			
Veterinary offices or animal hospitals (s.609)	SE	SE				P	P			
Kennels (s.633)	SE	SE								SE
Motor vehicular and mobile home/modular dwelling sales agency						P	P			
Automobile/truck service and repair facilities (s.612)						P	P			
Automobile filling stations (s.611)						P	P			
Recreation facilities including bowling alleys, miniature golf courses, driving ranges and similar uses (s.639)						SE				
Amusement arcades (s.608)						SE				
Shopping centers (s.646)						SE				
Commercial regional impact developments (s.623)						CU				
Commercial communications antennas (s.624)	SE	SE	SE			SE	SE	SE	SE	SE
Billboards (s.614)						SE		SE	SE	
Adult Oriented Businesses										SE

