

Windsor Township Zoning Ordinance



**Adopted:
January 7, 2013**



ZONING ORDINANCE

ORDINANCE NO. 2013-01-01

**WINDSOR TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ZONING ORDINANCE
for
WINDSOR TOWNSHIP
YORK COUNTY, PENNSYLVANIA
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Article 1

Background Provisions

Section 101 Short Title

This Ordinance shall be known and may be cited as the “Windsor Township Zoning Ordinance of 2012.”

Section 102 Purpose

1. To promote, protect and facilitate the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, emergency management preparedness and operations, airports, and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision for safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements, as well as preservation of natural, scenic and historical values in the environment and preservation of forests, wetlands, aquifers and floodplains.
2. 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.
3. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
4. To provide for the use of land for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home parks.
5. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

Section 103 Scope

From and after the effective date of this Ordinance, the use of all land and every building or structure or portion of a building or structure erected, altered with respect to height and area, added to, or relocated, and every use within a building or structure or use accessory thereto, in Windsor Town-

ship shall be in conformity with the provisions of this Ordinance. Any existing building or land not in conformity with the regulations herein prescribed shall be regarded as nonconforming but may be continued, extended, or changed subject to the special regulations herein provided with respect to nonconforming buildings, structures or uses.

Section 104 Interpretation

In interpretation and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety and general welfare of the residents of the Township.

In interpreting the language of zoning ordinances 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 Conflict

It is not intended by this Ordinance to repeal, abrogate, annul, or interfere with any existing ordinances or enactment, or with any rule, regulation or permit adopted or issued thereunder, except insofar as the same may be inconsistent or in conflict with any of the provisions of this Ordinance, provided that where this Ordinance imposes greater restrictions upon the use of buildings or land, or upon the height and bulk of buildings, or prescribed larger open spaces than are required by the provisions of other such ordinance, enactment, rule, regulation or permit, then the provisions of this Ordinance shall control. Furthermore, if a discrepancy exists between any regulations contained within this Ordinance, that regulation which imposes the greater restriction shall apply.

Section 106 Validity

Should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or of any other part thereof.

Section 107 Uses Not Provided For

Whenever, in any zone established under this Ordinance, a use is neither specifically permitted nor denied and an application is made by a property owner to the Zoning Officer for such use, the Zoning Officer shall deny the use. Then the applicant may apply to the Zoning Hearing Board for a special exception. The Zoning Hearing Board shall only approve the use if it determines that the proposed use is to be located within that zone which has other uses permitted of the same character, does not present compatibility problems with adjoining properties, and is not permitted in any other zone within the Township.

Section 108 Establishment of Zones

For the purpose of this Ordinance, Windsor Township is hereby divided into zones which shall be designated as follows:

Agricultural Zone (A)	Neighborhood Commercial (C-N)
Rural Residential Zone (R-R)	General Commercial Zone (C-1)
Low Density Residential Zone (R-1)	Industrial Zone (I)
Medium Density Residential Zone (R-2)	Floodplain Zone (FP)
Natural Resources Overlay Zone (NRO)	

Section 109 Zoning Map

The areas within Windsor Township, as assigned to each zone and the location of the zones established by this Ordinance, are shown upon the Zoning Map, which together with all explanatory matter thereon, is attached to and is declared to be a part of this Ordinance.

Section 110 Zone Boundary Lines

The zone boundary lines shall be as shown on the Zoning Map. Zone boundary lines are intended to coincide with lot lines, centerlines of streets and alleys, railroad rights-of-way, and streams at time of passage of this Ordinance, the corporate boundary of the Township or as dimensioned on the map. In the event of dispute about the location of the boundary of any zone, the Zoning Officer shall investigate and render a decision on the location of the line. Appeals from this decision shall be made to the Zoning Hearing Board.

Section 111 Community Development Objectives

This Ordinance is enacted in accordance with the Joint Comprehensive Plan and has been formulated to implement the purpose set forth in Section 102 above. This Ordinance is enacted with regard to the community development objectives listed in the joint Comprehensive Plan of Windsor Township and Windsor Borough, adopted May 2010, and any subsequent amendments. The Ordinance is enacted with regard to the following community development objectives:

1. To guide the future development of the Township in accordance with comprehensive planning of land use and population density that represents the most beneficial and convenient relationship among the agricultural, residential, commercial, and recreational areas within the Township.
2. To preserve the pastoral and rural character of the Township.
3. To protect and promote the agricultural economy.
4. To protect the sensitive environmental resources inventoried within the Joint Comprehensive Plan.

5. To provide for commercial and industrial land uses sufficient to accommodate the Township's local business needs.
6. To protect the character and the social and economic stability of all areas of the Township, and to provide for orderly growth that is complimentary in scale and character to the surrounding development.
7. To protect and conserve the value of land and buildings throughout the Township appropriate to the various zones established herein.
8. To aid in bringing about the most efficient relationship between land use and transportation throughout the Township, having particular regard to the avoidance of congestion in the streets, the provision of safe and convenient access to the various land uses.
9. To provide for the efficient use of land through flexible and innovative design, mixed-uses, open space design, and planned business development.

Section 112 Definitions

1. WORD USAGE - Words and phrases shall be presumed to be used in their ordinary context, unless such word or phrase is defined differently within this section.
2. LANGUAGE INTERPRETATION - In this Ordinance, when not inconsistent with the context:
 - a) words in the present tense imply also the future tense.
 - b) the singular includes the plural.
 - c) the male gender includes the female gender.
 - d) the word "person" includes a partnership or corporation as well as an individual.
 - e) the term "shall" or "must" is always mandatory.
3. SPECIFIC WORDS AND PHRASES - The following words and phrases shall have the particular meaning assigned by this section in the appropriate sections of this Ordinance:

ACCESS DRIVE - An improved cartway designed and constructed to provide for vehicular movement between a public road and the off-street parking and/or loading area for any non-residential use.

ACCESSORY USE - A use customarily incidental and subordinate to the principal use, building or structure, and located on the same lot with the principal use, building or structure.

ACT - The Pennsylvania Municipalities Planning Code.

ADULT-RELATED FACILITY - A business or club which engages in one or more of the following areas of sales, services or entertainment:

1. Adult Bath House: An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This section shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical practitioner, for the purpose of this Ordinance, shall be a medical

doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.

2. Adult Body Painting Studio: Any establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when specified anatomical areas are exposed.
3. Adult Bookstore: Any establishment which has a substantial or significant portion of its stock in trade:
 - a) Books, films, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas;
 - b) Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.
4. Adult Cabaret: A nightclub, theater, bar or other establishment which features live or media representations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
5. Adult Massage Establishment: Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist that is 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.
6. Adult Mini Motion Picture Theater: An enclosed or unenclosed building with a capacity of more than five (5), but less than fifty (50), persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
7. Adult Model Studio: Any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any "figure studio" or "school of art" or similar establishment which meets the requirements established in the Pennsylvania Code, Title 22, "Education," for the issuance or conferring of, and is in fact authorized thereunder, to issue and confer a diploma.
8. Adult Motel: A motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

9. Adult Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
10. Adult Motion Picture Theater: An enclosed or unenclosed building used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
11. Adult Newsrack: Any coin-operated machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.
12. Adult Outcall Service Activity: Any establishment or business which provides an outcall service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.
13. Adult Sexual Encounter Center: Any business, agency, or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshops operated by a medical practitioner, such medical practitioner being licensed by the Commonwealth to engage in sexual therapy.
14. Adult Theater: A theater, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.
15. Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

ADVERTISING ILLUMINATION DEVICE – Any object or device designed to project a beam, band, or other pattern of light, whether moving or stationary, for the purpose of attracting attention.

ADVERTISING INFLATABLE – Any object or device designed to be filled with air or other gas and displayed for the purpose of attracting attention through the display of business names, other letters or text, or simply through the presence or motion of the device.

AGRICULTURE - The tilling of the soil, the raising of crops, timber harvest, horticulture and gardening, including the keeping or raising of livestock such as cattle, cows, hogs, horses, sheep, goats, emus, llamas, poultry, rabbits, birds, fish, bees, and other similar animals. This definition also includes agricultural buildings, structures, noncommercial greenhouses and mushroom houses, as well as the processing and retail sale of goods produced on the farm.

ALLEY - A minor right-of-way, privately or publicly owned, primarily for service access to the rear or sides of properties.

ALTERATION - Any change in the supporting members of a building or structure such as bearing walls, columns, beams or girders, joists or rafters, or enclosing walls. Any renovation to a building which would change its use.

AMUSEMENT ARCADE - A commercial establishment which provides as a principal use, amusement devices and/or games of skill or chance (e.g., pinball machines, video games, skee-ball, electronic or water firing ranges, bowling alleys, skating rinks, and other similar devices or uses). This definition does not include the use of two (2) or less such devices as an accessory use.

ANIMAL HOSPITAL - Any establishment offering veterinary services for medical and surgical treatment only. Animal hospitals can treat all types of animals and can include outdoor and overnight boarding of animals.

AREA - The two-dimensional measurement of space between known lines or boundaries.

Building Area: The total area of all buildings (principal and accessory) taken on one or more horizontal planes that are directly between the ground and the sky, exclusive of uncovered porches, awnings, terraces, and steps (e.g., top view).

Gross Floor Area: The sum of the floor areas of a building as measured to the outside surfaces of exterior walls and/or all areas intended for the conduct of a use.

Habitable Floor Area: The sum of the floor areas of a dwelling unit as measured to the outside surfaces of exterior walls and including all rooms used for habitation, such as living room, dining room, kitchen, basement, bedroom, bathroom, family room, closets, hallways, stairways, and foyers, but not including attics, service or utility rooms, nor unheated areas such as enclosed porches.

Lot Area: The total gross horizontal area within the lot lines of a lot, excluding any area within a street or street rights-of-way (See also: NET ACREAGE), which governs the calculation of permitted density.

Retail Sales Area: The total area of use which is devoted to the display of goods and/or services, including aisles, to prospective patrons.

ASSISTANT ZONING OFFICER - The duly constituted municipal official designated to administer and enforce this Ordinance in accordance with its literal terms, as deputy to the Zoning Officer.

ASSISTED LIVING RESIDENCE - Any premises in which food, shelter, assisted living services, assistance or supervision and supplemental health care services are provided for a period exceeding 24-hours for four or more adults who are not relatives of the operator, who require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation from the residence in the event of an emergency or medication prescribed for self-administration. Assisted Living Residences are inspected and licensed by the Department of Public Welfare under the requirements contained in Title 55, Chapter 2800 of the PA Code.

ATTIC - That part of a building which is immediately below and completely or partly within the roof framing but is above the ceiling assembly of the top story. Within a dwelling unit, an attic shall not be included in the determination of gross floor area unless it is constructed as or modified into a habitable room by the inclusion of dormer windows, an average ceiling height of six (6) feet or more, and a permanent stationary interior access stairway to a lower building story.

AUTOMOBILE AUCTION - A use whereby motorized vehicles are offered for wholesale and/or retail sales at prearranged auction sales.

AUTOMOBILE FILLING STATION - Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any retail sales of motor vehicle accessories, which may not include major repairing, body and fender work, painting, vehicular sales, nor rental or automatic car washes.

AUTOMOBILE PARKING COMPOUND - See definition of "Parking Compound."

AUTOMOBILE SALES - Any building or land devoted to the retail sales of passenger vehicles, including accessory service and repair facilities if conducted within a completely-enclosed building.

AUTOMOBILE SERVICE - The retail repair, servicing, maintenance and reconstruction of passenger vehicles but not including car washes.

AUTOMOBILE STORAGE COMPOUND - A use whereby passenger vehicles are stored awaiting transport to a different location.

BASE FLOOD - The flood having a one (1) percent chance of being equalled or exceeded in any given year (100-year flood) as determined by the applicable Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), latest edition.

BASE FLOOD ELEVATION - The one hundred (100) year flood elevation plus a freeboard safety factor of one and one half (1½) feet.

BASEMENT - A space with less than half of its floor-to-ceiling height above the average finished grade of the adjoining ground.

BED AND BREAKFAST - A single-family detached dwelling, where between one and five sleeping accommodations are rented to overnight guests on a daily basis for periods not exceeding two weeks. Meals may be offered only to registered overnight guests.

BEEKEEPING - The raising or keeping of bees within a man-made box (beehive) for hobby or business purposes.

BETTING PARLOR - A location where money, goods, or other assets are laid, staked, or pledged between parties on the outcome of a contest or a contingent issue

BILLBOARD - A sign upon which advertising matter of any character is printed, posted, or lettered, whether freestanding or attached to a surface of a building or other structure. A billboard is used to advertise products, services or businesses at a location other than the premises on which the sign is placed.

BIRD OF PREY - A carnivorous bird (such as a hawk, eagle, falcon, or vulture), wild specimens of which feed wholly or chiefly on meat taken by hunting or on carrion

BOARD - The Zoning Hearing Board of Windsor Township.

BOARDER - An individual, other than a member of a family occupying a dwelling unit or the owner of a lodging facility who is furnished sleeping accommodations within such dwelling unit or lodging facility, and may be furnished meals or other services for compensation. More than two boarders residing in a building shall result in said building being considered a boarding house.

BOARDING HOUSE - A building or portion thereof arranged or used for sheltering or feeding, or both, as a gainful business, for three (3) or more, but not more than ten (10) individuals that do not constitute a family.

BUFFER - A landscaped area, or an area of preserved vegetation, intended to be used as a means of limiting the potentially adverse effects created by a use, on adjoining properties, streets and uses.

BUILDING - Any structure with a roof intended for shelter or enclosure of persons, animals or property.

Detached: A building which has no party wall.

Semi-detached or Duplex: A building which has only one party wall in common.

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

BUILDING FOOTPRINT - The total horizontal area encompassed by a building's outer walls as measured at ground level, including covered decks, covered porches, and attached garages.

BUILDING HEIGHT - A building's vertical measurement from the mean level of the ground abutting the building to the highest point of the roof.

BUILDING SETBACK LINE - See definition for "Setback Line."

BUILDING 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 to be located.

CAREGIVER - An individual who assists in the identification, prevention, or treatment of an illness or disability.

CALIPER - The diameter of the main trunk of a tree. Caliper measurement shall be taken at a point on the trunk six (6) inches above the natural ground line. This term is typically used in reference to nursery stock or recently planted trees, as opposed to trees extant on a given property. See also: "DIAMETER AT BREAST HEIGHT (DBH)".

CAMPGROUND - A lot, tract, or parcel of land upon which two or more campsites are located or established, intended and maintained for occupation by transients in recreational vehicles or tents.

CAMPSITE - A plot of ground within a campground intended for occupation by a recreational vehicle or tent.

CEMETERY - Land used or intended to be used for the burial of the deceased, including columbariums, crematoria, mausoleums, and mortuaries when operated in conjunction with the cemetery and within the boundaries thereof.

CHANNEL - A natural or artificial watercourse with a definite bed and banks which confine and conduct continuously or periodically flowing water.

CHANNEL FLOW - That water which is flowing within the limits of a defined channel.

CLEAR-CUTTING - The removal of all trees on a site, or portion of a site.

CLUBHOUSE - A building within which is housed an organization catering exclusively to members and their guests, except that the periodic rental of the premises to nonmembers shall be expressly permitted. Clubhouses shall include premises or buildings for social, recreational and administrative purposes that shall not include any vending stands, merchandising or commercial activities, except as required for the membership of such club or for the purposes of fundraising. Clubs shall include, but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs. Clubhouses shall not be used for occupancy as a residence, adult-related uses, off-track betting parlors, nor shooting ranges, as defined herein.

COMMERCIAL KEEPING AND HANDLING - Producing and/or maintaining with the express purpose and intent of selling the product for a livelihood.

COMMERCIAL PRODUCE OPERATION - An agricultural use whereby plant materials are principally grown within enclosed buildings, and where such use exceeds a lot coverage of ten (10) percent.

COMMERCIAL RECREATION FACILITY - An activity operated as a business, open to the public, for the purpose of public recreation or entertainment, including but not limited to, drive-in motion picture facilities, swimming pools, health clubs, miniature golf courses, museums, etc. This does not include adult-related uses or amusement arcades, as defined herein.

COMMERCIAL SCHOOL - An educational facility not operated by a public agency. The range of curriculums can include all levels of academic instruction, business and technical programs and artistic, dance, baton-twirling, and musical training. Private educational institutions are principal uses that are neither home occupations nor day-care operations. These uses shall not include vocational and/or mechanical trade schools as defined in this Ordinance. Nursery schools shall be considered private educational institutions if they are operated as a business.

COMMON OPEN SPACE - Any area of land or water, or a combination of land and water, within a development site designed and intended for use by all residents of a development or the general public.

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 two hundred fifty (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.

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

CONDITIONAL USE - A use which is permitted in a particular zone pursuant to express standards and criteria prescribed for such use in this Ordinance. A conditional use is allowed (possibly with conditions attached) or denied upon application to the Board of Supervisors pursuant to public notice and hearing, and recommendation by the Planning Commission.

CONDOMINIUM - A form of property ownership providing for individual ownership of a specific dwelling unit, or other space not necessarily on ground level, together with an undivided interest in the land or other parts of the structure in common with other owners.

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.

CONVENIENCE STORE - A business which specializes in the retail sales and/or rental of household products and foods. Convenience stores may also include any of the following provided that each use has obtained the necessary respective approvals, and it operates as an accessory use to the convenience store:

1. Retail sales or rental of books, magazines, videos, software, and video games provided that adult-related facilities are expressly prohibited;
2. Restaurants, fast-food operations, subject to the requirements of Section 419 of this Ordinance and provided that rest rooms are made available to the public;
3. Propane fuel sales within no larger than 20 pound tanks which must be stored outside of the building at all times;
4. Dispensing of automobile fuels, oils, compressed air, kerosene, washer fluid, and other auto-related items, subject to the requirements of Section 405 of this Ordinance; and,
5. Post offices and other parcel delivery drop-off sites.

CONVENTION CENTER - An assemblage of uses that provide for a setting where indoor and outdoor exhibits and activities serve various business, entertainment, recreation, conventions. This use can also include related lodging and dining facilities.

DAY-CARE - The offering of care or supervision over minors or special needs adults in lieu of care or supervision by family members. This definition does not include the offering of overnight accommodations.

Day-Care, Commercial: A day-care facility that is a primary use and is licensed by the Commonwealth of Pennsylvania.

Day-Care, Family: A day-care facility that is operated as an accessory use to a detached single-family dwelling that is licensed by the Commonwealth of Pennsylvania and offers care and supervision to no more than four (4) different persons during any calendar day.

Day-Care, Group: A day-care facility that is operated as an accessory use to a detached single-family dwelling that is licensed by the Commonwealth of Pennsylvania and offers care and supervision to no more than six (6) different persons during any calendar day.

DBH – See "DIAMETER AT BREAST HEIGHT".

DENSITY - A term used to express the allowable number of dwelling units per net acre of land.

DEVELOPMENT - Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DIAMETER AT BREAST HEIGHT (DBH) - The diameter of a tree trunk, measured at four (4) feet from the ground surface at the point of the highest elevation in contact with the base of the trunk of such tree. This term is typically used in reference to trees extant on a given property, as opposed to nursery stock or newly installed trees. See related term: "CALIPER".

DISPOSAL - For the purposes of Section 452, this term shall mean the deposition, injection, dumping, spilling, leaking, or placing of solid waste into or on the land in a manner that the solid waste or a constituent of the solid wastes enters the environment, is emitted into the air or is discharged to the waters of the Commonwealth.

DOMESTIC PETS - The noncommercial keeping of no more than four (4) non farm animals, that are locally available for purchase as pets, as an accessory use to a primary residential use. A maximum of two (2) active duty, certified service animals may be exempted from "domestic pet" status. Any service animals kept in addition to the exempted animals shall be considered as domestic pets regardless of service type, certification, etc.

DRIPLINE - The area located directly beneath the outer circumference of the tree branches.

DRIVEWAY - An improved cartway designed and constructed to provide vehicular movement between a street and a tract of land serving one single-family dwelling unit or a farm.

DUMPSTER - A device or container, whether temporary or permanent, one cubic yard or more in size used or intended for the storage of bulky waste, construction debris, refuse, and like materials.

DWELLING - Any building or portion thereof designed and used exclusively for residential occupancy, including those listed below, but not including hospitals, hotels, boarding, rooming and lodging houses, institutional houses, tourists courts, and the like, offering overnight accommodations for guests or patients. All dwellings must be permanently affixed to a completely enclosed foundation constructed of currently accepted materials that shall be an entire perimeter wall and extend from below the frost line to the first floor of the building. Such foundation shall be constructed to provide sufficient structural integrity to prevent the building from heaving, shifting, or settling unevenly, due to frost action. In addition, all dwellings shall be properly connected to approved and permanently-designed sewer, water, electrical, and other utility systems.

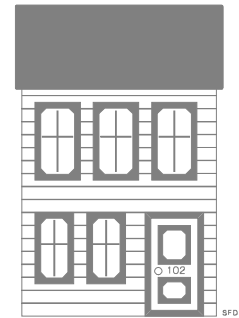


Figure 1

1. **Single-Family Detached (SFD):** A freestanding building containing one dwelling unit for one family, located on an individual lot. Mobile homes can be considered single-family detached dwellings if, in addition to the requirements listed for all dwellings, the mobile home is securely anchored to the permanent foundation, and all of the apparatuses used to transport the unit shall be removed, including the towing hitch. Recreational vehicles shall not be construed as dwellings. Modular homes can be considered single-family detached dwellings so long as they comply with the general requirements of a dwelling. (Figure 1)

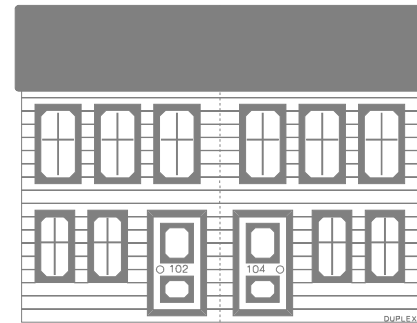


Figure 2

2. **Duplex:** (single-family semi-detached): A freestanding building containing two dwelling units for two families, arranged in a side-by-side (Figure 2) configuration, with each dwelling unit being located on a separate lot.
3. **Two-family:** A freestanding building containing two dwelling units for two families, arranged in a side-by-side configuration or over and under configuration, (Figure 2 or Figure 3) with both dwelling units being located on the same lot.



Figure 3

4. **Multiple Family:** A building containing three or more dwelling units (Figure 4 or 5) with multiple dwelling units being located on the same lot.
5. **Townhouse:** A building containing between three and eight dwelling units arranged in a side-by-side configuration with two or more common party walls, with each dwelling unit being located on a separate lot. (Figure 5)

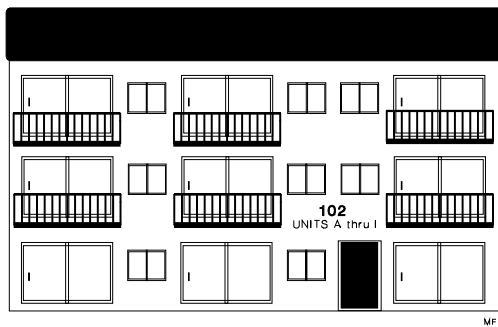


Figure 4



Figure 5

DWELLING UNIT - One (1) or more rooms used for living and sleeping purposes and having one (1) kitchen with fixed cooking facilities arranged for occupancy by one (1) family.

EARTHMOVING ACTIVITY - Any construction or other activity which disturbs the surface of the land including, but not limited to, excavations, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock or earth.

ECHO HOUSING - An additional dwelling unit placed on a property for occupancy by either

1. an elderly, handicapped or disabled person related by blood, marriage or adoption, to the occupants of the principal dwelling;
2. A property owner; or
3. A caregiver for (an) elderly, handicapped or disabled occupant or occupants of the principal dwelling.

EXOTIC WILDLIFE - Includes, but is not limited to, birds of prey, reptiles, and all bears, coyotes, lions, tigers, leopards, jaguars, cheetahs, cougars, wolves, and any crossbreed of these animals which have similar characteristics in appearance or features. The definition is applicable whether or not the birds, animals, or reptiles were bred or reared in captivity or imported from another state or nation.

FAMILY - An individual or individuals related by blood, marriage or adoption that maintain one common household and live as a family unit within one dwelling unit. Additionally, up to three (3) unrelated individuals who maintain a common household and live within one dwelling unit may be considered a family provided that no individual or individuals within the household earns a profit from the living expenses of any other(s). Finally, a family may also be considered any number of unrelated individuals who are developmentally disabled and occupy a group home that is licensed by the appropriate governmental agencies.

FARM - Any parcel of land for which the principal use is agricultural, including the raising of agricultural products, livestock, poultry or dairy products, including necessary farm structures and the storage of equipment customarily incidental to the primary use.

FARM OCCUPATION - An accessory use to the primary agricultural use of a property in which residents engage in a secondary occupation conducted on the farm.

FARM –RELATED BUSINESS - A principal commercial use intended to meet the needs of the local agricultural community through the provision of services and materials needed to farm, including, but not limited to: sales and maintenance of agricultural equipment; blacksmith shops; butcher shops; grain mills; processing of locally produced agricultural products; veterinary offices treating farm animals; feed supply, fuel and fertilizers distributors; and composting and other farm waste storage facilities.

FARMERS AND/OR FLEA MARKET - A retail sales use where more than one vendor displays and sells general merchandise that is new or used. Farmers and/or flea markets can include indoor and outdoor display of merchandise.

FELLING - The act of cutting a standing tree so that it falls to the ground.

FENCE - Any artificially constructed barrier of any material or combination of materials erected to enclose or screen an area of land. The height of all fences or portions thereof shall be measured from ground level.

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.

FINANCIAL INSTITUTION - A bank, savings and loan association, credit union, finance or loan company, etc.

FLOOD - A general and temporary condition of partial or complete inundation of normally dry land areas from the overland flow of watercourses, or from the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD OF RECORD - The flood which has reached the highest flood elevation above mean sea level at a particular location.

FLOODPLAIN - A relatively flat or low land area that 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.

See also: "ONE-HUNDRED YEAR FLOOD BOUNDARY"

FLOODPROOFING - Any combination of structural and nonstructural additions, changes, adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

FLOODWAY – The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one-hundred (100) year magnitude.

FLOOD ELEVATION - The projected heights, in relation to the National Geodetic Vertical Datum of 1929 (NGVD), reached by floods of various magnitudes and frequencies in the floodplain areas.

FLOOR AREA, GROSS – The sum of the gross horizontal areas of the several floors of a building, as the case may be, measured from the exterior face of exterior walls or from the center line of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles or any space where the floor-to-ceiling height is less than six feet.

FLOOR AREA, GROSS LEASABLE - The floor area in a Shopping Center actually leased to tenants, excluding common areas such as corridors, hallways, common restroom facilities, common storage facilities and other areas not leased by tenants.

FOREST CANOPY - The aerial cover formed within any woodland area by the crowns of trees greater than fifty (50) feet in height.

FOREST CANOPY TREES - The individual trees which collectively form the forest canopy.

FORESTRY - The management of forest and timberlands when practiced in accordance with accepted silviculture principles, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve any land development. For purposes of this ordinance, forestry shall be considered and regulated as Timber Harvesting.

FRONTAGE – The front property line that coincides with the street right-of-way contained upon or adjoining the subject property. Required frontage measurements shall occur along such line, even if it is curvilinear.

GARAGE, PRIVATE - An accessory building for the storage of one or more automobiles and/or other vehicles accessory and incidental to the primary use of the premises; provided however, that one (1) commercial vehicle of not more than three-quarter ton capacity may be stored therein where the use of such vehicle is not incidental to the use of the premises. No business, occupation or service shall be conducted therein, nor shall space therein for more than one vehicle be leased to a non-occupant of the premises. Where a garage is an attached integral part of a dwelling unit, the garage shall not be counted as floor area unless it is constructed or modified into a habitable room by the removal of all vehicular access doors and provided adequate off-street parking is still available on the same lot as the dwelling unit.

GOLF COURSE - An area designed for the play of the game of golf containing greens, tees, fairways, bunkers and related areas. A golf course shall be a minimum of 2,800 yards of play in nine (9) holes, and shall be constructed to standards generally accepted by members of the American Society of Golf Course Architects concerning safety of players and surrounding non-golf course areas.

GROUP HOME - A dwelling operated by a responsible individual, family, or organization with a program to provide a supportive living arrangement for individuals larger than a family, where special care is needed by the individuals served due to age, emotional, mental, or physical handicap. Group homes must be licensed or certified where required by any appropriate government agencies, and a copy of any such licenses or certifications must be delivered to the Township prior to beginning the use. Group homes shall be subject to the same limitations and regulation by the Township as single-family detached dwellings, except insofar as and where such limitations and regulation would result in a tendency to perpetuate segregation of the handicapped in housing patterns, as substantiated by reasonable evidence provided to the Board of Supervisors. The term "group home" shall not involve the housing or treatment of persons who could reasonably be considered a threat to the physical safety of others.

HAZARDOUS MATERIAL - Materials which have the potential to damage health, or the environment, or impair safety. Hazardous materials include but are not limited to inorganic mineral acids or sulphur, 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 materials. Also included are floatable materials with the potential to cause physical damage, such as logs, storage tanks, and large containers.

HAZARDOUS WASTE - Any garbage, refuse, sludge from an industrial or other waste-water treatment plant, sludge from a water supply treatment plant, or air pollution facility and other discarded material including solid, liquid, semi-solid, or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, for agricultural operations, and from community activities, or any combination of the above, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

- 1) Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or
- 2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, exposed of, or otherwise managed.

HAZARDOUS WASTE FACILITY - Any structure, group of structures, aboveground or underground storage tanks, or any other area or buildings used for the purpose of permanently housing or temporarily holding hazardous waste for the storage or treatment for any time span other than the normal transportation time through the Township.

HEALTH AND RECREATION CLUB - A commercial business that offers active recreational and/or fitness activities. Such activities are provided only to club members and their guests. Such facilities do not include golf courses.

HEAVY EQUIPMENT - Vehicles and machinery that are not normally associated with domestic use (e.g., excavation equipment, commercial trucks and trailers, buses, yachts, farm equipment, mechanized amusement rides, industrial machinery, and other similar items).

HEDGEROW - A hedgerow is a linear plant community dominated by trees and/or shrubs. Hedgerows often occur along roads, fence lines, property lines, or between fields, and may occur naturally or be specially planted, e.g., as a windbreak. For the purposes of this Ordinance, hedgerows are considered woodlands and regulated as such.

HEIGHT, BUILDING - A building's vertical measurement from the average ground level at the corners of the building to the highest point of the roof.

HEIGHT, STRUCTURE - A structure's vertical measurement from the mean level of the ground abutting the structure to the highest point of the structure.

HELICOPTER PAD (PRIVATE) - An accessory use where no more than one helicopter may land/take-off and be stored.

HELIPORT - A principal use where one or more helicopters may land/take-off and be stored. Such use may also include support services such as fueling and maintenance equipment, passenger terminals and storage hangers.

HISTORIC - Listed as a Historic Resource by the Pennsylvania Historical and Museum Commission or appearing on the National Register of Historic Places

HOME OCCUPATION - A business or commercial activity that is conducted as an accessory use to a principal single-family detached dwelling unit that exceeds the standards established for home

offices, as defined herein, but complies with the standards imposed by Section 431 of this Ordinance.

HOME OFFICE – See No-impact home-based business.

HOSPITAL - An institution, licensed in the Commonwealth of Pennsylvania, which renders inpatient and outpatient medical care on a twenty-four (24) hours per day basis; and provides primary health services and medical/surgical care to persons suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions. A hospital use can also include attached and detached accessory uses, provided that all accessory uses are contained upon the hospital property.

HOTEL - A facility which provides lodging to boarders for compensation, which contains less than twenty-five (25) percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building, and which may provide meals and other services as a part of the compensation.

IMPERVIOUS SURFACE- A surface composed of any material which impedes or prevents the natural infiltration of water into the soil. Such surfaces include all concrete, asphalt and gravel surfaces. These include, but are not be limited to, streets and parking areas, sidewalks, patios, and structures which cover the land. Decks shall not be considered impervious surfaces provided that they are attached to a residential structure, are not covered with a roof or awning, are not constructed above a patio or other impervious surface, and are constructed such that rainwater can drain freely between regularly spaced gaps in the decking material. Decks that do not meet all of the criteria listed above shall be considered impervious surfaces.

INTERIOR DRIVE - Any on-site vehicular movement lane(s) that are associated with a use other than a single-family dwelling.

INTERSECTION - The area where two or more streets join or connect. A crossing of two or more streets that creates a condition where a geometric angle is formed between two street lines or where the street centerline radius is less than the minimum radius as required by the most current version of the Windsor Township Subdivision and Land Development Ordinance.

INVASIVE VEGETATION - Vegetation which is deemed harmful to existing vegetation and listed in the DCNR document “Invasive Plants in Pennsylvania” or most recent version thereof.

JUNK - Used materials, discarded materials, or both, including, but not limited to, waste paper, rags, metal, building materials, house furnishings and appliances, machinery, vehicles or parts thereof, all of which are being stored awaiting potential reuse or ultimate disposal.

JUNKYARD - An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used and discarded materials, including but not limited to, waste paper, rags, metal, building materials, house furnishings, machinery, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale, or other use or disposition of the same. The deposit or storage on a lot of one or more unlicensed, wrecked, or disabled vehicles, or the major part thereof, shall be deemed to constitute a “junkyard.” (A disabled vehicle is a vehicle intended to be self-propelled that shall not be operable under its own power for any reason, or a vehicle that does not have a valid current registration plate or that has a certificate of inspection which is more than sixty (60) days beyond the expiration date.)

KENNEL - Any lot on which three or more animals (excluding exotic wildlife and animals related to an agricultural use) are kept, boarded (indoors only), raised, bred, treated, or trained for a fee, including but not limited to dog or cat kennels. A kennel shall constitute a principal use.

LANDFILL FACILITY - Any property or facility that is designed, operated or maintained for the disposal of solid waste, whether or not such facility possesses a permit from the Pennsylvania Department of Environmental Protection, or its successor or authorized representative. A landfill facility shall include the solid waste disposal at the site, and any appurtenances that support the operation of the facility, including haul roads, structures or storm water management facilities.

LANDING - A place where logs, pulpwood, or firewood are assembled for transportation to processing facilities.

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, shall be deemed to be a landowner for the purposes of this Ordinance.

LARGE SCALE LIVESTOCK OPERATION - An agricultural use involving the commercial keeping and handling of livestock quantities with characteristics in both of the following subsections:

- 100 horses;
- 100 dairy or beef cattle;
- 100 swine;
- 25,000 poultry, excluding turkeys;
- 100 sheep or veal;
- 5,000 turkeys; plus

the keeping and handling of livestock quantities exceeding an average adult weight for horses, dairy cattle, and layer chickens and/or an average market weight of all other livestock of 2,000 pounds per acre, as referenced in the table on the following page:

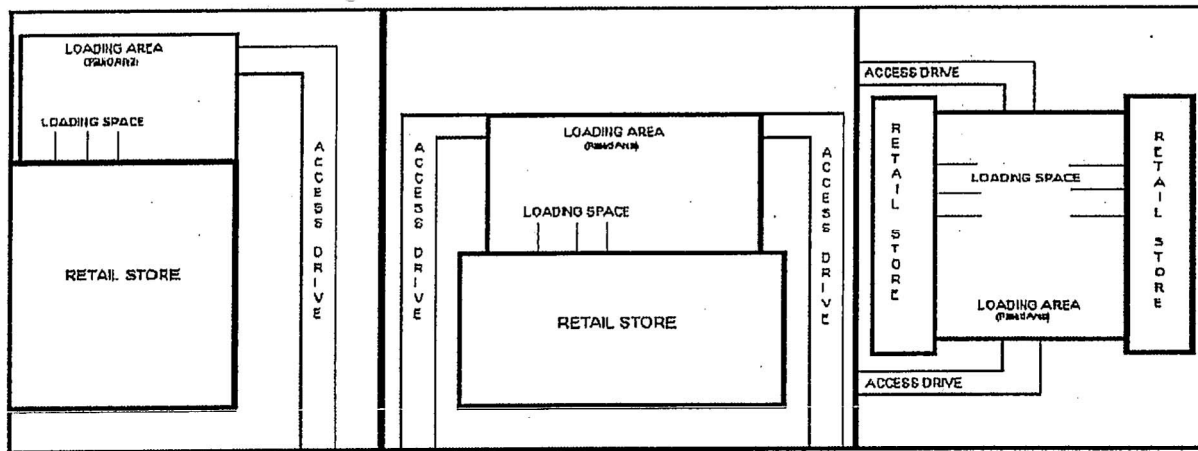
Livestock	Animal Size (lb.)
Cattle	
Dairy	150–1500
Beef	400–1400
Veal	100–350
Swine	
Pigs	35–200
Gestating sow (limit fed)	275
Sow and 8 pigs	375
Boar (limit fed)	350
Sheep	100
Horse	1000
Poultry (see following types)	
Layer	4
Layer, heavy	7
Pullet	3
Broiler	4
Roaster	7
Turkey	20
Duck	7
Guinea	3–4
Pheasant	3
Chukar	1.5
Quail	0.5

Sources: PA DEP, *Field Application of Manure*, and *Poultry Manure Management*.

LITTER - Discarded items not naturally occurring on the property such as tires, oil cans, equipment parts, and other rubbish.

LIVESTOCK - Any cattle, cows, hogs or swine, horses, sheep, goats, emus, llamas, deer, poultry, rabbits, birds, fish, bees, and other similar animals.

LOADING AREA - An off-street area for the loading or unloading of goods and/or materials with usable access to a street or access drive, but not including the access drive that leads to the loading area. The boundaries of a loading area are illustrated in the figure on the following page. The dimensions of a “loading space” are included with the boundaries of a loading area. The term “loading area” shall be interchangeable with the terms “off-street loading,” “off-street loading area,” “off-street loading facility,” and “loading facility.”



LOADING SPACE – The minimum required dimensional area for the parking of a vehicle for off-street loading and unloading specified in this Ordinance. The term “loading space” shall be interchangeable with the term “off-street loading space”.

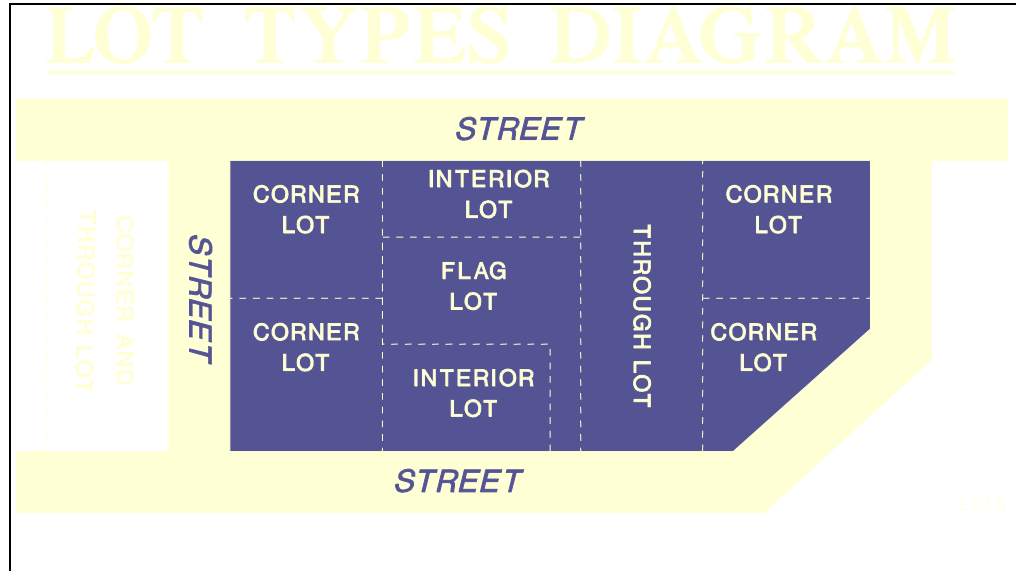
LOT - A parcel of land separately described by a metes and bounds description which is recorded in the Office of the Recorder of Deeds of York County by deed description or is described by an approved subdivision plan recorded in the Office of the Recorder of Deeds of York County.

Lot, Corner: A lot at the point of intersection of and abutting two or more intersecting streets, and which has an interior angle of less than 135 degrees at the intersection of the two street lines. Corner lots shall have two (2) front yards, abutting the intersecting streets, and two (2) side yards.

Lot, Flag: A lot whose frontage does not satisfy the minimum width requirements for the respective zone but that does have sufficient lot width away from the lot's frontage. Flag lots must contain a fifty (50) foot wide frontage at the street right-of-way.

Lot, Interior: A lot other than a corner lot, with a single front yard abutting the street.

Lot, Through (Reverse Frontage): An interior lot having frontage on two parallel or approximately parallel streets.



LOT AREA - See Area

LOT COVERAGE - A percentage of the lot area which is covered with an impervious surface (e.g., buildings, driveways, parking area, decks and patios, sidewalks).

LOT DEPTH - The horizontal distance measured between the street right-of-way line and the closest rear property line. On corner and reverse frontage lots, the depth shall be measured from the street right-of-way line of the street of address to the directly opposite property line.

LOT LINE - A property boundary line of any lot held in single and separate ownership.

LOT WIDTH - The horizontal measurement of the width of the lot at the building setback, less the width of any private right-of-way. In the case of single-family detached, duplex and/or townhouse dwelling units developed under condominium or common ownership of land, the lot width requirements shall apply as though each dwelling unit were constructed on a separate lot.

MANURE - The fecal and urinary excrement of livestock and poultry, often containing some spilled feed, bedding or litter.

MANURE STORAGE FACILITIES - A detached structure or other improvement built to store manure for future use, or disposal. Types of storage facilities are as follows: underground storage, in ground storage, trench silo, earthen bank, stacking area, and above-ground storage.

MAXIMUM FLOOD ELEVATION - The water surface elevations of a flood which would completely fill the floodplain to the boundaries of the Floodplain Zone.

MEAN SEA LEVEL - The average height of the sea for all stages of the tide, using the National Geodetic Vertical Datum of 1929.

MEDICAL OR DENTAL CLINIC - 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.

MOBILE HOME - Any structure intended for or capable of permanent human habitation, with or without wheels, and capable of being transported or towed from one place to the next, in one or more pieces, by whatsoever name or title it is colloquially or commercially known, but excluding transport trucks or vans equipped with sleeping space for a driver or drivers, and travel trailers. Mobile homes placed in parks shall meet the requirements for mobile home parks listed in Section 438 of this Ordinance. Mobile homes placed on individual lots shall be considered "dwellings," and be bound by the requirements there-imposed. For the purposes of Section 230 of this Ordinance, any travel trailer, as defined herein, that is contained on the same parcel for more than 180 days in any calendar year shall be considered a mobile home.

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, which is leased by the park owner to the occupants of the mobile home erected on the lot.

MOBILE HOME PARK - A parcel or contiguous parcels of land which have been so designated and improved to contain two or more mobile home lots for the placement thereon of mobile homes.

MOTEL - A facility which provides lodging to boarders for compensation, which contains at least twenty-five (25) percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building, and which may provide meals and other services as a part of the compensation.

MPC - See "PENNSYLVANIA MUNICIPALITIES PLANNING CODE".

MUNICIPAL SERVICES - Those uses and facilities designed to furnish necessary support for the general public health, safety and welfare that are the responsibility of Windsor Township and other locally operated service agencies and are not operated on a commercial basis. Such uses shall include:
Township offices, meeting halls, garages, and storage yards;
Police, fire, and ambulance stations;
libraries; and
Uses accessory to the above permitted uses, including parking and loading spaces; signs; offices; rest rooms; maintenance equipment storage areas and buildings; lights; waste receptacles and dumpsters; and other similar uses.

NET ACRE(AGE) - The land area of a development upon which permitted density is calculated. Such area expressly excludes existing and/or proposed:

- Public/private rights-of-way;
- Public/private easements;
- Public/private streets.
- Eighty (80) percent of floodplains.
- One hundred (100) percent of wetlands.
- One hundred (100) percent of severely steep slopes.
- Twenty five (25) percent of moderately steep slopes.

NEW CONSTRUCTION - Structures for which the start of construction commenced on or after the effective date of this Ordinance.

NIGHTCLUB - Any building used for on-site consumption of alcoholic or nonalcoholic beverages where live entertainment is offered. For the purposes of this definition, "live entertainment" is meant to include the use of disc-jockeys for the purposes of supplying musical entertainment. Nightclubs may also provide for the on-site consumption of food. Additionally, nightclubs may

offer the retail sale of carry-out beer and wine as an accessory use. This is meant to include an “under 21” club which features entertainment. This use does not include adult-related uses as defined herein.

NO-IMPACT HOME-BASED BUSINESS - A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses;
- (2) The business shall employ no employees other than family members residing in the dwelling;
- (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature;
- (4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights;
- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood;
- (6) The business activity may not generate any solid waste or sewage disposal, in volume or type, which is not normally associated with residential use in the neighborhood;
- (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25 percent of the habitable floor area; and
- (8) The business may not involve any illegal activity.

NONCOMMERCIAL KEEPING OF LIVESTOCK - The keeping of livestock as a permitted accessory use to a principal nonfarm, single-family detached dwelling.

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 zone in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE - A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in the 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 nonconforming structures include, but are not limited to, nonconforming signs.

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

NONCONFORMITY, DIMENSIONAL - Any aspect of a land use that does not comply with any size, height, bulk, setback, distance, landscaping, coverage, screening, or any other design or performance standard specified by this Ordinance, where such dimensional nonconformity lawfully existed prior to the adoption of this Ordinance or amendment thereto.

NURSING, REST OR RETIREMENT HOMES – See “Personal Care Home”

OBSTRUCTION - Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, (1) 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 (2) which is placed where the flow of the water might carry the same downstream to the damage of life and property.

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

OFFICE CONVERSION - The adaptation of a single-family dwelling that directly abutted a commercial zone and/or a commercial use on the effective date of this ordinance to permit both an office and one dwelling unit.

OIL AND GAS OPERATIONS - The term includes the following:

- (1) Well location assessment, including seismic operations, well site preparation, construction, drilling, hydraulic fracturing, and site restoration associated with an oil or gas well of any depth;
- (2) Water and other fluid storage or impoundment areas used exclusively for oil and gas operations;
- (3) Construction, installation, use, maintenance, and repair of:
 - a. Oil and gas pipelines;
 - b. Natural gas compressor stations; and,
 - c. Natural gas processing plants or facilities performing equivalent functions; and
- (4) Construction, installation, use, maintenance, and repair of all equipment directly associated with activities specified in paragraphs (1), (2), and (3) to the extent that:
 - a. The equipment is necessarily located at or immediately adjacent to a well site, impoundment area, oil and gas pipeline, natural gas compressor station, or natural gas processing plant; and,
 - b. The activities are authorized and permitted under the authority of a Federal or Commonwealth agency

ON-SITE SEWER SERVICE - On-site sewer service is the disposal of sewage by use of septic tanks, or other safe and healthful means within the confines of the lot on which the use is located as approved by the Pennsylvania Department of Environmental Protection.

ON-SITE WATER SERVICE - On-site water service is a safe, adequate and healthful supply of water to a single user from a private well.

ONE-HUNDRED YEAR FLOOD – See “Base Flood”

ONE-HUNDRED 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 (1) percent chance of being flooded each year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, or a licensed surveyor or professional engineer, registered by the Commonwealth of Pennsylvania is necessary to define this boundary.

ONE-HUNDRED YEAR FLOOD ELEVATION – See “Base Flood Elevation”

OPEN SPACE - A space unoccupied by buildings or paved surface and open to the sky on the same lot with a building.

ORNAMENTAL POND – A small impoundment of water installed and maintained primarily for aesthetic purposes. Ornamental ponds shall exclude swimming pools, irrigation ponds, stormwater management facilities, water supply impoundments, and cesspools, among others, as well as any impoundments that exceed the maximum sizes presented in this Ordinance.

PARCEL - A tract or plot of land

PARENT TRACT - A tract of land located within an A-Agricultural Zone, and held in single or separate ownership, as it exists on the effective date of this Ordinance.

PARKING COMPOUND - Primary business where passenger vehicles may be stored for short-term, daily, or overnight off-street parking, and connected to a street by an access drive.

PARKING LOT - An accessory use in which required and additional parking spaces are provided subject to the requirements listed in Section 311 of this Ordinance.

PARKING SPACE - An off-street space available for the parking of one (1) motor vehicle and having usable access to a street or alley.

PARKS AND PLAYGROUNDS- Indoor and/or outdoor facilities designated, designed, and used for active and/or passive recreational purposes by the general public that are (1) owned and operated by a government or governmental agency/authority, or (2) are operated on a nonprofit basis, including principal and accessory uses. This definition excludes adult entertainment uses, golf courses, off-track betting parlors, shooting ranges, and amusement arcades.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE - The Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended and reenacted by Act 170 of 1988, 53 P.S. § 10101 et seq., and any subsequent amendments thereto.

PERSON - An individual, corporation, partnership, incorporator's association, or any other similar entity.

PERSONAL CARE HOME - A premise in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours, for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in activities of daily living or instrumental activities of daily living. The term includes a premise that has held or presently holds itself out as a personal care home and provides food and shelter to four (4) or more adults who need personal care services, but who are not receiving the services. Personal Care Homes are inspected and licensed by the Department of Public Welfare under the requirements contained in Title 55, Chapter 2600 of the PA Code.

PERSONAL CUSTOMER SERVICE BUSINESS- Shops with a maximum floor area of 2,500 square feet, including but not limited to a barber, beauty shop, nail salon, tailor, dressmaking, shoe repair, photographer, travel agency or similar service uses, including a dry cleaning storefront for pickup and dropoff, but excluding a dry-cleaning establishment. This definition includes

incidental uses and additional related cosmetic and/or beauty services such as facials, waxing and the minor retail sale of cosmetic products. This definition excludes Adult-related facilities.

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.

PETROLEUM PRODUCT - Oil or petroleum of any kind and in any form, including crude or synthetic oil and derivatives of crude or synthetic oil. It may be alone, as a sludge, as oil refuse, or mixed with other wastes.

PLACE OF WORSHIP AND RELATED USES - A building, structure, or group of buildings or structures, including accessory uses, designed or intended for public worship. This definition shall include a church, chapel, cathedral, synagogue, temple, mosque or other facility that is principally used for prayer by persons of similar beliefs; or a special purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis; and shall include cemeteries as an accessory use. This definition shall include rectories, convents, cemeteries and related educational and/or day-care facilities.

PLANNING COMMISSION - The Planning Commission of Windsor Township.

PRINCIPAL USE - The main or primary use of property or structures.

PUBLIC - Owned, operated, or controlled by a governmental agency (Federal, State, or Local, including a corporation created by law for the performance of certain specialized governmental functions, and the Board of Education).

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 (30) days, and the second publication shall not be less than seven (7) days from the date of the hearing. For rezoning, special exception and/or variance requests, notice of said public hearing shall be conspicuously posted by the municipality at points deemed sufficient by the municipality along the tract to notify potentially interested citizens; these sign(s) shall be posted at least one (1) week prior to the hearing and will exhibit the nature, date, time, and location of the hearing.

PUBLIC SEWER - A municipal sanitary sewer or a comparable common or package sanitary facility approved and permitted by the Pennsylvania Department of Environmental Protection. Such systems are capable of serving multiple users.

PUBLIC TRANSPORTATION DEPOT - A principal use whereby vehicles of mass transit are stored, maintained, dispatched, and/or boarded.

PUBLIC UTILITY - Any business activity regulated by a government agency in which the business is required by law to:

- (1) Serve all members of the public upon reasonable request;
- (2) Charge just and reasonable rates, subject to review by a regulatory body;
- (3) File tariffs specifying all of its charges;
- (4) Modify or discontinue its service only with the approval of the regulatory agency.

PUBLIC UTILITY TRANSMISSION TOWER - A structure owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission designed and used to support overhead electricity transmission lines.

PUBLIC WATER - A municipal water supply system, or a comparable common water facility approved and permitted by the Pennsylvania Department of Environmental Protection. Such systems are capable of serving multiple users.

RADIOACTIVE MATERIAL - Any natural or artificially produced substance which emits radiation spontaneously.

RECYCLING - The collection, separation, recovery, and sale or reuse of metals, glass, paper, yard waste, plastics, and other materials which would otherwise be disposed or processed as municipal waste, or the mechanized separation and treatment of municipal waste (other than through combustion) and creation and recovery of reusable materials other than a fuel for the operation of energy.

REGULATORY FLOOD ELEVATION - The one hundred (100) year flood elevation plus a freeboard safety factor of one and one half (1½) feet.

REHABILITATION CENTER - A licensed facility that provides specialized therapy services for inpatients and outpatients recovering from injury or trauma, but excludes the treatment of psychiatric, mental health and/or drug and/or alcohol rehabilitation, unless the onset of such condition is the result of physical injury or trauma and the rehabilitative treatment of such condition is a part of the therapy services for the physical injury.

RENTAL - The temporary transferal of goods and/or property for compensation.

RESTAURANT - An establishment that serves prepared food primarily on nondisposable tableware, but can provide for incidental carry-out service so long as the area used for carry-out service does not exceed five (5) percent of the total patron seating area nor eighty (80) square feet (whichever is less). Caterers shall be included in this definition.

RESTAURANT - DRIVE-THRU OR FAST-FOOD - An establishment that serves prepared food generally packaged in paper wrappers and/or disposable plates and containers. Such food can be consumed either on or off of the site.

RETAIL SALES - Those businesses whose primary activities involve the display and sales of goods and products to the general public. This term shall not include adult-related facilities as defined herein.

RETAIL SERVICES- Establishments providing services or entertainment, as opposed to goods or merchandise, to the general public. This term shall include personal customer service businesses, but not include adult establishments-related facilities/services.

RIGHT-OF-WAY - A corridor of publicly owned land for purposes of maintaining primary vehicular and pedestrian access to abutting properties, including but not limited to, roads, streets, highways and sidewalks. Abutting property owners are prohibited from encroaching across the right-of-way line. (See also "Street Line.").

RIPARIAN BUFFER - Undisturbed riparian land adjacent to a watercourse and other bodies of water for the purpose of stabilizing banks, filtering pollutants from runoff and for providing habitat for a variety of wildlife.

RURAL OCCUPATION - An accessory business or commercial activity that is conducted within an accessory structure of a principal single-family detached dwelling.

SALDO - The latest version of the Township's Subdivision and Land Development Ordinance, as may be amended.

SATELLITE DISH ANTENNA - A device incorporating a reflective surface which is solid, open mesh or bar-configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally-based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs, and satellite microwave antennas.

SCHOOL - A principal use in which supervised education or instruction is offered according to the following categories:

- (1) **Commercial School**: A school that may offer a wide range of secondary or higher educational or instructional activities (excluding vocational-mechanical trade schools as defined below) that is operated by some person or organization other than the public school district.
- (2) **Elementary School** – a school licensed by the Commonwealth of Pennsylvania which meets the requirements for elementary education.
- (3) **Secondary School** – a school licensed by the Commonwealth of Pennsylvania which is authorized to provide secondary education and award diplomas for such education.
- (4) **Vocational-Mechanical Trade School**: A school that principally offers training in any of the following occupations:
 - A. Truck driving;
 - B. Engine repairs;
 - C. Building construction and general contracting;
 - D. Woodworking;
 - E. Masonry;
 - F. Plumbing;
 - G. Electrical contracting; and,
 - H. Other similar trades, as determined by the Zoning Hearing Board pursuant to Sections 107 and 603. of this Ordinance.

SCREENING - An assemblage of materials that are arranged so as to block the ground level views between grade and a height of six (6) feet. Suitable screening materials include trees, shrubs, hedges, berms, walls, sight-tight (or similar) fences, other similar type materials, or any combination thereof. No wall or fence shall be constructed of plywood, corrugated metal or fiberglass, nor sheet metal. Landscape screens must achieve the required visual blockage within two (2) years of installation.

SELF STORAGE - A building and/or series of buildings divided into separate storage units for personal property and/or property associated with some business or other organization. These units shall be used solely for dead storage and no processing, manufacturing, sales, research and development testing, service and repair, or other non-storage activities shall be permitted.

SERVICES, ESSENTIAL - The erection, construction, alteration, or maintenance, by public utilities or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems and their essential structures, excluding communications antennas and communications towers, as defined herein.

SETBACK - The required horizontal distance between a structure and a street right-of-way or property line.

Setback, Front: The required distance between the street right-of-way line and the side of a structure that faces the street. Such line shall be measured at right angles from the front street right-of-way that abuts the property upon which the structure is located and shall be parallel to the front street right-of-way.

Setback Line: The line within a property defining the required minimum distance between any structure and the adjacent right-of-way or property line.

Setback, Rear: The required distance between the rear lot line and the side of a structure that faces the rear lot line. Such line shall be measured at right angles from the rear lot line that abuts the property upon which the structure is located and shall be parallel to the rear lot line.

Setback, Side: The required distance between the side lot line and the side of a structure that faces the side lot line. Such line shall be measured at right angles from the side lot line that abuts the property upon which the structure is located and shall be parallel to the side lot line.

SHOOTING RANGE - A place where firearms and other projectile-type weapons (e.g., guns, rifles, shotguns, pistols, air guns, paintball, archery cross-bows, etc.) can be shot for recreation, competition, skill development, training, or any combination thereof. Nothing within this definition shall be construed to include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

SHOPPING CENTER - One (1) or more commercial establishments with greater than 20,000 square feet of gross floor area, which are designed to function as a unit, with shared vehicular access, off-street parking and signage.

SIDEWALK DISPLAY - The outdoor display of merchandise for sale by a commercial establishment.

SIGN - A device for visual communication that is used to bring the subject to the attention of the public, but not including lettering or symbols that are an integral part of another structure, or flags or other insignia of any government, fraternal, or similar organization.

Animated, Sign: Any sign the appearance of which changes electronically more frequently than every fifteen (15) seconds.

Electronic Variable Messaging Sign: A sign, a portion thereof, where the message copy includes characters, letters or illustrations that can be changed or rearranged electronically from a remote location without touching or physically altering the primary surface of the sign.

Flashing, Sign: Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

Freestanding, Sign: Any sign supported by structures or supports that are placed on or anchored in the ground and that is independent from any building or other structure.

Monument, Sign: Any Freestanding Sign, the full width of which extends to ground level, or which is supported by posts, columns, walls, or other structural elements having a width equal to or greater than the sign width.

Oscillating, Sign: Any sign which swings or moves back and forth; or has physical motion.

Rotating, Sign: Any sign that turns on an axis, center, or depicts words or graphics proceeding in sequence including signs.

Sequential, Sign: Any sign that depicts a series of words or graphics in sequence, including tri-vision signs.

SKIDDING - Dragging trees on the ground from the stump to the landing by any means.

SLASH - Woody debris left in the woods after timber harvesting, including logs, chunks, bark, branches, uprooted stumps and broken or uprooted trees or shrubs.

SOIL SURVEY - The latest published version of the United States Department of Agriculture's soil survey for York County, Pennsylvania.

SOLID WASTE - Any waste, including, but not limited to, municipal residual or hazardous waste as those terms are defined in the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, 35 P.S. Section 6018.101 et seq., as amended, and any regulations promulgated thereunder. For purposes of this section, the term "solid waste" shall not include source-separated recyclable materials. "Source-separated recyclable materials" are materials that are separated from solid waste at the point of origin for the purpose of recycling.

SPECIAL EVENT- A temporary event held indoors or outdoors on private or public property such as an auction, festival, carnival, meal, holiday event or fund raising event, but not including any recurring event, such as a sporting or social events.

SPECIAL EXCEPTION - A use that is generally compatible with a particular zone once specified criteria have been met. Special exception uses are listed by zone and approved by the Zoning Hearing Board in accordance with Section 605. of this Ordinance.

SPECIFIED ANATOMICAL AREAS - Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, female breasts below a point immediately above the top of areolae, and/or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES - For the purposes of this Ordinance, this term shall include any of the following:

- (1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty; or
- (2) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or
- (3) Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or
- (4) Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or
- (5) Masochism, erotic or sexually oriented torture, beating, or the infliction of pain; or
- (6) Erotic or lewd touching, fondling or other contact with an animal by a human being; or
- (7) Human excretion, urination, menstruation, vaginal or anal irrigation.

SPECIMEN TREE - Any tree greater than twenty-four (24) inches dbh shall be considered a Specimen Tree, with the exception of invasive trees. Trees or other plants determined to be dead or diseased or in any manner constituting a safety hazard shall not be considered specimen trees.

SPEED BUMP - A hindrance to speeding created by a crosswise ridge or depression in the surface of a roadway or access drive.

SPEED HUMP – See “Speed Bump”

SPEED TABLE – See “Speed Bump”

STEEP SLOPE - A natural geographical area, whether on one or more lots, which has a ratio of vertical distance to horizontal distance of greater than 15% based on two-foot contour intervals and measured over a minimum of three contours (6 feet) and 500 square feet of area.

Steep Slope, Moderately: Any area defined as Steep Slope, where the slope measures from 15% to less than 25%.

Steep Slope, Severely: Any area defined as Steep Slope, where the slope measures 25% or greater.

STREET - Includes street, avenue, boulevard, road, highway, freeway, lane, viaduct and any use intended to be used by vehicular traffic and/or pedestrians. All streets, public or private must be constructed per Windsor Township Construction Material Specifications and SALDO regulations.

Street, Public: Any dedicated and/or adopted public right-of-way intended to be used by vehicular traffic and/or pedestrian.

Street, Private: Any street that is privately held, and not intended for dedication to the public but intended to be used by vehicular traffic and/or pedestrians.

STREET CENTERLINE - The horizontal line paralleling the street that bisects the street right-of-way into two equal widths. In those instances where the street right-of-way cannot be determined, the street centerline shall correspond to the center of the cartway.

STREET LINE (Right-of-Way Line) - A line defining the edge of a street right-of-way and separating the street from abutting property or lots. The street line shall be the same as the legal right-of-way line currently in existence.

STRUCTURE - Any manmade object, including buildings, having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Accessory Structure: For other than agricultural uses, a subordinate structure located on the same lot as the principal use, and clearly incidental and subordinate to the principal use; including, but not limited to, private garages, utility buildings, tool sheds, etc. Any portion of the principal building devoted or intended to be devoted to an accessory use is not an accessory building. In the case of a "pre-built" and/or a "pre-fabricated" structure, to be used as an accessory structure, the unit/structure shall not have been a unit/structure "titled" for use under the Pennsylvania Motor Vehicle Code, Commonwealth of Pennsylvania.

Structure, Principal: A structure associated with a primary use.

Structures shall not include such things as fences, sandboxes, decorative fountains, swingsets, birdhouses, birdfeeders, mailboxes, and any other similar nonpermanent improvements.

SUBSTANTIAL IMPROVEMENT - Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the fair market value of the structure either (a) before the improvement or repair is started or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure.

SWIMMING POOL - Any pool, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point of twenty four (24) inches or greater. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.

TAVERN - An establishment which serves primarily alcoholic beverages for mostly on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board. Taverns may also serve food, but no live entertainment shall be permitted.

TEMPORARY ACCESSORY DWELLING UNIT - A separate dwelling unit as an apartment within, or in an attached addition to, the main dwelling unit, for one or more member(s) of the property owner's family or for a caretaker providing medical attention to the property owner, when there is proof of a genuine medical hardship which requires family member(s) or a caretaker to live in close proximity to the property owner.

TEMPORARY RETAIL SALES – By permit only, the offering of goods for sale to the public for a time period not to exceed ten (10) consecutive days per year, from a non-permanent structure or from an open air location where goods are not normally displayed as part of a permanent, ongoing retail establishment. Examples include the sale of Christmas trees, mothers day or Easter flowers, and fireworks for Fourth of July, but shall not include roadside stands addressed elsewhere in this Ordinance. Overnight sleeping in or near said non-permanent structure is prohibited.

TEMPORARY STORAGE UNIT – Structures such as trailers, storage containers or other portable, nonpermanent storage facilities which are not located upon any form of footing, foundation, concrete pad, etc. and utilized exclusively for purposes of temporary storage.

TIMBER HARVESTING OPERATION - The uprooting or removal, for any purpose, of more than thirty (30) trees per acre, of three (3) inches or greater dbh whether accomplished as a single operation or in more than one operation over three or fewer years. The removal of trees pursuant to an approved subdivision or land development plan, landscape plan or open space management plan, the removal of dead or diseased trees, or invasive vegetation, and the cutting of trees as part of a Christmas tree farming operation shall not be considered timber harvesting operations. "Forestry," as defined by the Pennsylvania Municipalities Planning Code, shall also be considered a timber harvesting operation.

TIMBER HARVESTING PLAN - A plan submitted in conformance with the provisions set forth in Section 322, which describes, by means of text and maps, proposed actions involving the removal of trees from a tract of land. Such plan shall have been prepared by a professional with demonstrable expertise in forest management and shall document measures to be taken to: control erosion and sedimentation; protect water quality; minimize impacts from skid trails and logging roads, land areas, and the tree removal process; and ensure site restoration.

TOP - The upper portion of a felled tree that is unmerchantable because of small size, taper, or defect.

TOWNSHIP - Windsor Township.

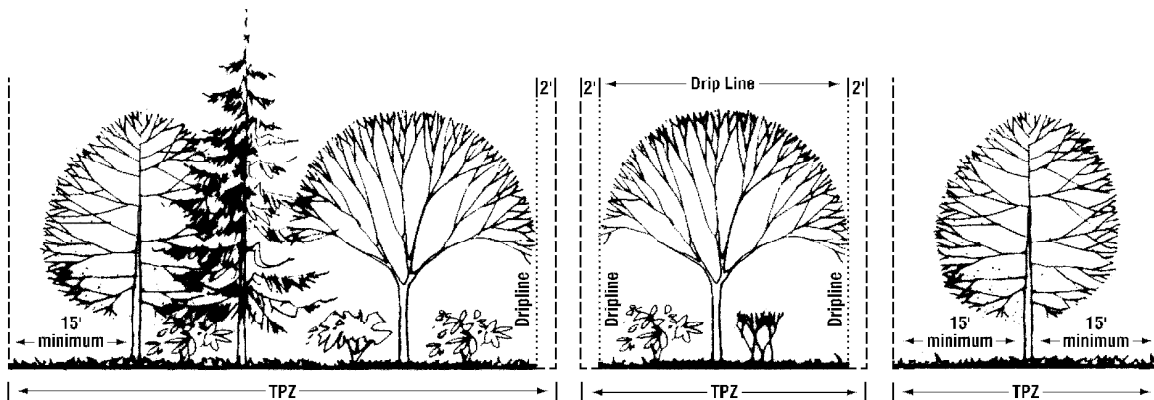
TRAILER - Semi-trailers including but not limited to bulk tanks, petroleum tanks, flat beds, low boys, vans and walking floors.

TRAVEL TRAILER - A portable structure, primarily designed to provide temporary living quarters for recreation, camping or travel purposes. In addition to the above, any of the following attributes are characteristic of a "travel trailer":

- (1) The unit is of such size or weight as not to require a special highway movement permit from the Pennsylvania Department of Transportation when self-propelled, or when hauled by a standard motor vehicle on a highway;
- (2) The unit is mounted or designed to be mounted on wheels;
- (3) The unit is designed to be loaded onto, or affixed to, the bed and/or chassis of a truck;

- (4) The unit contains, or was designed to contain, temporary storage of water and sewage, and,
- (5) The unit contains some identification by the manufacturer as a travel trailer.

TREE PROTECTION ZONE - An area that is radial to the trunk of a tree in which no construction activity shall occur. The tree protection zone shall be measured as the area within 15 feet of the trunk of the tree to be retained or the distance from the trunk to the dripline plus an additional two feet, whichever is greater. Where there is a group of trees or woodlands, the tree protection zone shall be the aggregate of the protection zones for the individual trees.



TURFGRASS - Any of various grasses grown to form a durable mat of vegetation that is mowed or otherwise maintained at a low height.

TWO-FAMILY CONVERSIONS - The conversion of an existing single-family detached dwelling unit to contain two separate dwelling units.

UNDERSTORY TREE - Trees which grow under, and in the shade of the forest canopy.

USE - The specific purpose for which land or a structure is designed, arranged, intended, occupied or maintained.

USE AND OCCUPANCY PERMIT - A permit issued by the Zoning Officer certifying a use's compliance with information reflected on the building permit and the Zoning Ordinance.

VARIANCE - A modification of any provision of this Ordinance granted by the Zoning Hearing Board subject to findings specified by the Act.

VETERINARIAN'S OFFICE - A building used primarily for the treatment, by a veterinarian, of small domestic animals such as dogs, cats, rabbits and birds or fowl. No outdoor boarding of animals is permitted.

VOCATIONAL-MECHANICAL TRADE SCHOOL - See School, Vocational-Mechanical

WATERCOURSE - A channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

WATERSHED - All the land from which water drains into a particular watercourse.

WETLANDS - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

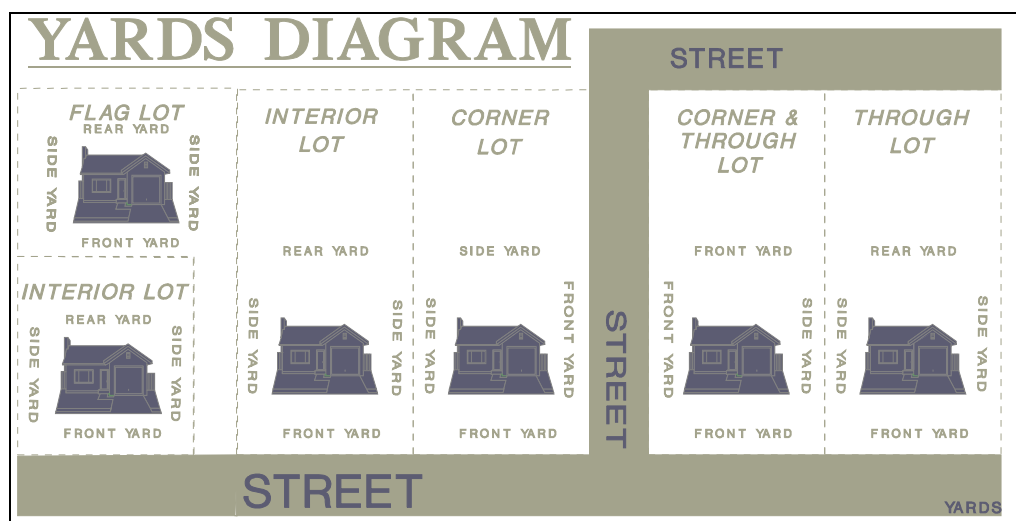
WIND ENERGY CONVERSION SYSTEM (WECS) - Any device which converts wind energy to mechanical or electrical energy.

WECS Unit - Shall include blades, hubs to which blades are attached, and any device, such as a tower, used to support the hub and/or rotary blades, etc.

WINDMILL – Any structure having sails, vanes, or other parts that move due to the passage of air currents for decorative purposes only. Any such structure that generates mechanical or electrical energy shall be considered a Wind Energy Conversion System.

WOODLAND – Area of trees whose combined canopies cover a minimum of eighty (80) percent of an area of one acre or more.

YARD - An unoccupied space, open to the sky, on the same lot with a building or structure.



Yard, Front: An open, unoccupied space on the same lot with a principal structure, extending the full width of the structure, projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the structure and the street right-of-way. For flag lots, the front yard shall be that area between the principal structure and that property line that is closest to, and runs most parallel to, the street that provides access and is not part of the flagpole.

Yard, Rear: An open, unoccupied space on the same lot with a principal structure, extending the full width of the lot, and situated between the rear line of the lot and the rear line of the structure projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the structure. All structures must comply with rear setback requirements. For flag lots, the rear yard shall be that area that is directly opposite the above-described front yard.

Yard, Side: An open, unoccupied space on the same lot with the principal structure, situated between the structure and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or front line shall be deemed a side line. All structures must comply with side setback requirements. For flag lots, the side yards shall be the area between the principal structure and that one (1) outermost lot line that forms the flag and the pole, plus the area on the opposite side of the principal structure.

ZONING - The designation of specified districts within a community or township, reserving them for certain uses together with limitations on lot size, heights of structures and other stipulated requirements.

ZONING OFFICER - The duly constituted municipal official designated to administer and enforce this Ordinance in accordance with its literal terms.

ZONING HEARING BOARD - See "BOARD"

Section 113 Exceptions

The Board of Supervisors may, at its sole discretion, exempt itself or other public entities from the requirements of this Ordinance.

Article 2

Zone Regulations

Section 201 **Agricultural Zone (A)**

201.1. Purpose - The primary purpose of the Agricultural Zone is to promote the continued farming and to protect the Township's viable agricultural economy by eliminating uses that are incompatible with farming. Limited rural residences are permitted that do not contemplate a full range of public services and amenities. These areas are not planned for the extension of public utilities within the foreseeable future and do not provide for increased densities when they are used. Intensive agricultural operations, rural businesses, and other varied uses are allowed, but reviewed via the special exception approval process to assure that they remain compatible within a rural setting.

201.2. Permitted Uses

1. Agriculture, including one single-family detached dwelling contained on the site, and excluding large scale livestock and/or commercial produce operations, as defined herein;
2. Horticultural and timber harvest-related uses;
3. Parks and playgrounds;
4. Municipal services and public utilities structures, as associated with essential services;
5. Elementary and secondary schools;
6. Single-family detached dwellings;
7. Places of Worship and related uses;
8. Riding stables, as defined herein, subject to the following:
 - A. The minimum lot area shall be ten (10) acres;
 - B. Any structure used for the boarding of horses shall be set back at least two hundred (200) feet from any property line;
 - C. All outdoor training, show, riding, or boarding areas shall be enclosed by a minimum four (4) foot high fence, which is located at least twenty-five (25) feet from all property lines; and,
 - D. All parking compounds and unimproved overflow parking areas shall be set back at least ten (10) feet from adjoining lot lines. Unimproved overflow parking areas shall also provide a fence delineating such occasional parking facilities and preventing the parking and/or movement of vehicles across neighboring properties;

9. Accessory uses customarily incidental to the above permitted uses, including, but not limited to, the following:
- A. Roadside stands for the sale of agricultural products shall be permitted, subject to the following:
 - a. Roadside stands shall not exceed five hundred (500) square feet of floor area;
 - b. Roadside stands must be located at least ten (10) feet from the right-of-way line and must have at least three (3) off-street parking spaces;
 - c. At least fifty (50) percent of the products sold must be produced on the site; and,
 - d. A maximum of two (2) signs will be permitted and shall not exceed twelve (12) square feet in total area, nor exceed a maximum height of ten (10) feet. Such signs shall be set back a distance at least ten (10) feet from every lot line and street right-of-way;
 - B. Family day-care facilities, as defined herein;
 - C. Manure storage facilities, shall be contained upon a farm, and subject to the provisions of Title 25, Section 91.36 of the Pennsylvania Code, as amended.
 - D. Beekeeping, subject to the following:
 - a. Hives shall be located only within the side or rear yards;
 - b. Only hives with movable frames may be used, to permit inspection for disease, parasites, or pathologies.
 - c. Hives shall be located no closer than fifty (50) feet from any property line.
 - d. At least one sign denoting the presence of bee hives on the subject property shall be placed and maintained so as to be visible from the cartway.
 - e. A hive shall not be positioned within one hundred (100) feet of a property with an existing kennel, animal hospital, or veterinarian's office with outdoor facilities.
 - E. Noncommercial keeping of livestock, as defined herein, subject to the following:
 - a. Minimum Lot Area - One (1) gross acre; additionally, the following list specifies additional requirements by size of animals kept:
 - GROUP 1 - Animals whose average adult weight is less than ten (10) pounds shall be permitted at an animal density

of twelve (12) per acre, with a maximum number of fifty (50) animals;

GROUP 2 - Animals whose average adult weight is between ten (10) and one hundred twenty-five (125) pounds shall be permitted at an animal density of two (2) per acre, with a maximum number of twenty (20) animals; and,

GROUP 3 - Animals whose average adult weight is greater than one hundred twenty-five (125) pounds shall be permitted at an animal density of one (1) per two (2) acres, with a maximum number of five (5) animals.

The keeping of a combination of animal types (Group 1, 2 and 3) shall require an animal density equal to the ratio of the number of animals, by type. In no case shall a lot contain more than fifty (50) total animals.

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

Front Setback:	Not Permitted in Front Yard
Side Setback:	Fifty (50) feet
Rear Setback:	Fifty (50) feet

- c. All outdoor pasture/recreation areas shall be enclosed with fencing to prevent the escape of the animals; and,
- d. All animal wastes shall be properly stored and disposed of, so as not to be objectionable at the site's property line. All animals, their housing, and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties.

F. No Impact Home Based Business

201.3. **Special Exception Uses** (Subject to the requirements listed in Section 605. of this Ordinance.)

1. Airports and heliports (see Section 402);
2. Bed and breakfasts (see Section 407);
3. Campgrounds (see Section 411);
4. Clubhouses (see Section 413);
5. Commercial produce operations (see Section 416);
6. Communication antennas, towers and equipment (see Section 418);
7. ECHO housing (See Section 420);
8. Exotic wildlife (See Section 421);
9. Farm occupations (see Section 422);
10. Farm-related businesses (see Section 423);
11. Group Day Care Facilities (see Section 427);
12. Helicopter pad, private, subject to demonstrated written compliance with applicable State and Federal Requirements;

13. Home occupations (see Section 431);
14. Kennels (see Section 435);
15. Large scale livestock operations (see Section 436);
16. Nursery and Garden Centers (see Section 440)
17. Rural occupations (see Section 447);
18. Shooting ranges (see Section 449);
19. Solid waste disposal (see Section 452); **and**
20. Temporary accessory dwelling unit (See Section 455).

201.4. Lot Limitation Requirements

1. In order to preserve agricultural tracts, it is the express intent of these provisions that the creation of lots for residential purposes shall be limited. In addition, it is the intent of this provision that maximum size of residential lots be limited in order to provide for the retention of tracts of sufficient size to be used for agricultural purposes. The following table identifies the number of lots that may be subdivided from the Parent Tract.

Parent Tract (Gross Acres)	# Of Lots that may be Subdivided from the Parent Tract
< 15	2
15 - < 30	3
30 - < 60	4
60 - < 80	5
80+	6, plus one lot for every 20 acres over 100 acres.

- A. The maximum gross lot size able to be subdivided from the Parent Tract shall be two (2) acres. No subdivision shall be permitted which shall increase the lot used for residential purposes in excess of the maximum lot size of two (2) acres. A portion of the total acreage may be subdivided from the Parent Tract and combined with and adjoining landowner's parcel(s) provided such adjoining land is also within the A – Agricultural Zone and is considered an agricultural use as defined in this ordinance.
- B. If DEP regulations require an area greater than two (2) acres for the dispersal of nitrate nitrogen, the owner of the parent tract from which the lot is created shall record all necessary documentation to establish and grant a plume easement over adjoining land on the parent tract to provide for the necessary dispersal of the nitrate nitrogen in the septic effluent.
- C. Prime agricultural land as defined by the Pennsylvania Municipalities Planning Code, Act of 1968, P.L.805, No. 247 as reenacted and amended, as well as prime agricultural soils as identified by the Soil

Survey of York County, Pennsylvania, latest version should be preserved. When lots are subdivided from the Parent Tract, they shall be taken from the least agriculturally productive land and be located so as to minimize interference with agricultural production.

- D. For purposes of calculating tract size, any portion of the tract located in any other zone shall not apply and shall be regulated according to applicable regulations for such other zones.
- E. Regardless of size, no tract of land subsequently subdivided from its parent tract shall qualify for additional single family detached dwellings or lots pursuant to this section. Similarly, any subsequent owner of any parcel of land legally existing on the effective date of this Ordinance shall be bound by the actions of any previous subdivisions for purposes of additional single family dwellings and the number of lots, if any remain from the original number permitted in this section.
- F. A subdivision, the sole purpose of which is to transfer land to increase the size of a tract being used for agricultural purposes, where both the tract from which the land is taken and the tract to which the land is added will be ten (10) gross acres or greater after such subdivision.

201.5. Area and Design Requirements

Use	Required Lot Area	Minimum Required Lot Width	Minimum Required Front Setback	Minimum Required Side Setback	Minimum Required Rear Setback	Maximum Permitted Lot Coverage	Maximum Permitted Height
Agriculture, horticulture and timber harvest-related uses	Minimum: 10 acres	150 ft.	50 ft.	50 ft. each side	50 ft.	10%	150 ft. ¹
Single-family detached dwellings	Min: 1 acre Max: 2 acres	150 ft.	50 ft.	25 ft. each side	30 ft.	20%	35 ft.
Municipal Services, Public uses and public utilities structures	6,250 sq. ft.	30 ft.	5 ft.	5 ft. each side	5 ft.	80 %	35 ft.
Other principal uses	Min: 1 acre Max: 5 acres ³	150 ft.	50 ft.	50 ft. each side	50 ft.	20%	35 ft.
FOOTNOTES							
¹ Each structure must be set back a distance at least equal to its height from each property line, plus fifteen (15) feet.							
² Unless otherwise specified in Article 4.							

201.6. Accessory Use Design Standards

1. Maximum permitted height - Twenty (20) feet. An accessory structure is permitted to extend up to a maximum height of twenty-five (25) feet so long as it is set back at least equal to its height from each side and rear property line.
2. Minimum setback requirements:
 - A. Front setback - No accessory structure shall be located within the front yard unless it is located at least 100 ft. from the street right-of-way. No swimming pools permitted in front yard;
 - B. Side setback - Five (5) feet on each side [ten (10) feet total]; and,
 - C. Rear setback - Five (5) feet.
3. Accessory structures shall measure a maximum of fifty (50) percent of the building footprint of the principal structure.

201.7. Agricultural Nuisance Disclaimer - All lands within the Agricultural Zone are located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including, but not limited to, noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments,

herbicides and pesticides. Owners, occupants, and users of this property should be prepared to accept such inconveniences, discomfort, and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982, "The Right to Farm Law," may bar them from obtaining a legal judgment against such normal agricultural operations.

- 201.8. Required Conservation Plan** - Any agricultural, horticultural or timber harvest related uses which involve earthmoving activities, or the commercial harvesting or timbering of vegetation shall require the obtainment of an approved conservation plan by the County Conservation District pursuant to Chapter 102, Erosion Control of Title 25, Rules and Regulations, Department of Environmental Protection. All on-site activities shall then be in compliance with the approved conservation plan.
- 201.9.** Any nonresidential, non-municipal use, including buildings, structures, off-street parking lots, and outdoor storage areas shall be set back a minimum of thirty (30) feet from any residential zone, or adjoining existing residential use. Loading areas shall maintain a total fifty (50) foot setback from any residentially zoned or residentially used parcels. Such areas shall be used for a landscape strip and screen.
- 201.10.** All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

Section 202 Rural Residential Zone (R-R)

202.1. Purpose - This Zone is meant to accommodate very low-density residential development that is compatible with its rural and agricultural character. In order to preserve this character, protect natural resources, and provide some flexibility and innovation in design, an open space development option is the preferred development type. Public sewer and water service are not specifically planned for this area.

202.2. Permitted Uses

1. Agriculture, including one single-family detached dwelling, but excluding large scale livestock and/or commercial produce operations, as defined herein, subject to the requirements of Section 201 of this Ordinance;
2. Horticultural and timber harvest-related uses;
3. Places of Worship and related uses;
4. Parks and playgrounds;
5. Municipal services and/or public utilities structures, as associated with essential services, subject to the applicable design standards listed in Section 201.5. of this Ordinance;
6. Elementary schools and Secondary Schools
7. Single-family detached dwellings on tracts of less than five (5) acres developed pursuant to Section 202.5, Conventional Lot Development;
8. Single-family detached dwellings on lots with a minimum of five (5) contiguous acres, developed pursuant to Section 202.4, Residential Lot Averaging Design Option;
9. Single-family detached dwellings on tracts of fifteen (15) acres or greater shall be required to develop pursuant to Section 205.2, Open Space Development Option 1; and
10. Accessory uses customarily incidental to the above-permitted uses, including, but not limited to:
 - A. Family day-care, as defined herein;
 - B. No Impact Home Based Business;
 - C. The noncommercial keeping of livestock, subject to the standards of Section 201.2.9.E, except that within this Zone, the site must contain at least five (5) acres.
 - D. Roadside stands for the sale of agricultural products shall be permitted, subject to the following:
 - a. Roadside stands shall not exceed five hundred (500) square feet of floor area;
 - b. Roadside stands must be located a minimum of ten (10) feet from the right-of-way line and must have at least three (3) off-street parking spaces;

- c. At least fifty (50) percent of the products sold must be produced on the site; and,
- d. A maximum of two (2) signs will be permitted and shall not exceed twelve (12) square feet in total area, nor exceed a maximum height of ten (10) feet. Such signs shall be set back a distance at least ten (10) feet from every lot line and street right-of-way;
- E. Manure storage facilities, shall be contained upon a farm, and subject to the provisions of Title 25, Section 91.36 of the Pennsylvania Code, as amended.
- F. Beekeeping, subject to the following:
 - a. Hives shall be located only within the side or rear yards;
 - b. Only hives with movable frames may be used, to permit inspection for disease, parasites, or pathologies.
 - c. Hives shall be located no closer than fifty (50) feet from any property line.
 - d. At least one sign denoting the presence of bee hives on the subject property shall be placed and maintained so as to be visible from the cartway.
 - e. A hive shall not be positioned within one hundred (100) feet of a property with an existing kennel, animal hospital, or veterinarian's office with outdoor facilities.

202.3. Special Exception Uses (Subject to the requirements listed in Section 605 of this Ordinance.)

1. Bed and breakfasts (See Section 407);
2. ECHO housing. (See Section 420)
3. Exotic wildlife (See Section 421);
4. Farm occupations (See Section 422);
5. Farm-related businesses (See Section 423);
6. Golf courses (see Section 426);
7. Group day-care facilities (See Section 427);
8. Home occupations (see Section 431); and
9. Rural occupations (see Section 447).
10. Temporary Accessory Dwelling Units (See Section 455);

1.4 Residential Lot Averaging Design Option

1. Applicability. The residential lot averaging option shall be available on properties with a minimum of five (5) contiguous acres in the R-R Zone.
2. Intent. The residential lot averaging option is designed to provide flexibility in lot design in order to:

- A. Permit a more attractive management of dwelling units and lots.
- B. Protect sensitive environmental, visual, and cultural features, particularly those protected natural resources defined in Section 231 that may be located on the site.
- C. Allow land to be developed more efficiently and economically than possible under conventional lot development.

3. Area and Bulk Regulations.

- A. The maximum number of dwelling units permitted on a tract to be developed under the residential lot averaging option in the R-R Zone shall be determined by dividing the net lot area by 87,120 square feet.
- B. Minimum lot and setback requirements shall be as follows:

Use	Minimum Net Lot Area	Minimum Lot Width at Building Setback Line	Maximum Lot Coverage	Minimum Setbacks			Maximum Permitted Height
				Front	Sides	Rear	
					One		
Residential Uses	43,560 sq. ft. (1 acre)	120 ft.	15%	50 ft.	25 ft. (50 ft.)	50 ft.	35 ft.

- 4. Overall site design, lot layout, and house location shall provide maximum protection for protected resources.
- 5. Upon receiving approval for a lot averaging design, no revision to the resulting lots shall occur without resubmitting the plan for review. Additional stages or phases of a project shall use the calculations of the initially approved lot averaging design.
- 6. No lot of such size as to be capable of further subdivision or of development shall be permitted once the maximum number of dwelling units as provided by Section 202.4.3.A has been met.

202.5 Conventional Lot Development: Area and Design Requirements

Use	Public Utilities	Minimum Net Lot Area	Minimum Lot Width at Building Setback Line	Maximum Lot Coverage	Minimum Setbacks			Maximum Permitted Height	
					Front	Sides	Rear		
						One (Both)			
Agricultural	See Section 201								
Residential Uses	None	87,120 sq. ft. (2 acres)	200 ft.	20%	35 ft.	50 ft. (100 ft.)	50 ft.	35 ft.	
Municipal Services, and/or Public Utility Structures	N/A	6,250 SF	30 ft	80%	5 ft	5 ft (10 ft)	5 ft	35 ft	
Other Principal Uses	None	1 acre	150 ft.	35%	35 ft.	15 ft. (30 ft.)	30 ft.	35 ft.	

202.6. Accessory Structure Design Standards

1. Maximum permitted height - Twenty (20) feet;
2. Minimum setback requirements:
 - A. Front setback - No accessory structure shall be located within the front yard;
 - B. Side setback - Five (5) feet on each side [ten (10) feet total]; and,
 - D. Rear setback - Five (5) feet.
3. Accessory structures shall measure a maximum of fifty (50) percent of the building footprint of the principal structure.

202.7. All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

Section 203 Low Density Residential Zone (R-1)

203.1. Purpose - This Zone is meant to accommodate lower density residential growth within the Township. This Zone coincides with planned sewer and water utility service areas; however, the actual availability of these services is likely to occur at different times, in different areas. As a result, permitted densities have been adjusted according to the availability of these public utilities.

203.2. Permitted Uses

1. Agriculture, including one single-family detached dwelling, but excluding large scale livestock and/or commercial produce operations, as defined herein, subject to the requirements of Section 201 of this Ordinance;
2. Places of Worship and related uses;
3. Parks and playgrounds;
4. Municipal services and/or public utilities structures, as associated with essential services, subject to the applicable design standards listed in Section 203.5. of this Ordinance;
5. Elementary and Secondary schools;
6. Single-family detached dwellings;
7. Duplex dwellings (with public water and public sewer); and
8. Accessory uses customarily incidental to the above-permitted uses, including, but not limited to:
 - A. Family day-care, as defined herein;
 - B. The noncommercial keeping of livestock, subject to the standards of Section 201.2.9.E., except that within this Zone, the site shall be a minimum of five (5) net acres.
 - C. No Impact Home Based Business;
 - D. Roadside stands, contained on a farm, for the sale of agricultural products shall be permitted, subject to the following:
 - a. Roadside stands shall not exceed five hundred (500) square feet of floor area;
 - b. Roadside stands shall be located at least ten (10) feet from the right-of-way line and must have at least five (5) off-street parking spaces;
 - c. At least fifty (50) percent of the products sold must be produced on the site; and,
 - d. A maximum of two (2) signs shall be permitted and shall not exceed twelve (12) square feet in total area, nor exceed a maximum height of ten (10) feet. Such signs shall be set back a distance at least ten (10) feet from every lot line and street right-of-way;

- E. Manure storage facilities, shall be contained upon a farm, and subject to the provisions of Title 25, Section 91.36 of the Pennsylvania Code, as amended.
- F. Beekeeping, subject to the following:
 - a. Hives shall be located only within the side or rear yards;
 - b. Only hives with movable frames may be used, to permit inspection for disease, parasites, or pathologies.
 - c. Hives shall be located no closer than fifty (50) feet from any property line; and
 - d. At least one sign denoting the presence of bee hives on the subject property shall be placed and maintained so as to be visible from the cartway.
 - e. A hive shall not be positioned within one hundred (100) feet of a property with an existing kennel, animal hospital, or veterinarian's office with outdoor facilities.

203.3. Special Exception Uses (Subject to the requirements listed in Section 605 of this Ordinance.)

- 1. Bed and Breakfast (See Section 407);
- 2. ECHO Housing (See Section 420);
- 3. Farm Occupation, shall only be located on a farm of ten (10) acres or more (see Section 422);
- 4. Golf Courses (see Section 426);
- 5. Group Day-care facilities (see Section 427);
- 6. Home Occupations (see Section 431); and
- 7. Temporary Accessory Dwelling Unit (see Section 455)

203.4. Conditional Uses

Open Space Development Option 2 on tracts of ten (10) acres or greater, developed pursuant to Section 205.3, Open Space Development Provisions.

203.5. Conventional Development: Area and Design Requirements - See the table on the following page.

	Utilized Public Utilities	Minimum Lot Area	Minimum Lot Width at Building Setback Line and Frontage	Maximum Lot Coverage	Minimum Setbacks				Maximum Permitted Height
					Front (1)	Sides		Rear	
						One	(Both)		
Agricultural Uses	See Section 201								
Residential Uses	None	43,560 sq. ft.	100 ft.	20%	30 ft.	10 ft.	(20 ft.)	30 ft.	35 ft.
	Public Water	32,000 sq. ft.	80 ft.	20%	30 ft.	10 ft.	(20 ft.)	30 ft.	35 ft.
	Public Sewer	20,000 sq. ft.	80 ft.	20%	30 ft.	10 ft.	(20 ft.)	30 ft.	35 ft.
	Public Sewer and Public Water	SFD: 15,000 sq. ft.	80 ft.	30%	30 ft.	10 ft.	(20 ft.)	30 ft.	35 ft.
		Duplex: 10,000 sq. ft. per unit	60 ft. per unit	30% per unit	30 ft.	10 ft.	(20 ft.) ¹	30 ft	35 ft
Other Permitted Nonresidential Uses	Required: Public Sewer and Public Water	1 acre	150 ft.	35%	30 ft.	15 ft.	(30 ft.)	30 ft.	35 ft.
Parks and Playgrounds, Municipal Services, Public uses and public utilities structures	N/A	6,250 SF	30 ft	80%	5 ft	5 ft	(10 ft)	5 ft	35 ft

(1) Duplexes arranged in a side-by-side configuration shall only have one required side setback per unit.

203.6. Maximum density:

1. Conventional lot development utilizing public water and sewer shall have a maximum density of three (3) units per net acre.
2. Open Space Development, Option 2, shall have a maximum density of three and one-half (3.5) units per net acre.

203.7. Accessory Structure Design Standards

1. Maximum permitted height - Twenty (20) feet;
2. Minimum setback requirements:
 - A. Front setback - No accessory structure shall be located within the front yard;
 - B. Side setback – Five (5) feet on each side [ten (10) feet total]; and,
 - C. Rear setback - Five (5) feet.
3. Accessory structures shall measure a maximum of fifty (50) percent of the building footprint of the principal structure.

203.8. All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

Section 204 Medium Density Residential Zone (R-2)

204.1. Purpose - This zone seeks to accommodate the higher density housing needs of the Township. A wide range of housing types are encouraged with densities exceeding those permitted elsewhere in the Township. These zones are located around existing multi-family developments and major transportation routes. Both public sewer and water facilities can be made available to these areas.

204.2. Permitted Uses

1. Agriculture, including one single-family detached dwelling, but excluding large scale livestock and/or commercial produce operations, as defined herein, subject to the requirements of Section 201 of this Ordinance
2. Places of Worship and related uses;
3. Duplexes;
4. Two Family Conversions;
5. Two Family Dwelling Units;
6. Multiple-family dwellings;
7. Parks and playgrounds;
8. Municipal services and public utilities structures, as associated with essential services, subject to the applicable design standards listed in Section 204.5. of this Ordinance;
9. Elementary and Secondary schools;
10. Single-family detached dwellings;
11. Townhouses; and,
12. Accessory uses customarily incidental to the above permitted uses, including,
 - A. Beekeeping, subject to the following:
 - a. Hives shall be located only within the side or rear yards;
 - b. Only hives with movable frames may be used, to permit inspection for disease, parasites, or pathologies.
 - c. Hives shall be located no closer than fifty (50) feet from any property line; and
 - d. At least one sign denoting the presence of bee hives on the subject property shall be placed and maintained so as to be visible from the cartway.
 - e. A hive shall not be positioned within one hundred (100) feet of a property with an existing kennel, animal hospital, or veterinarian's office with outdoor facilities.
 - B. No Impact Home Based Business
 - C. Family Day Care
 - D. Roadside stands, contained on a farm, for the sale of agricultural products shall be permitted, subject to the following:

- a. Roadside stands shall not exceed five hundred (500) square feet of floor area;
- b. Roadside stands shall be located at least ten (10) feet from the right-of-way line and must have at least five (5) off-street parking spaces;
- c. At least fifty (50) percent of the products sold must be produced on the site; and,
- d. A maximum of two (2) signs shall be permitted and shall not exceed twelve (12) square feet in total area, nor exceed a maximum height of ten (10) feet. Such signs shall be set back a distance at least ten (10) feet from every lot line and street right-of-way;

204.3. Conditional Uses

1. Open Space Development Option 2.

204.4 Special Exception Uses (Subject to the requirements listed in Section 605 of this Ordinance.)

1. Boarding houses (see Section 410);
2. ECHO housing (see Section 420);
3. Golf courses (see Section 426);
4. Group day-care facilities (see Section 427);
5. Home Occupations (see Section 431);
6. Medical residential campuses (see Section 437);
7. Mobile home parks (see Section 438);
8. Office Conversions (See Section 441)
9. Personal Care Homes (see Section 442); and
10. Temporary Accessory Dwelling Unit (see Section 455);

204.5. Conventional Lot Development: Design Standards

Use	Required Public Utilities	Minimum Lot Area	Minimum Lot Width at Building Setback Line & (Frontage)	Maximum Lot Coverage	Minimum Setbacks				Maximum Permitted Height
					Front	Sides		Rear	
						One	(Both)		
SFD	S E W E R & W A T E R	10,000 sq. ft.	80 ft	30%	25 ft.	10 ft.	(20 ft.)	35 ft.	35 ft.
Duplex		5,000 sq. ft./unit	40 ft per unit	40%	25 ft.	10 ft.	(20 ft.) ¹	35 ft.	35 ft.
Two Family Dwelling		10,000 sq. ft	80 ft	40%	25 ft.	20 ft. (end units)		35 ft	35 ft
Townhouse ^{2,5}		2,200 sq. ft./unit	20 ft per unit	50%	25 ft.	20 ft. (end units)		35 ft.	35 ft.
Multi-Family ^{3,6}		87,120 sq. ft.	200 ft.	50%	25 ft.	30 ft.	(60 ft.)	50 ft.	35 ft.
Other Uses ⁴		43,560 sq. ft.	60 ft	30%	25 ft.	15 ft.	(30 ft.)	35 ft.	35 ft.
Parks and Playgrounds, Municipal Services, and public utilities structures	N/A	6,250 SF	20 ft	80%	5 ft	5 ft	(10 ft)	5 ft	35 ft

¹ Duplexes arranged in a side-by-side configuration shall only have one required side setback per unit.

² No multi family dwelling unit grouping (including townhouse buildings) shall contain more than eight (8) units. For each townhouse grouping containing more than four (4) units, no more than fifty (50) percent of such units shall have the same front setback; the minimum variation of setback shall be two (2) feet and a maximum of four (4) feet, except that such variation shall not be required where a front porch measuring a minimum of six feet deep is provided. All townhouse buildings shall be set back a minimum of fifteen (15) feet from any parking facilities contained on commonly-held lands. All townhouse buildings shall be set back at least thirty (30) feet from any perimeter boundary of the development site. In those instances where several multi-family dwelling buildings are contained upon the same lot, the standards listed in the following footnote 3 shall apply.

³ In those instances where several multiple family dwelling buildings are located on the same lot, the following separation distances will be provided between each building:

a. Front to front, rear to rear, or front to rear, parallel buildings shall have at least seventy (70) feet between faces of the building.

b. A minimum yard space of thirty (30) feet is required between end walls and front or rear faces of buildings.

⁴ All common open spaces are subject to the requirements listed in Section 316 of this Ordinance.

⁵ All fee simple townhouse lots shall be served by some means of vehicular access to the rear yard.

⁶ Multiple family units shall have a maximum of eight (8) units per building

204.6 Maximum Permitted Density

1. The maximum permitted density for Conventional Development shall be five (5) units per net acre.
2. The maximum permitted density for Open Space Development shall be seven (7) units per net acre.

204.7. All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

204.8. Accessory Structure Design Standards

1. Maximum permitted height - Twenty (20) feet;
2. Minimum setback requirements:
 - A. Front setback - No accessory structure shall be located within the front yard;
 - B. Side setback – Five (5) feet on each side [ten (10) feet total]; and,
 - C. Rear setback - Five (5) feet.
3. Accessory structures shall measure a maximum of fifty (50) percent of the building footprint of the principal structure.

Section 205 **Open Space Development**

205.1 Intent of Open Space Development.

1. Foster the protection of critical natural resources such as streams, floodplains, designated wetlands, steep slopes, woodlands and wildlife habitat areas.
2. Preserve scenic vistas as viewed from public roads by concentrating development on the least visually prominent portions of parcels.
3. Require less impervious surface than conventional development by concentrating development in smaller areas, thus necessitating less road area and resulting in less stormwater runoff.
4. Reduce land development improvement costs and Township road maintenance costs.
5. Reduce environmental impacts associated with disturbance of protected areas and impervious coverage, such as erosion, sedimentation, pollutants in surface water runoff, and decreased groundwater recharge.
6. Encourage energy conservation in each new development.
7. Preserve open space and agricultural land by locating new residential units in close proximity to one another on a smaller portion of a parcel than would be the case with conventional development.

205.2. Open Space Development Option 1

1. Conditions of Eligibility
 - A. The site shall be in the R-R Zone
 - B. The gross tract area shall be a minimum of fifteen (15) acres in the R-R Zone
 - C. The site shall consist of either
 - a. A single parcel of land; or
 - b. Multiple contiguous parcels undivided and developed under common authority and common responsibility.
2. Permitted Dwelling Unit Type.
 - A. Single-family detached dwellings.

3. Residential Density:

- A. R-R Zone: The maximum number of dwelling units in the R-R Zone shall be determined by dividing the net acreage by 80,000 square feet.

4. Area and Design Requirements

Minimum Lot Width at Building Line	Minimum Lot Area	Maximum Lot Coverage	Minimum Setbacks				Maximum Permitted Height
			Front	One Side	Both Sides	Rear	
75 ft.	40,000 sf.	30%	30 ft.	10 ft.	20 ft.	30 ft.	35 ft.

5. Common Open Space

- A. Required Common Open Space: A minimum of 60% of the gross tract area shall be designated as Required Common Open Space.
- B. Internal Open Space: Developments of greater than fifteen (15) units shall provide a minimum of one (1) percent of the Required Open Space as Internal Open Space. Internal open space shall be provided in the form of Mini-Parks, Greens, or Play Areas and shall be designed in accordance with Appendix D.
- C. Common Open Space shall comply with Section 316.

205.3. **Open Space Development Option 2**

1. Conditions of Eligibility

- A. The site shall be in the R-1 or R-2 Zones
- B. Gross tract area shall be a minimum of ten (10) acres.
- B. The site shall consist of either
- A single parcel of land; or
 - Multiple contiguous parcels undivided and developed under common authority and common responsibility; and
- C. The site shall be served by public water and sewer.

2. Permitted Dwelling Unit Types.

- A. Single-family detached dwellings (R-1 and R-2);
- B. Duplexes (R-1 and R-2);
- C. Multiple-family dwellings (R-2 only);
- D. Townhouse dwellings (R-2 only); and

3. Residential Density:

- A. R-1 Zone: The maximum number of dwelling units in the R-1 Zone shall be three and one half (3.5) units per net acre.
- B. R-2 Zone: The maximum number of dwelling units in the R-2 Zone shall be seven (7) units per net acre.

4. Dwelling Unit Mix

- A. In the (R-2) Zone, a minimum of two (2) dwelling unit types shall be required. Each dwelling unit type shall consist of a minimum of twenty (20) percent of the total units.
- B. Where proposed, multiple family units shall comprise a maximum of twenty (20) percent of the total units.

5. Area and Design Requirements

	Minimum Lot Width at Building Setback Line	Minimum Lot Area	Maximum Lot Coverage ³	Minimum Setbacks				Maximum Permitted Height
				Front	One Side	Both Sides	Rear	
SFD	80 ft.	10,000 sq. ft.	30%	25 ft.	10 ft.	20 ft.	30 ft.	35 ft.
Duplex ¹	45 ft. per unit	5,000 sq. ft./ unit	40%	25 ft.	10 ft.	20 ft.	35 ft.	35 ft.
Townhouse ^{2, 4}	22 ft. per unit	2,200 sq. ft./ unit	50%	25 ft.	20 ft. (end units)	40 ft (end units)	35 ft.	35 ft.
Multi-Family ^{2,3, 5}	200 ft.	80,000 sq. ft.	50%	25 ft.	20 ft. (end units)	40 ft (end units)	50 ft.	35 ft.

¹ Duplexes shall only have one required side setback per unit.

² No multi family dwelling unit grouping (including townhouse buildings) shall contain more than eight (8) units. For each townhouse grouping containing more than four (4) units, no more than fifty (50) percent of such units shall have the same front setback; the minimum variation of setback shall be two (2) feet and a maximum of four (4) feet, except that such variation shall not be required where a front porch measuring a minimum of six feet deep is provided. All townhouse buildings shall be set back a minimum of fifteen (15) feet from any parking facilities contained on commonly-held lands. All

townhouse buildings shall be set back at least thirty (30) feet from any perimeter boundary of the development site. In those instances where several multi-family dwelling buildings are contained upon the same lot, the standards listed in the following footnote 3 shall apply.

- ³ In those instances where several multiple family dwelling buildings are located on the same lot, the following separation distances will be provided between each building:
- a. Front to front, rear to rear, or front to rear, parallel buildings shall have at least fifty (50) feet between faces of the building.
 - b. A minimum yard space of thirty (30) feet is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building shall be a minimum of thirty (30) feet .
 - c. A minimum yard space of thirty (30) feet is required between end walls and front or rear faces of buildings.
- ⁴ All fee simple townhouse lots shall be served by some means of vehicular access to the rear yard.
- ⁵ Multiple family units shall have a maximum of eight (8) units per building.

6. Common Open Space

- A. Required Common Open Space: A minimum of 40% of the gross tract area shall be designated as Common Open Space.
- B. Internal Open Space: Developments with greater than fifteen (15) units shall provide a minimum of two (2) percent of the Required Open Space as Internal Open Space. Internal open space shall be provided in the form of Mini-Parks, Greens, or Play Areas and shall be designed in accordance with Appendix D.
- C. Common Open space shall comply with Section 316.

Section 210 Neighborhood Commercial (C-N)

210.1. Purpose - This Zone permits a mix of smaller scale retail sales, offices, and businesses that will serve the local community and provide opportunity for local businesses, including home occupations to grow and expand. Limited residential uses are permitted as dwelling units in combination with commercial/office space. The scale and massing of buildings, limitations on individual tenant size, and screening are key to ensuring these uses are compatible with adjoining residential neighborhoods.

210.2. Permitted Uses

1. Agriculture, including one single-family detached dwelling, but excluding large scale livestock and/or commercial produce operations, as defined herein, subject to the requirements of Section 201 of this Ordinance
2. Banks and similar financial institutions;
3. Dwelling units in combination with commercial, subject to the standards of Section 323 of this Ordinance;
4. Offices;
5. Personal customer service business with a maximum gross floor area of 2,500 square feet;
6. Parks and playgrounds;
7. Municipal services and public utilities structures, as associated with essential services, subject to the applicable design standards listed in Section 201.5. of this Ordinance;
8. Restaurants (but not including drive-thru or fast-food restaurants, taverns, or nightclubs) with a maximum gross floor area of less than 5,000 square feet;
9. Retail sales of goods and services with a maximum gross floor area of five thousand (5,000) square feet.
10. Family Day-Care;
11. Existing Residential uses and existing residential accessory structures. New stand-alone residential uses are not permitted. Expansion of existing residential structures is permitted provided that such expansion meets all applicable dimensional requirements.
12. Places of Worship and Related Uses

210.3. Special Exception Uses (Subject to the requirements listed in Section 605 of this Ordinance.)

1. Automobile filling stations (including minor incidental repair) (see Section 405);
2. Commercial Day-Care Facilities (see Section 415)
3. Group Day-Care Facilities (see Section 427)

210.4. Lot Area, Lot Width, and Lot Coverage Requirements - See the following table.

Lot Area	Minimum Lot Width	Maximum Lot Coverage
Minimum: 15,000 sq. ft. Maximum: 1 acre	100 ft.	50%

210.5. Minimum Setback Requirements -

1. Front Setback - All buildings and structures (except permitted signs) shall be set back at least twenty (20) feet from the street right-of-way line; off-street parking lots shall be set back a minimum of twenty-five (25) feet from the street right-of-way.
2. Side Setback - All buildings and structures and off-street parking lots, loading areas shall be set back at least twenty (20) feet from the side lot lines, unless joint parking facilities are shared by adjoining uses. In such instances, one of the side setbacks can be waived solely for parking and/or loading facilities.
3. Rear Setback - All buildings, structures, off-street parking lots, and loading areas shall be set back at least fifteen (15) feet from the rear lot line.
4. Residential Buffer - Any nonresidential use, including buildings, structures, and off-street parking lots shall be set back a minimum of thirty (30) feet from any residentially zoned property, or where adjoining an existing solely residential use. Such areas shall be used for a landscape strip and screen.

210.6. Maximum Permitted Height - Thirty-five (35) feet.**210.7. Maximum Building Footprint - Five Thousand (5,000) square feet.****210.8. Maximum Building Length - One hundred fifty (150) feet.****210.9. Residential Accessory Structure Design Standards**

1. Maximum permitted height - Twenty (20) feet;
2. Minimum setback requirements:
 - A. Front setback - No accessory structure shall be located within the front yard;
 - B. Side setback - Five (5) feet on each side [ten (10) feet total]; and,
 - C. Rear setback - Five (5) feet.
3. Accessory structures shall measure a maximum of fifty (50) percent of the building footprint of the principal structure.

- 210.10. Waste Products** - Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be set back a minimum of thirty (30) feet from any adjoining residentially-zoned properties or existing solely residential use. All waste receptacles shall be completely enclosed.
- 210.11. Commercial Operations Standards** - All commercial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies.
- 210.12. Outdoor Storage** - Within the (C-N) Zone, no outdoor storage shall be permitted.
- 210.13.** All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance, including but not limited to:
1. Section 309, Driveway Requirements (Single-Family Dwelling);
 2. Section 310, Access Drive Requirements (Non-Single-Family Dwelling);
 3. Section 311, Off-Street Parking Requirements;
 4. Section 312, Loading Areas and Loading Spaces;
 5. Section 313, Outdoor Signs;
 6. Section 317, Landscaping and Screening
 7. Section 319, Temporary Retail Sales and Special Event Sales
 8. Section 320, Operations and Performance Standards.

Section 211 General Commercial Zone (C-1)

211.1. Purpose – This Zone provides a broad mix of nonresidential uses servicing the broader region and providing employment opportunities.

211.2. Permitted Uses

1. Agricultural (*excluding* large scale livestock and/or commercial produce operations),
2. Amusement arcades
3. Banks and similar financial institutions;
4. Convenience stores (without automobile filling stations);
5. Horticultural and Timber Harvest uses, subject to the standards listed in Section 201 and/or Section 322 of this Ordinance;
6. Laboratories;
7. Offices;
8. Personal Customer Service business;
9. Parks and playgrounds, municipal services and public utilities structures, as associated with essential services, subject to the applicable design standards listed in Section 201.5. of this Ordinance;
10. Places of Worship and related uses;
11. Restaurants and taverns (not including drive-thru or fast-food restaurants or nightclubs);
12. Retail sales and/or services (including auto parts stores, without installation) with a gross floor area of less than twenty thousand (20,000) square feet.
13. Shops for contractors of plumbing, heating, air conditioning, electrical, roofing, flooring, glass and windows, insulation, carpentry, cabinet making, excavating (including service or repair of heavy equipment if conducted within a completely enclosed building, excluding outdoor equipment storage exceeding a continuous 72 hours), and other structural components of buildings;
14. Theaters and auditoriums;
15. Veterinary Offices; and

211.3. Special Exception Uses (Subject to the requirements listed in Section 605. of this Ordinance.)

1. Animal hospital (see Section 435);
2. Automobile filling stations (including minor incidental repair) (see Section 405);
3. Automobile sales, service and repair facilities including but not limited to auto mechanics, drive-thru lubrication services and tire, auto paint, brake, muffler, transmission, windshield, auto body, car radio, and upholstery shops (see Section 406);
4. Betting Parlors (see Section 408);
5. Boat, farm machinery and travel trailer sales (including service or repair facilities as an accessory use and conducted within a completely enclosed building) (see Section 406);
6. Car washes (see Section 412);
7. Commercial schools (see Section 414);
8. Commercial day-care facilities (see Section 415);
9. Commercial recreation facilities (see Section 417);

10. Convenience stores with automobile filling stations (see Section 405)
11. Drive-thru and/or fast-food restaurants. (see Section 419)
12. Farmers, antiques, and/or flea markets (see Section 424);
13. Funeral homes and crematoriums (see Section 425);
14. Health and recreation clubs (see Section 428);
15. Heavy equipment sales (see Section 429);
16. Home improvement and building supply stores (see Section 430);
17. Hospital (see Section 432);
18. Hotels/motels (see Section 433);
19. Nightclubs (see Section 439);
20. Nursery and Garden Centers (see Section 440)
21. Personal Care Homes and Assisted Living Residences (see Section 442);
22. Planned business development (See Section 443);
23. Public transportation depots (see Section 444);
24. Self-storage (See Section 448); and
25. Shopping centers involving any use permitted in this Zone (see Section 450).

211.4. Lot Area, Lot Width, and Lot Coverage Requirements - See the following table.

Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage
1 acre	150 ft.	70%

211.5. Minimum Setback Requirements -

1. Front Setback - All buildings and structures (except permitted signs) shall be set back at least thirty-five (35) feet from the street right-of-way line; off-street parking lots and outdoor storage areas (including, but not limited to, vehicles) shall be set back a minimum of twenty (20) feet from the street right-of-way.
2. Side Setback - All buildings and structures (except permitted signs) shall be set back at least twenty-five (25) feet from the side lot lines. Off-street parking lots, loading areas that adjoin another commercial or industrial use, and outdoor storage areas shall be set back at least ten (10) feet from the side lot lines, unless joint parking facilities are shared by adjoining uses. In such instances, one of the side setbacks can be waived solely for parking and/or loading facilities.
3. Rear Setback - All buildings, structures, off-street parking lots, loading areas that adjoin another commercial or industrial use, and outdoor storage areas shall be set back at least fifteen (15) feet from the rear lot line.
4. Residential Buffer Strip - Any lot adjoining land within a residential zone, or adjoining an existing residential use, shall maintain, in addition to the required setback, a twenty five (25) foot setback for nonresidential buildings, structures, off-street parking lots, and outdoor storage areas, from the residentially-zoned or residentially-used parcels. Loading areas shall maintain a total fifty (50) foot setback from the residentially zoned or

residentially-used parcels. Such areas shall be used for a landscape strip and screen.

211.6. Maximum Permitted Height – Thirty Five (35) Feet. Structures may exceed the maximum height provided that the structures are setback a minimum distance at least equal to their height from all property lines and or adjoining right-of-way lines, with a maximum height not to exceed fifty (50) feet.

211.7. Residential Accessory Use Design Standards

1. Maximum permitted height - Twenty (20) feet;
2. Minimum setback requirements:
 - A. Front setback - No accessory structure shall be located within the front yard;
 - B. Side setback – Five (5) feet on each side [ten (10) feet total]; and,
 - C. Rear setback - Five (5) feet.
3. Accessory structures shall measure a maximum of fifty (50) percent of the building footprint of the principal structure.

211.8. Waste Products - Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be set back a minimum of thirty (30) feet from any adjoining residentially-zoned properties or existing solely residential uses. All waste receptacles shall be completely enclosed.

211.9. Commercial Operations Standards - All commercial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies.

211.10. Outdoor Storage - Within the (C-1) Zone, outdoor storage is permitted provided all outdoor storage areas are screened from adjoining roads and properties, and they comply with all of those setbacks specifically imposed thereon, listed in this section. The outdoor storage areas for automobile sales need not be screened from adjoining roads. Section 317 lists other applicable requirements.

211.11. All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance, including but not limited to:

1. Section 310, Access Drive Requirements (Non-Single-Family Dwelling);
2. Section 311, Off-Street Parking Requirements;
3. Section 312, Loading Areas and Loading Spaces;
4. Section 313, Outdoor Signs
5. Section 317, Landscaping and Screening; and
6. Section 319, Temporary Sales
7. Section 320, Operations and Performance Standards.

Section 220 Industrial Zone (I)

220.1. Purpose - This Zone provides for a wide range of industrial activities that contribute to the well-being of the Township by diversifying its economy and providing valuable employment opportunities. The required lot sizes have been kept small to accommodate the start-up industries that are likely to emerge; however, larger and heavier industries have also been permitted. This Zone provides for light industrial uses as permitted by right, but requires obtainment of a special exception for heavier and potentially more objectionable types of industrial uses. These areas have been located near existing public utility service areas and along major roads. Design standards have been imposed to create attractive site designs and moderate the objectionable impacts associated with industrial uses. Substantial setbacks are used to protect adjoining residences.

220.2. Permitted Uses

1. Agriculture (excluding large scale livestock and commercial produce operations), subject to the applicable standards listed in Section 201 of this Ordinance;
2. Bookbinding, printing, and publishing operations;
3. Excavation contractors;
4. Facilities for the commercial processing, and warehousing of agricultural products;
5. Facilities for the warehousing, sales and service of agricultural equipment, vehicles, feed or supplies;
6. Horticultural and Timber Harvest uses, subject to the standards listed in Section 201 and/or Section 322 of this Ordinance;
7. Laboratories for medical, scientific or industrial research and development;
8. Machine shop;
9. Manufacturing, packaging, storage and/or wholesaling of the following:
 - A. Furniture, cabinets, fixtures, office supplies, and other household appointments;
 - B. Scientific, specialized and technical instruments and equipment;
 - C. Audio visual components, computers, vending machines, electronic equipment and video games;
 - D. Finished textile products;
 - E. Brushes, brooms and combs;
 - F. Hot tubs, spas, saunas, and swimming pools;
 - G. Jewelry, and other precious metals;
 - H. Photographic, lighting and timekeeping equipment;
 - I. Small household appliances, excluding major appliances;
 - J. Musical instruments and sporting equipment;
 - K. Cosmetics, toiletries and pharmaceuticals;
 - L. Optical, dental, and medical supplies and equipment;
 - M. Small or novelty products from prepared materials (excluding the use of sheet metals); and,
 - N. Home and building construction materials.
10. Offices;
11. Processing, packaging, storage and/or wholesaling of food products excluding:
 - A. Breweries and distilleries;

- B. Pickling processes;
 - C. Rendering or slaughtering operations; and,
 - D. Sugar refineries.
12. Municipal services and/or public utilities structures, as associated with essential services, subject to the applicable design standards listed in Section 201.5. of this Ordinance;
 13. Recycling collection facilities as an accessory use, provided such facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals, the facility is posted to prohibit the disposal of any material, good or furnishing that cannot be placed within the actual recycling bin, and the total size of the facility is less than three hundred (300) square feet;
 14. Repair shops for products permitted to be manufactured in this Zone;
 15. Sales, storage and/or wholesaling of the following:
 - A. Home and auto related fuels;
 - B. Nursery and garden materials, and stock;
 - C. Contractor supplies; and,
 - D. Plumbing, heating, air conditioning, electrical and other structural components of buildings.
 16. Sign makers;
 17. Small engine repair shops;
 18. Veterinary offices, animal hospitals or kennels;
 19. Vocational and mechanical trade schools;
 20. Welding shops; and,
 21. Accessory uses customarily incidental to the above permitted uses including but not limited to the following:
 - A. Accessory retail sales of products produced on-site so long as the sales area is no more than ten (10) percent of the total building area or three thousand (3,000) square feet, whichever is less;
 - B. Helicopter pad, private, subject to demonstrated written compliance with applicable State and Federal requirements; and,
 - C. A temporary accessory dwelling, as defined herein, and subject to the standards listed in Section 455 of this Ordinance.

220.3. Special Exception Uses (Subject to the requirements listed in Section 605. of this Ordinance.)

1. Adult-related uses (see Section 401);
2. Airport or Heliport (see Section 402);
3. Any other heavy industrial uses involving processing, packaging, production, repair or testing of materials, goods and products, including those industries performing conversion, assembly or non-toxic chemical operations or use not listed in Section 220.2. or 220.3. (see Section 403);
4. Automobile auctions and/or automobile parking or storage compounds (see Section 404);
5. Betting parlors (see Section 408);
6. Billboards (see Section 409);
7. Communication antennas, towers and equipment (see Section 418);
8. Heavy equipment sales, service and repair such as excavation machinery, commercial trucks, buses, farm equipment, mobile homes, trailers and other similar machinery (see Section 429);
9. Junkyards (see Section 434);

10. Public transportation depots (see Section 444);
11. Quarries and other extractive-related uses (see Section 445);
12. Recycling stations for paper, glass, plastic, and metal products (see Section 446);
13. Self-storage (see Section 448);
14. Slaughtering, processing, rendering and packaging of products and their by-products which are produced from the remains of animals (see Section 451);
15. Solid waste disposal (see Section 452);
16. Spent mushroom compost processing and/or commercial mushroom operations (see Section 454);
17. Truck stops or motor freight terminals (see Section 456); and,
18. Warehousing and wholesale trade establishments (see Section 457).

220.4. Lot Area Requirements - Unless otherwise specified, each use within this Zone shall have a minimum lot size of forty-three thousand, five hundred sixty (43,560) square feet.

220.5. Maximum Lot Coverage - Seventy (70) percent.

220.6. Minimum Lot Width - Two hundred (200) feet.

220.7. Minimum Setback Requirements -

1. Front Setback - All buildings, structures (except permitted signs), dumpsters, and outdoor storage areas shall be set back at least fifty (50) feet from the adjoining street right-of-way. All parking lots shall be set back at least twenty (20) feet from any adjoining street right-of-way.
2. Side Setbacks - All buildings, structures, (except permitted signs) dumpsters, and off-street loading areas shall be set back at least thirty (30) feet from any side property lines. All outdoor storage areas and off-street parking lots shall be set back at least twenty (20) feet from any side lot lines unless joint parking lots and/or loading areas are shared by adjoining uses. In such instances, one of the side setbacks can be waived solely for parking and/or loading facilities.
3. Rear Setback - All buildings, structures, dumpsters and off-street loading areas shall be set back at least thirty-five (35) feet from any rear property lines. All outdoor storage areas and off-street parking lots shall be set back at least twenty-five (25) feet from any rear lot lines.
4. Residential Buffer Strip - Any use adjoining land within a Residential Zone, or residential use, or across a road from land within a Residential Zone, shall maintain a seventy-five(75) foot setback for buildings, structures, dumpsters, outdoor storage areas, and off-street loading areas from the residential zone, or existing residential property. Off-street parking lots shall be set back at least fifty (50) feet from adjoining residentially-zoned properties. All of these setback areas shall be devoted to landscaping. (See Section 317.)
5. Accessory Recreation Uses - These facilities can be developed in any side or rear yard to within fifty (50) feet of any property line. Accessory Recreation Uses must occupy a footprint of 400 S.F. or less.

220.8. Maximum Permitted Structural Height - Thirty Five (35) Feet. Structures may exceed the maximum height provided that the structures are setback a minimum distance at least equal to their height from all property lines and or adjoining right-of-way lines, with a maximum height not to exceed fifty (50) feet.

Chimneys, flagpoles, water tanks, and other mechanical appurtenances may be built to a height not exceeding seventy-five (75) feet above the finished grade when erected upon or as an integral part of a building. All structures extending above fifty (50) feet from grade (except permitted signs) shall be set back a distance from all property lines at least equal to their height.

220.9 All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance, including but not limited to:

1. Section 302, Unenclosed Storage
2. Section 310, Access Drive Requirements (Non-Single-Family Dwelling);
3. Section 311, Off-Street Parking Requirements;
4. Section 312, Loading Areas and Loading Spaces;
5. Section 313, Outdoor Signs
6. Section 317, Landscaping and Screening; and
7. Section 320, Operations and Performance Standards.

220.10. Waste Products - Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be set back a minimum of seventy-five (75) feet from any adjoining residentially-zoned properties or existing solely residential use. All waste receptacle shall be completely enclosed.

220.11. Industrial Operations Standards - All industrial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal government regulations, as required by the most recent regulations made available from these governmental bodies.

Section 230 Floodplain Zone (FP)

- 230.1. Purpose** - It is hereby found that the streams, creeks and waterways of the Township are subject to recurring flooding, that such flooding damages and endangers life and public and private property and facilities, that this condition is aggravated by developments and encroachments in the floodplain, and that the most appropriate method of alleviating such condition is through regulation of such developments and encroachments. It is therefore determined that the special and paramount public interest in the floodplain justifies the regulation of property located therein as provided in this section, which is in the exercise of the police power of the municipality, for the protection of the persons and property of its inhabitants, and for the preservation of the public health, safety and general welfare.

The intent of this section shall be to protect areas of floodplain subject to and necessary for the containment of flood waters, and to permit and encourage the retention of open space land uses which will be so located and utilized as to constitute a harmonious and appropriate aspect of the continuing physical development of the Township.

230.2. Specific Objectives

1. To combine with present zoning requirements, certain restrictions made necessary for flood-prone areas to promote the general health, welfare and safety of the Township;
2. To prevent the erection of structures in areas unfit for human usage by reason of danger from flooding;
3. To minimize danger to public health by protecting the quality and quantity of surface and subsurface water supplies adjacent to and underlying flood-prone areas and promoting safe and sanitary drainage;
4. To permit only those uses which can be appropriately located in the floodplain as herein defined and which will not impede the flow or storage of flood waters, or otherwise cause danger to life and property at, above, or below their locations along the floodplains;
5. To provide sufficient drainage courses to carry abnormal flows or storm water in periods of heavy precipitation;
6. To protect adjacent landowners and those both upstream and downstream from damages resulting from development within a floodplain and the consequent obstruction or increase in flow of flood waters;
7. To protect the entire Township from individual uses of land which may have an effect upon subsequent expenditures for public works and disaster relief and adversely affect the economic well-being of the Township;

8. To maintain undisturbed the ecological balance between those natural systems elements, including wildlife, vegetation and marine life, dependent upon water courses and water areas;
9. To protect other municipalities within the same watershed from the impact of improper development and the consequent increased potential for flooding;
10. To provide areas for the temporary natural storage of flood waters; and,
11. To require that uses vulnerable to floods, including public facilities, be constructed so as to be protected from flood damage in accordance with the purpose and requirements of the National Flood Insurance Program, P.L. 93-234.

230.3. Delineation of Lands Within the Floodplain Zone - For purposes of this Ordinance, areas contained within the Floodplain Zone shall include the following:

1. Those areas subject to inundation by the waters of the base flood (100-year flood), as identified in the Flood Insurance Study and accompanying maps, or the latest revision thereof, as prepared for the Township by the Federal Emergency Management Agency and/or its successors.
2. Those areas subject to inundation by the waters of the base flood (100-year flood) as approved by FEMA through the issuance of a Letter of Map Revision (LOMR) or Letter of Map Amendment (LOMA) resulting from grading activities within the Floodplain Zone. Applicants that modify grading within the Floodplain Zone shall submit requests for map revisions through the Township Manager, as the Township is required to adopt changes to the Flood Insurance Rate Map. Applicants that modify grading within the Floodplain Zone and request map amendments, the LOMA issued by FEMA shall be provided to the Township.

230.4. Boundary Disputes

1. Should a dispute concerning any boundary of the Floodplain Zone arise, the initial determination of the Zoning Officer may be appealed to the Zoning Hearing Board in accordance with Section 603. of this Ordinance. The burden of proof in such an appeal shall be on the applicant and all hearings and procedures shall follow the requirements of Section 603 of this Ordinance;
2. All changes to the boundaries of the Floodplain Zone which affect areas identified in Section 230.3.1. of this Ordinance are subject to the review and approval of the Federal Emergency Management Agency for compliance with the Rules and Regulations of the National Flood Insurance Program.

230.5. Relationship to Other Sections - The provisions of this section create an overlay zone which is applicable within floodplains in all other zones 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 the Township. However, all

other provisions of all other articles of this Zoning Ordinance and all other ordinances of the Township shall remain in full force.

230.6. Permitted Uses - The following uses and no others are permitted in the Floodplain Zone:

1. Cultivation and harvesting crops according to recognized soil conservation practices;
2. Pasture and grazing of livestock (excluding feedlots) according to recognized soil conservation practices, and further provided that such livestock shall not be confined to pastures or other enclosures located entirely within the Floodplain Zone;
3. Outdoor plant nursery or orchard according to recognized soil conservation practices;
4. Wildlife sanctuary, woodland preserve, arboretum and passive recreation or parks, including hiking, bicycle and bridle trails, but not including facilities subject to damage by flooding;
5. Game farms, fish hatchery, or hunting and fishing reserve, for the protection and propagation of wildlife, but with no structures permitted;
6. Timber harvest, lumbering and reforestation according to recognized natural resources conservation practices;
7. Front, side and rear setbacks and required lot area in any zone, provided such areas are not to be used for on-site sewage disposal systems;
8. Normal accessory uses (excepting enclosed structures, freestanding satellite dish antennas, fences, walls, and above-ground swimming pools) permitted under the applicable zone;
9. Recreational use, whether open to the public or restricted to private use, such as parks, camps, picnic areas, golf courses, fishing areas, sport or boating clubs, not to include enclosed structures excepting flood-proof toilet facilities, but permitting piers, docks, floats or unenclosed shelters usually found in developed outdoor recreational areas. Any flood-proof toilet facilities provided shall be connected to public water and sewerage systems;
10. Sewage treatment plant, outlet installations for sewage treatment plants and sewage pumping stations with the approval of the Township Engineer, appropriate sewer authorities and the Pennsylvania Department of Environmental Protection, when accompanied by documentation as to the necessity for locating within the boundaries of the Floodplain Zone;
11. Sealed public water supply wells with the approval of the Pennsylvania Department of Environmental Protection;

12. Dams, culverts, bridges, and altered or relocated watercourses with the approval of appropriate authorities with jurisdiction such as the Commonwealth of Pennsylvania, Department of Environmental Protection; and,
13. Sanitary or storm sewers and impoundment basins, with the approval of the Pennsylvania Department of Environmental Protection.

230.7. Nonconforming Uses and Structures in the Floodplain Zone

1. Continuation - All uses or structures lawfully existing in the Floodplain Zone on the effective date of this Ordinance 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 prohibited by Sections 230.7.2. and 230.7.4.B. of this Ordinance. However, such nonconforming uses or structures may at any time be improved to comply with existing State or Township health, sanitary, or safety code specifications which are necessary solely to assure safe living conditions;
2. Abandonment - Nonconforming uses or structures which have been discontinued or vacated for twelve (12) consecutive months shall be considered abandoned. Vacation of land or structures or the nonoperative status of the use normally carried on by the property shall be evidence of discontinuance. No abandoned use or structure may be reestablished, repaired, or reoccupied. The Supervisors may require the removal of any abandoned nonconforming use or structure upon prior notice to the owner of the property on which an abandoned nonconforming use or structure exists. If the owner has not completely removed the abandoned use or structure within a reasonable amount of time, not to exceed nine (9) months, the Supervisors shall have the authority to cause the removal to be accomplished, the costs of such removal to be paid by the property owner;
3. Expansion and Modification - A nonconforming use or structure may not be expanded or modified in any manner which would increase or aggravate flooding or flood hazards. Nothing shall be done which would otherwise violate any of the provisions of this section. No nonconforming use or structure shall be expanded, enlarged, or altered in any way which increases its nonconformity with respect to height, area, setback, 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 Zone that was occupied by it on the effective date of this Ordinance;

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 (50) percent of its fair market value at the time of its damage or destruction. In such a case, however, the nonconformity of the new use or structure with respect to requirements as expressed in provisions of this 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 (50) percent or more of its fair market value at the time of its damage or destruction may not be replaced, restored, repaired, reconstructed, improved, or rebuilt in any way other than in complete conformity and full compliance with Section 230.9.3. and all other sections of this Zoning Ordinance, and all other ordinances of the Township.
- 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;

5. Historic Structures - The Zoning Hearing Board shall have the right to grant a special exception of any of the requirements of Sections 230.7.2. and 230.7.4.B. for any historic structure, as defined herein;

6. Special Requirements for Mobile Homes:

- A. Mobile homes are prohibited in the Floodplain Zone, except as a continuation of a nonconforming use;
- B. If any existing mobile home shall be replaced, reconstructed, or expanded by addition thereto, then the mobile home shall be:
 - 1. Anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the following:
 - a. Over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length;
 - b. Frame ties shall be provided at each corner of the mobile home, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and four (4) ad-

- ditional ties per side for units less than fifty (50) feet in length; and,
 - c. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds;
2. Elevated in accordance with the following requirements:
- a. The mobile home shall be elevated on a permanent foundation so that its lowest floor is one and one-half (1.5) feet or more above the elevation of the one hundred (100) year flood;
 - b. Adequate surface drainage is provided;
 - c. Adequate access for a hauler is provided; and,
- C. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the Township Supervisors for mobile home parks.

230.8. Design and Performance Standards

1. Applicability - The standards included in this section are to be used, together with the provisions of all other sections and all other ordinances in force in the Township by the Zoning Officer and Zoning Hearing Board in their administration of this Ordinance;
2. Regulations and Reviews by Other Agencies:
 - A. Where applicable and where possible, all necessary permits or other written approvals must be obtained from all other agencies before any approvals of special exceptions, variances, or permits may be granted by the Township;
 - B. Where necessary permits or written approvals from other agencies cannot be obtained prior to action by the Township, any approval of special exceptions, variances, or permits by the Township shall be conditioned upon receiving such other agencies' permits or written approvals; and,
 - 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, Dams and Encroachment Division, and notification of any such proposal shall be given to all affected adjacent municipalities. Copies of such permit applications and municipal notifications shall be forwarded to the Federal Insurance Administration and to the Pennsylvania Department of Community Affairs;

3. Placement and Construction of Authorized Uses and Structures:

- A. No use shall be permitted which would cause any rise in the base flood elevation. All uses and structures shall be designed, constructed, and placed so as to offer the minimum obstruction possible to the flow of water, and shall be designed to have a minimum effect upon the flow, velocity, or height of floodwaters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and, so far as is practicable, structures shall be placed approximately on the same flood flow lines as those of nearby structures;
- B. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage, and shall be constructed by methods and practices that minimize flood damage;
- C. All new or replacement drains, water supply facilities, sanitary sewage facilities or other utility improvements shall be designed to preclude infiltration or back-up of sewage or floodwaters into the facilities or structures and discharges from the facilities into floodwater, and to minimize the impedance of flood flows;
- D. Anchoring - All structures, buildings, air ducts, large pipes, and storage tanks within the Floodplain Zone 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;
- E. For all permitted nonconforming uses, and uses authorized by the granting of a variance, the following standards shall apply:
 - 1. All new construction and substantial improvements of permanent nonresidential structures shall either (1) have the lowest floor (including basement) elevated to one (1) foot above the base flood elevation, or (2) together with attendant utility and sanitary facilities, be floodproofed so that below one (1) foot above the base flood elevation, the structure is watertight, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Enclosed space below the lowest floor (including basement) is prohibited. All floodproofing measures shall be done according to the standards and provisions for floodproofing classes W-1 or W-2, as contained in *Floodproofing Regulations* published by the Office of the Chief of Engineers, U.S. Army, published EP 1165 2 314 (June, 1972 and as subsequently amended) where such standards and provisions do not conflict with other provisions of this section. Where reference is made in *Floodproofing Regulations* to the "RFD" (Regulatory Flood Datum), it shall be interpreted to mean the base flood elevation as defined by this section. The applicant shall submit qualified evidence by a registered professional engineer or a licensed professional architect certifying compliance with this requirement; and,

2. All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated to one (1) foot above the base flood elevation. Enclosed space below the lowest floor (including basement) is prohibited.

230.9. Standards and Criteria for Special Exceptions and Variances - In addition to the provisions of this Zoning Ordinance, in hearing and deciding upon special exceptions and/or variances to the provisions of this Section 230, the Zoning Hearing Board shall also determine that the following standards and criteria have been complied with:

1. No special exception or variance shall be granted for any use except those specifically permitted by Section 230.6., nor any use, structure or development within the floodway which would increase the one hundred (100) year flood elevation;
2. In addition to the standards generally applicable to variances, 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, and (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;
3. Variances shall only be granted upon the determination that the variances are the minimum necessary to afford relief, considering the flood hazard. The applicant must also comply with any other conditions imposed by the Zoning Hearing Board;
4. Whenever a variance is granted, the applicant shall be advised that:
 - A. The granting of the variance may result in increased premium rates for flood insurance if construction occurs below the one hundred (100) year flood elevation; and,
 - B. Such variance may increase the risk to life and property;
5. In granting a special exception or variance, the Board shall require that all buildings and structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood; and,
6. A complete record of all variance requests and actions, including justifications for granted variances, shall be maintained by the Board. The Board shall report such decisions in the annual report sent to the Federal Emergency Management Agency; and,
7. In hearing and deciding upon variances or special exceptions to 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 in arriving at a fair and impartial determination. In addition to that information required by Sections 230.9. and

801 of this Ordinance, 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 of flow line of the watercourse; and,
- E. Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvement, storage of materials, water supply facilities and sanitary facilities.

230.10. Municipal Liability - The lawful granting of a permit or making of any administrative decision under this section shall not constitute a representation, guarantee, or warranty of any kind by Windsor 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 Zone are now or ever will be free from flooding or flood damage.

Section 231 **Natural Resources Overlay Zone**

231.1. Purpose - The following natural resource protection standards are established to protect the public health, safety, and welfare by minimizing adverse environmental impacts and are specifically authorized by §604 of the Pennsylvania Municipalities Code, 53 P.S. §10604. These standards shall apply to all Zones and are intended to meet the following purposes.

1. Promote and implement §603(c)(7), 603(g)(2), and 604(1) of the MPC (as amended) providing for the protection and preservation of environmentally sensitive areas and natural resources through municipal zoning ordinances.
2. Define and delineate selected environmental resources within the Township and establish resource protection standards to assist the Township in reducing the impact proposed uses will have on the environment.
3. Conserve, protect, and preserve valuable natural resources within the Township in accordance with the goals and objectives of the Comprehensive Plan.

231.2. Applicability – In all Zones, It shall be a violation of this Ordinance to regrade, fill, pipe, divert, channel, build upon, or otherwise alter or disturb a natural resource protected by this Section prior to the submission, review, and approval of an application for development.

1. Where disturbance of a natural resource is permitted, it shall not take place until it has been determined that such disturbance is consistent with the provisions of this Section and other applicable Ordinance provisions.
2. Restrictions to the disturbance of resources shall apply before, during, and after construction on a site.
3. In the event that two or more natural resource areas identified in this Section overlap, the resources with the most restrictive standard (the least amount of permitted alteration, regrading, clearing, or building) shall apply to the area of overlap.

231.3. Floodplains - Areas identified as being floodplain shall be in accordance with Section 230.

231.4. Steep Slopes

1. Delineation.
 - A. Any application pertaining to a tract of land that is affected by steep slopes shall delineate slopes from fifteen (15) to less than twenty five (25) percent (Moderately Steep Slopes), and slopes twenty five (25) percent and greater (Severely Steep Slopes) using two (2) foot contour intervals. The two categories of Steep Slopes shall be identified on the land through shading or some other means. Slope shall be determined through a field survey by a registered land surveyor or engineer licensed to practice in the Commonwealth of

Pennsylvania and from data on aerial topographic maps. The use of U.S.G.S. quadrangle maps shall not be recognized as an acceptable source of information for this determination.

- B. Initial interpretations of the survey shall be made by the Zoning Officer. Where interpretation is needed as to the exact location of such boundaries, as in the case of a conflict between mapped boundaries and actual field conditions, such interpretation shall be made by the Township Engineer with a written report submitted to the Board of Supervisors.
- C. Appeals will be in accordance with the MPC (as amended).

2. Protection Standards.

- A. Disturbance limitations for an area of Moderately Steep Slope.
 - a. No more than thirty (30) percent of an area of Moderately Steep Slope shall be regraded, cleared, built upon, or otherwise altered or disturbed.
 - b. The maximum impervious coverage of that portion of a lot covered by Moderately Steep slopes shall not exceed twenty (20) percent.
 - c. The maximum building coverage of that portion of a lot covered by Moderately Steep Slopes shall not exceed fifteen (15) percent.
- B. Disturbance limitations for an area of Severely Steep Slope.
 - a. No more than ten (10) percent of an area of Severely Steep Slope shall be regraded, cleared, built upon, or otherwise altered or disturbed.
 - b. The maximum impervious coverage of that portion of a lot covered by Severely Steep slopes shall not exceed ten (10) percent
 - c. The maximum building coverage of that portion of a lot covered by Severely Steep Slopes shall not exceed ten (10) percent.

3. General Standards.

- A. Proposed land disturbance or the construction of buildings or structures shall be conducted in such a manner as to provide the least alteration necessary of the existing grade, vegetation, and natural soils condition and in a manner that will not cause soil erosion, unstable soil conditions, and surface water runoff outside of the tract boundaries.
- B. New roads and driveways and improvements to existing roads and driveways should be designed within the existing contours of the land to the extent possible and strive for compatibility with the character of existing rural roads.
- C. Removal of or disturbance to existing vegetation in Steep Slope areas shall be minimized, per the judgment of the Township Engineer.
- D. Important visual qualities of the site shall be retained to the maximum extent possible. In addition to vegetation, these may include hilltops/ridgelines, rock outcrop-pings, and the natural terrain and

contours of the site.

- E. The stability of the slope, as characterized by the existing interrelationships among the soil, vegetation, and rock, shall be disturbed as little as possible.
- F. Finished slopes of all permitted cut and fill shall not exceed three to one (3:1) or thirty-three (33) percent, unless the Applicant can demonstrate, to the satisfaction of the Township Engineer, the method by which steeper slopes can be stabilized and maintained adequately.

231.5. Riparian Buffers

1. Delineation.

- A. Riparian buffer width shall be seventy five (75) feet measured perpendicularly from the following reference points: top of bank of perennial streams, centerline of intermittent streams, and mean water level of lakes and ponds.
- B. Where areas of one hundred year floodplain or a wetland is located adjacent to a Riparian Buffer, the Riparian Buffer shall be extended to encompass the entire one hundred year floodplain and wetland area.

2. Protection Standards.

- A. Existing vegetated areas shall be preserved to the maximum extent possible.
- B. The following uses shall have a minimum separation distance from the top of bank of any stream, or wetland, or from the mean water surface elevation of a lake or pond included in the Riparian Buffer:

Use	Minimum Separation Distance
Septic drainfields and Sewer disposal systems	100 feet
Solid waste disposal facilities/junkyards	300 feet
Residential liquid storage tanks (except water)	150 feet
Non-Residential liquid storage tanks (except water)	200 feet

- C. Except as listed below, no filling, regrading, or disturbance shall be permitted within the riparian buffer:
 - 1. Provision for unpaved trail access;
 - 2. A soil or stream conservation project, including reforestation and streambank stabilization, approved by the York County

- Conservation District;
- 3. Livestock crossings; and
- 4. Infrastructure and public utilities.
- 5. There shall be no disposal of trash or any other materials, except as permitted above, within the Riparian Buffer.

231.6. Wetlands

1. Delineation. The applicant shall delineate the limits of wetlands on the site in accordance with the following:
 - A. A full Wetland Delineation Report conducted by a qualified wetland biologist, soil scientist, or environmental professional of demonstrated qualifications shall be submitted to the Township. If there is a question as to the accuracy of the wetland delineation report, the Township may hire a qualified consultant to review the delineation and recommend revisions at the applicant's expense.
 - B. Such a professional shall certify that the methods used reflect the currently accepted technical concepts set forth and accepted by the U.S. Army Corps of Engineers, including identification and analysis of wetland vegetation, hydric soils, and hydrologic indicators. Methods used in the delineation report shall be acceptable to the Township Engineer.
 - C. The Wetland Delineation Report shall include a determination of whether wetlands are present or not present on the site and a full delineation, area measurement (in square feet), and description of any wetlands determined to be present.
 - D. The Wetland Delineation Report shall identify areas where the following criteria are met, even if the report concludes that such areas do not meet the:
 1. Areas delineated as Wetlands in the National Wetlands Inventory and/or the most recent York County Natural Areas Inventory;
 2. Areas consisting of one or more soil types having hydric components, as designated by the Soil Survey of York County, PA, latest edition
2. Resource Protection Standards.
 - A. Any applicant proposing a use, activity, or improvement which would entail the regrading or placement of fill in wetlands shall provide the Township with proof that the PA DEP and the U.S. Army Corps of Engineers have been contacted to determine the applicability of State and Federal wetland regulations. The applicant shall concurrently provide to the Township a copy of the application and any other wetlands information submitted to DEP and the U.S. Army Corps of Engineers.
 - B. Wetlands shall not be regraded, filled, piped, diverted, channeled, built upon, or otherwise altered or disturbed except where State or Federal permits have been obtained.

- C. Existing wetlands shall not be used for stormwater management except where the wetlands are highly degraded and a mitigation program is provided.
- D. A thirty five (35) foot wetlands buffer shall be maintained around the Wetlands boundary. This buffer shall be conserved for naturally occurring vegetation or the reestablishment of native plant species. No land disturbance is permitted within the Wetlands Buffer.
- E. No septic drainfields or sewage disposal systems shall be located within one hundred (100) feet of the Wetlands boundary. The replacement of existing septic systems shall comply with the one hundred (100) foot setback, regardless of the location of the existing system.
- F. The application of biosolids shall not occur within one hundred (100) feet of the Wetlands boundary.

231.7. Woodlands and Hedgerows.

1. Resource Protection Standards.

- A. Unless undertaken as an approved timber harvesting operation conducted in compliance with Section 322, or in association with a tree replacement program, no more than fifty (50) percent of the woodland area of a given property may be regraded, cleared, built upon, or otherwise altered or disturbed. Up to seventy-five (75) percent of woodland area on a given property may be cleared, built upon, or otherwise altered or disturbed if tree replacement is provided for the portion of the proposed alteration that exceeds fifty (50) percent.
- B. Specimen Trees shall not be removed from any lot or tract except where the applicant demonstrates that such removal is essential to eliminate a hazardous condition(s) and that the removal is the least necessary to eliminate such hazardous condition.
- C. Disturbance limitations shall be measured based on the extent of the subject woodland at the time of first submission of applicable application(s) after the adoption of this Ordinance and shall be indicated on applicable plan(s). The extent of any area of woodland disturbance shall be measured to include the entire area within the drip line of any tree where any part of the area within the drip line of said tree is subject to woodland disturbance. Any disturbance limitation shall continue on with the land, once established. Subsequent applications shall be subject to the initial determination of disturbance limitations, regardless of intervening disturbance which may have occurred.

2. General Standards. In determining where permitted woodland disturbance shall occur in the context of any subdivision or land development, the applicant shall consider the following factors:

- A. Each building or structure shall be constructed in such a manner as to provide the least alteration or disturbance necessary to the existing

woodland.

- B. Clearcutting of any woodland area shall be prohibited and trees shall be selectively removed, except to the minimum extent necessary to permit the implementation of an approved land development plan or building permit in conformance with this section, or for agricultural uses.
 - C. Where possible, the remaining undisturbed woodlands and other vegetation shall interconnect with woodlands or wooded areas of adjacent properties to preserve continuous woodland corridors and allow for the normal movement, dispersion, and migration of wildlife.
 - D. Where possible, the remaining undisturbed woodlands and other vegetation shall be used to maintain existing views along a road and create the perimeter buffer.
3. Protection of Woodlands to Remain on Site. In areas of permitted woodland disturbance and areas adjacent to permitted woodland disturbance, trees slated to remain shall be protected from damage. A minimum of fifty (50) percent of woodland area on a given property shall protected unless undertaken in compliance with an approved Timber Harvest Permit, or a tree replacement program. In order to prevent injury to those trees or other vegetation which have been designated for protection, a Tree Protection Zone shall be established where such vegetation is to be retained. Woodlands, hedgerows, individual trees and other vegetation that are to remain on the site shall be identified within the Tree Protection Zone and protected in accordance with the following provisions:
- A. Tree Protection Fencing.
 - 1. Prior to construction, Tree Protection Fencing a minimum of four (4) feet in height shall be installed around the boundaries of the Tree Protection Zone, wherever adjacent to proposed construction. The fencing along the Tree Protection Zone shall be maintained until all construction and other work has been completed.
 - 2. Tree Protection Fencing shall be located at the dripline of the tree or other vegetation, or at a minimum radius of one (1) foot for every one (1) inch of diameter at breast height (DBH) of the tree to be retained, whichever distance is greater. For example, fencing shall be located at a minimum radius of twelve (12) feet around a tree of twelve (12) inches DBH.
 - 3. If the Tree Protection Fencing cannot be installed at the required minimum distance from the plant, due to physical barriers, such as an adjacent building, the Tree Protection Zone shall be established to the maximum extent possible. If such barrier is removed during the demolition phase of a project, the Tree Protection Fencing shall be reestablished after demolition, to the maximum extent possible, in order to provide the required Tree Protection Zone.
 - 4. Tree Protection Fencing shall be orange plastic construction/safety fencing, chain-link fencing, slatted wood "snow" fencing, or the like, when installed in accordance with the

manufacturer's recommendations.

5. Silt fencing of a minimum thirty six (36) inches in height shall be permitted as Tree Protection Fencing, but only if required in the same location for the purpose of soil erosion and sedimentation control.

B. Maintenance of the Tree Protection Zone.

1. The area within the Tree Protection Zone shall remain undisturbed by construction activity. Construction material, equipment, soil, cleared vegetation, rocks, and/or any other debris shall not be stored or disposed of within the Tree Protection Zone. Vehicles and trailers shall not be parked within the Tree Protection Zone.
2. Roots shall not be cut within the Tree Protection Zone.
3. No boards or other material shall be nailed or otherwise attached to trees during construction.
4. Sediment, retention, and detention basins shall not be located within the Tree Protection Zone.
5. No change in existing grade shall be permitted within the Tree Protection Zone.

- C. Tree trunks, limbs, and exposed roots damaged during the construction, whether inside or outside of the designated Tree Protection Zone, shall be protected from further damage by being treated immediately in accordance with accepted professional horticultural practices.

- D. Where a utility line must be located through a Tree Protection Zone, tunneling shall be used instead of trenching, except where, in the opinion of the Township, survival of the tree would not be affected by either method. The Township shall determine the most desirable location for the utility line. Trenches shall be filled as soon as possible, and tamped lightly to avoid air spaces.

- E. Deciduous trees shall be given a heavy application of fertilizer to aid in the recovery from any possible damage caused by construction operations.

- F. Preserved woodlands, hedgerows, and specimen vegetation may be used to provide the vegetative screens and buffers required by Section 317. Where necessary to meet the provisions of Section 317, additional planting may be required to supplement existing vegetation.

- G. Where a tree designated for preservation is severely damaged by construction (or is clearly not going to survive) within one (1) year of the end date of construction, tree replacement shall occur as provided for in Section 231.7.4.

4. Tree Replacement. In addition to the above, a maximum of twenty-five (25) percent of the of woodland area on a given property may be disturbed, altered, cleared, or built upon provided that the trees located therein are replaced in accordance with the following:

- A. Trees of six (6) inch diameter at breast height (DBH) or more shall be preserved wherever possible.
- B. For trees that are of six (6) inch diameter at breast height (DBH) or more to be destroyed, the landowner or developer shall plant replacement shade trees in accordance with the following:
 - 1. One (1) shade tree of not less than two and one-half (2.5) inches in caliper for each tree of six (6) inches up to eighteen (18) inches in diameter at breast height (DBH) to be destroyed.
 - 2. Two (2) shade trees of not less than two and one-half (2.5) inches in caliper for each tree of eighteen (18) inches up to thirty (30) inches in diameter at breast height (DBH) to be destroyed.
 - 3. Four (4) shade trees of not less than two and one-half (2.5) inches in caliper for each tree of thirty (30) inches or more in diameter at breast height (DBH) to be destroyed.
 - 4. Two (2) replacement ornamental/understory trees a minimum of six (6) feet in height may be substituted for one (1) required replacement shade tree, for up to one-half of the replacement tree requirement.

Example: If four (4) replacement shade trees are required, the landowner can instead plant two (2) shade trees of at least two-and-one-half (2.5) inches in caliper, and four (4) ornamental/understory trees of a minimum six (6) feet in height.
 - 5. Trees that are considered invasive shall not be counted toward the caliper replacement requirement. A tree species shall be considered invasive per the determination of the Pennsylvania Department of Conservation and Natural Resources (DCNR), a licensed landscape professional, or other similarly qualified institution or individual, at the discretion of the Township.
 - 6. Trees to be removed that are deemed by a Certified Arborist, or other tree care professional as approved by the Township, to be diseased or dead, or structurally unsound and thereby posing a hazard, shall not be counted toward the tree replacement requirement.
- C. Replacement trees shall not be less than two and one-half (2.5) inches in caliper, unless the Township and applicant agree to an alternative landscaping scheme, for the purposes of reforestation, reclamation, erosion control, stream bank restoration, and the like. Under such alternative circumstances, a licensed landscape design, nursery, or horticulture professional shall provide the planning, design, construction oversight, and a determination of equal cost value to the required replacement caliper inches.
- D. Please see Appendix B for a list of approved replacement shade and ornamental/understory trees.
- E. Fee-in-lieu. If the applicant does not propose to install all required replacement trees and/or alternative landscaping on the subject tract, the applicant shall pay a fee-in-lieu of planting the replacement trees and/or alternative landscaping. The fee-in-lieu shall be based upon

the then-current average wholesale cost, including installation, of the required two and one half (2.5) inch caliper trees, multiplied by two-and-one-tenth (2.1) to account for contractor overhead, cleanup, mobilization, etc. The applicant shall pay this sum, in full, to the Township prior to the release of the final plan for recording. The Township shall use such funds for tree planting and landscaping maintenance along Township streets or within Township parks and open space.

- F. Under no circumstances shall more than seventy-five (75) percent of the existing woodland on a particular lot be disturbed, altered, cleared, or built upon.
5. Plan Requirements. For any activity that requires the protection of woodlands or tree replacement, a plan shall be submitted to the Township a minimum of ninety (90) days prior to the commencement of such activities. The plan shall include, at a minimum, the information required by the Subdivision and Land Development Ordinance for a Preliminary/Plan, and the following:
- A. The location and area (square feet or acres) of existing woodland areas.
 - B. The location and area (square feet or acres) of woodland areas to remain following completion of the proposed activities.
 - C. The location, size, and construction details for any tree protection measures as required in Section 231.7.3.
 - D. An inventory of trees requiring replacement as required in Section 231.7.4, their type, diameter at breast height (DBH), and location.
 - E. The location, type, and diameter at breast height (DBH) of all replacement trees.
 - F. A data table to demonstrate that the proposed number and size of replacement trees complies with the provisions of Section 231.7.4.B.

231.8

Topsoil

1. Each lot shall have at least six (6) inches of topsoil cover, after settlement, over all of the site's exposed earth surfaces. More than six (6) inches may be required if the Township determines that a greater amount is needed for the long-term viability of certain plantings.
2. Topsoil moved and stockpiled by grading operations shall be redistributed and stabilized following the completion of a project or project phase. All exposed earth surfaces shall be stabilized by seeding or sodding, within sixty (60) days.
3. All disturbed topsoil onsite is to be re-distributed onsite in areas not covered by impervious surfaces. No removal of topsoil from a site is allowed unless approved by Windsor Township.

Article 3

General Provisions

Section 300 General Provisions

The regulations contained within this Article 3 shall apply to all uses within the Township.

Section 301 Accessory Uses and Structures

- 301.1 Fences** - No fence (except livestock, required junkyard or tennis court fences, or ball field fences or backstops) shall be erected to a height of more than six (6) feet within the (A, R-R, R-1, and R-2) Zones. Within any C-N, C-1, and I Zones, no fence shall be erected to a height of more than ten (10) feet in any yard. No fence shall be erected within any easement or right-of-way. No fence shall obstruct the required sight distance at any location.
- 301.2 Walls** – In all zones, no wall (except a wall of a building permitted under the terms of this Ordinance) shall be erected to a height of more than six (6) feet in any yard. All portions of all walls shall be separated from all other portions of all other walls by a distance greater than three (3) times the maximum height of the tallest wall. The area between two walls shall be sloped at a grade of five (5) percent or less in any direction. Any wall exceeding four feet in height shall be equipped with a railing or fence four (4) feet in height, or taller, and designed to prevent falls, entrapment, or other hazards. No wall shall be erected in any easement or right-of-way. No wall shall obstruct the required sight distance at any location. No wall shall be permitted within any easement or right-of-way.
- 301.3. Swimming Pools** - Swimming pools are a permitted accessory use in any zone. All swimming pools capable of containing twenty-four (24) inches or more of water shall be completely enclosed by a minimum four (4) foot high fence or wall equipped with a lockable, self-closing and self-latching gate, designed and installed in accordance with all applicable building code requirements; however, this does not apply to above-ground pools having a wall measuring no less than four (4) feet in height at any perimeter point, and having a retractable ladder. Above-ground pools located in an excavation or depression shall be fenced and gated in accordance with all applicable building code requirements. Such fence or wall shall be erected before any pool is filled with water. No pool shall be located within the front yard. All pools, including associated decks, patios, walkways, and other similar appurtenances, shall be set back at least ten (10) feet from all lot lines. No water from a pool shall be discharged onto any public street or alley. These requirements shall not apply to man-made ponds, lakes or other impoundments, unless the primary purpose for their construction is swimming. Swimming pools shall be

maintained in a clean and sanitary condition through the use of chemicals, filtration, skimming, and/or other means necessary to prevent conditions, including, but not limited to, the growth of algae, proliferation of insects or bacteria, and accumulation of debris.

- 301.4. Tennis Courts** - Tennis courts may be permitted in any zone and shall be setback a minimum of ten (10) feet from a side or rear property line. Tennis courts shall not be permitted in the front yard in any zone. All tennis courts shall include an open mesh permanent fence having a maximum height of ten (10) feet behind each baseline. Such fence shall extend parallel to said baseline at least ten (10) feet beyond the court's playing surface unless the entire court is enclosed. Any lighting fixtures shall be arranged to prevent objectionable glare on adjoining property, and shall be designed, constructed, and operated in accordance with section 320.2 of this Ordinance.
- 301.5. Satellite Dish Antennas** - Satellite dish antennas are subject to all accessory use standards. Furthermore, any satellite dish antenna located within the A, R-R, R-1, R-2, and C-N Zones shall be used only to receive signals, not transmit them. All ground-mounted satellite dish antennas located within the (C-N, C-1, and I) Zones that are used to transmit video format data shall be completely enclosed by a minimum eight (8) foot high non-climbable fence that includes signage warning of dangerous radiation levels. Any gates within the fence shall be locked when unattended. Satellite dish antennas within the (C-N, C-1, and I) Zones shall comply with all principal use standards.
- 301.6. Alternative Energy Sources** - Except for those contained on farms, Wind Energy Conversion Systems (WECS) shall not be permitted in the front yard area of any property. Height regulations do not apply to WECS units, provided that the height of the WECS unit shall not be greater than the shortest distance measured along a horizontal plane from the unit to any lot line. WECS units may be placed on the roof of any structure, provided that the perimeter of the unit does not cover twenty-five (25) percent of the roof area of the structure on which the WECS unit is placed. The additional height extension shall be so positioned that the height of the WECS unit above the roof is less than the distance measured along a horizontal plane from such unit to any lot line. All transmission lines to and from any freestanding WECS unit or any supporting building or structure shall be buried underground. Solar energy units shall be permitted in any zone and subject to the requirements of that zone;
- 301.7. Ornamental Ponds and Wading Pools** - Ornamental ponds and wading pools may be permitted in any zone, subject to the following:
1. Ornamental Ponds and Wading Pools shall be set back a minimum of ten (10) feet from any property line or right-of-way line.
 2. No such impoundment shall have a length or diameter exceeding twenty (20) feet nor a maximum depth exceeding three (3) feet;
 3. All such ponds or pools shall be maintained so as to not pose a nuisance by reason of odor, or the harboring of insects; and,

4. No such pond(s) shall be used for the commercial hatching of fish or other species;
5. All ponds, pools or other impoundments exceeding the requirements of this section shall be considered as "Man-made Lakes, Dams and Impoundments," and are subject to the criteria listed in Section 301.8. of this Ordinance;

301.8. Man-Made Lakes, Dams, Ponds, and Impoundments:

1. All lakes, dams, ponds, and impoundments may be permitted in any zone, subject to the following:
2. All lakes, dams, ponds, and impoundments located along and connected to a stream that involve any of the following, shall require the obtainment of a permit from the Pennsylvania Department of Environmental Protection (DEP), and/or the US Army Corps of Engineers, or a letter from said agencies indicating that the proposed use does not require a permit:
 - A. The lake, dam, pond, or impoundment contains a volume of at least fifty (50) acre feet;
 - B. The dam reaches a height of fifteen (15) feet; or,
 - C. The lake, dam, pond, or impoundment impounds the water from a watershed of at least one hundred (100) acres;
3. All lakes, dams, ponds, and impoundments not contiguous to a stream that have an intake, outlet, or both, and/or have an embankment within fifty (50) feet of a stream shall require the obtainment of a permit from the DEP, or a letter from DEP indicating that the proposed use does not require a permit;
4. All lakes, dams, ponds, and impoundments meeting the requirements of this Ordinance shall be located seventy-five (75) feet from all adjoining lot lines, as measured from the closest point of the adjoining property line to the maximum anticipated water surface elevation. Furthermore, all lakes, dams, ponds, and impoundments, including storm water management basins, shall be located a minimum of fifty (50) feet from any subsurface sewage disposal system or well;
5. All other lakes, dams, ponds, and impoundments that do not meet the requirements of this section of this Ordinance require the submission of a statement by a qualified engineer that the proposed use is properly constructed and will not pose a threat to the public safety nor the environment during normal flow conditions and those associated with the base flood. All dams shall be constructed to a height of one (1) foot above the water surface elevation occurring during the base flood; and,
6. Requirements for Fencing - All lakes, dams, ponds, and impoundments constructed within areas subject to livestock shall be enclosed by fencing that prevents livestock from trampling the pond's shores and polluting the waters. Such fencing shall be located a minimum distance of ten (10) feet from the permanent pool location.

301.9. Garage/Yard Sales - Within any zone, an owner and/or occupant may conduct up to two (2) garage/yard sales per year. No garage or yard sale shall be conducted for a period longer than three (3) consecutive days. Such sales may offer for sale personal possessions; no import or stocking of inventory shall be permitted. Only one six (6) 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. A maximum of two (2) off-premise signs, each with a maximum of two (2) square feet in area shall be permitted on the day of the sale and shall be removed promptly at 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; and,

301.10. Accessory Repair of Personal Motor Vehicles - The routine maintenance, repair and servicing of personal motor vehicles, owned and/or leased by the person performing such services, when performed outside a completely enclosed building, is permitted by an occupant of the residence, but only in compliance with the following:

1. All vehicles shall have valid registration and inspection;
2. All work shall be performed on the vehicle owner's (leasee's) property of residence;
3. Within the A,R-R, R-1, R-2, and C-N Zones, work shall be limited to the following:
 - A. Servicing and replacement of spark plugs, batteries, distributors and distributor parts;
 - B. Repair and replacement of tires and wheels, excluding recapping or re-grooving;
 - C. Replacement of water hoses, fan belts, brake fluids, transmission fluid, oil filters, air filters, oil, grease, light bulbs, fuses, floor mats and carpeting, seat covers, seat belts, windshield wipers, mirrors, and engine coolants;
 - D. Repair and replacement of car radios, tape players, amplifiers, and speakers;
 - E. Cleaning and flushing of radiators only when flushed into a water-tight catch basin;
 - F. Repair and replacement of fuel pump, oil pump and line repairs;
 - G. Minor servicing and adjustment of carburetors;
 - H. Minor motor adjustments not involving the removal of the motor head or crankcase, nor the excessive revving of the motor;

- I. Minor body repairs, excluding the replacement of body parts, the complete repainting of the body and the application of undercoating; and,
 - J. Cleaning of all exterior and interior surfaces, including washing, shampooing, vacuuming, rubbing, polishing, waxing, and the application of paint sealants;
4. All by-product or waste fuels, lubricants, chemicals, and other products shall be properly disposed of;
 5. All such activities shall be conducted at times that do not disturb adjoining residents owing to noise, and in accordance with all requirements of section 320 of this Ordinance.
 6. No compressed-air driven tools shall be utilized; and,
 7. All repair, maintenance and servicing activities shall be completed within seventy-two (72) hours.

301.11. Temporary Storage Units and Temporary Dumpsters - Temporary storage units and Temporary Dumpsters are permitted to be placed upon a property for a period of no more than sixty (60) days in one calendar year, subject to the following:

1. Units shall not be placed in any easement or street right-of-way nor closer than five (5) feet to any lot line.
2. Units shall not be placed in any clear sight triangle and shall not block vehicular or pedestrian traffic.
3. The total combined area of any such units shall not exceed two hundred (200) square feet.
4. A zoning permit shall be required.

301.12. Temporary contractors office or real estate office - Temporary building, temporary real estate or construction offices and temporary storage of materials shall be permitted in accordance with the following:

1. The temporary use shall be located on the lot where construction is taking place or on a lot adjacent or part of the development site thereto;
2. The temporary use shall be terminated upon completion of construction.
3. If the temporary use is a motor vehicle, it shall have valid registration and inspection.
4. No outdoor storage shall be permitted in association with the temporary use.
5. A zoning permit shall be required.

301.13. Temporary Retail Sales - Non-permanent structure or open-air location where goods are not normally displayed as part of a permanent, ongoing retail establishment shall be permitted in accordance with the following:

1. Temporary Retail Sales shall be permitted only in the C-N and C-1 zones.
2. Temporary Retail Sales shall be permitted for a number of instances not to exceed four per year per property. Each instance of a Temporary Retail Sale shall not exceed ten (10) consecutive days.
3. Sales location, including any merchandise presented for sale, shall not be placed in any street right-of-way nor closer than five (5) feet to any lot line.
4. Sales location, including any merchandise presented for sale, shall not be placed in any clear sight triangle and shall not block vehicular or pedestrian traffic.
5. No person shall be permitted to sleep in, or occupy the premises of a Temporary Retail Sale, or any vehicle, tent, or other temporary structure in conjunction with the Temporary Retail Sale between the hours of 10:00 PM and 6:00 AM.
6. Signs displayed in association with a Temporary Retail Sale shall conform to all applicable sign requirements of this ordinance. Two signs may be displayed in association with a Temporary Retail Sale, provided that they have a total combined size of twelve (12) square feet or less. Any signs associated with a Temporary Retail Sale shall only be displayed during the instances of sale operation, as described in Section 313.2.
7. A zoning permit shall be required.

Section 302 Unenclosed Storage and/or Parking

302.1. Recreational Vehicles, Boats, Campers, and Trailers – For residential uses in any zone, recreational vehicles, travel trailers, trucks, boats, and trailers are not permitted to be parked on a public street or highway, including those intended for dedication. They are permitted only according to the following requirements:

1. The storage of one (1) such vehicle shall be permitted. Such vehicle is permitted to be parked in any yard as long as no portion of the vehicle (including tongue) is located within any public right-of-way, on or above any public sidewalk or easement, or within a distance of five (5) feet from adjoining property lines.
 - A. The storage of a second recreational vehicle shall be permitted if the gross lot size is equal to or greater than one-half (0.5) acre, as derived from a recorded deed and/or recorded subdivision plan. The secondary vehicle shall be permitted only in the side/rear yard, and no portion of the vehicle (including tongue) shall be located within any public right-of-

way, on or above any public sidewalk or easement, or within a distance of five (5) feet from adjoining property.

2. All areas used for storage shall be maintained so as to keep vegetation properly trimmed and debris or litter disposed of regularly. Storage of a recreational vehicle shall not exempt the property owner from any property maintenance requirement of this ordinance. All vehicles shall maintain valid registration and inspection, and prevent the leakage of fuels and/or lubricants into the ground; and,
3. In the A, R-R, R-1, R-2, and C-N Zones, commercial vehicles over 14,000 GVW, truck tractors and/or trailers, commercial and/or construction trailers/equipment, including, but not limited to, backhoes, dump trucks over 12,000 GVW, cranes and forklifts, and school buses (excluding vans) shall not be parked or stored on or off a public or private street or highway. The parking of such vehicles off a public or private street or highway shall not apply to lots with a gross lot area of one (1) acre or greater; however, in no case shall such commercial vehicles be parked within two hundred (200) feet of any adjoining property. This section shall not apply to local deliveries, loading or unloading, or construction equipment used at a construction job site. When loading or unloading, said vehicles shall not be permitted to have their engines, generators or refrigeration units of any sort in operation for a period exceeding a total of thirty (30) minutes in any twenty-four (24) hour period.

Truck tractors and/or trailers used for residential moving purposes shall be permitted to park for periods not to exceed twenty-four (24) hours. This section shall not apply to farm vehicles not normally used as a means of conveyance on a public highway.

302.2. Outdoor Stockpiling - In all zones, no outdoor stockpiling of any material is permitted in the front yard. The outdoor stockpiling of material or storage of trash is subject to all accessory use setbacks. In any residential zone, the outdoor stockpiling of materials (except firewood) for more than one (1) year, is prohibited; In addition:

1. The stockpiling of tires, metal pipes, automobile parts and similar objects or materials shall be stored in a garage or an enclosed storage structure in any residential zone.
2. In all zones, outside storage areas shall be screened from any public street or pedestrian walkway, any abutting residential use and any adjoining residential zones in accordance with the screening and landscaping requirements set forth in Section 317 and the Windsor Township Subdivision and Land Development Ordinance.

302.3. Trash and Junk – Except as provided in Sections 434 and 446., the outdoor accumulation of trash, garbage, refuse, or junk for a period exceeding fifteen (15) days is prohibited in all zones, and the outdoor accumulation of trash, garbage, refuse, or junk for any period of time is prohibited in the front yard. The Township shall give notice by first class U. S. Mail, postage prepaid to the owner or occupant,

as the case may be, of any premises whereupon such nuisance exists, directing the owner or occupant, as the case may be, to remove such nuisance within a ten (10) day grace period beginning with the mailing date of such notice. In case the owner or occupant, as the case may be, fails to remove such nuisance within the grace period stated, the Township may cause such nuisance to be removed and may further impose a charge equal to the actual cost of the labor and expense for each time the Township shall cause such nuisance to be removed. The person or persons given notice shall be billed after the work in removing the nuisance has been completed. Should any such bill go unpaid for more than ninety (90) days, a penalty of ten (10) percent shall be added to such bill and the amount may be recovered from the person or persons given notice, by assumpsit or entered as a lien against such property in accordance with existing provisions of law. Fines may be levied by the Township for zoning violation(s) in addition to the fees and procedures described above;

- 302.4. Dumpsters** - All permanent trash dumpsters shall be located within a side or rear yard, screened from adjoining roads and properties, and completely enclosed within a masonry or fenced enclosure equipped with a self-latching door or gate;
- 302.5. Domestic Composts** - The placement of framed enclosure composts as an accessory residential use is permitted, subject to all accessory use setbacks. Only waste materials from the residential site shall be deposited within the compost, and in no case shall meat, or meat by-products be composted. All composts shall be properly maintained so as not to become a nuisance to nearby properties; and,
- 302.6. Parking and Storage of Unlicensed, Unregistered, or Uninspected Motor Vehicles** - Motor vehicles without current, valid license plates, registration, and inspection stickers shall not be parked or stored in any zone, other than in a completely enclosed building. The requirements of this section shall not be applicable to farm implements and other farm vehicles not normally used as a means of conveyance on public highways. Notwithstanding the foregoing, this section, in and of itself, shall not be interpreted to prevent the unenclosed storage of motor vehicles without current, valid license plates and current, valid inspection stickers if such storage is performed in conjunction with the legal operation of a motor vehicle sales establishment, a motor vehicle service or repair establishment, or a junkyard.

Section 303 Setback Modifications

- 303.1. Front Setback of Buildings on Built-Up Streets** - Where at least two (2) adjacent buildings within one hundred (100) feet of a property are set back a lesser distance than that required, the average of the lesser distances becomes the required minimum front setback for the property. However, in no case shall the setback line be less than thirty (30) feet from any abutting street right-of-way line; and,

303.2. Accessory or Appurtenant Structures -

1. The setback regulations do not apply to:
 - A. Bus shelters; telephone poles; cornices, eaves, chimneys, steps, window awnings, and retractable or removable fabric canopies;
 - B. Open Fire Escapes
 - C. Minor public utility structures, articles of ornamentation or decoration;
 - D. Fences, hedges, and retaining walls;
2. Corner Lot - A corner lot shall be permitted to have an uncovered porch or patio extend into the front setback that does not face the front of the dwelling no more than ten (10) feet measured from the setback line, provided that for every one (1) foot, or fraction thereof, that the porch or patio is not within the front setback, there shall be a corresponding reduction into the front setback. For example, a dwelling that is ten feet from the setback line will not be allowed any extension. A dwelling that is nine feet from the setback line will be allowed a one (1) foot extension, etc.
3. Uncovered porches and patios may extend into the rear setback no more than ten (10) feet measured from the setback line, provided that for every one (1) foot, or fraction thereof, that the uncovered porch or patio is not within the rear setback, there shall be a corresponding reduction into the rear setback. For example, a dwelling that is ten feet from the setback line will not be allowed any extension. A dwelling that is nine (9) feet from the setback line will be allowed a one (1) foot extension, etc.
4. Detached roofs, pergolas, canopies, awnings, and similar structures must maintain a minimum three (3) foot separation distance from any dwelling.

Section 304 Height Limit Exceptions

- 304.1.** The height regulations listed in Article 2 do not apply to the following structures or projections, provided such structures or projections, excluding flagpoles, are set back a horizontal distance at least equal to their height from any property line or right-of-way line, plus fifteen (15) feet:
1. Water towers, antennas, privately owned utility poles, smokestacks, chimneys, farm silos, windmills, wind energy conversion systems, or other similar structures;
 2. Rooftop structures for the housing of elevators, stairways, water storage tanks, ventilating fans, and other mechanical appurtenances; and,
 3. Parapet walls or cornices used solely for ornamental purposes if not in excess of five (5) feet above the roof line; and,

- 304.2.** Flagpoles shall be setback a distance equal to their height from all property lines and right-of-way lines.
- 304.3.** In no case shall any freestanding or rooftop structure above the maximum permitted height be used for the purpose of providing additional floor space for residential, commercial or industrial purposes.

Section 305 Corner Lots

A front setback, as provided for in the area and lot requirements for the various zones, shall be required along each street on which a corner lot abuts.

On corner lots, no fence, wall, structure nor growth exceeding thirty-six (36) inches in height shall be permitted within the required clear sight triangle.

Section 306 Minimum Habitable Floor Area

All dwelling units must conform to the minimum habitable floor area as follows:

- 306.1.** Single-family, duplex, and townhouse dwelling units: seven hundred (700) square feet per dwelling unit;
- 306.2.** Multi-family dwellings and Two-family dwellings: four hundred (400) square feet per dwelling unit; and,
- 306.3.** ECHO housing or two-family conversions: two hundred fifty (250) square feet per dwelling unit.

Section 307 One Principal Use On A Lot

Except within the C-N, C-1, and I Zones, only one (1) principal use is permitted on a duly-approved lot.

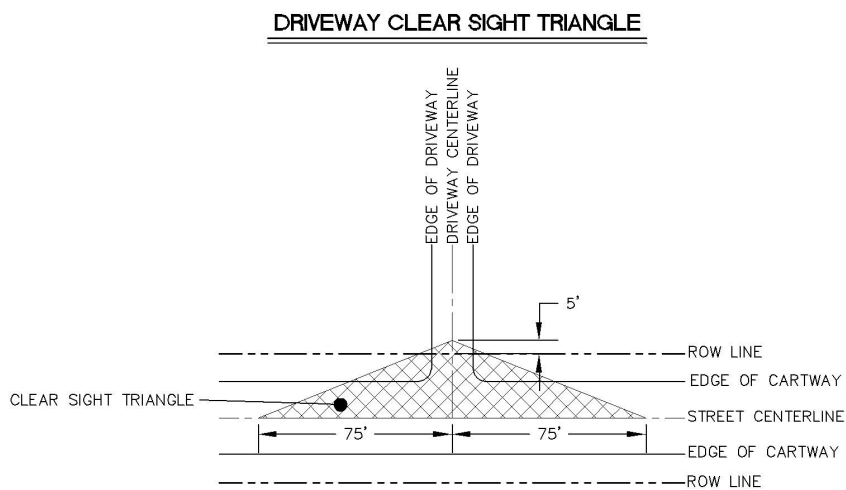
Section 308 Required Vehicular Access

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street. The erection of buildings without approved access shall not be permitted.

- 308.1.** Cul-de-sac streets as defined in the SALDO shall not be used to provide access to more than ten (10) dwelling units.

Section 309 Driveway Requirements (Single-Family Dwelling)

- 309.1. Number Per Lot** - No more than two (2) driveway connections per lot shall be permitted;
- 309.2. Setbacks** - Driveways shall not connect with a public street within forty (40) feet of the right-of-way lines of any intersecting streets, nor within five (5) feet of a fire hydrant. Furthermore, no part of a driveway shall be located within two (2) feet from any adjoining side lot line nor within twenty (20) feet from another driveway on the same lot.
- 309.3. Clear Sight Triangle** - Driveways shall be located and constructed so that a clear sight triangle of seventy-five (75) feet as measured along the street centerline and five (5) feet along the driveway centerline is maintained, as measured from the road right-of-way line; no permanent obstructions and/or plant materials over three (3) feet high shall be placed within this area;



- 309.4. Slope** - A driveway shall not exceed a slope of ten (10) percent within twenty-five (25) feet of the street right-of-way lines. No portion of a driveway shall exceed a slope of fifteen (15) percent.
- 309.5. Road Classification** - Driveway access shall be provided to the street of lesser classification when there is more than one street classification involved;
- 309.6. Driveway Width** - No driveway shall exceed twenty-four (24) feet in width at its connection with the street;
- 309.7. Permit** - Any driveway intersecting with a State or Township owned road shall require the obtainment of a driveway permit;

- 309.8. Drainage** - Driveways shall not be constructed in a manner to be inconsistent with the design, maintenance and drainage of the street;
- 309.9. Driveways and Garages for Townhouses** - All off-street parking contained in driveways in front of or behind, the townhouse units shall be arranged in a side-by-side arrangement. No portion of the parking area shall be permitted within a road right-of-way. Off-street parking for townhouses can also be provided in a common parking lot as regulated by Section 311 of this Ordinance.

Section 310 Access Drive Requirements (Non-Single-Family Dwelling)

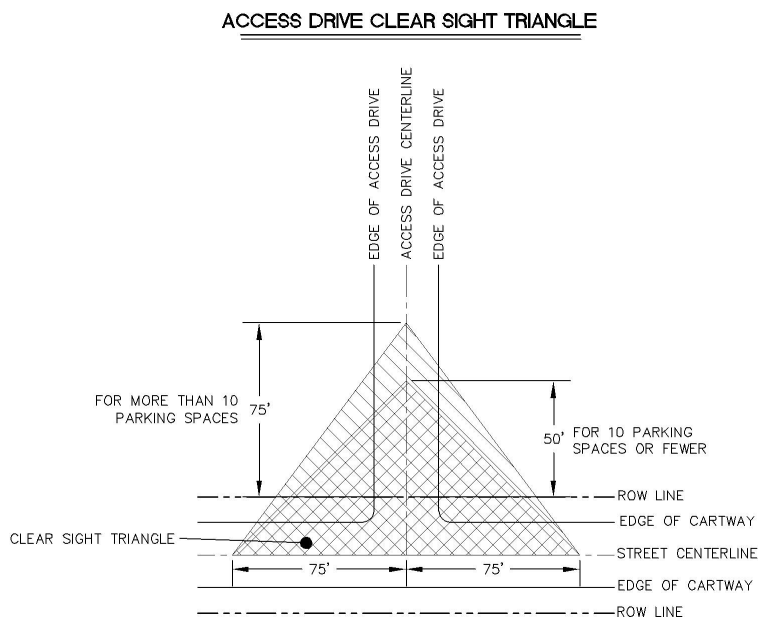
310.1. Number Per Lot - Except as specified elsewhere, the number of access drives intersecting with a street may not exceed two (2) per lot frontage. The Zoning Hearing Board may grant a variance for additional access points where required to meet exceptional circumstances and where frontage of unusual length exists;

310.2. Setbacks - All access drives shall be set back at least:

1. Sixty (60) feet from the intersection of any street right-of-way lines;
2. Sixty (60) feet from any other access drive located upon the same lot (measured from cartway edges); and,
3. Fifteen (15) feet from any side and/or rear property lines; however, this set-back can be waived along one property line when a joint parking lot is shared by adjoining uses;

310.3. Clear-Sight Triangle - Access drives shall be located and constructed so that no obstructions and/or plant materials over three (3) feet high shall be placed within a clear-sight triangle of:

1. Seventy-five (75) feet, as measured along the street centerline, and fifty (50) feet, as measured along the access drive for uses requiring up to, and including, ten (10) off-street parking spaces; and,
2. Seventy-five (75) feet, as measured along the street centerline, and along the driveway centerline is maintained for uses requiring more than ten (10) off-street parking spaces.



- 310.4. Slope** - Access drives shall not exceed a slope of four (4) percent within seventy-five (75) feet of the intersecting street centerline. No portion of an access drive shall exceed twelve (12) percent.
- 310.5. Surfacing** - All access drives shall be paved with concrete or bituminous paving material, or another dust-free material suitable to the Board of Supervisors;
- 310.6. Access Drive Width** - The following table specifies various access drive width requirements:

Function	Required Cartway Width
Two lanes of traffic without parallel parking*	28 feet
One lane of traffic without parallel parking**	14 feet

*Off-street parking lots must be provided in accordance with Section 311 of this Ordinance and the prohibition of on-street parking must be identified along the cartway.

**The one-way direction of traffic must be identified along the cartway through a combination of signs and pavement markings.

- 310.7. Permit** - Any access drive intersecting with a State- or Township-owned road shall require the obtainment of a driveway permit.

Section 311 Off-Street Parking Requirements

- 311.1.** Off-street parking shall be required in accordance with the provisions of this section prior to the occupancy of any building or use, so as to alleviate traffic congestion on streets. These facilities shall be provided whenever:
1. A building is constructed or a new use is established;
 2. The use of an existing building is changed to a use requiring more parking facilities; and,
 3. An existing building or use is altered or enlarged so as to increase the amount of parking space required;
- 311.2. Parking for Single-Family Detached and Duplex Dwelling Units** - Every single-family detached and/or duplex dwelling unit shall be required to provide at least two (2) off-street parking spaces. Such spaces must be provided behind the street right-of-way line in a driveway and may take the form of garages or carports. Additional regulations pertaining to driveways are contained in Section 309 of this Ordinance. The remaining regulations contained in this section do not apply to off-street parking facilities serving one single-family dwelling or a duplex dwelling unit.

311.3. Site Plan Approval:

1. Each application for a zoning permit (for a use for which parking spaces are required) shall include a drawing (site plan) showing the proposed layout of the lot. The drawing shall clearly indicate all of the design elements required below.
2. No zoning permit shall be issued for any use for which parking spaces are required unless the site plan has been approved or necessary variances have been obtained;

311.4. Surfacing - All parking lots shall be constructed and maintained with a paved surface of concrete or bituminous materials, or another dust-free material, approved by the Board of Supervisors;

311.5. Separation from Streets and Sidewalks - Parking spaces shall be guarded by curbs or other protective devices, which are arranged so that parked cars cannot project into the streets, setbacks, or walkways;

311.6. Drainage - Parking lots shall be graded to a minimum slope of one (1) percent to provide for drainage. Adequately sized inlets and storm sewers shall be provided to discharge storm water in accordance with a plan to be approved by the Township;

311.7. Parking Space Sizes - The following lists required minimum space sizes in feet:

Standard car spaces:

Parallel	23 x 10
Non-parallel	10 x 20

311.8. Design Standards For Handicapped Parking Spaces - All parking lots shall comply with the latest version of the Americans With Disabilities Act;

311.9. Interior Driveway Widths:

1. Driveways between rows of parking spaces shall have the minimum widths indicated in the following table:

Angle of Parking	Width of Driveway in Feet; One-Way Traffic	Width of Driveway in Feet; Two-Way Traffic
90 Degrees	25	25
60 Degrees	20	22
45 Degrees	18	22
30 Degrees	11	22
Parallel	11	22

2. Interior driveways in areas where there is no parking permitted shall be at least fourteen (14) feet wide for each lane of traffic;

- 311.10. Marking of Parking Spaces and Interior Drives** - All parking lots shall be adequately marked and maintained for the purpose of defining parking spaces and interior drives.
- 311.11.** Not less than a five (5) foot radius of curvature shall be permitted for horizontal curves for curblines or edge of pavement lines within in parking areas;
- 311.12.** All dead end parking lots shall be designed to provide sufficient back-up area for all end spaces;
- 311.13. Lighting** - Adequate lighting shall be provided if the parking lot is to be used at night. The lighting shall be arranged so as not to reflect or glare on land used for residential purposes, or adjoining lots or streets. Lighting shall be installed and operated in compliance with Section 320 of this Ordinance.
- 311.14. Access Drive Requirements** - Every parking lot shall be connected to a street by means of an access drive. This access drive shall be at least fourteen (14) feet wide for each lane, exclusive of curb return and gutters. Section 310 specifies other requirements for access drives;
- 311.15. Speed Bumps:**
1. Speed bumps, constructed as part of access drives or parking lots, shall be marked with permanent, yellow diagonal stripes;
 2. The speed bumps shall be in the form of mounds or depressions in the pavement and shall be designed to restrain motor vehicle speed;
 3. There shall be a warning sign posted at each entrance to a parking area having bumps;
 4. In no case shall the overall height (or depth) of speed bumps exceed three (3) inches;
- 311.16. Joint Parking Lots:**
1. In shopping centers over three (3) acres in size, joint parking lots may be permitted. These joint facilities can reduce the total number of parking spaces required by a maximum of twenty (20) percent. Therefore, the resulting joint parking lot will be required to provide at least eighty (80) percent of the total number of spaces required by the sum of all of the shopping center's tenants. Such reduced parking spaces must be appropriately distributed upon the lot to provide convenient walking distance between vehicles and each of the shopping center's stores;
- 311.17. Prohibited Uses of a Parking Lot** - Automobile parking lots are for the sole purposes of accommodating the passenger vehicles of persons associated with the use which requires them. Unless otherwise provided in the Ordinance, parking lots shall not be used for the following and/or loading purposes:
1. The sale, display, or storage of automobiles or other merchandise;

2. Parking vehicles accessory to the use;
3. Performing services (including services to vehicles);
4. Required off-street parking space shall not be used for loading and unloading purposes except during hours when business operations are suspended;
5. Required off-street parking spaces shall not be used for the overnight occupancy of motor vehicles, travel trailers, tractor trailers or similar vehicles.

311.18. Schedule of Required Parking Spaces - The following lists required numbers of parking spaces by use type. Any use involving a combination of several uses shall provide the total number of spaces required for each individual use:

Type of Use	Minimum of One Parking Space for Each
COMMERCIAL USES	
Automobile repair, filling and washing facilities	400 square feet of gross floor area devoted to repair and service facilities in addition to areas normally devoted to automobile storage plus one per employee on major shift
Automobile, boat, and trailer sales	500 square feet of gross floor area
Convenience stores	100 square feet of gross floor area
Drive-thru and/or fast-food restaurants	Two seats and one per each two employees
Food markets and grocery stores	125 square feet of gross floor area plus one per each employee on two largest shifts
Funeral homes	100 square feet of gross floor area, one per each employee, and one per each piece mobile equipment, such as hearses and ambulances
Furniture sales	500 square feet gross floor area
Hotels, motels, tourist homes Bed and breakfast	Guest sleeping room and one per each employee on two largest shifts. (Restaurants and other accessory uses shall be viewed separately.)
Mini-warehouses	Per each 25 units plus one per 250 square feet of office space, plus two per any resident manager
Office buildings	300 square feet of gross floor area
Professional offices of veterinarians, physicians, dentists, etc.	Six spaces per each physician or dentist, etc.
Personal Customer Service Business	200 square feet of gross floor area plus one per each employee on the two largest shifts.
Retail stores or shops (except those listed above)	200 square feet of gross floor area and one per each employee on two largest shifts
Restaurants	Four seats plus one per each employee on largest shift
Shopping centers or malls	See Section 450.
Other commercial buildings	400 square feet of gross floor area

Type of Use	Minimum of One Parking Space for Each
INDUSTRIAL USES	
Industrial and heavy manufacturing establishments	Two employees on the two largest shifts or at least one space per each 1,000 square feet of gross floor area, whichever is the greatest number
Warehousing	Employee on the two largest shifts

Type of Use	Minimum of One Parking Space for Each
RECREATION USES	
Amusement arcades not specified below	100 square feet of gross floor area
Athletic fields/stadiums	Four seats of spectator seating; however, if no spectator seating is provided, a temporary parking area shall be provided on the site. Such area must provide sufficient numbers of spaces to serve all users of the site, and include a fence delineating such parking area.
Bowling alleys, billiards rooms	1/4 lane/table and one per each two employees
Campgrounds	Per campsite, plus one per employee
Golf courses	1/8 hole, plus one per employee
Golf driving ranges	One per tee and one per employee
Miniature golf courses	1/2 hole and one per employee
Riding schools or horse stables	Two stalls plus one per every four seats of spectator seating
Picnic areas	Per table
Skating rinks	Four persons of legal occupancy
Swimming pools (other than one accessory to a residential development)	Four persons of legal occupancy
Tennis or racquetball clubs	1/4 court plus one per employee

Type of Use	Minimum of One Parking Space for Each
RESIDENTIAL USES	
Single-family detached and duplex dwellings	1/2 dwelling unit (i.e., 2 spaces per dwelling unit), including those within garages or carports
Townhouses and multiple-family dwellings	1/3 dwelling unit (i.e., 3 spaces per dwelling), including those with garages or carports
Boarding houses, group homes, and bed and breakfasts	Bedroom

Type of Use	Minimum of One Parking Space for Each
SOCIAL AND INSTITUTIONAL USES	
Auditorium, place of worship , theater, and other such places of public assembly	200 square feet of gross floor area, but not less than one space per each four seats
Clubs, lodges and other similar places	Two seats but not less than 100 square feet of gross floor area and one per each employee on two largest shifts
Personal Care Home	Three accommodations (beds) in addition to those needed for doctors and support staff
Hospitals, sanitariums	Spaces shall be provided for visitors, at the rate of at least one space per each 1.5 accommodations (beds). Such spaces shall be in addition to those necessary for doctors and other personnel.
Museums, art galleries, cultural centers, libraries	400 square feet of gross floor area
Rehabilitation centers (without overnight accommodations)	One per each employee and per each three people anticipated to be handled through the facility
Schools below grade ten, including commercial day-care and kindergarten	Six students enrolled
Schools, tenth grade and above, including colleges	Three students enrolled
Vocational training and adult education facilities	1.5 students enrolled

311.19.**Delayed Construction of Parking Facilities.**

1. At the discretion of the Board of Supervisors, the applicant may delay the construction of up to thirty (30) percent of the required parking spaces provided that the following requirements are met:
 - A. The parking facilities do not serve a residential use.
 - B. The applicant shall demonstrate that all requirements of the Zoning and Subdivision and Land Development ordinances are met for the parking facilities assuming that the construction of portions of them is not delayed. Such requirements shall include, but are not limited to, those involving stormwater management, allowable impervious coverage, screening, landscaping, and accessible parking spaces.
 - C. The applicant shall provide evidence to demonstrate that the initially constructed portion(s) of the parking facilities are adequate to serve the proposed use. Such evidence may include:
 1. Parking requirements from other municipalities.
 2. Historical parking data from similar uses.
 3. Published engineering or architectural standard.
 - D. A phasing plan shall be submitted to show which portions of the parking facilities are to be constructed initially, which portions are to be delayed,

and how construction will be undertaken to enlarge the parking facilities if and when construction of the remaining portions is required.

- E. The Site Data table shall provide all applicable information for both the condition before and the condition after installation of the parking facilities for which construction has been delayed.
- F. A note shall be added to the plan which indicates the following: The owner, his heirs or assigns, shall, within 12 months of written notice from Windsor Township, provide financial security, obtain any and all applicable permits, and complete construction to the satisfaction of the Township's designated inspector of the parking facilities for which construction is delayed under this plan.
- G. The remaining parking areas shall be constructed at the developer's expense upon written notification from Windsor Township, or should the developer voluntarily choose to do so. Situations that may result in the developer being required to construct the remaining parking spaces include, but are not limited to, overflow of the existing parking facilities or parking of vehicles in non-designated areas, interference with the free flow of traffic in the vicinity of the parking area due to inadequate parking facilities, resident complaints, or for any other reason, at the discretion of the Board of Supervisors.

Section 312 Loading Areas and Loading Spaces

- 312.1.** Loading spaces and loading areas shall be required in accordance with this section prior to the occupancy of any building or use, so as to alleviate traffic congestion on streets. These facilities shall be provided whenever:
- 1. A new use is established;
 - 2. The use of a property or building is changed and thereby requiring more loading spaces or loading area; and,
 - 3. An existing use is enlarged thereby requiring an increase in loading spaces or loading area.
- 312.2. Surfacing** - Loading areas, including access drives, shall be constructed and maintained with a paved surface of concrete or bituminous materials;
- 312.3. Location** - A loading area shall be located only in a side or rear yard.
- 312.4. Connection to Street** - Every loading area shall be connected to a street by means of an access drive. The access drive shall be at least twenty-eight (28) feet wide, exclusive of curb returns and gutters. Section 310 specifies other requirements for access drives.

312.5. Separation from Streets, Sidewalks, and Parking Lots - Loading areas shall be designed so that there will be no need for vehicles to back over streets or sidewalks. Furthermore, loading areas shall not interfere with off-street parking lots.

312.6. Drainage - Loading areas (including access drives) shall be drained to prevent damage to other properties or public streets. Furthermore, all loading areas shall be designed to prevent the collection of standing water on any portion of the loading area surface, particularly next to access drives.

312.7. Required Off-Street Loading Space Sizes - The following lists required minimum loading space sizes, in feet excluding access drives, entrances, and exits:

Facility	Length	Width	Height (if covered or obstructed)
Industrial, Wholesale, and Storage Uses	63 feet	12 feet	15 feet
Retail uses 20,000 S.F. or greater	63 feet	12 feet	15 feet
All Other Uses	33 feet	12 feet	15 feet

312.8. Lighting - Adequate lighting shall be provided if the loading area is to be used at night. The lighting shall be arranged so as not to be directed, reflected or cause glare off of the site. Lighting shall be installed and operated in accordance with Section 320 of this Ordinance.

312.9. Landscaping and Screening Requirements:

1. Unless otherwise indicated, all loading areas shall be surrounded by a ten (10) foot wide landscape strip, including but not limited to those adjoining public streets. All landscape materials shall be maintained in accordance with the requirements of section 317
2. All loading areas shall also be screened from adjoining residentially-zoned properties, or residentially-used parcels in accordance with Section 317.

312.10. Schedule of Off-Street Loading Spaces Required:

Type of Use	Number Spaces Per	Gross Floor Area
Hospital or other institution	2	First 100,000 square feet
	+1	Each additional 100,000 square feet (or fraction)
Hotel	1	First 100,000 square feet
	+1	Each additional 100,000 square feet (or fraction)
Industry or manufacturing	1	First 25,000 square feet
	+1	Each additional 40,000 square feet (or fraction)
Office building, including banks	None	First 10,000 square feet
	1	10,000 to 100,000 square feet
	+1	Each additional 100,000 square feet (or fraction)
Retail sales and services, per store	None	First 2,000 square feet
	1	2,001 to 10,000 square feet
	2	10,001 to 19,999 square feet
Shopping centers (integrated shopping centers, malls and plazas) having at least 20,000 square feet of gross floor area	2	20,000 square feet up to 100,000 square feet
	+1	Each additional 100,000 square feet
Theater, auditorium, bowling alley, or other recreational establishment	None	First 10,000 square feet
	1	10,000 to 100,000 square feet
	+1	Each additional 100,000 square feet (or fraction)
Undertaking establishment or funeral parlor	None	First 3,000 square feet
	1	3,001 to 5,000 square feet
	+1	Each additional 10,000 square feet (or fraction)
Wholesale or warehousing (except self storage)	None	First 1,500 square feet
	1	1,501 to 10,000 square feet
	+1	Each additional 40,000 square feet (or fraction)

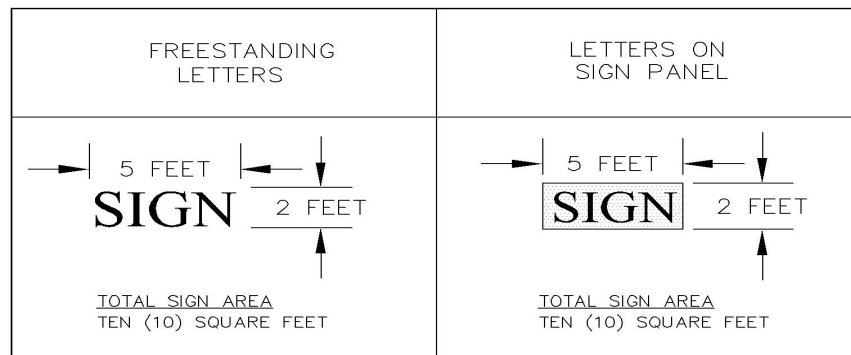
312.11. Noise and Light - Loading area operations shall be conducted in accordance with Sections 320 of this ordinance.

Section 313 Outdoor Signs

313.1. General Regulations for All Signs:

1. Signs shall be constructed of durable material and maintained in good condition;
2. No sign shall be maintained within the Township in such a state of disrepair as to have the appearance of complete neglect, which is rotting or falling down, which is illegible, or has loose parts separated from original fastenings;
3. Whenever a sign becomes structurally unsafe or endangers the safety of the building or premise, or endangers the public safety, the Zoning Officer shall give written notice to the owner of the premises on which the sign is located that such sign be made safe or removed within five (5) days;
4. Advertising painted upon or displayed upon a barn or other building or structure shall be regarded as a flat wall sign and the regulations pertaining thereto shall apply;
5. Each sign shall be removed when the circumstances leading to its erection no longer apply;
6. Signs may be interior lighted with non-glaring lights, or may be illuminated by floodlights or spotlights such that the source of such light is screened and shielded so there is no direct light transmitted to other properties or public rights-of-way. Lighting shall be installed and operated in accordance with section 320 of this Ordinance;
7. Animated, flashing, and sequential signs are prohibited in all zones except the Industrial Zone. No sign shall be of the rotating or oscillating type, unless located in the Industrial Zone. All freestanding signs shall be of the monument type in all zones except the Industrial Zone.
8. No sign located within three hundred (300) feet of any traffic light shall be illuminated with red, green or yellow lights or neon tubing. No sign may use words such as "stop," "look," "one-way," or "yield," or similar phrases, symbols or characters that could interfere with, mislead or confuse traffic;
9. All electrically illuminated signs shall be constructed to the standards of the National Board of Fire Underwriters and must be listed with Underwriters Laboratories. (UL Listed)
10. Signs must be positioned so that they do not interfere with any clear sight triangle;
11. Determination of Size - The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, including any border framing or decorative attachments, but not including any supporting framework or 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. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign; provided, however, for a double-face sign, if the interior angle formed by the two faces of the double-face sign is less than forty-five (45) degrees and the two (2) faces are at no point more than three (3) feet from one another, the area of only the larger face shall be included;



12. No loud, vulgar, indecent, or obscene advertising matter shall be displayed in any manner, including, but not limited to:
 - A. Act or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law;
 - B. Scenes wherein a person displays the vulva or the anus or other genitals;
 - C. Scenes wherein artificial devices are employed to depict, or drawings are employed to portray any of the prohibited signs, photographs or graphic representations described above; and,
 - D. Any other graphic illustration pertaining to specified sexual activities and/or specified anatomical areas;
13. No sign shall be erected or located as to prevent free ingress or egress from any window, door or fire escape;
14. No sign shall be placed in such a position that it will obscure light or air from a building or which would create a traffic danger, or hazard to public health or safety;
15. No sign shall be permitted which is permanently attached to any public utility poles or tree.;

16. No sign located within any floodplain shall exceed six (6) square feet of area per side;
17. In the event that a symbol, trademark or other such figure is used as a sign post or standard which could be construed to indicate or identify a particular use or business, that symbol, trademark or figure is to be computed as part of the total allowable sign area;
18. Except in the cases of billboards as regulated by Section 409, only those signs referring directly to materials or products made, sold or displayed on the premises, to services offered on the premises, and/or to activities conducted on the premises, shall be permitted; and,
19. No permanent streamers, pennants, promotional flags, advertising inflatables or other similar materials shall be permitted to be located on the outside of any building.
20. For all signs, mounding of earth or other material near the base of the sign to increase the sign's peak elevation shall not be permitted.

313.2. Specific Sign Requirements - The following tables present specific standards imposed upon permanent and temporary signs, respectively:

PERMANENT SIGN REQUIREMENTS									
Sign Type/Description	Permitted Zones/ /Permit Required	Maximum # Permitted	Maximum Area Permitted	Maximum Height	Minimum Setback from ROW	Maximum Height of Flat Wall Sign	Maximum Height of Wall Projecting Sign	Maximum Projection from a Wall for a Projection Sign	Other Requirements
Official Township Signs; Signs owned, associated, and or operated by the Township. The Township may erect any sign(s) deemed to be in the interest of the health, safety or welfare of the citizens of the Township.	All/ Yes	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Nameplate Sign; Residential nameplate identifying name of home, its occupants, or both, not including name listing on mailbox.	All/ No	1 per dwelling unit or tenant	1 square foot	4 feet, if freestanding	5 feet	6 feet	Not Permitted	Not Permitted	
Property Control Signs; Signs indicating a private road, driveway, and or other premises, and signs controlling the use of private property (i.e. "No Hunting or Fishing", "Posted", or of similar type)	All/ No	1 per 50 lineal feet of property line	1 square foot	6 feet	Height of sign	6 feet	Not Permitted	Not Permitted	Spacing at no less than 25 foot intervals
On-site directional signs; signs shall not contain any advertising or logos and shall not be located so as to interfere with the sight of traffic. Signs shall indicate entrance, exit, or direct the circulation of traffic	All/ No	12 per lot	2 square foot	4 feet	Height of sign	10 feet	10 feet	2 feet	
Billboards	See Section 409 of this Ordinance for Billboard regulations								

PERMANENT SIGN REQUIREMENTS									
Individual business signs; Signs identifying the name and type of business, and trademark of the business conducted on the premise, or any combination thereof. This does not include businesses contained within shipping centers, as defined herein. Window signs shall be considered Individual business signs if the content described above is displayed thereon.	C-N, C-1, & I/ Yes	1 monument sign per road frontage; however, if any of the lot frontage exceeds 1,000 feet, 1 additional monument sign may be permitted. In no case shall more than 3 total business signs be permitted.	1 square foot per 5 lineal feet of road frontage, not to exceed 50 square feet per business sign in the C-N Zone and 100 square feet total for all business signs in the C-1 Zone ; however, if the site has more than one road frontage, all business signs shall not exceed 150 square feet.	15 feet	15 feet	Height of wall to which sign is attached	Height of wall to which sign is attached	10 feet, but no closer than 10 feet from any lot line	No flat wall sign, nor wall projecting sign shall be larger than 15% of the wall area to which the sign is attached.
Public Sign; Signs specifically identifying uses rendering public services (i.e. schools, place of worship, utilities, hospitals, libraries, parks, fire stations, post offices, and other similar uses); exclusive of any other sign type.	All/ Yes	1 per lot frontage not to exceed 2 per principal use	32 square feet	15 feet	10 feet or the height of the sign; whichever is greater	Height of wall to which sign is attached	Height of wall to which sign is attached	10 feet, but no closer than 10 feet from any lot line	
Residential development/ neighborhood signs; Such signs shall only list the name of the neighborhood/development and shall not list any names of contractors, realtors, or both.	A, R-1, and R-2/ Yes	1 per street entrance, no more than 2 total	32 square feet	15 feet	10 feet or the height of the sign; whichever is greater	Height of wall to which sign is attached	N/A	N/A	The applicant shall submit a written description of the maintenance guarantee to the Township for review and approval.
Personal Expression Sign; signs that depict the opinion or expression of the property owner, or otherwise defined herein. The display of trademarks are prohibited. Any sign that references a business located on the same lot as the sign shall not be deemed a Personal Expression Sign.	All/ Yes	1per lot	32 square feet	15 feet	10 feet or the height of the sign; whichever is greater	Height of wall to which sign is attached	Height of wall to which sign is attached	10 feet, but no closer than 10 feet from any lot line	
Off-premise signs; signs indicating the direction of travel to a public use, park, place of worship, or public school which is not located on the premises of such use.	All/ Yes	2 per use	4 square feet	10 feet	Height of sign	Height of wall to which sign is attached	Height of wall to which sign is attached	10 feet, but no closer than 10 feet from any lot line	If located on private property the applicant will need written consent. Shall not be located within a street right-of-way, or interfere with any clear sight triangle. No more than two (2) off-premises signs may be located within 200 feet of any street intersection.

TEMPORARY SIGN REQUIREMENTS									
Sign Type/Description	Permitted Zones/ /Permit Required	Maximum # Permitted	Maximum Area Permitted	Maximum Height	Minimum Setback from ROW	Maximum Height of Flat Wall Sign	Maximum Height of Wall Projecting Sign	Maximum Projection from a Wall for a Projection Sign	Other Requirements
Temporary signs of contractors, architects, mechanics, landscapers, and artisans , displayed only while actual on-site work is in progress.	All/ No	1 per firm whose work is in progress	12 square feet	5 feet	10 feet	N/A	N/A	N/A	Should a sign be left on-site beyond allowable time period, the Township may impound it and recover a fee from owner (cost of impoundment and storage).
Real estate sale, sold, or rent signs when placed upon the property (unit) to be rented or sold. Auctioneer signs when placed upon the property at which an auction is to take place.	All/ No	1 per street frontage, maximum of 3 signs	12 square feet per sign	10 feet	10 feet	Height of wall to which sign is attached	N/A	N/A	All such signs shall be removed within 5 days of final sales transaction or upon rental occupancy, or be subject to Twp. impoundment and a recovery fee.
Proposed development signs for residential or office complexes.	All, but only after final plan is approved/ Yes	1 per street frontage, maximum of 2 signs	1 square foot per unit of occupancy, not to exceed 32 square feet	10 feet	10 feet	Height of wall to which sign is attached	N/A	N/A	Such sign shall be removed upon completion of construction of final unit.
Proposed development signs for commercial uses, industrial uses, other non-residential, uses, or any combination thereof.	C-N, C-1, and I, but only after final plan approval/ Yes	1 per street frontage, maximum of 2 signs	1 square foot per 1,000 square feet of gross floor area, not to exceed 32 square feet	10 feet	10 feet	Height of wall to which sign is attached	N/A	N/A	All such signs shall removed upon completion of building construction.
Special event signs for public and/or nonprofit uses (e.g., fundraisers, reunions, holidays, festivals, shows, sales, etc.).	All/ No	1 per use per event	12 square feet	10 feet	10 feet	Height of wall to which sign is attached	N/A	N/A	Such signs may only be used during a maximum of four periods per calendar year, not exceeding 60 days total.
Special event signs for businesses (e.g., grand openings, change of use or ownership, closeout sale, clearance sale, holiday sale).	C-N, C-1, and I/ Yes	1 per business per event	12 square feet	10 feet	10 feet	Height of wall to which sign is attached	N/A	N/A	Such signs may only be used during a maximum of two periods per calendar year, not exceeding 30 days total.
Roadside stand signs for the sale of agricultural products upon a principal farm property.	All/ Yes	2 per roadside stand	12 square feet	N/A	N/A	Not to exceed 10 feet	Not to exceed 10 feet	10 feet, but no closer than 10 feet from any lot line	Roadside stand signs shall only be displayed during seasons when products are for sale.

TEMPORARY SIGN REQUIREMENTS									
Sign Type/Description	Permitted Zones/ /Permit Required	Maximum # Permitted	Maximum Area Permitted	Maximum Height	Minimum Setback from ROW	Maximum Height of Flat Wall Sign	Maximum Height of Wall Projecting Sign	Maximum Projection from a Wall for a Projection Sign	Other Requirements
Garage/yard sale signs upon properties conducting such sales.	All/ No	1 per lot	6 square feet per sign	5 feet	Height of the sign	Height of wall to which sign is attached	N/A	N/A	See Section 301.9 for additional requirements.
Political signs.	All/ No	Unlimited	12 square feet	5 feet	Height of the sign	N/A	N/A	N/A	Such signs must be removed 5 days after the election.
Off-premise open house signs to be displayed no more than 24 hours prior to, and 1 hour after, such open house.	All/ No	2 per open house	6 square feet per sign	5 feet	Height of the sign	N/A	N/A	N/A	Should a sign be left onsite beyond the allowable time period, the Township may impound it and recover a fee from owner equal to cost of impoundment and storage.
Promotional flags and Advertising Inflatables	C-N, C-1, and I/Yes	2 per use per event	100 S.F. total (Determined as Maximum outside length x Maximum outside height for irregularly shaped devices)	20 ft.	Equal to or Greater than the required Building Setback	N/A	N/A	N/A	Such devices may only be used during a maximum of two periods per calendar year, not exceeding 30 days total.
Advertising Illumination Devices	C-N, C-1, and I/Yes	3 light sources per use per event	N/A	N/A	50'	N/A	N/A	N/A	Such devices may only be used during a maximum of two periods per calendar year, not exceeding 30 days total.

SHOPPING CENTER SIGN REQUIREMENTS				
Sign Type	Maximum # Permitted	Maximum Area Permitted	Maximum Height	Other Requirements
Shopping center sign	1 per street frontage with entrance or exit	1 square foot for each 4 lineal feet of frontage within the shopping center, with a maximum of 200 square feet	20 feet	This sign shall devote no less than 50% of the total sign area (per side) to the advertisement of the shopping center's name.
Anchor tenant sign for one use containing more than 150 lineal feet of storefront	Unlimited	If the sign is less than 300 lineal feet from the facing street, then size of the sign may be 1 square foot for each 2 lineal foot of the storefront. If sign is more than 300 lineal feet from the facing street, the size of the sign may be 1 square foot for each 1 lineal feet of storefront.	Height of wall/ roof to which sign is attached.	These signs shall only be provided as flat wall, wall projecting or roof signs.
Storefront sign for one use containing up to 150 lineal feet of storefront	1 per principal use	2 square feet per lineal foot of storefront up to a maximum of 80 square feet.	Height of wall/ roof to which sign is attached.	These signs shall only be provided as flat wall, or wall projecting signs.
Storefront under-canopy signs for all principal uses.	1 per use with less than 150 lineal feet of storefront. 2 per use with more than 150 lineal feet of storefront.	4 square feet	To base of canopy, or where no canopy is provided, 10 feet.	No under-canopy sign shall have a vertical dimension of more than 18 inches from its lowest to highest point. The base of an under-canopy sign shall be no less than 8 feet, 6 inches above the finished grade below such sign.
Outparcel signs for principal freestanding uses sharing common ingress and egress to shopping center.	2 per principal use, but only 1 per wall	75 square feet per sign, not exceeding 20% of wall area to which sign is attached	Height of wall/ roof to which sign is attached.	These signs shall only be provided as flat wall, wall projecting or roof signs.

- 313.3. Electronic Variable Messaging Signs (EVMS) -** An Electronic variable messaging sign may be permitted to occupy a portion of one (1) monument sign, in accordance with all sign related requirements in the underlying zone, and, subject to the following:
1. The EVMS shall be a maximum area of thirty two (32) square feet.
 2. The message displayed on the EVMS shall remain fixed for a minimum of fifteen seconds.
 3. The EVMS shall contain a default design that will freeze the sign in one (1) position if a malfunction occurs or, in the alternative, shut down.
 4. Portable, temporary, and off-premise EVMS are prohibited.
 5. There shall be a maximum of one (1) EVMS sign per property.
- 313.4** All signs requiring the obtainment of a permit (as listed in the preceding tables) shall be required to submit zoning permit applications that include scaled plans or diagrams showing the following:
1. Exact dimensions of the lot, including any right-of-way lines or building upon which the sign is proposed to be erected;
 2. Exact size, dimensions and location of the said sign on the lot or building together with its type, construction, materials to be used, and the manner of installation; and,
 3. Any other lawful information which may be required of the applicant by the Zoning Officer.
- 313.5.** Application for permit shall be made in writing to the Zoning Officer and shall contain all information necessary for such Officer to determine whether the proposed sign, or the proposed alterations conform to all the requirements of this Ordinance; and,
- 313.6.** No sign permit shall be issued except in conformity with the regulations of this Ordinance, except upon order of the Zoning Hearing Board, granted pursuant to the procedures established for the issuance of a variance.

Section 314 Permanent/Temporary Occupancy Requirements

No persons or family shall be permitted to permanently reside within any tent, travel trailer, bus, boat, camper, or motor home. However, temporary occupancy of a tent, travel trailer, camper, or motor home shall be permitted for periods of up to fourteen (14) days in any calendar year on the property of a friend or relative.

Section 315 Roadway Classifications

For the purposes of this Ordinance, the Township's roads shall be classified in the following categories:

Arterial Roads	Collector Roads	Local Roads
Cape Horn Road Delta Road East Prospect Road Felton Road Winterstown Road	Burkholder Road Craley Road Freysville Road Locust Grove Road Lombard Road Manor Road Mt. Pisgah Road Springvale Road Windsor Road Witmer Road	All roads not listed as arterials or collectors.

Section 316 Common Open Space Requirements

In those instances where open space is required elsewhere in this Ordinance, or when an applicant proposes the use of open space, such open space shall comply with the following:

- 316.1.** Areas designated for open space shall be configured to meet the following purposes to the maximum extent possible:
1. Maximize the conservation of site features identified as having particular environmental, historical or recreational value.
 2. Preserve existing attractive or unique natural features, such as streams, creeks, ponds, woodlands, specimen trees and other areas of mature vegetation.
 3. Provide links to existing or planned open space or recreation areas on abutting parcels, including, but not limited to pedestrian trails, sidewalks, or greenways.
 4. Provide usable space for active or passive recreation, community gatherings, and civic interaction by the residents and their guests.
 5. Minimize intrusion of public and private views, on and off the site. To the greatest extent feasible, the open space shall be configured so that the view of the built portion of the proposed subdivision from public roads is minimized. The post-development view of the site from the road should be as close to the pre-development view as possible.
 6. Implement applicable open space and recreation plans, where such plans are deemed acceptable to the Township. Open space may also serve the purpose of providing buffers between the subdivision and adjoining parks or protected lands.
- 316.2.** **Minimum area** - Where Common Open Space is designated as separate, noncontiguous parcels, no single parcel shall consist of less than one (1) acre in size, except where designed as a green, plaza or mini-park/play area in accordance with Appendix D. No single area or portion of an area designated as Common Open Space shall be counted toward the minimum required open space wherever such area or portion of area is less than one hundred fifty (150) feet in width, except in the case of a riparian buffer area; or a trail corridor or other linkage between two larger, noncontiguous, open space areas, which shall be a minimum of twenty (20) feet in width.
- 316.3.** **Impervious surfaces** - No more than ten (10) percent of the total required common open space shall be covered by impervious surfaces. No more than fifty (50) percent of any individual parcel of open space shall be covered by impervious surfaces, such as tennis courts, trails, and picnic shelters.
- 316.4.** **Permitted Uses in Open Space:**
1. Permitted uses.
 - A. A maximum of twenty five (25) percent of the required Common Open Space may contain stormwater and drainage easements, floodplains, wetlands, steep slopes (natural or man-made), utility easements, rights-of-way, or other encumbrances. Above-ground stormwater retention or detention facilities are not permitted within the required Common Open Space. For the purpose of this calculation, the total (aggregate) area of the above listed items shall be considered.

- B. Woodlands, meadows, watercourses, floodplains, wetlands, steep slopes or similar natural resources maintained in a natural state.
- C. Park or outdoor recreation areas, including existing or proposed trails, and picnic and sitting areas.
- D. Active recreation, such as playfields and playgrounds; up to a maximum of twenty-five (25) percent of the required common open space and set back a minimum of one hundred (100) feet from all residential lots and the existing street network.
- E. Agricultural uses including crop, grazing, orchard, or pasture land; vegetable and flower gardening, tree farms, horticulture and timber harvest. Structures specifically serving these uses may be located in the permanent open space, however, the footprint shall not be counted toward the minimum requirement. Intensive agricultural uses shall not be permitted.
- F. Historic structures, under noncommercial use, however, the footprint and any associated impervious shall not count toward the required minimum.
- G. Easements for drainage, access, sewer or water lines, wells and underground utility rights-of-way. Above ground utility or street rights-of-way may traverse the open space but shall not count toward the minimum requirement.
- H. Accessory structures typically associated with the above permitted uses, such as:
 - 1. Gazebos/pergolas;
 - 2. Public art; and
 - 3. Benches.

2. Prohibited Uses.

- A. Land or property held in any form of ownership other than that contained in Section 316.7.
- B. Cut and fill other than in association with any uses related to approved Permitted Uses or Special Exception Uses specified herein.
- C. Soil, rock or mineral extraction.
- D. Removal of topsoil.
- E. Cutting or removal of live trees or other flora, except where:
 - 1. the area is devoted to nursery use;
 - 2. the removal of invasive species and/or hazardous conditions necessitates removal; or
 - 3. the removal occurs in accordance with an approved Timber Harvest Plan and Timber Harvest Permit.
- F. Impervious streets, impervious parking area, and impervious driveways, not related to permitted recreational amenities.
- G. Dwelling Units
- H. Residential Accessory Structures

316.5. Internal Open Space:

- 1. Internal open space shall be provided in accordance with the underlying zone or open space development option.
- 2. Internal open space shall be arranged to connect parcels by a common means of circulation and access.
- 3. Internal open space shall be designed in accordance with Appendix D.

- 316.6.** Any parcel within an open space development, including any Common Open Space parcel, that could qualify for further subdivision shall be restricted from further subdivision or land development by deed restriction, conservation easement, or other agreement in a form acceptable to the Township and duly recorded in the Office of the Recorder of Deeds of York County, Pennsylvania and shall be noted on the face of the subdivision plan. Any such mechanism should be structured in a manner that would require the agreement of both the Township and Homeowners Association in order to abolish it in the future.
- 316.7.** An essential element of the provision of open space is a written description regarding its ownership and/or disposition. Such ownership and/or disposition shall be accomplished through one of the following:
1. An offer of dedication to the Township. The Township shall not be obligated to accept dedication of the common open space;
 2. With permission of the Township, and with appropriate deed restrictions in favor of the Township and in language acceptable to the Township Solicitor, the developer may transfer ownership of the common open space or a portion thereof to a private, nonprofit organization among whose purposes is the preservation of open space land and/or natural resources. The organization shall be a bona fide conservation organization with a perpetual existence, the conveyance must contain appropriate provision for reverter or retransfer if the organization is unable to maintain the land, and the organization must enter into a maintenance agreement with the Township; and,
 3. The developer shall provide for and establish an organization for the ownership and maintenance of the common open space which shall be generally consistent with the requirements for unit owners; associations found in the Pennsylvania Uniform Condominium Act, 68 Pa. C.S. §3101 et seq. If such an organization is created, the agreements of sale and deeds for all lots shall contain the following requirements in language acceptable to the Township Solicitor:
 - A. Such organization shall not dispose of the common open space by sale or otherwise, except to the Township unless the Township has given prior written approval. Such transfer shall be made only to another organization which shall maintain the common open space in accordance with this Ordinance;
 - B. The organization and all lot owners shall enter into a maintenance agreement with the Township and shall agree to be bound by the provisions of Article VII of the Pennsylvania Municipalities Planning Code relating to the maintenance of deteriorating common open space by municipalities; and,
 - C. The Township may require the establishment of a reserve fund to provide for maintenance of or capital improvements to the common open space.
- 316.8** In the event that the organization established to own and maintain common open space or any successor organization, shall at any time after designation fail to

maintain the open space in reasonable order and condition in accordance with any and all approved plans, the Township may serve written notice upon such organization or upon the residents and owners, setting forth the manner in which the organization has failed to maintain the open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice.

1. At such hearing the Township may modify the terms of the original notice as to the deficiencies and may give an extension of the time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said thirty (30) days or any extension thereof, the Township, in order to preserve the taxable values of the properties and to prevent the open space from becoming a public nuisance, may but is not required to enter upon said open space and maintain the same for a period of one (1) year, at the expense of the organization. The cost of any such maintenance shall be borne by the owners of lots within the development from which the open space was derived. Said entry and maintenance shall not vest in the public any rights to use the open space except when the same is voluntarily dedicated to the public by the residents and owners.
2. Before the expiration of said year, the Township shall upon its initiative or upon the request of the organization therefore responsible for the maintenance of the open space, call a public hearing upon notice to such organization, or to the residents and owners of the project, to show cause why such maintenance by the Township shall not, at the election of the Township, continue for a succeeding year. If the Township shall determine that such organization is ready and able to maintain said open space in reasonable condition, the Township shall cease to maintain said open space at the end of said year. If the Township shall determine such organization is not ready and able to maintain said open space in a reasonable condition, the Township may, in its discretion, continue to maintain said open space during the next succeeding year and subject to a similar hearing and determination in each year thereafter. The decision of the Township in any such case, shall constitute a full administrative decision subject to judicial review at the expense of the said organization.
3. The cost of such maintenance by the Township shall be assessed on a prorated basis against the properties within the project that have a right of enjoyment of the open space and shall become a municipal lien on said properties.
4. This shall not require the Township to take any action, or limit any remedies permitted by law.

316.9

In addition, the applicant may include proposed parklands within required common open space by Conditional Use approval, if such parkland complies with the following:

1. The site shall be located and designed so that safe and convenient access shall be provided to all existing and proposed inhabitants. Additionally, each site shall have at least one (1) area available for vehicular access that is no less than twenty-four (24) feet in width;

2. The site shall be sized and configured so as to accommodate its intended uses. Sufficient lot width/depth dimension shall be provided so as to accommodate, where practicable, ball fields, courts and other open play areas. Furthermore, should a development be proposed at a location contiguous to an existing park, parklands should be provided, where practicable, as an expansion of the existing facility;
3. The site shall have suitable topography and soil conditions for use and development as active play areas. No more than twenty-five (25) percent of the site shall be comprised of floodplains, storm water management facilities and/or slopes exceeding three (3) percent unless said areas are deemed by the governing body to have significant natural and/or recreational value as parklands. Any unimproved site shall be provided with a healthy and vibrant grass ground cover;
4. The site shall be located and designed to conveniently access proximate public utilities (e.g, sewer, water, power, etc.). However, no part of any overhead utility easement, nor any above ground protrusion of an underground utility should be permitted in active play areas of the site;
5. No part of the site shall be calculated as part of any required setback and/or open space for adjoining lots or uses as regulated by the Zoning Ordinance; and,
6. The site shall comply with any applicable design, orientation, size and location guidelines listed in the Windsor Township and Borough Comprehensive Recreation, Park, and Open Space Plan.

Section 317 Landscaping and Screening Requirements

317.1

Landscaping shall be installed as required in accordance with this Ordinance. See also Section 231.7.4 of this Ordinance for Tree Replacement requirements, and Section 409 for landscaping required around Billboards.

1. Landscaping shall be based on and reflect the following:
 - A. The functional and aesthetic factors that relate to the tract and to the principal and accessory buildings and other structures.
 - B. Enhancing views from and within the property.
 - C. Screening and complementing proposed buildings and other structures.
 - D. Creating visual interest for the users and/or residents of the proposed development.

2. General Standards:

- A. See Appendix B for the List of Approved Trees. Other tree species may be used provided acceptable information is submitted to the Board of Supervisors to indicate that the species is appropriate.
- B. No one (1) species shall be utilized to satisfy more than twenty (20) percent of a particular tree or shrub planting requirement in a single development.
- C. Plants shall be provided by the developer in accordance with the following standards:
 - a. The plants shall be grown in a nursery or plant farm in a climate similar to that of Windsor Township.
 - b. All plants shall have a normal habit of growth and shall be sound, healthy and vigorous; they shall be free from disease, insects, insect eggs and larvae.
 - c. All planting shall be performed in conformance with good nursery and landscape practice and to any standards established by the Township.
 - d. Requirements for the measurements, branching, grading, quality, balling and burlapping of trees shall follow the code of standards recommended by the American Nursery & Landscape Association in the *American Standard for Nursery Stock*, ANSI Z60, current edition, or as amended.
- D. In order for the Township to determine compliance with the requirements of this Section, a Landscape Plan shall be submitted showing the proposed design of the interior parking lot landscaping. Said plan shall include a plant schedule and sufficient information as required for the installation of the landscaping. The plan shall be sealed by a landscape architect licensed to practice in the Commonwealth of Pennsylvania.
- E. Any tree or shrub, planted to meet the requirements set forth in this Section which dies or becomes damaged shall be replaced.

3. Ground Cover:

Ground cover shall be provided on all areas of the subject tract to prevent soil erosion. All areas that are not covered by paving, stone or other solid material shall be protected with a suitable vegetative ground cover, loose stone, or mulch.

4. Building Facade Landscaping:

All non-residential and multifamily residential buildings on properties of one-half (1/2) acre or greater shall be landscaped in accordance with the following criteria:

- A. Shade trees, evergreen trees and shrubs shall be installed within fifteen (15) feet of the facades as follows:
- a. For every fifty (50) foot length of building's front and side facades, or portion thereof:
 - i. One (1) two-and-one-half to three (2½-3) inch caliper shade tree;
 - ii. Five (5) evergreen and/or deciduous shrubs of a minimum of twenty four (24) inches in height or spread.
 - b. Example: A building with a total front and side length of two hundred and forty (240) feet will require five (5) shade trees, and twenty-five (25) shrubs planted within fifteen (15) feet of the building.
 - c. All fractional numbers shall be rounded up to the nearest whole number.
 - d. In calculating the length of building facade for these planting requirements, the length of the building occupied by loading bays shall be deducted from the total length.
 - e. Building projections or recesses of 10 feet or less shall not be included in the measurement of building length.
 - f. Two (2) ornamental/understory trees a minimum of six (6) feet in height may be substituted for each one (1) required building facade shade tree.
 - g. See Appendix B for the List of Approved Trees.

5. On-Lot Shade and Street Trees:

See Appendix B for the List of Approved Trees.

A. On-Lot Shade Trees:

- a. On-lot shade trees, in addition to required street trees, shall be provided in all residential subdivisions.
- b. One (1) on-lot shade tree shall be installed for each single-family detached or duplex dwelling or residential lot. Two (2) on-lot shade trees shall be provided for each building containing three (3) or more dwelling units.
- c. On-lot shade trees shall be a minimum of two-and-one-half (2½) inch caliper.
- d. Two (2) ornamental/understory trees a minimum of six (6) feet in height may be substituted for each one (1)

required on-lot shade tree.

B. Street trees:

- a. Street trees shall be provided in all Zones.
- b. One (1) street tree of a minimum two-and-one-half (2½) inch caliper shall be provided for each eighty five (85) feet of right-of-way frontage, or for each dwelling unit, whichever is greater. All fractional calculations shall be rounded upward.

Example: For 200 feet of right-of-way frontage, three (3) street trees shall be provided.

- c. Trees shall be planted between the street right-of-way line and the setback.
- d. Alternative location and spacing configurations shall be acceptable, if approved in writing by the Township, in order to retain views, avoid conflicts with utilities or sidewalks, or create aesthetic appeal.
- e. The street tree requirement may be satisfied by existing trees to remain between the street right-of-way line and the setback line, as long as such trees are at least six (6) inches in diameter at breast height (DBH) and adequately protected during land development.
- f. Trees shall be planted so future growth of the trees shall not interfere with the street cartway, sidewalk, utilities, or drainage infrastructure (swales, ditches, culverts, etc.).

Trees shall not be planted within five (5) feet of access drives, within twenty-five (25) feet of existing trees, within fifteen (15) feet of overhead utility wires, within bus stop zones, within five (5) feet of permanent streetscape furnishings, or within fifteen (15) feet of hydrants. Full visibility of traffic signals, street intersections, and wayfinding signage (both vehicular and pedestrian forms) shall always be maintained.

- g. Street tree branching shall not interfere with clear sight triangles. Trees for streetscapes and parking areas shall be responsibly pruned to maintain bottom tree branches at least eight (8) feet above sidewalk areas and at least ten (10) feet above vehicular areas at maturity.
- h. Street trees are to be maintained and guaranteed for a minimum of 2 years. Planting of trees shall occur within the standard planting season for such trees (typically March through November).
- i. No more than one-third of the canopy of the street tree

shall be damaged or dead without replacement.

6. Off-street Parking Areas, Interior Planting:

The following shall apply to off-street parking areas containing 20 or more parking spaces: See Appendix B for the List of Approved Trees and Appendix C for a diagram of required interior planting areas.

- A. The interior landscaping shall be provided within a series of parking aisle end caps and longitudinal strips. Parking aisle end caps shall have a minimum width of ten (10) feet and longitudinal strips shall have a minimum width of fifteen (15) feet. Parking aisle end caps shall have a minimum length of forty (40) feet where they are not located at the end of a longitudinal strip, or fifty five (55) feet where they are located at the end of a longitudinal strip. Parking Aisle end caps shall have a minimum five (5) foot curved radius along the curb line. Longitudinal strips shall have a length equal to the length of the adjacent parking aisle. For parking aisle end caps that serve only a single parking aisle, such as those located at the outer perimeter of a parking area, a minimum width of ten (10) feet and a minimum length of twenty (20) feet is required. All parking aisle end caps, longitudinal strips, and limits of parking areas shall be curbed, except that periodic breaks in the curb line are permitted to accommodate a stormwater management system that collects runoff from the parking lot.
- B. Parking aisle end caps shall be located at the end of each parking aisle and shall serve to delineate access lanes and to channelize the flow of traffic.
- C. No parking aisle end caps, islands, or other landscaped areas shall be installed within a parking aisle. Locations designated for the collection of shopping carts shall be permitted within the parking aisle provided that their installation does not result in a number of parking spaces below the minimum requirements of this Ordinance.
- D. Longitudinal strips shall be provided at an interval of one strip for every four parking aisles.
- E. Landscaping shall be installed in all parking aisle end cap areas and shall consist exclusively of groundcover plantings having a maximum height of twelve (12) inches. In no case shall landscape plantings be installed in the parking aisle end cap area that obstruct the clear sight distance for vehicles maneuvering between access aisles. Turf grass shall be considered an acceptable ground cover for parking aisle end caps.
- F. Landscaping shall be installed in longitudinal strips. For every fifty (50) feet of longitudinal strip length, the following landscape plantings shall be provided:
 - a. One (1) two-and-one-half to three (2 ½ - 3) inch caliper shade tree;
 - b. Five (5) evergreen and/or deciduous shrubs of a minimum of twenty four (24) inches in height or spread.

- c. Any portion of the longitudinal strip not occupied by shade trees or shrubs shall receive groundcover plantings. Turf grass shall not be considered an acceptable ground cover for longitudinal strips.
 - G. Applicants are encouraged to utilize longitudinal strips and parking aisle end caps for the purposes of collecting, conveying, treating, or otherwise managing stormwater runoff. The installation of riprap, wetlands plantings, vegetated swales, or other stormwater management features shall be permitted in the interior parking aisle end caps and longitudinal strips in lieu of groundcover plantings provided that they are installed and maintained in accordance with an approved stormwater management plan, and that they do not obstruct clear sight triangles or present any other impediment to the safe and efficient operation of the parking area.
 - H. If a parking lot of under twenty (20) spaces is built without interior landscaping, and later additional spaces are added so that the total is twenty (20) or more, the interior landscaping shall be provided for the entire parking lot.
7. Screening of non-residential Off-Street Parking:

When a parking lot for five (5) or more vehicles is located on property which adjoins land in a residential zone, or a residential use, the parking lot shall be screened in accordance with Section 317.1.9.C and D;

8. Landscape Strip Requirements:

- A. Unless otherwise indicated, all parking lots constructed in side or rear yards (as defined herein) shall be set back a minimum of ten (10) feet from all property lines. Such setbacks shall be used for landscape strips. In addition, all parking lots for nonresidential uses shall be separated from all street rights-of-way by a landscape strip. The landscape strip shall be included in the required setback space. For all yards, the landscape strip shall comply with the following criteria:
- B. The minimum width of the landscape strip shall be ten (10) feet.
- C. The landscape strip may only be interrupted by approved entrances or exits, or sidewalks.
- D. Vegetation in the landscape strip shall not obstruct any required clear sight triangle.
- E. Required landscaping.
 - a. The landscape strip shall include a combination of shade trees/street trees a minimum of two-and-one-half (2½) inches caliper at installation, evergreen trees (a minimum of six (6) feet in height at installation), and shrubs (a minimum of twenty-four (24) inches in height or spread at installation).
 - b. Groundcovers, vines, perennial and/or annual flowers,

rocks, gravel, earth mounds, berms, walls, fences, screens, sculptures, fountains, sidewalk furniture, or other approved materials may also be included within the landscape strip.

- c. No less than eighty (80) percent of the required landscape strip area shall be vegetative in composition.
- d. Artificial plants, trees and shrubs may not be used within the landscape strip.
- e. No outdoor storage shall be permitted within the landscape strip.
- f. See Appendix B for the List of Approved Trees.

9. Screening at Property Lines:

- A. The objective of a screen is to:
 - a. Provide privacy and buffer areas between properties;
 - b. Reduce conflicts between neighboring uses such as noise levels, dust and debris, lighting, and traffic generation;
 - c. Provide a transition between zones and between incompatible uses;
 - d. Provide an opportunity to incorporate existing noninvasive vegetation into the site design; and
 - e. Provide wildlife habitat, cover, and corridors.
- B. Screening requirements shall be applicable under the following conditions:
 - a. Where a proposed commercial or industrial use abuts an existing agricultural use, the Agricultural (A) Zone, an existing residential use, or a residential zone on the same side of the street;
 - b. Where any proposed Open Space Development, townhouse or apartment development with more than twelve (12) units abuts an existing single-family detached or duplex dwelling;
 - c. Along the rear of reverse frontage lots;
 - d. Where a proposed structure or use is listed as a Special Exception or Conditional Use in the respective Zone; or
 - e. Where outdoor storage or an outdoor storage area is proposed.
- C. Screen height - Screening shall be arranged so as to block the ground level views between the grade level and a height of six (6) feet. Screens must achieve this visual blockage within two (2) years of installation.
- D. Alternatives to Screening - At the discretion of the Board of Supervisors, screening may not be required (a) in order to preserve scenic views, or (b) where natural features such as topography and noninvasive vegetation accomplish the objectives set forth herein. The

applicant shall bear the burden of proving to the Board that such objectives are being met, and that such screening shall be maintained in perpetuity.

10. Screening of Loading Areas:

Unless otherwise indicated, all loading areas shall be surrounded by a ten (10) foot wide landscape strip. All loading areas shall also be screened from adjoining residentially-zoned properties and/or adjoining public streets.

11. Selection of Materials for Screening:

- A. Evergreen trees and shrubs in accordance with Appendix B.
- B. Walls, earthen berms, "sight tight" or other fencing capable of achieving the requirements of 317.1.10, or other approved similar materials.

Section 318 Required Traffic Study Standards

318.1. All uses requiring a traffic study shall provide a study prepared by a professional traffic engineer with the following minimum considerations:

- 1. A description of the traffic impact area (TIA), including its major roads and potential traffic generation rates to be determined by current references;
- 2. Existing 24-hour and peak hour traffic volume data for all streets which provide direct access to the proposed development, and for the collectors and arterials which will serve it, as well as any major intersection within the impact area;
- 3. Estimates of the total number of vehicle trips to be generated by the development for a typical 24-hour period, and including typical a.m. and p.m. peak periods;
- 4. Assignment of future 24-hour and peak hour volumes to the collectors and arterials, and other streets that will serve the proposed development based on the projections of increased traffic volumes within the traffic impact area, to be determined by an extrapolation of former development trends, and the amounts of usable area already planned and/or zoned within the traffic impact area. Any previously approved projects within the TIA that have not yet been occupied, should also be factored in these future traffic volume projections;
- 5. Projected 24-hour and peak hour turning movement data for all access points proposed for the development;
- 6. Capacity/level of service analysis on major intersections which will be impacted by the additional volumes generated by the development;
- 7. Recent data about existing accident levels at the above intersections categorized by accident type for each intersection;

8. Descriptions of the street improvements that will be required in order to avoid problems of traffic congestions and traffic safety;
9. Cost estimates of any proposed improvements that will be required;
10. Descriptions of existing and planned public transportation services in the Township and the potential to serve the proposed development;
11. Descriptions of any actions proposed or offered by the applicant to alleviate the impact of the proposed development on the transportation network;
12. The source of standards used in the data as presented; and,
13. The applicant shall make any improvements necessary to maintain an adequate level of service on all abutting intersections and streets.
14. The Traffic Impact Study shall be prepared in accordance with all applicable requirements set forth in the SALDO.
15. The payment of a Traffic Impact Fee may be required in accordance with the applicable requirements of the Traffic Impact Fee Ordinance.

Section 319 Temporary Sales

Within the (C-N and C-1) Zones, the following sales and displays are permitted:

319.1. Sidewalk Displays:

1. The displayed merchandise shall only be merchandise sold by the establishment and must be similar to the merchandise sold within the establishment.
2. The location of such outdoor displays shall be limited to sidewalks, under canopies, or other areas located immediately adjacent to the building's storefront wall; The stacking and/or display of such items shall be arranged to provide clear pedestrian access (sidewalk or other area) of at least five (5) feet wide adjoining the storefront;
3. In no case shall the location of such sidewalk display areas occur within any area used for vehicular circulation, parking and loading, nor emergency vehicle access (e.g., fire lanes);
4. In no case shall such sidewalk display area exceed fifty (50) percent of the lineal storefront dimension. *(For example, a 200-foot long storefront could display no more than 100 lineal feet of a sidewalk display);*
5. No signage, except as authorized by Section 313 of the Ordinance, shall be permitted; and,

6. All uses conducting a special event sale shall be responsible for the ongoing cleanup of litter and debris. Also, no exterior public address, nor lighting systems shall be used which produce impacts beyond the subject property;

319.2. Special Event Sales:

1. Special event sales shall be a promotion or event held by the occupant(s) of the property only. Sales by parties, companies or agents of organizations unrelated to the normal activity on the site are strictly prohibited. Sales of unrelated merchandise, such as food stuffs and/or craft or rummage items will be permitted as part of an event, but are not permitted on an individual basis. Restrictions of this section shall not pertain to any individual stand or "fund-raising activity" in conjunction with a not-for-profit organization or club. Such special events shall be limited to no more than ten (10) consecutive days per occurrence, and a total of thirty (30) days per calendar year for multiple occurrences on the same property;
2. A permit shall be required and prominently displayed throughout the event. Applicants for such a permit must affirm that products to be displayed or sold are those associated with a normal business promotion on the site and that no sales will be permitted by any persons or agencies, except as noted in Section 319.2.1.
3. Special event sales displays shall be located no closer than forty-five (45) feet from an adjoining road, nor ten (10) feet from any side or rear lot lines;
4. Special event sales may be located within the parking lot, provided that such location minimizes congestion within the parking lot, and those access drives that provide direct vehicular access to adjoining roads. Within parking lots, such display areas shall be specifically delineated from the adjoining parking lot by the use of identifiable barriers (e.g., tents, canopies, temporary fences, or ropes). Additionally, location within the parking lot shall only be permitted upon parking spaces in excess of the number required by Section 311 of this Ordinance;
5. Special event sales shall not be located within the parking lot during the months of November, December, January, February, and March, because of the potential need for snow removal;
6. The area devoted to special event sales displays shall not exceed twenty (20) percent of the gross leasable floor area of the use(s) conducting the special event sale. Any structure covering an area in excess of one hundred twenty (120) square feet shall be subject to inspection and compliance with fire safety codes. No storage in truck bodies or trailers shall be permitted on the site during the event;
7. All uses conducting a special event sale shall be responsible for the ongoing cleanup of litter and debris. Also, no exterior public address, nor lighting systems shall be used which produce impacts beyond the subject property; and,

8. Signage for special event sales shall comply with the applicable requirements contained within Section 313 of this Ordinance.

319.3 Temporary Retail Sales - See Section 301.13

319.4 Outdoor Dining - Restaurant uses shall be permitted to provide outdoor dining areas located adjacent to the establishment, in accordance with the following:

1. Outdoor dining areas shall be permitted immediately adjacent to the restaurant, including areas along sidewalks (but not within the public right-of-way), and in courtyards, provided pedestrian circulation or access to commercial entrances shall not be impaired.
2. To allow for pedestrian circulation, a minimum of five (5) feet of sidewalk along the curb and leading to the entrance to the establishment shall be maintained free of tables or other encumbrances;
3. Planters, posts with ropes or other removable fencing with a maximum height of forty-two (42) inches shall be used to define and separate the outdoor dining area;
4. Extended awnings, canopies or large umbrellas shall be permitted and located to provide shade;
5. Outdoor dining areas shall provide additional decorative outdoor trash receptacles;
6. No signage, except as authorized by Section 313 of the Ordinance, shall be permitted; and
7. The outdoor dining area shall be kept clean, litter-free and well-kept appearance within the area of their activities.

Section 320 Operations and Performance Standards

All uses proposed within Windsor Township shall operate in compliance with applicable State and Federal regulations, as they are periodically amended. In addition, the following local standards for noise, glare and light shall also apply throughout the Township.

- 320.1. Noise -** Except for agricultural, horticultural and timber harvest-related uses, no use shall regularly generate exterior noise levels in excess of those listed in the table on the following page:

Measurement Taken Along An Adjoining Property Within the Following Zones	Time Period	Maximum Permitted Noise Level
A, R-1, and R-2	7 a.m. to 10 p.m.	50 dBA
A, R-1, and R-2	10 p.m. to 7 a.m.	45 dBA
C-N and C-1	7 a.m. to 10 p.m.	55 dBA
C-N and C-1	10 p.m. to 7 a.m.	50 dBA
I	Anytime	70 dBA

Should the ambient noise level at any location exceed the above standards, that ambient noise level shall become the maximum permitted noise level at that location. The maximum permitted noise level shall be applied to regularly-occurring uses and activities; short-term temporary noises and infrequent instantaneous noises may be permitted at noise levels 20 dBA higher than the above-described standards, but only between 7 a.m. and 10 p.m.

320.2.

Glare and Light:

1. All on-site lighting shall be provided within the following ranges for periods when the use is in operation and shall be, except as noted in Section 320.2.2., otherwise extinguished between the hours of 10 p.m. and 6 a.m.:

On-Site Area	Range of Permitted Illumination
Roadside sidewalks and bikeways (without stairways and/or tunnels)	0.2 to 0.9 footcandles
Freestanding sidewalks, paths and bikeways (without stairways and/or tunnels)	0.5 to 0.8 footcandles
Sidewalk, path and bikeway stairways and/or tunnels	20 to 50 footcandles
Playgrounds, parks and athletic courts/fields where on-site lighting is required	5.0 to 30 footcandles
Off-street loading areas	2.0 to 20 footcandles
Off-street parking areas	0.5 to 2.0 footcandles
Building facades, monuments, fountains, signs, architectural features, and similar objects	0 to 15 footcandles
Building entries for public, quasi-public, commercial, and industrial uses	1.0 to 5.0 footcandles

2. In all Zones, exterior lighting of a building and/or grounds for security purposes is permitted. Such lighting shall be arranged, and of sufficient illumination, to enable the detection of suspicious movement, rather than the recognition of definitive detail. For security lighting of grounds and parking lots, the level of illumination shall not exceed one (1) footcandle. Security lighting for buildings/structures shall be directed toward the face of the building/structure, rather than the area around it, and shall not exceed five (5) footcandles.
3. In all zones, all exterior lighting provided in conjunction with any nonresidential or nonfarm use shall be hooded and/or screened so as not to permit the source of illumination nor lenses to be seen from off of the premises.

Section 321 Excavation Stabilization and Safety Standards

- 321.1.** All uses involving the excavation of material that create slopes in excess of thirty three percent (33% or 3:1 grade) shall require the submission of qualified evidence by a licensed engineer within the Commonwealth of the methods used to adequately stabilize such slopes and to ensure public safety in the vicinity of such slopes. Such evidence shall be furnished at the time of zoning permit application or any other application (special exception, conditional use, variance, etc.) under this Zoning Ordinance, whichever occurs first. No excavation shall occur prior to the issuance of a zoning permit and all excavation and subsequent use of the site shall be in accordance with the slope stabilization and safety methods submitted;

Section 322 Timber Harvesting Operations

- 322.1.** Timber harvesting shall be permitted within all underlying zones, provided it is conducted in accordance with the provisions of this section.
- 322.2.** A permit shall be required from Windsor Township for any timber harvesting activities. It shall be unlawful for any person to engage in any timber harvesting on any lot or parcel of land within Windsor Township that is not in accordance with a Timber Harvesting Plan approved by the Township and securing the proper permit(s).
- 322.3.** All Timber Harvesting Plans shall be submitted to the Township for review a minimum of sixty (60) days prior to commencement of the timber harvesting operation. The Timber Harvesting Plan shall be approved, denied, or approved subject to reasonable conditions and the applicant so notified in writing prior to the identified commencement date. The Township may hire a qualified consultant (e.g., arborist or forester) to review a timber harvesting plan, suggest conditions or revisions, and/or enforce an approved plan, at the Applicant's expense.
- 322.4.** Any Timber Harvesting Plan submitted to the Township for review and approval shall include a plan or plans indicating the following information:

1. Site location and boundaries of the entire property where the timber harvesting is proposed to take place and the specific area proposed for timber harvesting;
2. Natural resources and features on the property including topography, existing vegetation, floodplain, steep slopes, wetlands and wetland buffers, riparian buffers, soil types, water bodies and watercourses;
3. For timber harvest operations proposing twenty five (25) acres or more disturbed area, a topographical survey of the site depicting topographic features, both existing and proposed, with contour intervals of no more than two (2) feet, prepared by a qualified professional land surveyor, engineer, or other professional deemed acceptable to Windsor Township. For timber harvest operations proposing less than (25) acres of disturbed area, existing topographic features from United States Geological Survey (USGS) maps, latest revision, with contour intervals, existing and proposed, of no more than twenty (20) feet, shall be deemed acceptable.
4. A complete description of the planned timber harvesting operation as well as a description of the planned replanting of the lot. Where no replanting is planned, a statement from an approved forester describing the reasons why the characteristics of the lot and vegetation situated thereon make natural regeneration appropriate or why such replanting is not otherwise necessary.
5. The general location of the proposed operation in relation to municipal and state highways and any proposed accesses to those highways;
6. Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails, and landings;
7. Design, construction, and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars.
8. Design, construction and maintenance of proposed stream and wetland crossings.
9. The location of protective fencing for areas that will not to be harvested.
10. An estimated staging and completion date for the timber harvesting, operation.
11. The location of the proposed temporary off-street parking and loading spaces, which shall accommodate the maximum number of employees of the timber harvesting operation during the greatest shift.
12. A written erosion and sedimentation control plan shall be prepared by a qualified professional and maintained on site for the duration of timber harvest activities for any timber harvest operation proposing more than five thousand (5,000) square feet of disturbed area or for timber harvest operations of any size located within a special protection watershed.
13. A soil erosion and sedimentation control plan of the property shall be submitted to the York County Conservation District for review and approval where the proposed timber harvesting operation disturbs twenty five (25) acres or more, or where the timber harvesting operation, or any parts thereof are located in a special protection watershed, or where stream or

wetland crossings are proposed in association with the timber harvest operation.

14. For the purpose of determining the disturbed area, all skid trails, haul roads, log landings, or other disturbed areas, as well as ten (10) percent of the property on which timber harvesting is proposed shall be included.
15. A stormwater management plan of the property where the proposed timber harvesting operation is proposed shall be submitted in accordance with the Windsor Township Stormwater Management Ordinance. Such plan shall include information regarding the anticipated post-operation stormwater condition.
16. The Timber Harvesting Plan shall be consistent with the Timber Harvesting Guidelines of the Pennsylvania Forestry Association.

322.5. The following management practices shall apply to all timber harvesting operations:

1. Felling and skidding of trees shall be undertaken in a manner which minimizes damage to trees or other vegetation not intended to be harvested (e.g., successive limbing up the tree rather than felling in its entirety).
2. Felling or skidding on or across any public thoroughfare is prohibited without the express consent of the Township or PennDOT, whichever is responsible for the maintenance of said thoroughfare.
3. Prior to initiating any timber harvesting operation, the Applicant shall review with the Township Zoning Officer and Township Public Works Director the condition of any Township road that will be used to transport log loads or that may otherwise be impacted by the timber harvesting operation, and shall provide the Township with a description of the estimated number of trips, gross vehicle weight, axle load, and size of vehicles to be used in removal of timber. The Township may require the posting of a bond or other approved security in an amount equivalent to the potential costs of repair to public facilities that may be necessary as a result of the timber harvesting operation. Any such bond or security shall be held by the Township until after the timber harvesting operation has been completed and the Township determines that any damage to public facilities resulting therefrom has been satisfactorily repaired.
4. Slash, tops or litter resulting from a timber harvesting operation shall either be cut to a height of three (3) feet or less and left on-site, or chipped and recycled on-site or otherwise dealt with as approved by the Township. The burning of slash, litter and/or tops shall be prohibited.
5. No tops, slash or litter shall be left within seventy-five (75) feet of any public thoroughfare or private roadway, or within one hundred (100) feet of any stream bank.
6. No timber harvesting operation shall be permitted within one hundred (100) feet of any intermittent or perennial stream, wetland, or lake. No clear cutting of timber shall be permitted within any Riparian Buffer or Wetland Buffer.

7. A minimum of forty (40) percent of the forest canopy trees shall remain in good condition after the completion of any timber harvesting operation. Remaining forest canopy trees shall be well distributed throughout the area subject to the timber harvesting operation.

322.6. Any permits required by any other agency under any applicable regulation shall be the responsibility of the landowner or timber harvesting operator as applicable. Such permits shall be attached to and become a part of the Timber Harvesting Plan. Copies of all required permits shall be submitted to Windsor Township at least twenty (20) days prior to commencement of the timber harvesting operation.

322.7. Township representative(s) shall be permitted access to the site of any timber harvesting operation before, during, or after active timber harvesting to review, inspect and ascertain compliance with the provisions set forth herein.

322.8. Prior to any timber harvesting operation, a meeting of Township representative(s) and the Applicant or Applicant's representative(s) may be held on the subject site at the Township's request. The purpose of such meeting shall be to review the approved plan and timber harvesting procedures.

322.9. Upon determination that a timber harvesting operation is in violation of these regulations, each day where any violation occurs shall constitute a separate violation subject to the provisions of this Ordinance.

Section 323. Dwelling Units in Combination with Commercial

323.1. Dwelling Units in Combination with Commercial uses shall be permitted only in the C-N zone, and in accordance with the following:

1. A maximum of two (2) dwelling units shall be permitted in combination with a commercial use on any property.
2. Dwelling units shall have a separate entrance from the principal commercial uses.
3. A minimum of one hundred fifty (150) square feet of open space or balcony area shall be provided per dwelling unit.
4. Off-street parking spaces for dwelling units shall be provided at a rate of two (2) spaces per unit and clearly demarcated from parking spaces for commercial uses.
5. A minimum habitable floor area of four hundred (400) square feet must be provided for each dwelling unit.

Article 4

Specific Use Criteria

Section 400 Specific Standards for Special Exceptions

In addition to the general criteria listed in Sections 605 and 701, the following sets forth standards that shall be applied to each individual special exception use. These standards must be satisfied prior to approval of any application for a special exception use. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance. All uses must comply with the standards expressed within the underlying zone, unless those standards expressed for each special exception use specify different standards; in such cases, the specific special exception use standards shall apply.

Section 401 Adult-Related Uses

- 401.1. Within the Industrial (I) Zone, adult-related uses are permitted by special exception, subject to the following criteria:
- 401.2. An adult-related use shall not be permitted to be located within six hundred (600) feet of any other adult related use;
- 401.3. No adult-related use shall be located within six hundred (600) feet of any land within the A, R-R, R-1, R-2, C-N, or C-1 Zones;
- 401.4. No establishment shall be located within six hundred (600) feet of any parcel of land which contains any one or more of the following specified land uses:
 - 1. Amusement arcade;
 - 2. Camp (for minors' activity);
 - 3. Day-Care facility;
 - 4. Place of worship or other similar religious facility;
 - 5. Community center;
 - 6. Museum;
 - 7. Park;
 - 8. Playground;
 - 9. School; or
 - 10. Other lands where minors congregate.
- 401.5. The distance between any two adult-related uses shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each use;

- 401.6. No materials, merchandise, or film offered for sale, rent, lease, loan or for view upon the premises shall be exhibited or displayed outside of a building or structure;
- 401.7. Any building or structure used and occupied as an adult-related use shall be windowless, or have an opaque covering over all windows or doors of any area in which materials, merchandise, or film are exhibited or displayed and no sale materials, merchandise or film shall be visible from outside of the building or structure;
- 401.8. No sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise or film offered therein;
- 401.9. Each entrance to the premises shall be posted with a notice specifying that persons under the age of eighteen (18) years are not permitted to enter therein and warning all other persons that they may be offended upon entry;
- 401.10. No adult-related use may change to another adult-related facility, except upon approval of an additional special exception;
- 401.11. The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate;
- 401.12. No unlawful sexual activity or conduct shall be permitted; and,
- 401.13. No more than one (1) adult-related use may be located within one building or shopping center.

Section 402 Airports/Heliports

- 402.1. Within the Agricultural (A) or Industrial (I) Zone, airports/heliports are permitted by special exception, subject to the following criteria:
- 402.2. All facilities shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations;
- 402.3. The applicant shall furnish evidence of the acquisition of a license from the Pennsylvania Department of Transportation Bureau of Aviation prior to the approval of the special exception application; and,
- 402.4. No part of the take-off/landing strip and/or pad shall be located nearer than three hundred (300) feet from any property line.

Section 403 Any Industrial Use Not Permitted Elsewhere Within This Ordinance

- 403.1. Within the (I) Zone, any industrial use not permitted elsewhere within this Ordinance is permitted by special exception, subject to the following criteria:

- 403.2. The applicant shall provide a detailed description of the proposed use in each of the following topics:
1. The nature of the on-site processing operations, the materials used in the process, the products produced, and the generation and methods for disposal of any by-products. Evidence shall be provided indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within the County which have been contracted to dispose of the materials and wastes used or generated on-site or some other legal means of disposal. The zoning permit for this use shall remain valid only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the use change in the future, such that the materials used or wastes generated changes significantly, either in type or amount, the owner shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section;
 2. The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size;
 3. Any environmental impacts that are likely to be generated (e.g., noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances; and,
 4. A Traffic Impact Study prepared in accordance with Section 318 of this Ordinance.

Section 404 Automobile Auctions and/or Automobile Parking/Storage Compounds

- 404.1. Within the (I) Zone, automobile auctions and/or automobile parking or storage compounds shall be permitted by special exception, subject to the following criteria:
- 404.2. Any site used for the sale, parking and/or storage of more than one hundred fifty (150) vehicles shall front solely upon collector or arterial roads;
- 404.3. All exterior areas used for the sale, parking and/or storage of automobiles shall be completely enclosed by a six (6) foot high fence, which shall be subject to the Zone's setback requirements imposed upon off-street parking lots;
- 404.4. Access drives shall be governed by Section 310 of this Ordinance for a distance of one hundred (100) feet from the edge of the street right-of-way. Beyond this, all areas used for vehicle sales, parking or storage shall not be governed by Section 310; however, all areas shall include a nonpaved all-weather, dust-free surface;

- 404.5. Vehicles may be parked and/or stored in a horizontally-stacked configuration; however, no vehicles shall be located more than one hundred (100) feet from a minimum eighteen (18) foot wide on-site access drive;
- 404.6. All lighting shall be designed and constructed so as to avoid adverse impact onto adjoining roads and properties; and,
- 404.7. In addition to the preceding requirements, automobile auctions shall comply with the following:
1. The sales area shall be considered to be that of the smallest rectangle, or other regular geometric shape which encompasses all display stands, booths, tables or stalls, plus any adjoining aisles and/or walkways from which consumers can inspect items for sale. The sales shall include all indoor and outdoor areas as listed above;
 2. The retail sales area shall be set back at least fifty (50) feet from all property lines, and shall be calculated as part of the maximum permitted lot coverage, regardless of its surface treatment;
 3. Any exterior, amplified public address system shall be arranged and designed so as to avoid adverse impact onto adjoining properties;
 4. Exterior trash receptacles shall be provided amid any outdoor sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter;
 5. The servicing, reconditioning, demolition, or junking of vehicles is prohibited;
 6. The applicant shall furnish evidence that the disposal of all materials will be accomplished in a manner that complies with all applicable State and Federal regulations; and,
 7. No part of the auction shall be located within three hundred (300) feet of any land within the A, R-R, R-1, and/or R-2 Zones.
 8. All operations shall be conducted in accordance with Section 320 of this Ordinance.

Section 405 Automobile Filling Stations (Including Minor Incidental Repair)

- 405.1. Within the (C-1 and C-N) Zones, automobile filling stations, (including minor incidental repair) are permitted by special exception, and within the (C-N) zone, convenience stores with automobile filling stations are permitted by special exception, subject to the following criteria:

- 405.2. The subject property shall have a minimum width of one hundred twenty-five (125) feet;
- 405.3. The subject property shall front on an arterial or collector road as defined herein;
- 405.4. The subject property shall be set back at least three hundred (300) feet from any lot containing a school, day-care facility, playground, library, hospital or personal care, rest or retirement home;
- 405.5. The storage of motor vehicles (whether capable of movement or not) for more than one (1) month is prohibited;
- 405.6. Any parts removed from repaired vehicles shall not remain on the site longer than seven (7) days;
- 405.7. All structures (including gasoline pump islands but not permitted signs) and machinery shall be set back at least fifty (50) feet from any street right-of-way line;
- 405.8. No outdoor storage of auto parts shall be permitted;
- 405.9. Access driveways shall be a minimum of twenty-eight (28) feet wide and separated by one hundred (100) feet from one another if located along the same frontage as measured from edge to edge;
- 405.10. All ventilation equipment associated with fuel storage tanks shall be set back one hundred (100) feet and oriented away from any adjoining residential properties; and,
- 405.11. The applicant shall furnish evidence of how the storage and disposal of materials will be accomplished in a manner that complies with all applicable State and Federal regulations.

Section 406 Automobile, Boat, Farm Machinery, and Travel Trailer Sales, Service and Repair Facilities, Including, But Not Limited To, Auto Mechanics, Drive-Thru Lubrication Services and Tires, Auto Paint, Brake, Muffler, Transmission, Windshield, Auto Body, Car Radio, and Upholstery Shop

- 406.1. Within the (C-1) Zone, automobile, boat, farm machinery, and travel trailer sales, service and repair facilities including but not limited to auto mechanics, drive-thru lubrication services and tires, auto paint, brake, muffler, transmission, windshield, auto body, car radio and upholstery shop are permitted by special exception, subject to the following criteria:
- 406.2. All service and/or repair activities shall be conducted within a completely-enclosed building;
- 406.3. All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle backups on adjoining roads;

- 406.4. No outdoor storage of parts, equipment, lubricants, fuel or other materials used or discarded, as part of the service or repair operation, shall be permitted;
- 406.5. All exterior vehicle storage areas shall be screened from adjoining residential properties;
- 406.6. The storage of unlicensed automobiles on the property is prohibited;
- 406.7. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed toward any adjoining property within the A, R-R, R-1, R-2 and/or C-N Zones;
- 406.8. All vehicles shall be repaired and removed from the premises promptly;
- 406.9. The demolition or junking of automobiles is prohibited; and,
- 406.10. The applicant shall furnish evidence of how the storage and disposal of materials will be accomplished in a manner that complies with all applicable State and Federal regulations.

Section 407 Bed and Breakfasts

- 407.1. Within the (A, R-R, and R-1) Zones, bed and breakfasts are permitted by special exception, subject to the following criteria:
- 407.2. No modifications to the external appearance of the building (except fire escapes) that would alter its residential character, shall be permitted;
- 407.3. The property owner shall occupy the Bed and Breakfast property as his or her primary residence while it is operated as a Bed and Breakfast.
- 407.4. No more than ten (10) guests shall occupy the Bed and Breakfast simultaneously, and no guest shall stay at a Bed and Breakfast for a length of time greater than fourteen (14) days.
- 407.5. All floors above the second story and/or below grade shall have a permanently affixed direct means of escape to ground level;
- 407.6. One (1) off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit;
- 407.7. Off-street parking areas shall be set back a minimum of twenty-five (25) feet from all property lines. Off street parking areas shall not be illuminated;
- 407.8. A bed and breakfast may erect one sign no larger than six (6) square feet in size. Such sign must be set back ten (10) feet from all lot lines, and may not be externally or internally illuminated;
- 407.9. Meals shall be offered only to registered overnight guests;

- 407.10. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used; and,
- 407.11. The applicant shall furnish proof of any needed land development approvals and approval from the PA Department of Labor and Industry.

Section 408 Betting Parlors

- 408.1. Within the Industrial (I) and General Commercial (C-1) Zones, off-track betting parlors are permitted by special exception, subject to the following criteria:
- 408.2. No more than one (1) off-track betting parlor may be located within one building;
- 408.3. Off-street parking shall be provided at the rate of one (1) space per each sixty-five (65) square feet of gross floor area, including related dining, restaurant and snack bar areas; and,
- 408.4. All off-track betting parlors that allow for bets to be placed on the outcome of horse racing events shall comply with the Pennsylvania Horse and/or Harness Racing Commission's Rules and Regulations pertaining to Nonprimary Locations, as defined therein, and;
- 408.5. All activities shall be conducted in accordance with Section 320 of this Ordinance.

Section 409 Billboards

- 409.1. Within the (I) Zone, billboards are permitted by special exception, subject to the following criteria:
- 409.2. No billboard shall be located within one thousand (1,000) feet of another billboard;
- 409.3. All billboards shall be a minimum of fifty (50) feet from all side and rear property lines;
- 409.4. All billboards shall be set back at least thirty-five (35) feet from any street right-of-way lines;
- 409.5. All billboards shall be set back at least one hundred (100) feet from any land within the R-R, R-1, and R-2 Zones, or occupied by a school, designated historic resource (building, object, structure, site, district) place of worship, or public recreation facility;
- 409.6. No billboard shall obstruct the view of motorists on adjoining roads, or the view of adjoining commercial or industrial uses, which depend upon visibility for identification; and,
- 409.7. No billboard shall exceed an overall size of one hundred fifty (150) square feet in area,

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- 409.8 Billboards shall not exceed twenty-five (25) feet in height. Height shall be measured from the average grade based on the area found within a fifty (50) foot radius of the outer limits of the sign structure.
- 409.9 A Billboard shall have a maximum of two (2) sign faces per billboard structure. In the case of a back-to-back billboard, the gross surface area of each sign shall not exceed one hundred fifty (150) square feet in area.
- 409.10 A sign having two (2) sides back-to-back or a V-shaped sign shall have a horizontal angle not greater than forty-five (45) degrees.
- 409.11 Billboard Illumination
1. Lighting shall comply with the Illuminating Engineering Society of North America's (IES) recommended practices and criteria in the IES Lighting Handbook, including but not limited to criteria for full-cutoff fixtures. Fixtures shall be equipped with or be capable of being backfitted with light-directing devices such as shields, visors or hoods when necessary to redirect offending light distribution.
 2. All lighting shall be aimed, located, designed, fitted and maintained so as not to project or reflect light onto a neighboring use or property (light trespass), or any cartway.
 3. There shall be a maximum luminance of 0.2 footcandles measured at any adjacent property line.
- 409.12 Billboards shall require a Zoning Permit.
- 409.13 The following minimum landscaping shall be provided adjacent to each billboard:
1. For single sided billboards, five (5) evergreen trees of a minimum six (6) feet in height planted within a forty (40) foot radius of the rear of the base of the sign.
- 409.14 All maintenance, cleaning and repair, including repair of torn or worn advertising copy and removal of graffiti shall be performed promptly. In the event the Township notifies the owner or lessee of any damage, vandalism, graffiti or offensive advertising to or on the billboard, support structure, or landscaping as required, the owner or lessee shall repair or correct the problem within forty-eight (48) hours of such notification, unless weather conditions or similar circumstances necessitate a delay (such as for the replanting of trees.) If repairs and corrections are not timely, the Township shall have the right, but not the obligation, to make repairs or corrections and be reimbursed the cost thereof by the owner or lessee.
- 409.15 Electronic/Digital/LED Billboards
1. Where a billboard utilizes digital light emitting diodes (LED) or other internally illuminated display, the following shall apply in addition to the general standards stated in Section 409.1 through Section 409.14 above:

2. The display shall have a maximum luminance of 5,000 nits during daylight hours and a maximum of 125 nits for dusk through dawn;
3. The message displayed on the billboard shall be static and non-animated and shall remain fixed for a minimum of thirty (30) seconds;
4. When/if the message is transitioned, it shall be accomplished in one (1) second or less with all moving parts or illumination changing simultaneously and in unison;
5. The sign shall contain a default design that will freeze the sign in one (1) position if a malfunction occurs or, in the alternative, shut down;
6. The sign shall not display any message that moves, appears to move, scrolls, or changes in intensity during the fixed display period; and
7. The digital LED display shall not have lighting that would compete with or distract from red and green traffic signal lighting.

Section 410 Boarding Houses

- 410.1. Within the (R-2) Zone, boarding houses are permitted by special exception;
- 410.2. Minimum Lot Area - One (1) acre;
- 410.3. The applicant shall furnish evidence that approved systems for sewage disposal and water supply shall be used;
- 410.4. No modifications to the external appearance of the building (except fire escapes) which would alter its residential character, shall be permitted;
- 410.5. All floors above the second story and/or below grade shall have a permanently affixed direct means of escape to ground level;
- 410.6. One off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit;
- 410.7. All parking areas shall be set back a minimum of ten (10) feet and be screened from all property lines;
- 410.8. Meals shall be offered only to registered tenants; and,
- 410.9. All uses must comply with Pennsylvania Department of Labor and Industry requirements.

Section 411 Campgrounds

- 411.1. Within the (A) Zone, campgrounds are permitted by special exception, subject to the following criteria:

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- 411.2. Minimum Lot Area - Five (5) acres;
- 411.3. Setbacks - All campsites shall be located at least fifty (50) feet from any side or rear property line and at least one hundred (100) feet from any street line;
- 411.4. No more than fifteen 15 campsites per acre within a campground is permitted and each campsite shall either provide parking space which will not interfere with the convenient and safe movement of traffic, or equivalent parking shall be provided in a common parking area;
- 411.5. An internal road system shall be provided in accordance with the SALDO;
- 411.6. All outdoor play areas shall be set back one hundred (100) feet from any property line and screened from adjoining residentially-zoned properties. Such outdoor play areas shall be used exclusively by registered guests and their visitors;
- 411.7. All campgrounds shall furnish centralized sanitary and garbage collection/recycling facilities that shall be set back a minimum of one hundred (100) feet from any property line. Such facilities shall be screened from adjoining residentially-zoned properties;
- 411.8. Any accessory retail or service commercial uses shall be set back a minimum of one hundred (100) feet from any property line. Such accessory commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall have vehicular access from the campground's internal road rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining residentially-zoned parcels;
- 411.9. All campgrounds containing more than one hundred (100) campsites shall have vehicular access to an arterial or collector street;
- 411.10. A campground may construct one monument or attached sign containing no more than thirty-two (32) square feet. Any reference to accessory commercial or recreational facilities shall remain secondary in size to the reference of the principal campground use. Such sign shall be set back at least ten (10) feet from the street right-of-way line, and at least twenty-five (25) feet from adjoining lot lines;
- 411.11. A minimum of twenty (20) percent of the gross area of the campground shall be devoted to active and passive recreational facilities. Responsibility for maintenance of the recreation area shall be with the landowner. Should the landowner neglect to maintain the recreation area, the Township shall then maintain the area and shall assess the landowner for any costs incurred;
- 411.12. Every campground shall have an office in which shall be located the person responsible for operation of the campground. Such person shall maintain a daily registration log of tenants; such registration log shall be maintained for each calendar year;

- 411.13. All water facilities, sewage disposal systems, rest rooms, solid waste disposal and vector control shall be approved and maintained in accordance with the requirements of the Pennsylvania Department of Environmental Protection;
- 411.14. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets;
- 411.15. Occupancy of a camp site by the same tenant shall be limited to no more than one hundred eighty one (181) days during any calendar year;
- 411.16. Upon the proper installation of the campground, the Zoning Officer shall issue a temporary use and occupancy permit. Such permit shall be reviewed every twelve (12) months. 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; and,
- 411.17. Upon due notice, the Zoning Officer may revoke a certificate of use and occupancy for failure by the owner to enforce such regulations or for the violation of this Ordinance, or other provisions, and the same shall not be reinstated or renewed until satisfactory guarantees of future enforcement are provided.

Section 412 Car Washes

- 412.1. Within the (C-1) Zone, car washes are permitted by special exception, subject to the following criteria:
- 412.2. Public sewer and water facilities shall be utilized and gray water recycling is encouraged;
- 412.3. For automatic and self-service car washes, each washing bay shall provide a minimum one hundred (100) foot long on-site stacking lane which precedes the washing process. For full service car washes, such on-site stacking shall be a minimum of three hundred (300) feet per lane;
- 412.4. For full service car washes, a post-washing drying area shall be provided for no less than six (6) vehicles per washing lane;
- 412.5. All structures housing washing apparatuses shall be set back one hundred (100) feet from any street right-of-way line, fifty (50) feet from any rear property line, and twenty (20) feet from any side lot line;
- 412.6. Trash receptacles shall be provided and routinely emptied to prevent the scattering of litter, and the applicant shall furnish and implement a working plan for the cleanup of litter and debris;
- 412.7. The subject property shall front on an arterial or collector road; and,
- 412.8. The applicant shall demonstrate adequate provision for the collection and disposal of greases and wastes.

Section 413 Clubhouses

- 413.1. Within the (A) Zone, clubhouses are permitted by special exception, subject to the following criteria:
- 413.2. All clubhouses shall front, and have access to, an arterial or collector road;
- 413.3. All off-street parking shall be provided between the front face of the building and a point twenty-five (25) feet from the right-of-way line of adjoining road(s). Parking compounds will also be screened and set back thirty (30) feet from any adjoining residential lot lines;
- 413.4. All outdoor recreation/activity areas shall be set back at least fifty (50) feet from any property line; and,
- 413 .5. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used.

Section 414 Commercial Schools

- 414.1. Within the (C-1) Zone, commercial and private schools (excluding vocational and mechanical trade schools) are permitted by special exception, subject to the following criteria:
- 414.2. All height, area, setback, and coverage standards within the underlying zone shall apply;
- 414.3. All buildings shall be set back at least one hundred (100) feet from any adjoining land within an R-R, R-1, or R-2 Zone;
- 414.4. If education is offered below the college level, an outdoor play area shall be provided, at a rate of sixty-five (65) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a minimum four (4) foot high fence and screened from adjoining residentially-zoned properties. Any vegetative materials located within the outdoor play area shall not be of a harmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s);
- 414.5. Enrollment shall be defined as the largest number of students on the site at any one time during a seven (7) day period; and,
- 414.6. Passenger “drop-off” and “pickup” areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site.

Section 415 Commercial Day-Care Facilities

- 415.1. Within the C-N and C-1 Zone, commercial day-care facilities are permitted by special exception, subject to the following criteria:
- 415.2. An outdoor play area shall be provided, at a rate of one hundred (100) square feet per individual enrolled. Off-street parking compounds shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a minimum four (4) foot high fence, and screened from adjoining residentially-zoned properties. Any vegetative materials located within the outdoor play areas shall not be of a harmful type (poisonous, thorny, allergenic, etc.) All outdoor play areas must provide a means of shade such as a shade tree(s) or pavilion(s);
- 415.3. Enrollment shall be defined as the largest number of persons under day-care supervision at any one time during a seven-day period;
- 415.4. Passenger “drop-off” and “pickup” areas shall be provided and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site; and,
- 415.5. One (1) off-street parking space shall be provided for each six (6) persons enrolled, or fraction thereof.

Section 416 Commercial Produce Operations

- 416.1. Within the (A) Zone, commercial produce operations are permitted by special exception, subject to the following criteria:
- 416.2. Minimum Lot Area - Fifty (50) acres;
- 416.3. Maximum Permitted Lot Coverage - Thirty (30) percent, including all impervious surfaces;
- 416.4. If applicable, the applicant shall submit written evidence from the appropriate review that the proposed use has an approved nutrient management plan. All subsequent operations and activities shall be conducted in accordance with such plans. If at any time, the nutrient management plan is amended, the applicant must again submit written evidence of plan approval to the Zoning Officer;
- 416.5. The applicant shall furnish evidence from the York County Conservation District that the proposed use has an approved conservation plan. All subsequent operations and activities shall be conducted in accordance with such conservation plan. If, at any time, the conservation plan is amended, the applicant must again furnish evidence from the York County Conservation District that the amended plan has been approved;

- 416.6. The applicant shall abide by, and demonstrate a working knowledge of, those methods that will be employed to comply with the above-required nutrient management plan and conservation plan;
- 416.7. If greenhouses, or other buildings with substantially clear or translucent surfaces, are used, no artificial lighting may be used for growing which can be viewed from adjoining roads or properties between the hours of official sunset to official sunrise. Any other lighting on the site shall be designed and arranged so as not to cast glare on adjoining roads or properties;
- 416.8. Any exhaust or ventilation fans employed shall be oriented and directed away from the closest residence that is not that of the operator. If said fans are within one thousand (1,000) feet of the closest subject property line, then the applicant shall construct a dispersion buffer. Such dispersion buffer shall include a vegetative berm that will effectively disperse or redirect fan exhaust so that no direct exhaust velocity is perceptible at any of the subject property lines;
- 416.9. Any driveway or access drive providing for vehicular access to the proposed use shall be paved and shall maintain a fifty (50) foot wide radius for all turns and intersections;
- 416.10. Any on-site waste storage facilities shall comply with the requirements of Section 201.2.9.C. of this Ordinance;
- 416.11. The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed;

In addition, if the facility is to rely upon non-public sources of water, a water feasibility study will be provided to enable the municipality to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development to estimate the impact of the new development on existing wells in the vicinity. The water feasibility study shall be reviewed by the municipal engineer;

A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate groundwater recharge, considering the water withdrawn by the proposed development, shall not be approved by the municipality.

A water feasibility study shall include the following information:

- A. Calculations of the projected water needs;
- B. A geologic map of the area with a radius of at least one mile from the site;
- C. The location of all existing and proposed wells within one thousand (1,000) feet of the site, with a notation of the capacity of all high-yield wells;
- D. The location of all existing on-lot sewage disposal systems within one thousand (1,000) feet of the site;
- E. The location of all streams within one thousand (1,000) feet of the site and all known point sources of pollution;

- F. Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined;
 - G. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table; and,
 - H. A statement of the qualifications and the signature(s) of the person(s) preparing the study.
- 416.12. Should the proposed use not make use of public water and require more than 100,000 gallons of water per day, the applicant shall furnish written evidence of approval from the Susquehanna Valley River Basin Commission;
- 416.13. All commercial produce operations must comply with applicable storm water management regulations of the SALDO;
- 416.14. The applicant shall be required to obtain an approved land development under the SALDO;
- 416.15. The applicant shall be required to submit a Traffic Impact Study in accordance with Section 318 of this Ordinance;
- 416.16. The applicant shall be required to submit a written qualified plan for the removal of all buildings and the reclamation of all topsoil in the event of discontinuance of the commercial produce operation. If the site is graded during construction and operation of the commercial produce operation, all topsoil shall remain on the site in a manner which makes it conveniently accessible for reclamation. Should the applicant not adequately guarantee the removal of such buildings and reclamation of topsoil upon discontinuance of the commercial produce operation at his/her expense, the use shall be denied;
- 416.17. The site shall include one (1) off-street parking space for each employee during the largest work shift;
- 416.18. The applicant may conduct a roadside stand operation within one of the permanent buildings, but such use shall be limited to no more than two hundred fifty (250) square feet of display area;
- 416.19. All buildings and storage/processing structures shall be set back at least one hundred (100) feet from adjoining roads and properties, and all off-street parking and loading spaces, outdoor storage areas and dumpsters shall be set back at least fifty (50) feet and screened from adjoining roads and properties; and,
- 416.20. One (1) sign as provided for in Section 313 shall be permitted.

Section 417 Commercial Recreation Facilities

- 417.1. Within the (C-1) Zone, commercial recreation facilities are permitted by special exception, subject to the following criteria:
- 417.2. If the subject property contains more than two (2) acres, it shall front on an arterial or collector road;

- 417.3. Those uses involving outdoor activities shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties;
- 417.4. The applicant shall furnish qualified evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust and pollution;
- 417.5. Required parking will be determined based upon the types of activities proposed and the schedule listed in Section 311 of this Ordinance. In addition, the Township may require an unimproved grassed overflow parking area to be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads;
- 417.6. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle backups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle backups on adjoining roads. If, at any time after the opening of the commercial recreation facility, the Township determines that traffic backups are occurring on adjoining roads, and such backups are directly related to the means of access to the subject property, the Township can require the applicant to revise means of access to relieve the undue congestion; and,
- 417.7. Any outside pedestrian waiting lines, shall be provided with a means of shade.

Section 418 Communication Antennas, Towers and Equipment

- 418.1. Within the (A and I) Zones, communication antennas, towers and equipment are permitted by special exception, subject to the following criteria:
- 418.2. Communications Antennas and Equipment Building:
1. The owner or operator of a communications antenna shall be licensed by the Federal Communications Commission to operate such antennas;
 2. Communications antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation;
 3. Communications antennas shall not cause radio frequency interference with other communications facilities located in Windsor Township;
 4. A communications equipment building shall be subject to the height and set-back requirements of the applicable zone for an accessory structure;
 5. Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence of agreements and/or

easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished;

6. Any applicant proposing communications antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by Township Engineer for compliance with Windsor Township's building code, if applicable, and other applicable laws;
7. 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 structure, considering wind and other loads associated with the antenna location;
8. Directional or panel communications antennas shall not exceed five (5) feet in height and three (3) feet in width;
9. Omnidirectional or whip antennas communications antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter;
10. Structure-mounted communications antennas shall be permitted to exceed the height limitations of the applicable zone by no more than twenty (20) feet;
11. Communications antennas shall not be located on any dwelling;

418.3. Communications Towers:

1. The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communications antennas;
2. The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation;
3. Communications towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable airport zoning regulations;
4. Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of the proposed communications tower site be contacted and that one or more of the following reasons for not selecting such structure apply;

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- A. The proposed antenna and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost;
 - B. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost;
 - C. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function;
 - D. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation;
 - E. A commercially reasonable agreement could not be reached with the owners of such structures;
 5. Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be composed of an impervious material, improved to a width of at least ten (10) feet for its entire length;
 6. A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot, which lot meets the minimum lot size requirements for the Zone. In any case, if the property for the proposed communications tower is leased, the owner of the tower and antenna must provide a written lease agreement wherein it is specified that the owner of the tower and/or antenna shall remove it within ninety (90) days after cessation of use;
 7. Proper approval and recording of a subdivision or land development plan shall be required for a new or leased parcel on which a communications tower is to be constructed;
 8. The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function;
 9. The maximum height of any communications tower shall be one hundred fifty (150) feet; provided, however, that such height may be increased to no more than two hundred (200) feet, provided the required setbacks from adjoining property lines (not lease lines) are increased by one (1) foot for each one (1) foot of height in excess of one hundred fifty (150) feet. In any case, the applicant must demonstrate that the proposed antenna and tower are safe and that the surrounding area will not be affected by antenna or tower failure, collapse or falling ice;

10. The foundation and base of any communications tower shall be set back from a property line (not lease line) at least a distance equivalent to the height of the tower and antenna plus fifteen (15) feet (e.g., one hundred fifty (150) feet from ground to top of communications tower and associated communications antennas would need one hundred sixty-five (165) feet distance from base of tower to all property lines).
11. The base of a communications tower and any required fencing shall be landscaped so as to screen the foundations and base and communications equipment building and fencing from abutting properties;
12. The communications equipment building shall comply with the required setback and height requirements of the applicable zone for an accessory structure;
13. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed communications tower will be designed and constructed in accordance with the current *Structural Standards for Steel Antenna Towers and Antenna Supporting Structures*, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of Windsor Township;
14. The applicant shall submit, and keep on file with Windsor Township, 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 one million (1,000,000) dollars per occurrence and property damage coverage in the minimum amount of one million (1,000,000) dollars per occurrence covering the communications tower and communications antennas;
15. All guy wires associated with guyed communications towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure;
16. The site of a communications tower shall be secured by a fence of not less than six (6) feet in height and not more than eight (8) feet in height;
17. No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration, or other government agency which has jurisdiction;
18. No advertising or attached signs shall be permitted;
19. The communications antenna must be fully automated and not require any support structure or on-site personnel to maintain or operate the antenna;
20. One (1) off-street parking space shall be provided within the fenced area;
21. All communications towers shall be fitted with anti-climbing devices;

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22. In order to reduce the number of communications towers needed, the proposed communications tower shall be required to accommodate other uses, including local fire, police and ambulance companies. The owner or operator of the communications tower and communications antenna must provide a written statement that they will not prohibit co-location of additional antenna on the communications tower, except for the following reasons:
- A. A proposed antenna and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost;
 - B. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost;
 - C. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation;
23. The communications tower shall be painted non-contrast gray, unless camouflaged in a manner directed by the Zoning Hearing Board to blend with existing trees and vegetation to minimize the visual impact;
24. The owner of the tower and antenna must provide a written statement which specifies that the owner shall remove the communications tower and antenna within ninety (90) days after cessation of use;
25. The owner, licensee or operator shall annually certify to Windsor Township that the communications tower is structurally sound and remains in use. If a communications tower remains unused for a period of ninety (90) days or becomes structurally unsafe, the owner, licensee, operator, or landowner shall dismantle and remove the communications tower and any associated buildings. At the time of approval of the application, the applicant shall file with the Township a bond in an amount equal to the cost of removal or demolition of said tower and buildings as determined by the Township's Engineer, which bond shall be held by the Township to be used in the event the owner, licensee, operator, or landowner shall fail to dismantle the abandoned communications tower within six (6) months of the expiration of the above-mentioned ninety (90) days period. If the owner, licensee, operator, or landowner shall dismantle said tower in accordance with this subsection, the bond shall be returned to the applicant, its successors or assigns; and,
26. Communications facilities shall be protected and maintained in accordance with the requirements of Windsor Township Building Maintenance Code, if applicable.

Section 419 Drive-Thru and/or Fast-Food Restaurants

- 419.1. Within the (C-1) Zone, drive-thru and/or fast food restaurants are permitted by special exception, subject to the following criteria:
- 419.2. The subject property shall front on an arterial or collector road;
- 419.3. Exterior trash/recycling receptacles shall be provided and routinely emptied so to prevent the scattering of litter. All applications shall include a description of a working plan for the cleanup of litter;
- 419.4. All drive-thru window-lanes shall be separated from the parking lot's interior driveways and shall provide at least two hundred (200) feet of on-site stacking per lane, preceding the food order location;
- 419.5. Any exterior speaker/microphone and lighting systems shall be arranged and/or screened to avoid adverse impact to adjoining properties and uses;
- 419.6. All exterior seating/play areas shall be completely enclosed by a minimum three (3) foot high fence;
- 419.7. No part of the subject property shall be located within two hundred (200) feet of any land within the R-R, R-1, or R-2 Zones.
- 419.8. One (1) pre-menu board and one (1) menu board will be permitted as accessory uses. The pre-menu board is limited to fifteen (15) square feet in size. The menu board is limited to forty (40) square feet.

Section 420 ECHO Housing

- 420.1 Within the A, R-R, R-1 and R-2 Zones, ECHO Housing shall be permitted by Special Exception, subject to the following criteria:
- 420.2 The principal single-family dwelling must be occupied by the property owner, member of the property owner's family, or caregiver;
- 420.3 The ECHO housing unit shall be of portable construction and may not exceed nine hundred (900) square feet of floor area, with the height not to exceed fifteen (15) feet;
- 420.4 The addition of the ECHO unit may not exceed the maximum lot coverage requirement of the respective zone;
- 420.5 Adequate sewage disposal and water must be on the premises to support the main dwelling unit and the ECHO unit;
- 420.6 The ECHO housing unit shall be occupied by a maximum of two (2) people;
- 420.7 The property owner must submit medical documentation supporting a finding that

there is a genuine medical hardship for the property owner or family member, necessitating that the family member or caregiver live in close proximity to the property owner in order to give personal care;

- 420.8 The ECHO housing unit shall be installed and located only in the side or rear yards, and shall adhere to all side and rear setback requirements for principal uses;
- 420.9 The ECHO housing unit shall be removed from the property within ninety (90) days after it is no longer occupied by a person or caregiver who qualifies for the use;
- 420.10 Approval by the Zoning Hearing Board shall be valid for a period of one (1) year from the date of issuance of the zoning permit, and shall be renewable in yearly increments, provided that the medical hardship continues. The approval of any permit, or any renewal or extension thereof, shall be null and void if the property owner does not submit a renewal request to the Zoning Officer at least thirty (30) days prior to any expiration date; and,
- 420.11 Upon either (a) the removal of the property owner, family member or caretaker from the main dwelling unit or the removal of the property owner, family member or caretaker from the ECHO unit; (b) the cessation of a documented medical hardship; or (c) a violation of the requirements of this section, the permit for the ECHO unit shall automatically expire and the ECHO unit must be removed within ninety (90) days.

Section 421 Exotic Wildlife

- 421.1 Exotic Wildlife shall be permitted by Special Exception in the Agricultural (A) Zone and Rural Residential (R-R) zone, subject to the following criteria:
- 421.2 A minimum lot size of five (5) acres is required for the keeping of any Exotic Wildlife.
- 421.3 All exotic wildlife shall be caged or restricted to prevent harm to residents of the Township. Any housing and exercise areas for exotic wildlife shall not be located in the front yard, and shall be set back a minimum of one hundred (100) feet from any side or rear property line.
- 421.4 Anyone in possession of exotic wildlife shall possess the appropriate permit from the Pennsylvania Game Commission or other State Department.
- 421.5 No manure shall be stored within one hundred (100) feet of any property line.
- 421.6 All manure management practices & operations shall comply with the guidelines outlined by the Pennsylvania Department of Environmental Protection.

Section 422 Farm Occupations

- 422.1. Within the Agricultural (A), Rural Residential (R-R), and Low Density Residential (R-1) Zones, farm occupations are permitted by special exception, subject to the following criteria:

- 422.2. For each farm (as defined herein), only one (1) farm occupation may be established;
- 422.3. The property owner must also be the business owner or operator that employs those working in Farm Occupations;
- 422.4. All farm occupations must be established upon, and remain accessory to, the principal agricultural use of the subject property. This section is not intended to restrict the income generated by a farm occupation. If the subject property ceases to be used for agriculture, then the farm occupation must also cease;
- 422.5. Farm occupations may involve any one of a wide range of uses, so long as it is compatible with the primary agricultural use of the land. The applicant must demonstrate that the farm occupation is compatible with the rural setting and will not create nuisances for nearby residences and other uses;
- 422.6. No more than the equivalent of four (4) full-time, nonresident employees of the farm parcel shall be employed by the farm occupations
- 422.7. Each farm occupation shall occupy an area no greater than a maximum of four thousand (4,000) square feet of gross floor area;
- 422.8. The maximum lot coverage, as specified in the underlying Zones, shall include the proposed farm occupation;
- 422.9. In no case shall the maximum acreage devoted to a farm occupation (including the structure, parking, storage, and driveway if separate) exceed more than one (1) acre;
- 422.10. Where practicable, farm occupations shall be conducted within an existing farm building. However, any building constructed for use by the farm occupation shall be
1. Located behind a residence or other farm building(s) or;
 2. Set back one hundred (100) feet from every property line and be located within one hundred (100) feet of the residence;
- 422.11. Any building constructed for the use of the farm occupation shall be of a nature that it can be converted to agricultural use or removed from the property if the farm occupation is discontinued. The structure should blend in with the surrounding agricultural setting;
- 422.12. Off-street parking shall be provided per the schedule of required parking spaces contained in Section 311 of this Ordinance. The applicant shall demonstrate that sufficient parking for the anticipated demands of the farm occupation has been provided;
- 422.13. Any outdoor storage of supplies, materials or products shall be located behind the building in which the farm occupation is located. Such outdoor storage shall also be screened from adjoining roads and properties;

- 422.14. Outdoor advertising signs for the farm occupation shall be regulated in accordance with the sign regulations contained in Section 313 of this Ordinance. However, no such sign shall exceed twelve (12) square feet in total area; and,
- 422.15. The Zoning Hearing Board may also attach such other reasonable conditions as deemed appropriate.

Section 423 Farm-Related Businesses

- 423.1. Within the Agricultural (A) and Rural Residential (R-R) Zones, farm-related businesses are permitted by special exception, subject to the following criteria:
- 423.2. The applicant must provide evidence that the proposed use is important to local farming and is specifically sized to primarily serve local users. All activities and services should be directed at meeting 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. Some examples of farm-related businesses (if suitably-sized) include, but need not be limited to:
1. Sales or repair of agricultural equipment;
 2. Blacksmith shops, farriers;
 3. Butcher shops;
 4. Grain mills;
 5. Processing of locally produced agricultural products;
 6. Veterinary offices which primarily treat farm animals, stables, kennels;
 7. Feed supply, fuel and fertilizer distributors;
 8. Composting and other farm waste storage facilities; and,
 9. Welding shops.
- 423.3. Uses shall have a minimum lot size of one (1) acre. A farm-related business shall occupy no more than five (5) acres;
- 423.4. The design of a farm-related business shall be governed by the design standards for the Industrial (I) Zone as listed in Sections 220, except as follows:
1. The maximum lot coverage shall be forty (40) percent; and,
 2. No part of a farm-related business shall be within two hundred (200) feet of any land within an R-1, or R-2 Zone, nor one hundred (100) feet of any existing residence (including a farm dwelling);
- 423.5. Road classification must be appropriate for the expected type of volume of road traffic that will be generated by the proposed use, as determined by a Traffic Impact Study, as required by Section 318 of this Ordinance;
- 423.6. The length of any on-site access drive(s) shall be sufficient to allow the stacking of delivery and/or customer vehicles. Furthermore, any use that potentially involves the movement of vehicles through mud and/or manure shall provide a paved apron of at least fifty (50) feet from the street right-of-way. In addition another fifty (50) foot gravel section shall be located just beyond the paved apron;

- 423.7. Any outdoor storage of supplies, materials and products shall be screened from adjoining roads and properties. The display of farm equipment for sale shall be excluded from this provision;
- 423.8. One sign shall be permitted for a farm-related business; such sign shall not exceed twelve (12) square feet in total area;
- 423.9. Vegetative screening must be provided in accordance with Section 317 of this Ordinance when a farm-related business abuts any property used principally for residential purposes. Certain pieces of apparatus used for farm-related businesses, which create noxious dust, odor, light or noise, shall require greater setbacks and vegetative screening, as determined by the Zoning Hearing Board; and,
- 423.10. Any building constructed for use by the farm-related business, (unless uniquely suited to that business) shall be of a type so that it can be converted to agricultural use in the event the farm-related business is discontinued (e.g., barn or shed).

Section 424 Farmers, Antiques and/or Flea Markets

- 424.1. Within the (C-1) Zone, farmers, antiques and/or flea markets are permitted by special exception, subject to the following criteria:
- 424.2. The retail sales area shall be considered to be that of the smallest rectangle, or other regular geometric shape which encompasses all display stands, booths, tables or stalls, plus any adjoining aisles and/or walkways from which consumers can inspect items for sale. The retail sales shall include all indoor and/or outdoor areas as listed above;
- 424.3. The retail sales area shall be set back at least fifty (50) feet from all property lines, and shall be calculated as part of the maximum permitted lot coverage, regardless of its surface treatment;
- 424.4. Off-street parking shall be provided at the rate of one (1) space per each two hundred (200) square feet of retail sales area;
- 424.5. Off-street loading shall be calculated upon the retail sales area described above and according to the schedule listed in Section 312 of this Ordinance;
- 424.6. All outdoor display and sales of merchandise shall not begin prior to one (1) hour before official sunrise and shall cease no later than one (1) hour after official sunset;
- 424.7. Any exterior amplified public address system and lighting shall be arranged and designed so as to avoid adverse impact to adjoining roads and properties; and,
- 424.8. Exterior trash and recycling receptacles shall be provided amid any outdoor retail sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter.

Section 425 Funeral Homes and Crematoriums

- 425.1. Within the (C-1) Zone, funeral homes and crematoriums are permitted by special exception, subject to the following criteria:
- 425.2. Public sewer and water facilities shall be utilized;
- 425.3. Sufficient off-street parking shall be provided to prevent traffic backups onto adjoining roads;
- 425.4. No vehicular access to the site shall be from an arterial road; and,
- 425.5. The applicant shall furnish expert testimony that the disposal of human remains and related chemicals and materials shall be in accordance with applicable laws and standards.

Section 426 Golf Courses

- 426.1. Within the (R-R, R-1 and R-2) Zones, golf courses are permitted by special exception, subject to the following criteria:
- 426.2. Minimum Lot Area - Thirty (30) acres;
- 426.3. Golf courses may include the following accessory uses, provided such uses are reasonably sized, and located so as to provide incidental service to the golf course employees and users:
 - 1. Clubhouse, which may consist of
 - A. Restaurant, snack bar, lounge, and banquet facilities;
 - B. Locker and rest rooms;
 - C. Pro shop;
 - D. Administrative offices;
 - E. Golf cart and maintenance equipment storage and service facilities;
 - F. Fitness and health equipment, including workout machines, spas, whirlpools, saunas, and steamrooms;
 - G. Game rooms, including card tables, billiards, ping-pong, and other similar table games; and,
 - H. Baby-sitting rooms and connected fence-enclosed playlots.
 - 2. Accessory recreation amenities located outside of a building, including:
 - A. Driving range, provided that all lighting shall be designed and installed to avoid adverse impact on adjoining roads and properties;
 - B. Practice putting greens;
 - C. Swimming pools;
 - D. Tennis, platform tennis, handball, racquetball, squash, volleyball, and badminton courts;
 - E. Boccie ball, croquet, shuffleboard, quoits, horseshoe pits, and washers courses;
 - F. Picnic pavilions, picnic tables, park benches, and barbecue pits;
 - G. Hiking, biking, horseback riding, and cross-country ski trails; and,
 - H. Playground equipment and playlot games, including 4-square, dodgeball, tetherball, and hopscotch.

3. Freestanding maintenance equipment and supply buildings and storage yards.
- 426.4. In no case shall the golf course design permit or encourage a golf ball to be driven across any building, building lot, parking lot, street, access drive, or driveway;
- 426.5. All golf course buildings shall be set back seventy-five (75) feet from any adjoining roads and one hundred (100) feet from adjoining residential structures or parcels;
- 426.6. Golf Paths - Golf paths shall be graded so as to discharge storm water runoff. Surface conditions of paths shall be adequately protected from an exposed soil condition.
1. The golf course design shall minimize golf path crossings of streets, access drives and driveways. Easily identifiable golf paths must be provided for crossings of streets, access drives or driveways. The golf course design shall both discourage random crossing and require use of the golf path crossings of streets, access drives and driveways. Golf path crossings shall conform with the following:
 - A. Each crossing shall be perpendicular to the traffic movements;
 - B. Only one (1) street, access drive or driveway may be crossed at each location;
 - C. No crossing is within fifty (50) feet of the cartway edge of a street, access drive or driveway intersection;
 - D. The crossing must be provided with a clear sight triangle of seventy-five (75) feet, measured along the street, access drive or driveway centerline and the golf path centerline, to a location on the centerline of the golf path, five (5) feet from the edge of the roadway. No permanent obstruction over thirty (30) inches high shall be placed within this area;
 - E. Sight Distance - Golf path intersections shall be designed to provide adequate sight distance with regard to both horizontal and vertical alignment. The required sight distance shall be governed by applicable sections of the SALDO;
 - F. The golf cart path shall not exceed a slope of eight (8) percent within twenty-five (25) feet of the cartway crossing;
 - G. Golf path crossings shall be signed warning motorists and pedestrians and golfers. The surface of the golf path shall be brightly painted with angle stripes; and,
 - H. Golf path crossings of collector or arterial streets shall consist of a tunnel or bridge that is not located at street grade. The golf course design shall both prohibit on-grade crossing of collector or arterial streets and require the use of the tunnel. The construction of the collector or

arterial roadway crossing of the tunnel shall comply with PennDOT standards.

Section 427 Group Day-Care Facilities

- 427.1. Within the (A), (R-R), (R-1), and (R-2) zones, group day-care facilities are permitted by special exception, subject to the following criteria:
- 427.2. An outdoor play area shall be provided, at a rate of one hundred (100) square feet per individual enrolled. Off-street parking compounds shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a minimum four (4) foot high fence, and screened from adjoining residentially-zoned properties. Any vegetative materials located within the outdoor play areas shall not be of a harmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s);
- 427.3. Enrollment shall be defined as the largest number of persons under day-care supervision at any one time during a seven (7) day period;
- 427.4. Passenger "drop-off" and "pickup" areas shall be provided and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site; and,
- 427.5. One (1) off-street parking space shall be provided for each six (6) persons enrolled, or fraction thereof.

Section 428 Health and Recreation Clubs

- 428.1. Within the (C-1) Zone, health and recreation clubs are permitted by special exception, subject to the following criteria:
- 428.2. Off-street parking shall be provided as required by the combination of elements comprising the health club, including accessory uses;
- 428.3. All outdoor recreation facilities shall be set back at least fifty (50) feet from the street right-of-way line, and twenty-five (25) feet from all other lot lines;
- 428.4. Any accessory eating or use with direct exterior access shall require the submission of a working plan for the collection, recycling and disposal of litter; and,
- 428.5. All lighting of outdoor recreation areas and outdoor speaker systems shall be designed and arranged to avoid adverse impact on adjoining roads and properties.

Section 429 Heavy Equipment Sales, Service and/or Repair Facilities

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- 429.1. Within the Commercial (C-1) & Industrial (I) Zones, heavy equipment sales, service and/or repair service facilities are permitted by special exception, subject to the following criteria:
- 429.2. All service and/or repair activities shall be conducted within a completely-enclosed building;
- 429.3. All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle backups on adjoining roads;
- 429.4. All exterior parking, storage and/or display areas shall be screened from adjoining residential uses and/or residentially-zoned properties. Such screening shall consist of vegetation that shall be placed on the site to maximize visual blockage of such areas as viewed from the surrounding area. Generally this will require the installation of screening at the highest practical elevations directly abutting the on-site parking, storage and display areas. All exterior parking, storage/display areas shall be set back at least fifty (50) feet from adjoining street lines and shall be covered in an all-weather, dust-free surface;
- 429.5. The outside, unenclosed storage on the property of junked, damaged or inoperable vehicles, including but not limited to, automobiles, boats, machinery, trucks, trailers, mobile homes, and heavy equipment, or parts therefrom, is prohibited. If towing service is provided, or if junked, damaged or inoperable vehicles, or parts therefrom, are temporarily stored at the site, then a six (6) foot high opaque fence shall completely enclose such vehicles or parts. The enclosed compound shall be located to the rear of the principal building and must meet all setback requirements. The enclosed compound shall be landscaped with plantings to enhance the appearance and provide additional barrier. The maximum time limit for storage of vehicles or parts in the enclosed compound shall not exceed sixty (60) days;
- 429.6. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed toward any adjoining property within the A, R-R, R-1, and/or R-2 Zones;
- 429.7. All vehicles shall be repaired and removed promptly from the premises; and,
- 429.8. Except for one emergency vehicular access, all vehicular access shall be limited to one or more access drives that connect with an arterial road as listed in Section 315 of this Ordinance;
- 429.9. All business signs for the use shall be oriented to an arterial road as listed in Section 315 of this Ordinance;
- 429.10. Any lighting used within any yard abutting a residential use and/or residentially-zoned property shall be directed into the site and with its source shielded from view from adjoining residential use and/or residentially-zoned properties;
- 429.11. The conduct of operations, including, but not limited to, the movement of trucks, trailers, and other heavy equipment, is prohibited in the rear yard between midnight and 6:00 a.m.;

- 429.12. All fuel pump islands shall be located in the front yard.

Section 430 Home Improvement and Building Supply Stores equal to or greater than 20,000 square feet of gross floor area.

- 430.1. Within the (C-1) Zones, home improvement and building supply stores are permitted by special exception, subject to the following criteria:
- 430.2. All outdoor storage and display areas (exclusive of nursery and garden stock) shall be screened from adjoining roads and properties;
- 430.3. If the subject property contains more than (2) acres, it shall front along an arterial or collector road;
- 430.4. The retail sales area shall be all areas open for public display, including, but not limited to, shelves, racks, bins, stalls, tables, and booths, plus any adjoining aisles or walkways from which consumers can inspect items for sale. The retail sales area shall include both interior and exterior areas as listed above;
- 430.5. Off-street parking shall be provided at the rate of one (1) space for each two hundred (200) square feet of interior retail sales area, plus one (1) space for each five hundred (500) square feet of exterior retail sales area;
- 430.6. All exterior retail sales areas shall include a dust-free surface and a completely-enclosed minimum six (6) foot high fence;
- 430.7. All exterior storage and retail sales area (exclusive of nursery and garden stock) shall be screened from adjoining roads and properties;
- 430.8. The applicant shall furnish expert evidence that any exterior amplified public address system and/or exterior lighting has been arranged and designed so as to avoid adverse impact to adjoining roads and properties;
- 430.9. Any drilling, cutting, sawing, mixing, crushing, or some other preparation of building materials, plus any testing or repair of motorized equipment shall be conducted within a completely enclosed building;
- 430.10. The applicant shall submit a Traffic Impact Study, as governed by Section 318 of this Ordinance; and,
- 430.11. The applicant shall submit a working plan for the collection, recycling and disposal of litter and wastes.

Section 431 Home Occupations

- 431.1. Within the (A, R-R, R-1, and R-2) Zones, home occupations are permitted by special exception, subject to the following criteria:

- 431.2. Only single-family, detached and semi-detached dwellings may contain a home occupation;
- 431.3. No more than two (2) nonresident employees shall be permitted;
- 431.4. Such occupations shall be incidental or secondary to the use of the property as a residence and are limited to those occupations customarily conducted within a dwelling unit.
- 431.5. At least two (2) off-street parking spaces in addition to those required for the residence units shall be provided. Such parking spaces shall be screened from adjoining properties in accordance with section 317.1.9.C and 317.1.9.D;
- 431.6. No goods shall be visible from the outside of the dwelling;
- 431.7. All home occupation activities shall be conducted within the dwelling unit.
- 431.8. The area used for the practice of a home occupation shall occupy no more than twenty five (25) percent of the habitable floor area of the dwelling unit or five hundred (500) square feet, whichever is less. All home occupation activities shall be conducted within the dwelling unit.
- 431.9. No manufacturing, repairing, or other mechanical work shall be performed in any open area. Such activity shall be conducted in such a way that no noise, odor, vibration, electromagnetic interference, or smoke shall be noticeable at or beyond the property line;
- 431.10. No external storage of materials or products shall be permitted. No storage in accessory structures or attached garages shall be permitted;
- 431.11. The exterior appearance of the structure or premises is constructed and maintained as a residential dwelling; and,
- 431.12. One (1) non-illuminated sign, not to exceed four (4) square feet in display area, shall be permitted.

Section 432 Hospitals and Related Uses

- 432.1. Within the (C-1) Zone, hospitals and related uses are permitted by special exception, subject to the following criteria:
- 432.2. Minimum Lot Area - Five (5) acres;
- 432.3. The subject property shall have frontage along an arterial or collector road;
- 432.4. Adequate provision shall be made for a system of roads sufficient to accommodate predictable vehicular traffic and to ensure safe and efficient vehicular access for emergency management equipment;

- 432.5. Emergency entrances shall be located on a building wall which faces away from adjoining residentially-zoned or used properties or separated by at least three hundred (300) feet from residentially-zoned properties, or existing residences;
- 432.6. The applicant shall submit a Traffic Impact Study, as governed by Section 318 of this Ordinance;
- 432.7. Public sewer, and public water utilities shall be utilized;
- 432.8. Adequate provision shall be made for the collection, disposal and recycling of garbage, trash, and medical and hazardous waste;
- 432.9. Where more than one (1) of the uses enumerated in Section 432.10. below are proposed either at one time or separately over time, integrated site function and design shall be required consistent with the creation of a campus-like environment;
- 432.10. Permitted Uses:
1. Commercial day-care facilities;
 2. Commercial schools with exclusively health care-related curricula intended to prepare enrolled students for careers in health care, nursing schools, and other allied health technology training programs;
 3. Health and fitness clubs;
 4. Hospitals and hospices;
 5. Intermediate care and skilled nursing facilities;
 6. Medical and dental offices;
 7. Outpatient health services, including, but not limited to, laboratories, radiological and diagnostic imaging services, blood banks, outpatient surgery centers, and outpatient clinics and patient care facilities;
 8. Accessory buildings, uses and services customarily incidental to the above uses, including, but not limited to, the following:
 - A. Administrative offices;
 - B. Automobile parking lots and parking garages;
 - C. Housing for students, employees and their families in accordance with the standards of the R-2 Zone;
 - D. Helistop (see Section 432.11.1.);
 - E. Incinerators and autoclaves (see Section 432.11.2.);
 - F. Lodging facilities for patients and their families;
 - G. Public uses and essential services (e.g., private central utility plant, electrical switching facility, steam generation facility, heating facility, ventilation facility, and oxygen facility);
 - H. Retail sales of medical/health care-related supplies (e.g., durable medical equipment, prosthetics, pharmaceutical supplies) and retail sales/service for the convenience of employees, patients and visitors (e.g., uniforms, flowers, gifts, uniform cleaning, barber/beauty salons, automatic teller banking, restaurants). All retail sales and services shall be located within buildings in which other permitted uses are located. Retail sales and services may not exceed five (5) percent of the floor area of existing buildings within this Zone; and,
 - I. Short-term, intermittent educational programs which are not intended to prepare students for careers in health care, but, rather, are intended to

inform employees, patients, health care providers, or the public regarding health care issues;

432.11. Specific Requirements for Selected Accessory Uses:

1. Helistops - The helistop shall only be used for the emergency transport by helicopter of patients to or from other permitted health care-related uses. The helistop shall not include auxiliary facilities, such as fueling and maintenance equipment. The helistop shall be set back a minimum of three hundred (300) feet from any adjoining property and any street. The applicant must demonstrate compliance, through a written statement, and continue to comply with applicable State and Federal standards; and,
2. Incinerators and Autoclaves - Only the processing of waste generated on-site is permitted. All processing and storage of waste shall be conducted within a completely-enclosed building. All storage of waste shall be in a manner that is leak- and vector-proof. No storage of waste shall exceed seven (7) days in length. The incinerator shall be set back at least a distance equal to its height from all lot lines. The applicant must demonstrate compliance, through a written statement, and continue to comply with all applicable State and Federal standards and regulations; and,

432.12. Maximum Permitted Height - Sixty (60) feet for hospitals, provided all structures are set back a horizontal distance equal to their height plus fifteen (15) feet from each property line and street right-of-way line; thirty-five (35) feet for all other uses.

Section 433 Hotels and Motels (Including Related Dining Facilities)

433.1. Within the (C-1) Zone, hotels and motels (including related dining facilities) are permitted by special exception, subject to the following criteria:

433.2. Both public sewer and public water shall be utilized;

433.3. The following accessory uses may be approved as part of a hotel application:

- A. Auditorium.
- B. Barber and beauty shops.
- C. Tavern or night club.
- D. Gift shop.
- E. Meeting facilities.
- F. Recreational uses and swimming pools.
- G. Restaurants.
- H. Sauna, spa or steam room.
- I. Solarium.
- J. Valet shop.
- K. Other similar retail sales and personal customer services.

- 433.4. The above accessory uses (aside from outdoor recreational uses) shall be physically attached to the main hotel building, except as otherwise provided in this Section;
- 433.5. One freestanding restaurant, tavern or nightclub shall be permitted on the same lot as a principal hotel, subject to the following:
- A. The proposed restaurant, tavern or nightclub shall offer the preparation and serving of food and drink to be consumed on the premises; no drive-thru or take out services shall be permitted.
 - B. No additional signs (other than those permitted for the principal hotel use) shall be permitted.
 - C. If a nightclub is proposed, the applicant shall furnish evidence as to what means assure that the proposed nightclub will not constitute a nuisance to adjoining uses (including the hotel) by way of noise, litter, loitering and hours of operation.
 - D. Sufficient off-street parking spaces have been provided and located to conveniently serve the freestanding restaurant, tavern and/or nightclub, without interfering with required off-street parking associated with the hotel use.

Section 434 Junkyards

- 434.1. Within the (I) Zone, junkyards are permitted by special exception, subject to the following criteria:
- 434.2. Minimum Lot Area - Five (5) acres;
- 434.3. The outdoor area devoted to the storage of junk shall be completely enclosed by a ten (10) foot high, sight-tight fence which shall be set back at least one hundred (100) feet from all property lines;
- 434.4. All completely enclosed buildings used to store junk shall be set back at least fifty (50) feet from all property lines;
- 434.5. No material may be stored or stacked so that it is visible from adjoining properties and roads;
- 434.6. All additional Federal and State laws shall be satisfied;
- 434.7. The setback area between the fence and the lot lines shall be kept free of weeds and all scrub growth;
- 434.8. All junk shall be stored or arranged so as to permit access by firefighting equipment and to prevent the accumulation of water, and with no junk piled to a height greater than eight (8) feet;
- 434.9. No open burning of oil, grease, tires, gasoline, or other similar material shall be permitted at any time;

- 434.10. Any junkyard shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious sounds or odors, nor to cause the breeding or harboring of rats, flies or other vectors; and,
- 434.11. No junkyard shall be located on land with a slope in excess of fifteen (15) percent.

Section 435 Kennels and Animal Hospitals

- 435.1. Within the (A) Zone, Kennels are permitted by special exception, subject to all of the following criteria, and within the (C-1) Zone, Animal Hospitals are permitted by special exception, subject to all of the following criteria except the Minimum Required Lot Area listed in the table below;
- 435.2. The following lists minimum required lot sizes and required setbacks based upon the number of animals kept:

Type and Number Animals Kept	Minimum Required Lot Area	Minimum Required Setback of Unenclosed Animal Boarding Buildings, Pens, Stalls, Runways, and Running Areas from the Nearest Property Line
1 dog to 50 dogs	5 acres	150 feet
51 dogs to a maximum of 100 dogs	10 acres	300 feet
1 to a maximum of 200 animals, other than dogs	5 acres	150 feet
51 dogs to a maximum of 100 dogs, plus up to 200 animals, other than dogs	10 acres	300 feet

- 435.3. The applicant shall explain those measures that will ensure that the proposed use will not create adverse impact due to noise;
- 435.4. The applicant must furnish a plan for the storage and disposal of deceased animals within 24 hours of an animal's death;
- 435.5. The applicant must demonstrate evidence of any needed State approvals;
- 435.6. All running and training areas shall be enclosed to prevent the escape of the animals; all such enclosures shall be a minimum of ten (10) feet from all property lines;
- 435.7. All animal wastes shall be regularly cleaned up and properly disposed of to prevent odors and unsanitary conditions; and,
- 435.8. All activities shall be conducted in accordance with Section 320 of this Ordinance.

- 435.9 For Animal Hospitals in the (C-1) Zone, the Minimum Required Lot Area shall be in accordance with the requirements of the underlying zone.

Section 436 Large Scale Livestock Operations

- 436.1. Within the (A) Zone, large scale livestock operations are permitted by special exception, subject to the following requirements:
- 436.2. Any building, or area used for the housing, feeding, watering, or running of livestock or poultry shall be set back a minimum of one hundred (100) feet from all property lines;
- 436.3. Any building, or area used for the housing, feeding, watering, or running of livestock or poultry shall be set back at least one hundred (100) feet from any land within the R-R, R-1, and/or R-2 Zones;
- 436.4. The applicant shall submit a copy of an approval nutrient management plan for the proposed use, which has been reviewed and approved by the appropriate reviewing agency. All subsequent operations and activities shall be conducted in accordance with such plans. If, at any time, the nutrient management plan is amended, the applicant must again submit the amended plan to the Zoning Officer;
- 436.5. The applicant shall furnish evidence from the York County Conservation District that the proposed use has an approved conservation plan. All subsequent operations and activities shall be conducted in accordance with such conservation plan. If, at any time, the conservation plan is amended, the applicant must again furnish evidence from the York County Conservation District that the amended plan has been approved;
- 436.6. The applicant shall submit, abide by and demonstrate a working knowledge of written qualified evidence describing those methods that will be employed to:
1. Minimize odor on nearby properties. Unless these methods employ the best possible techniques and materials that can be practicably applied to the proposed use, the application will be denied;
 2. Dispose dead animals according to the regulations of the Pennsylvania Department of Agriculture. In the event of a catastrophic event in which mass disposal is warranted the Pennsylvania Department of Agriculture can require whatever disposal methods are deemed appropriate to safeguard animal and public health; and,
 3. Comply with the above-required nutrient management plan and conservation plan;
- 436.7. Any exhaust or ventilation fans employed shall be oriented and directed away from the closest residence that is not that of the operator. If said fans are within one thousand (1,000) feet of the closest residence that is not that of the operator, then the applicant shall construct a dispersion buffer between the exhaust of the fan and that/those residence(s). Such dispersion buffer shall include a vegetative berm that

will effectively disperse or redirect fan exhaust so that no direct exhaust velocity is perceptible at the property line;

- 436.8. Any driveway or access drive providing for vehicular access to the proposed use shall maintain a fifty (50) foot wide radius for all turns and intersections;
- 436.9. Any on-site manure storage facilities shall comply with the requirements of Section 201.2.9.C.; and,
- 436.10. All buildings used for the housing of livestock shall be fitted with a solid concrete slab or slotted floor.

Section 437 Medical Residential Campuses

- 437.1. Within the (R-2) Zone, medical residential campuses are permitted by special exception, subject to the following criteria:
- 437.2. The campus shall primarily serve the needs of retirement-aged persons. At least one (1) resident of each household shall be at least fifty-five (55) years old, or possess some handicap that can be treated within a setting like the medical residential campus;
- 437.3. The campus shall achieve a balanced residential/medical environment which cannot be achieved through the use of conventional zoning techniques;
- 437.4. Residences shall be functionally, physically and architecturally integrated with medical service and recreational activity centers;
- 437.5. Commercial, medical and recreational uses shall be grouped together and located near the populations being served;
- 437.6. The minimum land area devoted to the campus shall be twenty-five (25) contiguous acres;
- 437.7. The site shall front on and have access to a collector or arterial road;
- 437.8. All buildings or structures containing nonresidential use(s), off-street parking lots and loading areas shall be set back at least fifty (50) feet from all lot lines of the campus property;
- 437.9. The maximum permitted overall density is ten (10) dwelling units per acre. For purposes of this section, any two (2) care beds associated with a medical use shall constitute one (1) dwelling unit. No more than fifty (50) percent of the total number of permitted dwelling units shall consist of care beds. For the purposes of this section, "care beds" shall be defined as any bed where a resident of the medical residential campus may sleep that is not part of a dwelling unit upon which the maximum permitted density is computed. Examples of care beds would include, but not be limited to those associated with medical and/or nursing care, or those associated with assisted living quarters;

- 437.10. All buildings or structures used solely for residential purposes shall be set back at least fifty (50) feet from all lot lines of the campus property;
- 437.11. The maximum permitted height is fifty (50) feet, provided that, for that portion of building height exceeding thirty-five (35) feet, the minimum required setback from the closest property line shall be fifty (50) feet;
- 437.12. No more than sixty (60) percent of the subject property shall be covered with buildings, parking and loading areas and/or other impervious surfaces;
- 437.13. Each off-street parking lot shall provide at least twenty (20) percent of the total parking spaces as those designed for the physically challenged. Furthermore, such parking spaces shall be located throughout the campus in such a manner to be conveniently accessible to the buildings/uses for which they are required; and,
- 437.14. Only those uses which provide a harmonious, balanced mix of medical, residential, limited commercial and recreational uses, primarily serving campus residents, and public, quasi-public and medical services for the off-campus retirement-aged community will be permitted. Uses may include, but need not be limited to the following:
1. Dwelling, personal care, and assisted living facilities for the elderly or mentally/physically challenged;
 2. Medical facilities including offices, laboratories, clinics, professional or paramedical training centers, and ambulatory care facilities;
 3. Commercial uses which are strictly related and subordinate to the residential/medical character of the campus and which directly serve the residents and employees of, or visitors to, the center. The uses should be chosen to reflect their local orientation to the immediate campus vicinity and should be of a size and scope so as not to interfere with existing or proposed retail uses located in the off-campus area;
 4. Recreational and social uses, such as athletic facilities, community centers, and assembly halls, limited to use only by campus residents, employees, or visitors.

Section 438 Mobile Home Parks

- 438.1. Within the (R-2) Zone, mobile home parks are permitted by special exception, subject to requirements of the Subdivision and Land Development Ordinance (SALDO).

Section 439 Nightclubs

- 439.1. Within the (C-1) Zone, nightclubs are permitted by special exception, subject to the following criteria;

- 439.2. No part of the subject property shall be located within three hundred (300) feet of any land within the R-R, R-1, and/or R-2 Zones;
- 439.3. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light, and/or litter;
- 439.4. The applicant shall furnish evidence as to how the use will be controlled as to not constitute a nuisance due to noise or loitering outside the building;
- 439.5. A working plan for the clean-up and recycling of litter shall be furnished and implemented by the applicant; and,
- 439.6. All activities shall be conducted in accordance with Section 320 of this Ordinance.

Section 440 Nursery and Garden Centers

- 440.1. Within the Agricultural (A) and General Commercial (C-1) Zones, Nursery and garden centers are permitted by special exception, subject to the following criteria:
- 440.2. All nursery and garden centers shall have vehicular access to an arterial or collector road;
- 440.3. The display and sale of items not grown on the premises shall be incidental to the nursery operation. The display area for these items shall not exceed twenty-five (25) percent of the total gross display and sales area on the subject property. The display, sale, or repair of motorized nursery or garden equipment shall not be permitted;
- 440.4. All outdoor display areas shall be set back at least twenty-five (25) feet from the street right-of-way line;
- 440.5. All off-street parking and loading facilities shall be screened from adjoining residences and/or properties within the R-R, R-1, and/or R-2 Zones; and,
- 440.6. One (1) sign may be permitted advertising the business. Such sign shall not exceed twelve (12) square feet in size and must be set back at least ten (10) feet from all lot lines.

Section 441 Office Conversions

- 441.1. Within the (R-2) Zone, office conversions are permitted by special exception, subject to the following criteria:
- 441.2. Only single-family detached dwellings that adjoined commercially-zoned property on the effective date of this Ordinance may be converted to include an office. Such office space shall be limited to that area of the first floor of the building as it existed on the effective date of this Ordinance;

- 441.3. The applicant shall furnish evidence that any alterations, improvements or other modifications proposed to the building will be accomplished in a manner that complements its residential character;
- 441.4. The applicant shall furnish evidence of an approved means of water supply and sewage disposal;
- 441.5. The applicant shall obtain any necessary land development approvals;
- 441.6. All commercial off-street parking and/or loading areas shall be screened from adjoining residences and roads; and,
- 441.7. One (1) sign shall be permitted which is no larger than six (6) square feet and is affixed to the building.

Section 442 Personal Care Homes and Assisted Living Residences

- 442.1. Within the (R-2 and C-1) Zones, Personal Care Homes and Assisted Living Residences are permitted by special exception, subject to the following criteria:
- 442.2. Minimum Lot Area - One (1) acre;
- 442.3. The use of both public sewer and water are required;
- 442.4. Off-street parking lots and loading areas shall be screened from adjoining residences and/or lands within the R-R, R-1, R-2 and/or C-N Zones;
- 442.5. No more than eighteen (18) occupants per acre shall be permitted, excluding the staff of the facility.
- 442.6. The facility must be operated under, and in accordance with current, valid state and federal licenses, as applicable.

Section 443 Planned Business Developments

- 443.1. Within the (C-1) zone, Planned Business Developments are permitted by special exception, subject to the following criteria:
- 443.2. Planned business developments may include any of the following uses, provided such uses are primarily sized, located and designed as one integrated development:
 - 1. Offices;
 - 2. Hotels and motels;
 - 3. Meeting rooms and auditoriums;
 - 4. Banquet and social halls;
 - 5. Restaurants (excluding fast-food restaurants);
 - 6. Taverns and nightclubs;
 - 7. Indoor theaters and arenas;

8. Parks and playgrounds, Municipal Services and public utilities; ;
 9. Retail sales and services provided that such retail uses shall be compatible with other permitted uses, and shall not include supermarkets, motor vehicle service stations or garages, motor vehicle sales areas or buildings, or adult establishments; and further provided that no single such establishment shall exceed 5,000 square feet in gross floor area ;
 10. Personal Customer Service business;
 11. Commercial day-care facilities;
 12. Information centers and booths,
 13. Outdoor activities provided that no such activities shall be conducted upon any area of required off-street parking or off-street loading, including, but not limited to, outdoor amusements, shows for automobiles, consumer goods, agricultural equipment, supplies and livestock, sports equipment, boats, home and building materials and landscaping, community festivals, carnivals, circuses, concerts and other similar events.
 14. Laboratories;
 15. Commercial schools; and
 16. Accessory uses customarily incidental to the above permitted uses.
- 443.3. Minimum Required Lot Area – Twenty (20) acres;
- 443.4. All uses shall be served by both public sewer and public water utilities;
- 443.5. The subject property shall front upon an arterial road;
- 443.6. Required parking will be determined based upon a combination of the types of activities proposed and the schedule listed in Section 311 of this Ordinance. In addition, an unimproved grassed overflow parking area to be provided for peak use periods shall be required. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads. Soil erosion, sedimentation and storm water runoff shall be controlled in accordance with all applicable laws and regulations. If, at any time after the opening of the facility, the Township determines that traffic backups are occurring on adjoining roads, and such backups are directly related to the lack of on-site parking, the Township can require the applicant to revise and/or provide additional on-site parking space;
- 443.7. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle backups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle backups on adjoining roads. If, at any time after opening, the Township determines that traffic backups are occurring on adjoining roads, and such backups are directly related to the means of access to the subject property, the Township can require the applicant to revise means to relieve the undue congestion;
- 443.8. Any outside pedestrian waiting lines shall be provided with a means of shade;
- 443.9. The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust, and pollution;

- 443.10. Those uses involving extensive outdoor activities and/or display shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties and roads. No outdoor storage is permitted;
- 443.11. A Traffic Impact Study shall be prepared by a professional traffic engineer, in accordance with Section 318 of this Ordinance;
- 443.12. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the ambient noise levels of the use, as measured at each of the property lines;
- 443.13. The planned business development is eligible to utilize signage applicable to shopping centers, as listed in Section 313. of this Ordinance; and,
- 443.14. All uses within the planned business development shall be linked with sidewalks and/or pathways to facilitate safe and efficient pedestrian movements.
- 443.15. Minimum Setback Requirements - (Principal and Accessory Uses)
1. Front Setback - All buildings, structures, and off-street parking areas, (except permitted signs) shall be set back at least thirty five (35) feet from the street right-of-way line.
 2. Side Setback - All buildings, structures (except permitted signs), and off-street parking lots shall be set back at least thirty (30) feet from the side lot lines. Where joint parking facilities are shared by adjoining uses, one of the side setbacks can be waived solely for parking and/or loading facilities.
 3. Rear Setback - All buildings, structures, off-street parking lots, loading areas shall be set back at least fifty (50) feet from the rear lot line.
 4. Residential Buffer Strip - Any nonresidential use, including buildings, structures, off-street parking lots, and outdoor storage areas shall be set back a minimum of seventy-five (75) feet from any residential zone, or adjoining an existing residential use. Such areas shall be used for a landscape strip and screen with a minimum width of thirty (30) feet.
- 443.16. Maximum Permitted Height – Fifty (50) feet maximum, provided that at least one (1) additional foot is provided beyond the minimum setbacks for each one (1) foot of additional height above thirty-five (35) feet, up to the fifty (50) foot maximum height.
- 443.17. Maximum Building Length - No building shall exceed two hundred (200) feet in length in any direction.
- 443.18. Maximum Lot Coverage – Seventy (70) Percent
- 443.19. Minimum Open Space – A minimum of five (5) percent of the Open Space shall be provided as Internal Open Space and shall be designed as plaza or green in accordance with Appendix D.

Section 444 Public Transportation Depots

- 444.1. Within the (C-1 and I) Zones, public transportation depots are permitted by special exception, subject to the following criteria;
- 444.2. The applicant shall submit a Traffic Impact Study in accordance with Section 318 of this Ordinance;
- 444.3. The applicant shall present qualified expert evidence as to how the use will provide for the expected demand for needed, off-street parking spaces for the proposed use. In addition, the applicant shall present evidence of the ability to provide additional off-street parking spaces, if demand increases. The applicant shall also present credible evidence that the number of "oversized" off-street parking spaces provided for public transportation vehicles will be adequate to accommodate the expected demand generated by patrons. Any gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle backups onto adjoining roads during peak arrival periods;
- 444.4. The subject property shall have a minimum of two hundred (200) feet of road frontage along an arterial road;
- 444.5. The subject property shall be located no closer than three hundred (300) feet from any adjoining residence, R-R, R-1, or R-2 Zones and/or property containing a school, day-care facility, park, playground, library, hospital, personal care home, assisted living residence, or medical residential campus;
- 444.6. All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least fifty (50) feet from any street right-of-way line;
- 444.7. Access drives shall be a minimum of twenty-eight (28) feet, and a maximum of thirty-five (35) feet wide. All access drives onto the same road shall be set back at least one hundred fifty (150) feet from one another, as measured from closest points of cartway edges;
- 444.8. Trash and recycling receptacles shall be provided amid off-street parking areas which shall be routinely emptied. Furthermore, a working plan for the regular cleanup of litter shall be furnished and continuously implemented by the applicant;
- 444.9. All vehicle service and/or repair activities shall be conducted within a completely-enclosed building. No outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations, shall be permitted;
- 444.10. The outdoor storage of unlicensed and uninspected vehicles is prohibited;
- 444.11. All vehicles and machinery shall be repaired and removed from the premises promptly;
- 444.12. The demolition or junking of vehicles is prohibited. Demolished vehicles and/or parts thereof, shall be removed within thirty (30) days after arrival;
- 444.13. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the ambient noise levels of the use, as measured at each of the property lines; and,

- 444.14. The applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations.

Section 445 Quarries and Other Extractive-Related Uses

- 445.1. Within the (I) Zone, quarries and other extractive-related uses are permitted by special exception, subject to the following criteria:

445.2. General - Operations:

1. Shall not substantially injure or detract from the lawful existing or permitted use of neighboring properties;
2. Shall not adversely affect any public or private water supply source;
3. Shall not adversely affect the logical, efficient, and economical extensions of public services, facilities and utilities throughout the Township;
4. Shall not create any significant damage to the health, safety or welfare of the Township and its residents and property owners;
5. Shall not result in the land area subject to mining being placed in a condition which will prevent the use of that land for economically and ecologically productive uses upon completion of the mining operation; and,
6. Must demonstrate compliance with all applicable State regulations at all times.

- 445.3. Site Plan Requirements - As a part of each application, the applicant must submit those materials required by Section 7.(b) of the Noncoal Surface Mining Conservation and Reclamation Act (Act No. 1984-219) which shall include at a minimum an accurately surveyed site plan on a scale no less than 1:2400 (1 inch equals 200 feet), showing the location of the subject property or properties to be affected by the operation. The surveyed site plan shall be certified by a registered professional engineer or a registered professional land surveyor with assistance from experts in related fields and shall include the following:

1. The boundaries of the proposed land affected, together with the drainage area above and below the subject property;
2. The location and names of all streams, roads, railroads, and utility lines on or immediately adjacent to the subject property;
3. The location of all buildings within one thousand (1,000) feet of the outer perimeter of the subject property, and the names and addresses of the owners and present occupants;
4. The purpose for which each building is used; and,

5. The name of the owner of the subject property and the names of adjacent landowners, the municipality and the county.

445.4. Minimum Lot Area - Ten (10) acres;

445.5. Fencing - For the purposes of this section, highwalls shall be defined as the face of exposed overburden and mineral in an open cut of an open pit mining operation. Operations that have a highwall fifteen (15) feet, or higher, shall be required to enclose the actual area of mining with a minimum seven (7) foot high chain link fence and like latching gates. Operations with no highwalls, or highwalls of less than fifteen (15) feet high shall be required to enclose the area of mining with a minimum forty-seven (47) inch high minimum 11 gauge woven wire fence that has openings no larger than six (6) inches in any direction and has posts at intervals of no more than ten (10) feet. All woven wire fences shall be equipped with latching minimum six (6) bar tub or panel gates, at vehicular access points.

All gates shall be latched at times when the site is unattended. The Township will accept departures from the above-described fence/gate specifications only if the applicant can demonstrate that the proposed fence/gate will achieve an equal or higher level of protection.

Along all fences, the applicant will be required to post and maintain "No Trespassing" and/or "Danger" signs at intervals of no less than one (1) sign per each one hundred (100) lineal feet of fence/gate. Such signs shall be no larger than two (2) square feet per sign and shall not be posted higher than five (5) feet above grade. All fences/gates shall be maintained in good condition and shall not be allowed to become deteriorated or unsightly.

There shall be no advertising placed upon the fencing/gates, except as may be permitted in Section 313 of this Ordinance;

445.6. Setbacks - The following table identifies minimum setbacks imposed upon specific features of the mining and/or processing uses from adjoining and/or nearby uses:

Mining-Related Feature	Any Occupied Residential or Nonresidential Building that is not part of the Mining &/or Processing Site	R-R Residential R-1 Residential, R-2 Residential,	Adjoining Road	Public/ Nonprofit Park, Place of Worship & Schools	Cemetery or Streambank	Adjoining Property
Stockpiles or Spoilpiles ²	300 ft.	500 ft.	100 ft.	300 ft.	100 ft.	100 ft.
Mineral Processing Equipment (e.g., crushers, sorters, conveyors, dryers, etc.)	300 ft.	500 ft.	100 ft.	300 ft.	100 ft.	100 ft.
Open Mine Pit & Highwall	300 ft.	500 ft.	100 ft.	300 ft.	100 ft.	100 ft.
On-Site Access Roads & Off-Street Parking, Loading & Vehicle Storage & Weighing Facilities	300 ft.	500 ft.	100 ft.	300 ft.	100 ft.	100 ft. ¹

Other Operational Equipment, Structures &/or Improvements	300 ft.	500 ft.	100 ft.	300 ft.	100 ft.	100 ft.
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¹ Access roads need not be set back one hundred (100) feet from any street with which it intersects

² Unprocessed material shall only be stored on the quarry floor.

445.7. Access - All access drives serving the site shall have a paved minimum thirty-five (35) foot wide cartway for a distance of at least one hundred (100) feet from the intersecting street right-of-way line. In addition, a fifty (50) foot long gravel section of access drive shall be placed just beyond the preceding one hundred (100) foot paved section to help collect any mud that may have attached to a vehicle's wheels;

445.8. Reclamation - The applicant shall demonstrate compliance with Section 7.(c) of the Pennsylvania Act No. 1984-219, as may be amended. The applicant shall provide a detailed description of the proposed use of the site, once reclamation has been completed, including a description of any zoning and/or subdivision approvals or remedies that would be necessary to accommodate the proposed use. A planting plan shall also be required for areas of the reclaimed site that are not to be underwater. Such plan shall demonstrate the covering of the site with sufficient arable soil that can stabilize the site with a vegetative ground cover that prevents excessive soil erosion and will support a mix of indigenous vegetation. Finally, the applicant shall provide written notification to the Township within thirty (30) days, whenever a change in the reclamation plan is proposed to the PA DEP;

445.9. Screening and Landscaping:

1. Berms – A berm shall be provided along all adjoining roads and properties. Such berm shall be set back a minimum of ten (10) feet from any road right-of-way and/or property lines. Such ten (10) foot setback shall be used as a landscape strip. The berm shall have a minimum height of ten (10) feet, a minimum top width of ten (10) feet and shall have side slopes not exceeding a one and one-half to one (1:5:1) ratio. All side slopes and the tops of the berm shall include landscaping materials as described as follows.

2. Landscaping - A minimum fifty (50) foot wide landscape buffer shall be located and maintained along all adjoining road rights-of-way and adjoining property lines. Such buffer shall include the required ten (10) foot wide landscape strip and all side slopes and the top of the required berm. At least three (3) evergreen trees at least ten (10) feet in height, and five(5) shrubs at least thirty-six (36) inches in height shall be provided for each twenty-five (25) lineal feet of required berm. The landscaping shall consist of a mix of native trees, shrubs and ground covers that shall be located, grouped and maintained to achieve the following objectives:

- A. Prevent excessive soil erosion;
- B. Provide a low-maintenance ground cover;
- C. Provide for a setting capable of supporting a mix of indigenous plants and animals;
- D. Provide for visual blockage of specific locations on the site to mitigate acute impact to adjoining roads and properties;

- E. Avoid the "linear staggered evergreen row" appearance often associated with landscape screens in favor of more natural looking scattered plant groupings;
- F. Generally help to improve the appearance of the site as viewed from its surroundings;

The applicant shall submit planting plans prepared by a licensed professional that demonstrate compliance with the above-described design objectives and other requirements of this section. Such planting plans shall demonstrate the use of trees and shrubs that are typical of their species and variety; have normal growth habits, well-developed branches, dense foliage, and vigorous and fibrous root systems. They have been grown under climatic conditions similar to those in the locality of the site or have been allowed to properly acclimate to local conditions of the site.

The operator shall be responsible for maintaining the approved and planted landscaping for the life of the operation, including replacing any dead or dying vegetation.

445.10. Operations Progress Report - Within ninety (90) days after commencement of mining operations, and during the first thirty (30) days of each calendar year thereafter, the operator shall file an operations and progress report with the Zoning Officer setting forth all of the following:

1. The name or number of the operation;
2. The location of the operation with reference to the nearest public road;
3. A description of the subject property or properties, including a site plan showing the location of all improvements, stockpile, quarry pits, etc;
4. The name and address of the landowner or his duly authorized representative;
5. An annual report of the type and quantity of mineral processed;
6. The current status of the reclamation work performed in pursuance of the approved reclamation plan;
7. A maintenance report for the site that verifies that all required fencing, signage and berming has been specifically inspected for needed repairs and/or maintenance and that such needed repairs and/or maintenance has been performed; and,
8. Verification that the proposed use continues to comply with all applicable State and Township regulations. The operation shall furnish copies of any approved permits and/or any notices of violation issued by the PA DEP;

445.11. Water Restoration - In accordance with Section 11.(g) of the PA Noncoal Surface Mining and Conservation and Reclamation Act, any mining/processing operation that affects a public or private water supply due to contamination, interruption, or diminution shall restore or replace the affected water supply with an alternate

source of water adequate in quantity and quality for the purposes served by the affected supply; and,

- 445.12. Maximum Permitted Height - The maximum permitted building height shall be three (3) stories or forty (40) feet above the natural unexcavated grade. No piling of spoiled materials and/or waste materials shall exceed a height of fifty (50) feet above the natural unexcavated grade. Such pilings must be periodically and sufficiently covered with earth and the seed of a year-round ground cover in order to achieve a stable condition.
- 445.13 Certain provisions of this Ordinance relating to Oil and Gas Operations may be superseded by Pennsylvania State law. Accordingly, various aspects of Oil and Gas Operations may constitute permitted uses or conditional uses depending upon the underlying zone and the type of development proposed. All development associated with Oil and Gas Operations shall be in accordance with P.L 87, No. 13. CI 58, including any and all revisions, amendments, modifications, judgments, rulings, or other applicable modifications.

Section 446 Recycling Stations for Paper, Plastic, Glass, and Metal Products

- 446.1. Within the (I) Zone, recycling of paper, plastic, glass, and metal products is permitted by special exception, subject to the following criteria:
- 446.2. All operations, including collection shall be conducted within a completely enclosed building;
- 446.3. There shall be no outdoor storage of materials processed, used or generated by the operation;
- 446.4. The applicant shall explain the scope of operation, and offer expert testimony regarding the measures used to mitigate problems associated with noise, fumes, dust, and litter; and,
- 446.5. The applicant will be required to assure regular maintenance of the site to immediately collect stray debris.

Section 447 Rural Occupations

- 447.1. Within the (A and R-R) Zones, rural occupations are permitted by special exception, subject to the following criteria:
- 447.2. Only one (1) rural occupation may be conducted on the same property as the owner's principal residence, and shall not exceed one thousand (1,000) square feet.
- 447.3. A rural occupation shall only be conducted within one completely enclosed outbuilding that satisfies at least one (1) of the following:

1. The building will remain the same size and in the same location as it existed on the effective date of this section; or
 2. The building shall not exceed twenty-five (25) feet in height, is located in the rear yard of the principal residence, and is set back at least fifty (50) feet from any side or rear lot lines. All applicants are required to design buildings that are compatible with their residential settings;
- 447.4. In no case shall any new rural occupation building be constructed before the owner resides on the subject property. In addition, rural occupations may only be conducted so long as the sole owner of the business resides on the site;
- 447.5. In no case shall the required maximum lot coverage be exceeded by those impervious surfaces associated with the principal residence, rural occupation and/or other accessory uses;
- 447.6. All off-street parking and loading spaces shall be screened from adjoining roads and properties;
- 447.7. No outdoor storage or display shall be permitted except that one (1) commercial truck of not more than twelve thousand (12,000) pounds gross vehicle weight may be parked behind the principal residence so long as it is screened from adjoining roads and properties;
- 447.8. One (1) non-illuminated sign not exceeding six (6) square feet shall be permitted and must be set back a distance at least equal to its height from every lot line;
- 447.9. Vehicular access to the rural occupation shall be limited to the same driveway connection with the public street that serves the principal residence; however, in no case shall any new driveway be closer than fifteen (15) feet from any side or rear lot line. No additional roadway connections shall be permitted;
- 447.10. The maximum number of employees who do not reside on the site shall be equal to two (2) full-time positions. For the purposes of this section, "employees" shall be defined as those involved in the on-site conduct of the rural occupation;
- 447.11. Rural occupations shall only be conducted between the hours of 6 a.m. and 9 p.m. No rural occupation shall be conducted on Sundays;
- 447.12. No manufacturing, mechanical or industrial use shall be permitted which causes any noise, odor, glare, fume, smoke, dust, vibration, electromagnetic interference, or other hazard that is noticeable at or beyond the line of the nearest residential lot. No use that requires application or permitting by the PA DEP for the handling of hazardous waste or other substances, shall be permitted, except for wastewater treatment;
- 447.13. Any area devoted to retail sales display shall be limited to twenty (20) percent of the overall size of the rural occupation;
- 447.14. The applicant shall furnish evidence that an approved means of sewage disposal shall be utilized, and further that such means is part of the same system in use for the principal residence; and,

- 447.15. Evidence shall be provided indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within the County which have been contracted to dispose of the materials and wastes used or generated on-site or some other legal means of disposal. The zoning permit for this use shall remain valid only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the rural occupation change in the future, such that the materials used or wastes generated changes significantly, either in type or amount, the owner of the rural occupation shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section.

Section 448 Self Storage

- 448.1. Within the (C-1 and I) Zones, self storage is permitted by special exception, subject to the following criteria:
- 448.2. Off-street parking spaces shall be provided according to the schedule listed in Section 311 of this Ordinance;
- 448.3. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-eight (28) feet wide.
- 448.4. Required parking spaces may not be rented as, or used for, vehicular storage. However, additional external storage area may be provided for the storage of privately-owned vehicles, travel trailers and/or boats, so long as such external storage area is screened from adjoining land within the R-R, R-1, R-2 and/or C-N Zones, and adjoining roads, and is located behind the minimum front setback line. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, inoperative, unlicensed or uninspected vehicles;
- 448.5. All storage shall be kept within an enclosed building except that the storage of flammable, highly combustible, explosive or hazardous chemicals shall be prohibited. Any fuel tanks shall be stored only in an external storage area as described above;
- 448.6. 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;
- 448.7. Self storage facilities shall be used solely for the dead storage of property. The following lists examples of uses expressly prohibited upon the site:
1. Auctions, commercial wholesale or retail sales, or garage sales;
 2. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment;

3. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment;
4. The establishment of a transfer and storage business; and,
5. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

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

Section 449 Shooting Ranges

449.1. Within the (A) Zone, shooting ranges are permitted by special exception, subject to the following criteria:

449.2. Shooting Range Operations:

1. May not substantially injure or detract from the lawful existing or permitted use of neighboring properties;
2. May not substantially damage the health, safety or welfare of the municipality or its residents and property owners;
3. Must comply with all applicable State and local laws, rules and regulations regarding the discharge of a firearm;
4. The storage of live ammunition shall only occur in an approved secure vault;
5. Shall limit the number of shooters to the number of firing points or stations identified on the development plan;
6. Shall require all shooters to satisfactorily complete an orientation safety program given in accordance with the National Rifle Association, or show a valid hunting permit or gun permit, before they are allowed to discharge firearms without supervision;
7. Shall limit the consumption of alcoholic beverages to days when no shooting activities are permitted, or when the shooting activities are completed for that day. Furthermore, alcoholic beverages may only be consumed in designated areas away from the firing points or stations; and,
8. Shall limit firing to the hours between one (1) hour after official sunrise and one (1) hour preceding official sunset, unless sufficient lighting is used in which case all shooting shall cease by 10 p.m.;

449.3. A development plan shall identify the Safety Fan for each firing range. The Safety Fan shall include the area necessary to contain all projectiles, including direct fire and ricochet. The Safety Fan configuration shall be based upon qualified expert testimony regarding the trajectory of the bullet and the design effectiveness of

berms, overhead baffles, or other safety barriers to contain projectiles to the Safety Fan;

- 449.4. The firing range, including the entire Safety Fan, shall be enclosed with a six (6) foot high non-climbable fence to prevent unauthorized entry into the area. Range caution signs with eight (8) inch tall, red letters on a white background shall be posted at a maximum of one hundred (100) foot intervals around the range perimeter. Signs shall read "SHOOTING RANGE AREA. KEEP OUT!";
- 449.5. Range flags shall be displayed during all shooting activities. Range flags shall be located in a manner visible from entrance drives, target areas, range floor, and the perimeter of the Safety Fan;
- 449.6. All surfaces located within the Safety Fan, including the backstop, overhead baffles, berms, and range floor, shall be free of hardened surfaces, such as rocks or other ricochet-producing materials;
- 449.7. All shooting range facilities, including buildings, parking, firing range, and Safety Fan shall be set back a minimum of one hundred (100) feet from the property line and street right-of-way;
- 449.8. The applicant shall present credible evidence that the sounds of shooting in the nearest residential zone do not exceed the ambient noise level;
- 449.9. Off-street parking facilities shall be provided with a ratio of one and one-half (1½) spaces per firing station, but not less than one (1) space for each four (4) seats; and,
- 449.10. No part of a shooting range property shall be located within one-quarter (¼) mile of any land within an R-R, R-1, and/or R-2 Zone.

Section 450 Shopping Centers

- 450.1. Within the (C-1) Zone, shopping centers are permitted by special exception, subject to the following criteria:
- 450.2. The subject property shall front on an arterial or collector road, and all access drives shall be set back at least two hundred (200) feet from the intersection of any street right-of-way lines;
- 450.3. Both public sewer and public water utilities shall be required;
- 450.4. Required off-street parking and loading shall be provided as follows:

Use	Minimum Required Off-Street Parking Spaces Per 1,000 Sq. Ft. of Gross Leasable Floor Area	Minimum Required Off-Street Loading Spaces
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Shopping center, as defined herein, with between 20,000 & 100,000 square feet of gross floor area.	5	1 per 20,000 square feet, or fraction thereof, of gross leasable floor area
Shopping center, as defined herein, with over 100,000 square feet of gross floor area.	5	5 plus 1 per 50,000 square feet, or fraction thereof, of gross leasable floor area over 100,000 square feet

1. Off-street Parking and loading shall be designed, landscaped and provided in accordance with Section 311 of this Ordinance.

- 450.5. The applicant shall be required to design and construct vehicular and pedestrian linkages with adjacent properties, even if they are not yet developed. Such vehicular and pedestrian linkages shall be located so as to provide safe and convenient access to and from the shopping center;
- 450.6. A Traffic Impact Study shall be submitted by the applicant, in accordance with Section 318 of this Ordinance;
- 450.7. Signage shall be permitted in accordance with those regulations of Section 313 of this Ordinance;
- 450.8. The proposed use shall employ lighting that does not adversely affect adjoining roads and properties and,
- 450.9. Internal open space shall be provided at a rate of five (5) percent of the gross floor area:
- 450.10 Landscaping in accordance with this Ordinance [and the Windsor Township Subdivision and Land Development Ordinance] shall be provided, except that a minimum twenty-five (25) foot wide residential buffer strip shall be provided adjoining any residential zone or use.
- 450.11 Maximum Permitted Height - Fifty (50) feet maximum, provided that at least one (1) additional foot is provided beyond the minimum setbacks for each one (1) foot of additional height above thirty-five (35) feet, up to the fifty (50) foot maximum height.
- 450.12. The proposed shopping center design shall comply with the applicable regulations contained within the following table:

Use	Minimum Required Lot Area	Minimum Required Lot Width	Required Minimum Setbacks			Minimum Required Setback from Residential Zone	Maximum Permitted Impervious Lot Coverage
			Front, as Measured from Street R.O.W.	Side	Rear		
Shopping center, as defined herein, with between 20,000 & 100,000 square feet of gross floor area.	<u>C-1 Zone</u> 6 acres	300 ft. at the building setback line & street line	35 ft. for buildings & structures (except permitted signs); 25 ft. for off-street parking; no off-street loading, nor dumpsters are permitted within the front yard.	30 ft. for buildings & structures (except permitted signs); 20 ft. for off-street parking & loading spaces & dumpsters	30 ft. for all buildings, structures, off-street parking & loading spaces & dumpsters	75 ft. for buildings, structures, off-street loading, dumpsters; 50 ft. for off-street parking	70%
Shopping center, as defined herein, with over 100,000 square feet of gross floor area.	<u>C-1 Zone</u> 17 acres	500 ft. at the building setback line & street line	100 ft. for buildings & structures (except permitted signs); 40 ft. for off-street parking; no off-street loading, nor dumpsters are permitted within the front yard.	40 ft. for buildings & structures (except permitted signs); 25 ft. for off-street parking & loading spaces & dumpsters	40 ft. for all buildings, structures, off-street parking & loading spaces & dumpsters	100 ft. for buildings, structures, off-street loading & dumpsters; 50 ft. for off-street parking	670%

Section 451 Slaughtering, Processing, Rendering, and Packaging of Food Products and/or their By-Products

- 451.1. Within the (I) Zone, slaughtering, processing, rendering, and packaging of food products and/or their by-products are permitted by special exception, subject to the following criteria:
- 451.2. Minimum Lot Area - Five (5) acres;
- 451.3. The subject site shall have access to an arterial road;
- 451.4. Public sewer and public water facilities shall be utilized;
- 451.5. All aspects of the slaughtering, processing, rendering, and packaging operation, excepting the unloading and holding of live animals, shall be conducted within a completely-enclosed building;
- 451.6. All live animals held outside shall be within secure holding pens or runways, sufficiently large to accommodate all animals without crowding, and not located within the front yard;
- 451.7. The applicant shall furnish a working plan for animal containment and for the recovery of escaped animals which minimizes the potential for animals to enter traffic or cross property lines, and which shall be continuously implemented;
- 451.8. The unloading of live animals from trucks into holding pens and their movement into the plant shall be continuously supervised by a qualified operator, whose responsibility it shall also be to immediately identify and appropriately dispatch any obviously ill or injured animals;
- 451.9. The unloading of live animals and their movement into the plant shall be conducted in an orderly and calm manner so as to minimize noise levels;
- 451.10. The loading and unloading of trucks shall be restricted to the hours between 6:00 a.m. and 10:00 p.m.;
- 451.11. No exterior animal holding pens and/or areas devoted to loading/unloading of animals shall be located within two hundred (200) feet of any property line nor five hundred (500) feet of any adjoining residence and/or land within an R-R, R-1, and/or R-2 Zone;
- 451.12. All animal holding pens and/or areas used for the loading/unloading of animals shall be screened from all adjoining properties and shall include a minimum fifty (50) foot wide landscape strip;
- 451.13. Sewer and water lines shall not meet within or beneath the plant, and shall further be designed and installed to minimize the potential for leakage and contamination by maximizing the separation distance between lines and laying sewer lines at greater depth than water lines;

- 451.14. Where wastewater pretreatment is required by the EPA or local authority, wastewater shall be kept completely covered at all times to reduce the potential for release of odors. In no event shall wastewater be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with PA DEP regulations;
- 451.15. Public water supplies shall be tested for water potability prior to approval, and annually thereafter, the results of which shall be regularly submitted to the USDA;
- 451.16. All unusable animal by-products shall be stored indoors in leak- and vector-proof containers. In the case of slaughtering or processing operations which do not do their own rendering, the applicant shall provide evidence of a written contract with a rendering operation for the daily disposal of such waste products. In no case shall any waste products remain on the site for more than twenty-four (24) hours;
- 451.17. The applicant must demonstrate written compliance with, and continue to comply with, all applicable local, State and Federal standards and regulations;
- 451.18. The use shall provide sufficiently-long stacking lanes and on-site loading/unloading areas, so that trucks waiting to be loaded/unloaded will not back up onto public roads. No parking or loading/unloading shall be permitted on or along any public road;
- 451.19. Vehicular access shall be so arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties. Access drives used by trucks shall only intersect with major collector or arterial roads;
- 451.20. All access drives onto the site shall have a paved minimum thirty-five (35) foot wide cartway for a distance of at least one hundred (100) feet from the street right-of-way. In addition, if portions of on-site access drives are unpaved, then a fifty (50) foot long gravel section of access drive shall be placed just beyond the preceding one hundred (100) foot paved section to help collect any mud that may have attached to a vehicle's wheels; and,
- 451.21. The applicant shall furnish a Traffic Impact Study prepared by a professional traffic engineer in accordance with Section 318 of this Ordinance.

Section 452 Solid Waste Disposal

- 452.1. Within the (A & I) Zones, solid waste disposal is permitted by special exception, subject to the following criteria:
- 452.2. The maximum permitted lot coverage shall be fifteen (15) percent;
- 452.3. Facility Located in the Agricultural Zone:
1. The toe of slope shall be set back a minimum of one thousand (1,000) feet, of which no less than five hundred (500) feet shall remain as a buffer area in existing vegetative or forest cover, from an abutting property line for residentially or agriculturally zoned property, or from an abutting property line for any dwelling, school, place of worship, publicly-owned property or any other building used for human occupancy, at any time, or from time to time.

No permanent devices or stockpiling of material such as stone, gravel or dirt shall be placed or constructed within the five hundred (500) foot buffer area described above;

2. The toe of slope shall be set back a minimum of five hundred (500) feet, of which no less than two hundred and fifty (250) feet shall remain as a buffer area in existing vegetative or forest cover, from an abutting property line for commercially- or industrially-zoned property or public right-of-way. No permanent devices or stockpiling of material shall be placed or constructed within the two hundred and fifty (250) foot buffer area described above;
3. For any portion of a landfill facility, a minimum one hundred (100) foot buffer area in existing vegetative or forest cover shall be maintained from the one hundred year floodplain as defined in the December 1, 1982, Federal Insurance Administration's Flood Insurance Study, as amended or revised, prepared for Windsor Township, or as modified by the Township Board of Supervisors;
4. For any portion of a landfill facility, a minimum five hundred (500) foot buffer area in existing vegetative or forest cover shall be maintained from any river, stream, creek, or tributary thereof, or from the nearest wetlands as defined by the U.S. Army Corps of Engineers, the Pennsylvania Department of Environmental Protection or its successor, or any other regulatory agency having jurisdiction over the wetlands area;
5. A landfill facility must be contoured so that the final top grading will have a slope of not less than four (4) percent and that the side slopes shall not exceed the ratio of 4:1;
6. The maximum height of a landfill facility shall be measured from the area of solid waste placement on the site, which area shall be defined as the balance of the property remaining after adding all applicable setbacks from the property boundary as described by the metes and bounds description in the deed or deeds. The maximum height of the landfill facility shall not exceed the maximum topographic elevation above mean sea level within the area of solid waste placement, plus ten (10) feet;
7. For a landfill facility, the entire parcel must be enclosed by a security fence at least eight (8) feet in height, and if the security fence is made of chain link or other material with gaps, then slats must be incorporated into the chain link or gaps;
8. Access drives for ingress and egress to a landfill facility shall be constructed and maintained in accordance with the Windsor Township Subdivision and Land Development Ordinance. The exit from the landfill facility must contain a facility for the washing of truck wheels prior to the trucks exiting the landfill facility;
9. A landfill facility shall be in compliance with all local, State and Federal regulations relating to solid waste disposal; and,

452.4. Landfill Facility Located in the Industrial Zone:

1. The setbacks for the toe of slope, buffer areas, floodplain, wetlands, river, stream, creek, or tributary thereof, shall conform in all respects to the requirements and regulations of the Pennsylvania Department of Environmental Protection (or successor agency) and/or the Environmental Quality Board relating to the siting of landfill facilities that are in effect at the time of application for a special exception for a landfill facility. No permanent devices or stockpiling of materials such as stone, gravel or dirt shall be placed or constructed within any buffer area;
2. The contour of the landfill facility shall conform in all respects to the requirements and regulations of the Pennsylvania Department of Environmental Protection (or successor agency) and/or the Environmental Quality Board relating to landfill facilities that are in effect at the time of application for a special exception for a landfill facility;
3. The maximum height of the landfill facility shall conform in all respects to the requirements and regulations of the Pennsylvania Department of Environmental Protection (or successor agency) and/or the Environmental Quality Board relating to landfill facilities that are in effect at the time of application for a special exception for a landfill facility;
4. For a landfill facility, the entire parcel must be enclosed by a security fence at least eight (8) feet in height;
5. Access drives for ingress and egress to a landfill facility shall be constructed and maintained in accordance with the Windsor Township Subdivision and Land Development Ordinance. The exit from the landfill facility must contain a facility for the washing of truck wheels prior to the trucks exiting the landfill facility;
6. A landfill facility shall be in compliance with all local, State and Federal regulations relating to solid waste disposal.

Section 453 Special Events

- 453.1. Within all zones, special events shall be permitted by special exception, subject to the following:
- 453.2. Special events shall be permitted to operate for a maximum of seven (7) consecutive calendar days per event, with a maximum of four (4) such events permitted on a particular property per year.
- 453.3 The applicant shall provide evidence to demonstrate that adequate provisions have been made for sanitary sewage disposal, trash disposal, parking, traffic control, emergency access, and any other items having the potential to affect public health and welfare.

Section 454 Spent Mushroom Compost Processing and/or Commercial Mushroom Operations

- 454.1. Within the (I) Zone, spent mushroom compost processing and/or commercial mushroom operations are permitted by special exception, subject to the following criteria:
- 454.2. Any processing, loading, storage, and packaging operations must be conducted within a completely-enclosed building that is leak- and vector-proof;
- 454.3. The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations:
- 454.4. All uses shall provide sufficiently-long stacking lanes into the facility, so that vehicles waiting to be weighed or loaded/unloaded will not back up onto public roads;
- 454.5. All driveways onto the site must be paved for a distance of at least one hundred (100) feet from the street right-of-way line. In addition, a one hundred fifty (150) foot long gravel section of driveway shall be placed just beyond the preceding one hundred (100) foot paved section to help collect any mud that may have attached to a vehicle's wheels:
- 454.6. The unloading, processing and transfer, of septage and spent mushroom compost shall be continuously supervised by a qualified facility operator and such area shall be screened from all roads and adjoining properties;
- 454.7. Any leachate shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the PA DEP regulations;
- 454.8. The applicant shall submit an analysis of raw water needs (groundwater or surfacewater) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed;

In addition, a water feasibility study will be provided to enable the municipality to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility study shall be reviewed by the municipal engineer;

A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate groundwater recharge considering the water withdrawn by the proposed development shall not be approved by the municipality.

A water feasibility study shall include the following information:

1. Calculations of the projected water needs;
 2. A geologic map of the area with a radius of at least one mile from the site;
 3. The location of all existing and proposed wells within one thousand (1,000) feet of the site and all known point sources of pollution;
 4. Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined;
 5. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and the groundwater table; and,
 6. A statement of the qualifications and the signature(s) of the person(s) preparing the study;
- 454.9. A minimum one hundred (100) foot wide buffer strip shall be located along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this buffer strip. Any fences or other screening erected on the site must not be located within this buffer strip;
- 454.10. The applicant shall provide an analysis of the physical conditions of the primary road system serving the proposed use. The analysis shall include information on the current traffic flows on this road system, and projections of traffic generated by the proposed use. Improvements to the road shall be provided by the applicant to insure safe turning movements to and from the site and safe through movement on the existing road; and,
- 454.11. Any structure used for the storage, loading, processing and/or packaging of spent mushroom compost shall be set back at least three hundred (300) feet from all property lines, and five hundred (500) feet from any adjoining residences and/or properties within the R-R, R-1, and/or R-2 Zones. In addition, any ventilation outlets must be oriented away from any land within said Zones.

Section 455 Temporary Accessory Dwelling Unit

- 455.1 Temporary accessory dwelling units, as defined herein, shall be permitted by Special Exception in the A, R-R, R-1, and R-2 zones, subject to the following standards:
- 455.2 The property owner shall reside in the principal dwelling unit in which the apartment or attached addition is used as the temporary accessory dwelling;
- 455.3 The temporary accessory dwelling shall be used to house the property owner's family members, or a caretaker for the property owner.
- 455.4 The property owner shall submit medical documentation to the Zoning Officer supporting a finding that there is a genuine medical hardship for the property owner or the family member, necessitating that the caretaker or family member live in close proximity to the property owner in order to give or receive personal care;
- 455.5 The temporary accessory dwelling shall conform to all applicable setback requirements;

- 455.6 There shall be an adequate sewage disposal and water system on the premises to support the main dwelling unit and temporary accessory dwelling;
- 455.7 Approval by the Zoning Officer shall be valid for a period of one year from the date of issuance of the Temporary Accessory Dwelling Unit approval, and shall be renewable in yearly increments, provided that the medical hardship continues. The approval of any temporary hardship permit, or any renewal or extension thereof, shall be null and void if the property owner does not obtain a temporary hardship permit or submit a renewal request to the Zoning Officer at least thirty (30) days prior to any expiration date; and
- 455.8 Upon either: (a) the removal of the property owner from the principal dwelling unit or the removal of the caretaker or family member from the temporary accessory dwelling, (b) the cessation of a documented medical hardship, or (c) a violation of the requirements of this section, then the permit for the temporary accessory dwelling shall automatically expire and the property shall thereafter be used in conformity with this Ordinance.

Section 456 Truck Stop or Motor Freight Terminals

- 456.1. Within the (I) Zone, truck stop or motor freight terminals are permitted by special exception, subject to the following criteria:
- 456.2. The applicant shall furnish a Traffic Impact Study prepared by a professional traffic engineer, in accordance with Section 318 of this Ordinance;
- 456.3. The subject property shall have a minimum of three hundred (300) feet of road frontage along an arterial and/or collector road;
- 456.4. The subject property shall be located no closer than five hundred (500) feet from any R-R, R-1, or R-2 Zone and/or property containing a school, day-care facility, park, playground, library, hospital, personal care, rest or retirement home, or medical residential campus;
- 456.5. All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least fifty (50) feet from any street right-of-way line;
- 456.6. Access driveways shall be a minimum of twenty-eight (28) feet, and a maximum of thirty-five (35) feet wide. All access drives onto the same road shall be set back at least one hundred fifty (150) feet from one another, as measured from closest points of cartway edges;
- 456.7. Off-street parking shall be provided at a rate equal to that required for each of the respective uses comprising the truck stop. Any gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle backups onto adjoining roads during peak arrival periods;
- 456.8. All vehicle service and/or repair activities shall be conducted within a completely-enclosed building. Outdoor storage of parts, equipment, lubricants, fuels, or other

materials used or discarded in any service or repair operations must be screened from adjoining roads and properties;

- 456.9. The outdoor storage of unlicensed and/or uninspected vehicles is prohibited;
- 456.10. The demolition or junking of vehicles and machinery is prohibited. Demolished vehicles and/or parts thereof, shall be removed within thirty (30) days after arrival;
- 456.11. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the ambient noise levels of the use, as measured at each of the property lines; and,
- 456.12. The applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations.

Section 457 Warehousing and Wholesale Trade Establishments

- 457.1. Within the (I) Zone, warehousing and wholesale trade establishments are permitted by special exception, subject to the following criteria:
- 457.2. The applicant shall provide a detailed description of the proposed use in each of the following topics:
 - 1. The nature of the on-site activities and operations, the types of materials stored, the frequency of distribution and restocking, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations;
 - 2. The general scale of the operation, in terms of its market area, specific floor space requirements for each activity, the total number of employees on each shift, and an overall needed site size;
 - 3. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances; and,
 - 4. A Traffic Impact Study prepared by a professional traffic engineer, according to Section 318 of this Ordinance;
- 457.3. The subject property shall be located no closer than five hundred (500) feet from any R-R, R-1, or R-2 Zone and/or property containing a school, day-care facility, park, playground, library, hospital, personal care home, assisted living residence, or medical residential campus;

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- 457.4. All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least fifty (50) feet from any street right-of-way;
- 457.5. Access drives shall be a minimum of twenty-eight (28) feet, and a maximum of thirty-five (35) feet wide. All access drives onto the same road shall be set back at least one hundred fifty (150) feet from one another, as measured from closest points of cartway edges;
- 457.6. Any gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle backups onto adjoining roads during peak arrival periods;
- 457.7. All vehicle service and/or repair activities shall be conducted within a completely-enclosed building. No outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations, shall be permitted;
- 457.8. The outdoor storage of unlicensed and/or uninspected vehicles is prohibited; and,
- 457.9. The demolition or junking of vehicles and machinery is prohibited. Demolished vehicles and/or parts thereof, shall be removed within thirty (30) days after arrival.

Article 5

Nonconformities

Section 500 Continuation

Except as otherwise provided in this Section, any use, building, 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. However, signs are subject to amortization as described in Section 507 of this Ordinance.

Section 501 Abandonment

If a nonconforming use of land or of a building or structure ceases or is discontinued for a continuous period of two (2) years or more, subsequent use of such building, structure, or land shall be in conformity with the provisions of this Ordinance.

Section 502 Extension of a Nonconforming Use of Land

Any lawful nonconforming use of land exclusive of buildings and structures and the use contained therein, may be extended upon the lot upon which it exists at the time of the effective date of this Ordinance, but such extension shall conform to area and lot regulations and to the design standards of this Ordinance. The extension of a nonconforming use on a lot shall be limited to the lot which was in existence on the effective date of this Ordinance.

Section 503 Expansion or Alteration

503.1. Any nonconforming use may be expanded or altered through the obtainment of a special exception and subject to the following criteria, and those contained in Section 605.1.:

1. Expansion of the nonconformity shall be confined to the lot on which it was located on the effective date of this Ordinance, or any amendment thereto creating the nonconformity.
2. Provision for vehicular access, off-street parking and off-street loading shall be consistent with standards required by this Ordinance.

3. Provision for yards, setbacks, building height and building area shall be consistent with the standards required for permitted uses in the Zone in which the nonconformity in question is located.
4. Appearance should be harmonious with surrounding properties; this feature includes but is not limited to: landscaping, enclosure of principal and accessory uses, height control, sign control, architectural control and maintenance of all improvements and open spaces.
5. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces.

503.2. Any nonconforming structure that will be expanded or altered in such a way that it will reduce the extent of any nonconformity is allowed by permitted use. Any nonconforming structure that may be expanded or altered in such a way that the extent of the nonconformity is increased shall be permitted through the obtainment of a special exception and subject to the following criteria, and those contained in Section 605.1.:

1. Expansion of the nonconformity shall be confined to the lot on which it was located on the effective date of this Ordinance, or any amendment thereto creating the nonconformity.
2. Except in the case of an agricultural use which shall have no limitation on building or structural expansion, except as determined through the application of other applicable zoning standards (e.g., setbacks, lot coverage, permitted height, etc.), the total of all such expansions or alterations of use shall not exceed an additional twenty-five (25) percent of the area of those buildings or structures devoted to the nonconforming use as they existed on the date on which such buildings or structures first became nonconformities. The applicant shall furnish conclusive evidence as to the extent of the nonconformity when it was created.
3. The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities. Any dimensional nonconformity may be reduced by permitted use or may be maintained or rebuilt to the same dimensions. No extension or enlargement of a dimensional nonconformity shall be permitted. Dimensionally nonconforming structures may be enlarged so long as the addition complies with all applicable requirements of this Ordinance.
4. No expansion of a nonconforming structure or a nonconforming use located outside of a structure existing on the effective date of this Ordinance shall be permitted in the Floodplain Zone.
5. Excluding expansion, any modification, alteration, repair, reconstruction or improvement of any kind to a nonconforming use or structure located in the Floodplain Zone shall be permitted when either elevated above the base flood elevation or floodproofed in accordance with the requirements described in Section 230.7. In no case, shall any modification, alteration, repair,

reconstruction or improvement cause unacceptable increases in flood height, velocities or frequencies.

Section 504 Substitution or Replacement

Any nonconforming use may be replaced or substituted by another nonconforming use by special exception, if the Zoning Hearing Board determines that the proposed use is at least equally compatible with the surrounding area, than the original nonconforming use. In addition, the proposed nonconforming use shall not increase any dimensional nonconformities. The Board may attach conditions to the special exception to keep the use compatible within its surroundings.

Section 505 Restoration

505.1. Any lawful nonconforming building or other structure which has been involuntarily damaged or destroyed by fire, explosion, windstorm, or other similar active cause may be reconstructed in the same location, provided that:

1. The reconstructed building or structure shall not exceed the height, area, or volume of the damaged or destroyed building or structure and such reconstructed building or structure shall not increase any dimensional nonconformities.
2. Reconstruction shall begin within one (1) year from the date of damage or destruction and shall be carried on without interruption.

Section 506 Previously Expanded Nonconforming Uses and Structures

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

Section 507 Use of Nonconforming Lots of Record

Subject to the provisions of Section 508(4) of the Act, in any zone in which single-family detached dwellings are permitted, a single-family detached dwelling may be erected on any single lot, as defined in this Ordinance, existing in single and separate ownership on the effective date of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. This provision shall apply even though such lot fails to meet all of the lot area and lot width requirements of the zone in which the lot is located. All setback and lot coverage requirements shall be met.

Article 6

Zoning Hearing Board

Section 600 Establishment and Membership

- 600.1.** There shall be a Board which shall consist of five (5) members who shall be appointed by resolution by the Board of Supervisors. The membership of the Board shall consist of residents of the Township. Their terms of office shall be five (5) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other elected or appointed office in the Township nor shall any member be an employee of the Township. Any member of the Board may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
- 600.2.** The Board of Supervisors may appoint by resolution at least one (1) but no 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. When seated pursuant to the provisions of Section 601, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Ordinance and as otherwise provided by law. Alternates shall hold no other elected or appointed office in the Township, including service as a member of the Planning Commission or as a Zoning Officer, nor shall any alternate be an employee of the Township. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated pursuant to Section 602 unless designated as a voting alternate member pursuant to Section 601.

Section 601 Organization of Board

- 601.1.** The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Board, but the Board may appoint a Hearing Officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Section 603.
- 601.2.** The Chairman of the Board may designate alternate members of the Board to replace any absent or disqualified member, and if, by reason of absence or

disqualification of member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

- 601.3.** The Board may make, alter, and rescind rules and forms for its procedure, consistent with Ordinances of the Township and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Township, and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.

Section 602 Expenditures for Services

Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors. Alternate members of the Board may receive compensation, as may be fixed by the Board of Supervisors.

Section 603 Hearings

- 603.1.** The Board shall conduct hearings and make decisions in accordance with the following requirements:
1. Public notice and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Board of Supervisors shall designate by Ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
 2. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Board. Fees for said hearings may include compensation for the secretary and members of the Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
 3. The first hearing before the Board or Hearing Officer shall be commenced within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Board or Hearing Officer shall be held within forty-five

(45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Board or Hearing Officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. And applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and Township, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

- 603.2.** The hearings shall be conducted by the Board or the Board may appoint any member, or an independent attorney as a Hearing Officer. The decision, or, where no decision is called for, the findings shall be made by the Board however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.
- 603.3.** The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- 603.4.** 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.
- 603.5.** 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.
- 603.6.** Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- 603.7.** The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or Hearing Officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

- 603.8.** The Board or the Hearing Officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from the Board Solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- 603.9.** The Board or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or Hearing Officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of the Act or of this Ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a Hearing Officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the Hearing Officer. Where the Board fails to render the decision within the period required by this subsection, or fails to commence, conduct or complete the required hearing as provided in Section 603.1.3., the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner, as provided in Section 603.1.1. 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.
- 603.10.** 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 business 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.
- 603.11.** **Effect of Board's Decision** - If a variance or special exception is granted, or the issuance of a permit is approved, or other action by the appellant is authorized, the necessary permit shall be secured and the authorized action begun within six (6) months after the date when the variance or special exception is finally granted, or the issuance of a permit is finally approved, or the other action by the appellant is authorized, and the building or alteration, as the case may be, shall be completed within twelve (12) months of said date. For good cause, the Board may upon application in writing, state the reasons therefore, extend either the six (6) months or twelve (12) months period.

Should the appellant or applicant fail to obtain the necessary permits within said six (6) months period, or having obtained the permit should he fail to commence work thereunder within such six (6) months 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 granted to him shall be deemed automatically rescinded by the Board.

Should the appellant or applicant commence construction or alteration within said six (6) months period, but should he fail to complete such construction or alteration within said twelve (12) months period, the Board may upon ten (10) days notice in writing, rescind or revoke the granted variance or special exception, or the issuance of the permit, or permits, or the other action authorized to the appellant or applicant, if the Board finds that a good cause appears for the failure to complete within such twelve (12) months 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.

Section 604 Jurisdiction

604.1. The Board shall have the exclusive jurisdiction to hear and render final adjudications in the following matters:

1. Substantive challenges to the validity of the Ordinance, except those brought before the Board of Supervisors pursuant to Section 803.6.
2. Challenges to the validity of the Ordinance, raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of the Ordinance.
3. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
4. Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any provisions contained within the Floodplain Zone.
5. Applications for variances from the terms of this Ordinance, pursuant to Section 606.
6. Applications for special exceptions under this Ordinance, pursuant to Section 605.
7. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Ordinance.
8. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of this Ordinance with reference to sedimentation and

erosion control and storm water management insofar as the same relate to development not involving subdivision and land development or planned residential development applications.

604.2. The Board of Supervisors shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

1. All applications for approval of planned residential developments pursuant to the provisions of Section 702 of the Act.
2. All applications for approval under the SALDO.
3. Applications for conditional use under Section 700.3.
4. Applications for curative amendment pursuant to challenges submitted to the Board of Supervisors under Section 803.6 and Section 609.1 of the Act.
5. All petitions for amendments to this Ordinance, pursuant to the procedures set forth in Section 803. Any action on such petitions shall be deemed legislative acts, provided that nothing contained in this clause shall be deemed to enlarge or diminish existing law with reference to appeals to court.
6. Appeals from the determination of the Zoning Officer or the Township Engineer in the administration of this Ordinance with reference to sedimentation and erosion control and storm water management insofar as the same relate to application for subdivision and land development and planned residential development.
7. Applications for a special encroachment permit pursuant to Section 405 of the Act and applications for a permit pursuant to Section 406 of the Act.

Section 605 **Special Exception**

605.1. **Application for Special Exceptions** – Each application shall include the following requirements.

1. Filing Requirements - In addition to the required building permit information (See Section 801) each special exception application shall include the following:
 - A. Ground floor plans and elevations of proposed structures.
 - B. Names and address of adjoining property owners including properties directly across a public right-of-way.
 - C. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance.

- D. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance.

605.2. General Criteria - Each applicant must demonstrate compliance with the following:

1. The proposed use shall be consistent with the purpose and intent of this Ordinance.
2. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties.
3. The proposed use will not substantially change the character of the subject property's neighborhood.
4. Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.).
5. For development within the Floodplain Zone, that the application complies with those requirements listed in Section 230.5.
6. The proposed use shall comply with those criteria specifically listed in Article 4 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations contained in this Ordinance.
7. The proposed use will not substantially impair the integrity of the Township's Comprehensive Plan.

605.3. Conditions - The Board in approving special exception applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same Zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in Article 8.

605.4. Site Plan Approval - Any site plan presented in support of the special exception pursuant to Section 605.1.1. shall become an official part of the record for said special exception. Approval of any special exception will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a building permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan, shall require the obtainment of another special exception approval.

Section 606 Variances

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

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or Zone 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 this Ordinance and that the authorization of a variance is therefore necessary to enable 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 Zone or neighborhood 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.
6. That variances within the Floodplain Zone shall require compliance with those regulations contained in Section 230.8.
7. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and subject to the penalties described in Article 8.

Section 607 Parties Appellant Before the Board

607.1. Appeals under Sections 604.1.1., 604.1.2., 604.1.3., 604.1.4., 604.1.7., 604.1.8., and 604.1.9. may be filed with the Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance under Section 606. and for special exception under Section 605. may be filed with the Board by any landowner or any tenant with the permission of such landowner. Any appeal shall state:

1. The name and address of the appellant and applicant.
2. The name and address of the landowner of the real estate to be affected.
3. A brief description and location of the real estate to be affected by such proposed change together with a plot plan drawn to scale with sufficient clarity to show the nature and character of the request.

4. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
5. A statement of the section of this Ordinance under which the request may be allowed, and reasons why it should, or should not be granted.

Section 608 Time Limitations

- 608.1.** No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Zoning Officer or the agency responsible for granting such approval if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice or knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan pursuant to Section 709 of the Act or from an adverse decision by the Zoning Officer on a challenge to the validity of this Ordinance or the Official Zoning Map pursuant to Section 916.2 of the Act shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
- 608.2.** All appeals from determinations adverse to the landowners shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

Section 609 Stay of Proceeding

- 609.1.** Upon filing of any proceeding referred to in Section 607 and during its pendency before the Board, all land development pursuant to any challenged Ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case, the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board.
- 609.2.** After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee but such

waiver may be revoked by him if an appeal is taken from a final decision of the court.

609.3. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

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

Section 610 Appeal

Any person, taxpayer, or the Township aggrieved by any decision of the Board may within thirty (30) days after such decision of the Board seek review by the Court of Common Pleas of such decision in the manner provided by the laws of the Commonwealth of Pennsylvania and Article X-A of the Act.

Article 7

Conditional Use

Section 700 Requirements

- 700.1.** Nothing in this Section shall be construed to relieve the owner or his agent, the developer, or the applicant for a conditional use approval from obtaining approval in accordance with the SALDO, or other applicable ordinances.
- 700.2.** The requirements of this Section and the standards for specific types of conditional uses found elsewhere in this Ordinance shall be deemed an element of the definition under which a conditional use permit may be granted. The failure of the applicant to demonstrate compliance with these requirements, at the discretion of the Board of Supervisors, can be deemed either a basis for establishing conditions or limitations on an approval or the basis for a denial of a conditional use application.
- 700.3.** An application for a conditional use shall be filed with the Township on such forms as may be prescribed for such purpose and shall be accompanied by the application fee, as adopted by resolution of the Board of Supervisors from time to time. No application shall be received for filing unless accompanied by the required fee. The application presented to the Board of Supervisors and shall state the following:
1. The name and address of the applicant.
 2. The name and address of the owner of the property to be affected by the proposed conditional use application.
 3. Evidence of authorization to act on behalf of the property owner(s) where the applicant is other than a legal or equitable owner of the property.
 4. A description and location of the property on which the conditional use is proposed.
 5. A statement of the present Zone classification of the property in question, the improvements thereon and the present use thereof.
 6. A statement of the Section(s) of this Ordinance that authorizes the conditional use and the standards and other requirements for the design of said conditional use.

7. A narrative description of the site's suitability for the proposed use or development.
8. An accurate description of the proposed improvements, additions, uses and development proposed to be made under the application indicating the size of such proposed improvements and additions and the materials and general construction thereof. In addition there shall be attached a plot plan of the property in question, indicating the location and size of the improvements now erected thereon, the location and size of the improvements proposed to be erected thereon and the location of the proposed uses and development.
9. A narrative description of the proposed use or developments consistency with the purposes and objectives of the Comprehensive Plan.
10. A narrative description of the proposed use or developments consistency with the character of the surrounding uses and the Township in general.

Section 701 Procedures

- 701.1.** An application for a conditional use shall be filed with the Township on such forms as may be prescribed for such purpose and shall be accompanied by the application fee, as adopted by resolution of the Board of Supervisors from time to time. No application shall be received for filing unless accompanied by the required fee.
- 701.2.** Upon receipt of a complete application for conditional use approval per Section 700.3., the Township shall submit the application for recommendation to the Planning Commission. Upon receipt of the application, the Planning Commission shall review the conditional use request with the applicant at its next regularly scheduled meeting or at a special meeting at the discretion of the Planning Commission. In either case, such review shall take place within forty-five (45) days of submittal to the Planning Commission, including the forwarding of any recommendations to the Board of Supervisors. The Planning Commission may extend its period of deliberation beyond forty-five (45) days upon written authorization by the applicant. If the Planning Commission does not transmit its recommendations to the Board of Supervisors by the date set by the Board of Supervisors for public hearing for consideration of the conditional use application, the Board of Supervisors shall proceed to consider such application without the recommendation of the Planning Commission. Should the applicant submit new or revised plans for development under the application for conditional use approval during the period of review by the Planning Commission, the forty-five (45) day review period shall start anew and prior plans shall be deemed withdrawn.
- 701.3.** After review by the Planning Commission, the Board of Supervisors shall hold a public hearing on the conditional use application in accordance with the following procedures:
1. Notice of the hearing shall be given to the public by publication in a newspaper of general circulation in the Township in accordance with the

requirements for public notice. Abutting property owners shall be notified in writing no less than twenty (20) days prior to the scheduled hearing. Additionally, like notice thereof shall be given to the applicant, the Zoning Officer, and to any person who has made timely written request for same. Notice of the hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the date of the hearing. The failure of any person or entity to receive notice given pursuant to this Section shall not constitute grounds for any court to invalidate the actions of the Township for which the notice was given. The Board of Supervisors shall conduct its first hearing on the application within sixty (60) days from the date the application is filed with the Township, and said hearing shall be completed within one hundred (100) days after the completion of the applicant's case, unless extended by written authorization from the applicant. The hearing may be conducted by the Board of Supervisors, a member of the Board of Supervisors, or an independent attorney appointed by the Board of Supervisors.

2. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board of Supervisors and any other person, including civic or community organizations, permitted to appear by the Board of Supervisors. The Board of Supervisors shall have the power to require that all persons who wish to be considered parties submit written requests on such forms as the Board of Supervisors may provide for that purpose.
3. The Chairman or Acting Chairman of the Board of Supervisors shall have the 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.
4. The Board of Supervisors shall keep a record of the hearing proceedings. Copies of the stenographic or graphic material received in evidence shall be made available to the Township at no cost thereto, and to any party at cost.
5. The Board of Supervisors shall render a written decision, when no decision is called for, make findings on the conditional use application, within forty-five (45) days after the last hearing before the Board of Supervisors. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon, together with any therefore. Conclusions based upon any provisions of the Ordinance or of any other ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons when the conclusion is deemed appropriate in light of the facts found.
6. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant and the parties before the Board of Supervisors personally or mailed to them no later than the day following the date of the decision.
7. Where the Board of Supervisors fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in Section 701.2, 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 render a decision as hereinabove provided, the Board of Supervisors shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice. If the Board of Supervisors shall fail to provide such public notice, the applicant may do so.

8. Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

Section 702 Conditions of Approval

702.1. In granting conditional use approval, where such use is authorized under this Ordinance, the Board of Supervisors may also attach such conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the this Ordinance and the Act. Conditional uses shall be subject to compliance with the particular standards contained in this Ordinance and criteria defined in the application review process. The standards described shall be deemed additional and shall in no way impair any other applicable standard from this Ordinance or any other Township ordinance. The applicant shall be responsible for demonstrating compliance with all standards and criteria required for conditional use approval. The conditions of approval may include, but need not be limited to:

1. Provisions for additional utility or traffic safety facilities.
2. Securing of additional easements or property to assure proper site design.
3. Modification to the applicable design standards of this Ordinance.

702.2. The applicant shall have the burden to prove by a preponderance of the evidence that the proposed use will comply in all respects with this Ordinance and other applicable Township ordinances, and County, State or Federal legislation. The Board of Supervisors may retain such consultants as necessary to review and certify the accuracy of submitted plans and documents, the reasonable and necessary charges for which shall be borne by the applicant. When the applicant does not provide information as required, then it shall be presumed that the proposed use is not in accordance with the requirements applicable for the granting of conditional use approval.

702.3. Any grant of conditional use approval shall be deemed null and void twenty-four (24) months from the date of such approval if, within that period, no application is made for a building permit, a use and occupancy permit, or subdivision or land development approval, as appropriate, unless so extended by the Board of Supervisors. Any request to extend the twenty-four (24) month expiration period shall be properly filed with the Zoning Officer thirty (30) days in advance of the expiration date. The request shall include the reason why the extension is required, a reasonable estimate of the time needed to obtain the necessary

approvals, and a qualified statement that there has been no change in the conditional use application or the neighborhood in which the property is located. Failure to diligently pursue necessary approvals shall not be grounds for an extension. The Board of Supervisors may grant up to one (1) additional twenty-four (24) month extension provided a reasonable argument is presented. No more than one (1) such extension shall be granted per conditional use approval.

Section 703 Criteria for Review of Conditional Use Applications

703.1. The following criteria shall be used by the Planning Commission and the Board of Supervisors in evaluating a proposed conditional use. It shall be the burden of the applicant to demonstrate compliance with all applicable criteria:

1. An applicant for conditional use approval shall have the burden of demonstrating to the satisfaction of the Board of Supervisors that provision is made to adequately reduce or minimize any noxious, offensive, dangerous or hazardous feature or features thereof, as the case may be. The Board of Supervisors may deny conditional use approval where the applicant has failed to do so or where any use otherwise is deemed to be dangerous or potentially dangerous to the public health, welfare or safety or which constitutes or may constitute a public hazard whether by fire, explosion or otherwise.
2. The use(s) proposed shall be limited to those authorized as conditional uses within the Zone in which the lot or parcel is situated. The property subject to a conditional use application shall be suitable for the use desired.
3. The size, scope, extent and character of the conditional use desired shall be consistent with the spirit, purposes and intent of the Comprehensive Plan and this Ordinance.
4. The proposed use at the location set forth in the application shall be in the public interest and serve the public health, safety and general welfare.
5. Consideration of the character and the type of development in the area surrounding the location for which the request is made, and a determination that the proposed use is appropriate in the area and will not injure or detract from the use or value of the surrounding properties or from the character of the neighborhood.
6. There will be no adverse affect of the proposed conditional use upon the logical, efficient and economical extension of public services and facilities, such as public water, sewers, police and fire protection, recreational opportunities, open space and public schools and, where necessary, adequate arrangements for expansion or improvement of such services and facilities are ensured.
7. The design and use of any new construction and proposed change in use of existing buildings will be compatible with the existing designs and uses in the immediate vicinity and that the proposed design or use shall be compatible with the character of the neighborhood.

8. If the development is to be carried out in progressive stages, each stage shall be so planned that the conditions and intent of this Ordinance shall be fully complied with at the completion of any stage.
9. The location and layout of the proposed use is suitable with respect to probable effects upon highway traffic, and assures adequate access arrangements in order to protect major streets and highways from undue congestion and hazard. The proposed use will not lower the level of service on adjacent road segments and intersections. As a policy, proposed projects should incorporate designs that will assure safe and efficient access and maintain a level of service "C," as a minimum, on all adjacent road segments and intersections.
10. The interior traffic circulation shall provide safe and convenient circulation for all users, including pedestrian and vehicular modes of transit. The applicant shall demonstrate that sufficient safeguards such as parking, traffic control, screening, and setbacks can be implemented to remove any potential adverse influences the use may have on adjoining uses. In addition, all emergency access design considerations shall be addressed and incorporated into the proposed plan.
11. The adequacy of sanitation and public safety provisions, where applicable, and the necessity to provide a certificate of adequacy of sewage and water facilities from a governmental health agency in any case where required or deemed necessary.
12. Sufficient land area shall be available to be able to effectively screen the proposed conditional use from adjoining different uses if required by the Board of Supervisors.
13. Uses shall meet the provisions and requirements of the SALDO and all other applicable ordinances of the Township.

703.2. If the Board of Supervisors approves the application, it shall accompany any application for subdivision and land development and any application for a building permit.

Article 8

Administration

Section 800 Administration and Enforcement

800.1. Administration:

1. Zoning Officer - The provisions of this Ordinance shall be enforced by an agent, to be appointed by the Board of Supervisors, who shall be known as the Zoning Officer. The Zoning Officer shall be appointed at the first meeting of the Board of Supervisors in January to serve until the first day of January next following, and shall thereafter be appointed annually to serve for a term of one (1) year and/or until his successor is appointed. The Zoning Officer may succeed himself. He shall receive such fees or compensation as the Board of Supervisors may provide. The Zoning Officer shall not hold any elective office within the Township.
2. Duties - The duties of the Zoning Officer shall be:
 - A. To receive, examine and process all applications as provided by the terms of this Ordinance. The Zoning Officer shall also issue building permits for special exception and conditional uses, or for variances after the same have been approved.
 - B. To record and file all applications for building permits or certificates of use and occupancy, and accompanying plans and documents, and keep them for public record.
 - C. To inspect properties to determine compliance with all provisions of this Ordinance as well as conditions attached to the approval of variances, special exceptions, conditional uses and curative amendments.
 - D. To inspect nonconforming uses, structures, and lots and to keep a filed record of such nonconforming uses and structures, together with the reasons why the Zoning Officer identified them as nonconformities, as a public record and to examine them periodically, with the view of eliminating the nonconforming uses under the existing laws and regulations.
 - E. Upon the request of the Board of Supervisors or the Zoning Hearing Board, present to such bodies facts, records, and any similar

information on specific requests, to assist such bodies in reaching their decisions.

- F. To be responsible for keeping this Ordinance and the Official Zoning Map up to date, including any amendments thereto.
- G. Upon the granting by the Zoning Hearing Board, of a variance pertaining to the Floodplain Zone, the Zoning Officer shall notify the applicant in writing within fifteen (15) days that:
 - a. The granting of the variance may result in increased premium rates for flood insurance.
 - b. Such variances may increase the risks to life and property, pursuant to Section 230. of this Ordinance.
- H. Upon the approval by the Zoning Hearing Board of a special exception, or upon the approval of a conditional use by the Board of Supervisors for development located within the Floodplain Zone, written notice of the approval shall be sent by registered mail from the Zoning Officer to the Pennsylvania Department of Community and Economic Development.
- I. To remain eligible for the National Flood Insurance Program, the Zoning Officer shall submit a bi-annual report to the Federal Insurance Administration concerning the status of the Program in the Township (the report form shall be provided by the Federal Insurance Administration).
- J. To render a preliminary opinion regarding a proposed land use in accordance with Section 610.

800.2. Enforcement - This Ordinance shall be enforced by the Zoning Officer of the Township. No building permit or certificate of use and occupancy shall be granted by him for any purpose except in compliance with the literal, provisions of this Ordinance. The Zoning Officer may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within his scope of employment.

800.3. Violations - Failure to secure a building permit prior to a change in use of land or structure, or the erection, construction or alteration of any structure or portion thereof, shall be a violation of this Ordinance. It shall also be a violation of this Ordinance to undertake other deliberate actions which are contrary to the terms of the Ordinance and any conditions placed upon the approval of special exceptions, variances, and conditional uses. Each day that a violation is continued shall constitute a separate offense.

If it appears to the Township that a violation of the Zoning Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in the following:

1. 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.

2. 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 Section 608.
 - 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.

800.4. Enforcement Remedies - Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be 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 (1) 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 the Zoning Ordinance shall be paid over to the Township.

800.5. Causes of Action - In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the 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 violations, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act,

conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint Board of Supervisors. No such action may be maintained until such notice has been given.

Section 801 Permits

801.1. General Requirements for Building Permits:

1. A building permit shall be required prior to a change in use of land or structure or the erection, construction, improvement or alteration of any structure or portion thereof (excluding satellite dish antennas that are less than one (1) meter in diameter), or the alteration development of any improved or unimproved real estate, including but not limited to mining, dredging, filling, grading, paving, excavation or drilling operations or the erection or alteration of any signs not specified in Section 313.2. of this Ordinance. Building permits shall also be required for the construction or installation of animal waste impoundments, lakes, ponds, dams, or other water retention basins. No building permit shall be required for repairs or maintenance of any structure or land provided such repairs do not change the use or the exterior dimensions of the structure, or otherwise violate the provisions of this Ordinance.
2. Application for building permits shall be made in writing to the Zoning Officer.
3. Such building permits shall be granted or refused within fifteen (15) business days for residential projects and thirty (30) business days for commercial projects.
4. No building permit shall be issued except in conformity with the regulations of this Ordinance, except after written order from the Zoning Hearing Board or the Courts.
5. In all instances in which the Zoning Officer expresses a reasonable doubt as to the ability of a proposed use to meet all the requirements of this Ordinance, it will be incumbent upon the applicant to furnish adequate evidence in support of his application. If such evidence is not presented, the building permit will be denied.
6. The parcel or parcels shall be in a single and full ownership or proof of option shall be furnished at the time of application. The full names and addresses of the landowner or developer, and of the responsible officers, if the landowner or developer is a corporate body, shall be stated in the application.
7. The Zoning Officer may call upon other Township Staff and/or Township-appointed consultants in the review of submitted materials for applications.
8. 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.

9. No permit shall be issued until the fees prescribed by the Board of Township Supervisors pursuant to the Resolution shall be paid to the Zoning Officer. The payment of fees under this section shall not relieve the applicant or holder of said permit from payment of other fees that may be required by this Ordinance or by any other Ordinances or law.

801.2. Application for All Building Permits:

1. Applications shall contain a general description of the proposed work, development, use or occupancy of all parts of the structure or land and shall be accompanied by plans in duplicate (for residential projects) or triplicate (for commercial, industrial, institutional, or other non-residential projects) drawn to scale and showing the following:
 - A. Actual dimensions and shape of lot to be developed.
 - B. Exact location and dimensions of any structures to be erected, constructed and altered;
 - C. Existing and proposed uses, including the number of occupied units, businesses, etc., all structures are designed to accommodate.
 - D. Off-street parking and loading spaces.
 - E. Utility systems affected and proposed.
 - F. Alteration or development of any improved or unimproved real estate.
 - G. The size of structures and the number of employees anticipated.
 - H. Any other lawful information that may be required by the Zoning Officer to determine compliance with this Ordinance.
2. If the proposed development, excavation or construction is located within the Floodplain Zone, the following information is specifically required to accompany all applications:
 - A. The accurate location of the floodplain and floodway.
 - B. The elevation, in relation to the National Geodetic Vertical Datum of 1929 (NGVD), of the lowest floor, including basements.
 - C. The elevation, in relation to the NGVD, to which all structures and utilities will be floodproofed or elevated.
3. Applications involving any excavation or earthmoving shall require submission of one (1) or more of the following:
 - A. Applications for permits involving agricultural or nonagricultural use where any of the following conditions apply shall require submission of written evidence that the proposed use has a Conservation Plan or an

Erosion and Sediment Pollution Control Plan, that meets with the approval of the York Conservation District.

- a. Earth disturbance will occur on more than five thousand (5,000) square feet.
 - b. The piping of storm water or the alteration of natural or man-made watercourses occurs.
 - c. The site possesses slopes exceeding ten (10) percent.
 - d. The site contains or abuts a body of water or watercourse.
 - e. The site and proposed use or activity presents the potential for sedimentation to nearby bodies of water.
- B. Applications for permits that do not involve agricultural uses or activities, and do not involve any of those conditions listed in the above-described Section 801.2.3.A.a.-e. shall require the submission of a signed statement by the applicant that an adequate Erosion and Sediment Pollution Control Plan will be developed, implemented and maintained prior to any excavation or earthmoving on the site.

801.3. Application for Building Permits for Uses in All Commercial and Industrial Zones:

1. A location plan showing the tract to be developed, zone boundaries, adjoining tracts, significant natural features, and streets for a distance of two hundred (200) feet from all tract boundaries.
2. A plot plan of the lot showing the location of all existing and proposed buildings, driveways, parking lots showing access drives, circulation patterns, curb cut accesses, parking stalls access from streets, screening fences and walls, waste disposal fields or other methods of sewage disposal, other construction features on the lot, and the location of all topographical features.
3. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation.
4. Engineering plans for treatment and disposal of sewage and industrial waste, tailings or unusable by-products.
5. Engineering plans for the handling of traffic, noise, glare, air pollution, water pollution, vibration, fire hazards, or safety hazards, smoke, or emission of any potentially harmful or obnoxious matter or radiation.
6. Designation of the manner by which sanitary sewage and storm water shall be disposed and water supply obtained.

7. The proposed number of shifts to be worked and the maximum number of employees on each shift.
8. Where use by more than one firm is anticipated, a list of firms which are likely to be located in the center, their floor area, and estimated number of employees.

801.4. Expiration of Building Permit - The permit shall expire one (1) year from the date of issuance; provided, that the permit may be extended by the Zoning Officer upon reasonable cause shown and at his discretion for one or two six (6) month periods not to exceed an additional one (1) year;

801.5. Display of Building Permit - All approved building permits shall be prominently displayed on the subject property during construction, renovation, reconstruction, repair, remodeling or the conduct of other site improvements. Such permit displays shall occur within five (5) days of permit issuance, or prior to the commencement of actual work on the site, whichever occurs first. Such permit display shall be continuous until the site receives its certificate of use and occupancy; and,

801.6. Certificate of Use and Occupancy:

1. Upon completion of the erection or alteration of any building, structure or land, or portion thereof authorized by any building permit and prior to occupancy or use, the holder of such building permit shall notify the Zoning Officer of such completion. No zoning permit shall be considered complete or permanently effective, nor shall any building be occupied or lot used, until said official has issued a certificate of use and occupancy attesting that the work has been inspected and approved as being in conformity with the building permit and the provisions of this and other applicable ordinances.
2. In commercial and industrial zones in which operation standards are imposed, no certificate of use and occupancy shall become permanent until thirty (30) days after the facilities are fully in operation when, upon a reinspection by the Zoning Officer, it is determined that the facilities are in compliance with all operation standards.
3. Certificate of use and occupancy shall be granted or denied within thirty (30) days from the date of notification that work is complete and the request that a Certificate of Use and Occupancy be issued.
4. If the Zoning Officer finds that the work has not been performed in accordance with the approved application, he/she shall refuse to issue the Certificate of Use and Occupancy and, in writing, giving the reasons therefore and inform the permit-holder of his right of appeal to the Zoning Hearing Board.

Section 802 Fees

- 802.1. Determination** - The Board of Supervisors may, by resolution, establish fees for the administration of this Ordinance. All fees shall be determined by a schedule that is made available to the general public. The Board of Supervisors may reevaluate the fee schedule and make necessary alterations to it. Such alterations shall not be considered an amendment to this Ordinance and may be adopted at any public meeting of the Board of Supervisors.

Section 803 Amendments

- 803.1. Power of Amendment** - The Board of Supervisors may from time to time, amend, supplement, change or repeal this Ordinance including the Official Zoning Map. Any amendment, supplement, change or repeal may be initiated by the Township Planning Commission, the Board of Supervisors or by a petition to the Board of Supervisors by an interested party. The petition shall be submitted in writing to the Board of Supervisors, including the text of the requested revision(s) and applicable section number(s), together with a fee in accordance with the fee schedule adopted by resolution of the Board of Supervisors from time to time. Any part of such fee shall not be refundable to the petitioner.

803.2. Hearing and Enactment Procedures for Zoning Amendments:

1. **Public hearing** - Before hearing and enacting Zoning Ordinance and/or Zoning Map amendments, the Board of Supervisors shall conduct a public hearing to inform the general public of the nature of the amendment, and to obtain public comment. Such public hearing shall be conducted after public notice (as defined herein and listed below) has been given.
2. **Public Notice** - Before conducting a public hearing, the Board of Supervisors shall provide public notice as follows:
 - A. Notice shall be 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 (30) days, and the second publication shall not be less than seven (7) days from the date of the hearing. Publication of the proposed amendment shall include either the full text thereof or the title and brief summary, prepared by the municipal staff or municipal solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
 - a. A copy of the full text shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published; and,
 - b. An attested copy of the proposed Ordinance shall be filed in the County Law Library or other County office designated by the County Commissioners, who may impose a fee no greater than

that necessary to cover the actual costs of storing said Ordinances.

- B. For Zoning Map amendments, notice of the public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the tract to notify potentially interest citizens. The affected tract shall be posted at least one week prior to the date of the hearing. In addition, notice of the public hearing shall be mailed by the Township at least thirty (30) days prior to the date of the public hearing by first class mail to the addressees to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of Windsor Township. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this section. This section shall not apply when the rezoning constitutes a comprehensive rezoning.
 - C. For curative amendments, public notice shall also indicate that the validity of the Ordinance and/or map is in question, and shall give the place where and the times when a copy of the request including any plans, explanatory material or proposed amendments may be examined by the public.
 - D. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Board of Supervisors shall hold another public hearing before proceeding to vote on the amendment. At least ten (10) days prior to the public hearing, a public notice providing a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments shall be place in one (1) newspaper of general circulation in the Township.
3. Enactment Notice - In addition to the public notice requirements defined herein, the Board of Supervisors must publish a reference to the time and place of the meeting at which passage of the Ordinance or amendment will be considered, and a reference to a place within the Township where copies of the proposed Ordinance or amendment may be examined without charge, or obtained for a charge not greater than the cost thereof. Enactment notice shall be published at least once in one newspaper of general circulation in the municipality not more than sixty (60) days nor less than seven (7) days prior to passage. The published content of the enactment notice shall be the same as that required for public notice described in the preceding subsection b).
4. Township Planning Commission Referrals - For amendments proposed by parties other than the Township Planning Commission, the Board of Supervisors shall submit each amendment to the Township Planning Commission at least thirty (30) days prior to the public hearing on such amendment.

A report of the review by the Township Planning Commission, together with any recommendations, may be given to the Board of Supervisors within thirty (30) days from the date of said referral.

5. York County Planning Commission Referrals - All proposed amendments shall be submitted to the York County Planning Commission at least thirty (30) days prior to the public hearing on such amendments.
6. Adjournment of Public Hearing - If during the public hearing process, the Board of Supervisors needs additional time to understand the proposal, inform the public, receive public comment, and/or render a decision, it may adjourn the public hearing to a time and place certain.
7. Within thirty (30) days after enactment, a copy of the amendment to the Zoning Ordinance shall be forwarded to the York County Planning Commission.

803.3. Amendments Initiated by the Township Planning Commission - When an amendment, supplement, change or repeal is initiated by the Township Planning Commission, the proposal shall be presented to the Board of Supervisors which shall then proceed in the same manner as with a petition to the Board of Supervisors which has already been reviewed by the Township Planning Commission.

803.4. Amendment Initiated by the Board of Supervisors - When an amendment, supplement, change or repeal is initiated by the Board of Supervisors, such amendment, supplement, change or repeal shall follow the procedure prescribed for a petition under Section 803.2.

803.5. Amendment Initiated by a Petition from an Interested Party - A petition for amendment, supplement, change or repeal for a portion of this Ordinance shall include an accurate legal description and surveyed plan of any land to be rezoned, and all of the reasons supporting the petition to be considered. The petition shall also be signed by at least one (1) record owner of the property in question whose signature shall be notarized attesting to the truth and correctness of all the facts and information presented in the petition. A fee to be established by the Board of Supervisors shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings prescribed herein. The Board of Supervisors may require duplicate sets of petition materials.

803.6. Curative Amendment by a Landowner - A landowner, who on substantive grounds, desires to challenge the validity of the Ordinance or the Official Zoning Map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest, shall submit the challenge to the Board of Supervisors with a request for a curative amendment in accordance with Section 609.1 of the Act.

Persons aggrieved by a use or development permitted on the land of another by this Ordinance or Official Zoning Map, or any provision thereof, who desires to challenge its validity on substantive grounds shall first submit their challenge to the Board for a decision thereon under Section 909.1(a)(1) of the Act.

The curative amendment submissions to the Board and Board of Supervisors shall be governed by the following:

1. In challenges before the Board, the challenging party shall make a written request to the Board that it hold a hearing on its challenge. The request shall contain the reasons for the challenge. Where the landowner desires to challenge the validity of this Ordinance and elects to proceed by curative amendment under Section 609.1 of the Act, his application to the Board of Supervisors shall contain, in addition to the requirements of the written request hereof, the plans and explanatory materials describing the use or development proposed by the landowner in lieu of the use or development permitted by the challenged Ordinance or Official Zoning Map. Such plans or other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a permit, so long as they provide reasonable notice of the proposed use or development and a sufficient basis for evaluating the challenged Ordinance or Official Zoning Map in light thereof. Nothing herein contained shall preclude the landowner from first seeking a final approval before submitting his challenge.
2. If the submission is made by the landowner to the Board of Supervisors, the request also shall be accompanied by an amendment or amendments to the Ordinance proposed by the landowner to cure the alleged defects therein.
3. If the submission is made by the landowner to the Board of Supervisors, the Township Solicitor shall represent and advise it at the hearing or hearings referred to in 604.2.4.
4. The Board of Supervisors may retain an independent attorney to present the defense of the challenged ordinance or map on its behalf and to present their witnesses on its behalf.
5. Based upon the testimony presented at the hearing or hearings, the Board or Board of Supervisors, as the case may be, shall determine whether the challenged Ordinance or Official Zoning Map is defective, as alleged by the landowner. If a challenge heard by the Board of Supervisors is found to have merit, the Board of Supervisors shall proceed as provided in Section 609.1 of the Act. If a challenge heard by the Board is found to have merit, the decision of the Board shall include recommended amendments to the challenged Ordinance which will cure the defects found. In reaching its decision, the Board shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - A. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.
 - B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the Ordinance or Official Zoning Map.

- C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources and other natural features.
 - D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.
 - E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
- 6. The Board of Supervisors or the Board, as the case may be, shall render its decision within forty-five (45) days after the conclusion of the last hearing.
 - 7. If the Board of Supervisors or the Board, as the case may be, fails to act on the landowner's request within the time limits referred to in Section 803.6.2, a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing.
 - 8. The Board of Supervisors or Board, as the case may be, shall commence its hearing thereon within sixty (60) days after the request is filed unless the landowner requests or consents to and extension of time. The curative amendment shall be referred to the Township and York County Planning Commissions as provided for in Sections 803.2.4 and 803.2.5. and public notice of the hearing shall be provided in accordance with Section 803.2.2 as defined below.
 - 9. Public notice of the hearing shall include notice that the validity of the Ordinance or Official Zoning Map is in question and shall give the place where and the times when a copy of the request including any plans, explanatory material or proposed amendments may be examined by the public.
 - 10. The challenge shall be deemed denied when:
 - A. The Board of Supervisors or Board, as the case may be, fails to commence the hearing within sixty (60) days.
 - B. The Board of Supervisors or Board, as the case may be, notifies the landowner that it will not adopt the curative amendment.
 - C. The Board of Supervisors or Board, as the case may be, adopts another curative amendment which is unacceptable to the landowner. or
 - D. The Board of Supervisors or Board, as the case may be, fails to act on the request forty-five (45) days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and Township.
 - 11. Where, after the effective date of the Act, a curative amendment proposal is approved by the grant of a curative amendment application by the Board of

Supervisors pursuant to Section 909.1(b)(4) of the Act or a validity challenge is sustained by the Board pursuant to Section 909.1(a)(1) of the Act. or the court acts finally on appeal from denial of a curative amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two (2) years from the date of such approval to file an application for preliminary or tentative approval for a subdivision, land development or planned residential development. Within the two-year period, no subsequent change or amendment in the zoning, subdivision or other governing Ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. Upon the filing of the preliminary or tentative plan, the provisions of Section 508 (4) of the Act shall apply. Where the proposal appended to the curative amendment application or the validity challenge is approved but does not require further application under the SALDO, the developer shall have one (1) year within which to file for a building permit. Within the one-year period, no subsequent change or amendment in the zoning, SALDO or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary.

12. Where the Township has adopted a multimunicipal comprehensive plan with Windsor Borough pursuant to Article XI of the Act but has not adopted a joint municipal zoning ordinance pursuant to Article VIII-A of the Act and both the Township and the Borough have adopted and are administering zoning ordinances generally consistent with the provisions of the multimunicipal comprehensive plan, and a challenge is brought to the validity of this Ordinance involving a proposed use, then the Board or Board of Supervisors, as the case may be, shall consider the availability of uses under Borough's zoning ordinances within a reasonable geographic area and shall not limit its consideration to the application of this Ordinance when challenged.
13. A landowner who has challenged on substantive grounds the validity of this Ordinance or Official Zoning Map either by submission of a curative amendment to the Board of Supervisors or to Board shall not submit any additional substantive challenges involving the same parcel, group of parcels or part thereof until such time as the status of the landowner's original challenge has been finally determined or withdrawn: Provided, however, that if after the date of the landowner's original challenge the Township adopts a substantially new or different Ordinance or Official Zoning Map, the landowner may file a second substantive challenge to the new or different Ordinance or Official Zoning Map under this Section.

803.7. Curative Amendment by the Board of Supervisors

1. The Board of Supervisors, by formal action, may declare this Ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal, the Board of Supervisors shall:

- A. By resolution, make specific findings setting forth the declared invalidity of the Ordinance or portions thereof which may include:
 - a. References to specific uses which are either not permitted or not permitted in sufficient quantity.
 - b. References to a class of use or uses which require revision; or
 - c. References to the entire Ordinance which requires revisions.
 - B. Begin to prepare and consider a curative amendment to the Ordinance to correct the declared invalidity.
2. Within one hundred eighty (180) days from the date of the declaration and proposal, the Board of Supervisors shall enact a curative amendment to validate or reaffirm the validity of, this Ordinance pursuant to the provisions required by Section 609 of the Act in order to cure the declared invalidity of the Ordinance.
3. Upon the date of the declaration and proposal, the Board of Supervisors shall not be required to entertain or consider any curative amendment filed by a landowner. Nor shall the Zoning Hearing Board be required to give a report, upon request, for a challenge to the validity of the Ordinance under Section 604.1. subsequent to the declaration and proposal, based upon the grounds identical to or substantially similar to those specified in the resolution required by this Section. Upon the enactment of a curative amendment to, or the reaffirmation of the validity of this Ordinance, no rights to a cure by amendment or challenge shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which the Board of Supervisors propose to prepare a curative amendment.
4. The Board of Supervisors, having utilized the procedures as set forth in this Section, may not again utilize said procedures for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of the Ordinance; provided however, that if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a Pennsylvania Appellate Court decision, the Board of Supervisors may utilize the provisions of this section to prepare a curative amendment to the Ordinance to fulfill this duty or obligation.

803.8. Authentication of Official Zoning Map - Whenever there has been a change in the boundary of a Zone or a reclassification of the Zone adopted in accordance with the above, the change on the Official Zoning Map shall be made, and shall be duly certified by the Township Secretary and shall thereafter be refiled as part of the permanent records of the Township.

Section 804 Mediation

- 804.1.** Parties to proceedings authorized in this Ordinance and Article X-A of the Act may utilize mediation as an aid in completing such proceedings. In proceedings before the Board, in no case shall the Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Ordinance and Article X-A of the Act once they have been formally initiated. Nothing in this Ordinance shall be interpreted as expanding or limiting the Township's police powers or as modifying any principles of substantive law.
- 804.2.** Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. When offering the mediation option, the Township shall assure that, in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
1. Funding mediation.
 2. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
 3. Completing mediation, including time limits for such completion.
 4. Suspending time limits otherwise authorized in the Act, provided there is written consent by the mediating parties, and by an applicant or the Board of Supervisors if either is not a party to the mediation.
 5. Identifying all parties and affording them the opportunity to participate.
 6. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
 7. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision making body pursuant to the authorized procedures set forth in the Act.
- 804.3.** No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

Section 805 Repealer

Any Resolution, Ordinance or part of any Resolution or Ordinance inconsistent herewith and any amendments thereof are hereby expressly repealed.

Section 806 Effective Date


This Zoning Ordinance shall become effective five (5) days after its enactment by the Board of Supervisors of Windsor Township, County of York, Commonwealth of Pennsylvania.

This Ordinance, ordained and enacted this 7th day of January, 2013.

BOARD OF SUPERVISORS OF WINDSOR TOWNSHIP

By:  Chairman

ATTEST:


Secretary

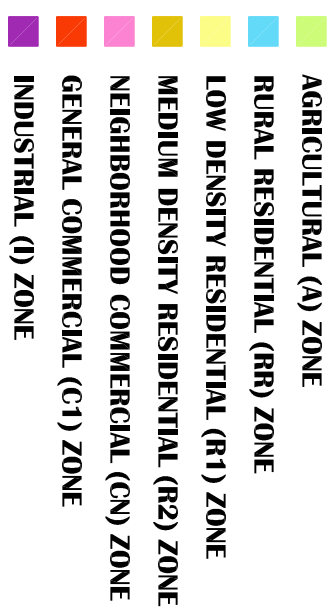
(SEAL)

APPENDIX A

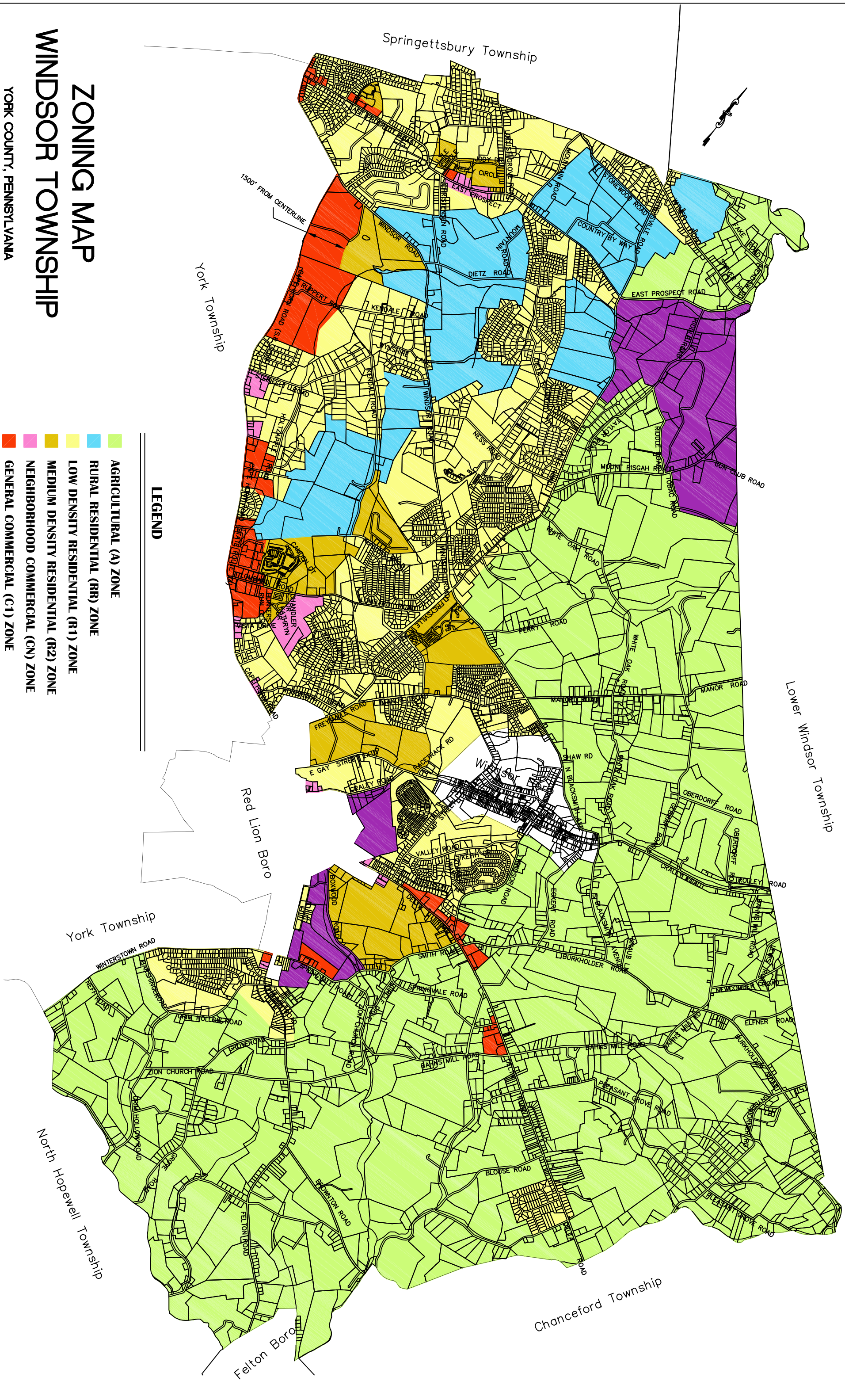
ZONING MAP

ZONING MAP WINDSOR TOWNSHIP

YORK COUNTY, PENNSYLVANIA



LEGEND



MAP SCALE: 1" = 3000'

APPENDIX B

LIST OF APPROVED TREES

LIST OF APPROVED TREES

Trees that are required to fulfill provisions of this Chapter shall be chosen from the following List of Approved Trees. Alternatives to the trees on this List shall be approved by the Board of Supervisors.

The trees on this List have differing growth habits (e.g., branching form and mature size), root structures, light and moisture needs, flood and soil saturation tolerance, salt tolerance (e.g., in parking lots), litter and fruit drop, wildlife value, susceptibility to deer browse, etc. In selecting plants, consideration should be given to physical site conditions and the particular needs of the project.

Varieties or cultivars of the trees on this List may be specified in order to achieve functional and design objectives. The Applicant should confirm a tree's potential availability prior to Plan submission.

Shade Trees

(For On-Lot Shade Tree Planting, Building Facade Planting, Street Tree Planting, Parking Lot Island Planting, Replacement Tree Planting, Screen Planting, and Landscape Strips)

Acer rubrum - Red Maple

Acer saccharum - Sugar Maple

Aesculus x carnea - Red Horsechestnut

Celtis occidentalis – Hackberry

Gleditsia triacanthos inermis - Thornless Honey Locust

Gymnocladus dioicus - Kentucky Coffeetree

Larix decidua - European Larch

Liquidambar styraciflua - Sweetgum

Nyssa sylvatica - Black Tupelo, Sourgum

Plantanus x acerifolia - London Plane Tree

Quercus acutissima - Sawtooth Oak

Quercus borealis - Red Oak

Quercus coccinea - Scarlet Oak

APPENDIX B – LIST OF APPROVED TREES (continued)

Shade Trees (continued)

Quercus imbricaria - Shingle Oak

Quercus macrocarpa - Bur Oak

Quercus phellos - Willow Oak

Quercus prinus - Chestnut Oak

Quercus velutina - Black Oak

Taxodium distichum - Baldcypress

Tilia americana - American Linden, Basswood

Tilia cordata - Littleleaf Linden

Tilia tomentosa - Silver Linden

Zelkova serrata - Japanese Zelkova

Ornamental/Understory Trees

(For On-Lot Tree Planting, Building Facade Planting, Replacement Tree Planting, and Screen Planting)

Acer palmatum - Japanese Maple

Amelanchier arborea - Downy Serviceberry, Shadbush, Juneberry

Amelanchier canadensis - Shadblow Serviceberry

Amelanchier laevis - Smooth Serviceberry, Allegheny Serviceberry

Betula nigra - River Birch

Carpinus caroliniana - Ironwood, American Hornbeam

Cercis canadensis - Eastern Redbud

Chionanthus virginicus - Fringetree

Cladrastis kentukea [lutea] - American Yellow-wood

APPENDIX B – LIST OF APPROVED TREES (continued)

Ornamental/Understory Trees (continued)

Cornus florida - Flowering Dogwood

Cornus kousa - Japanese Dogwood

Cornus mas - Cornelian Cherry

Crataegus crus-galli - Cockspur Hawthorn

Crataegus viridis - Green Hawthorn

Magnolia x soulangiana - Saucer Magnolia

Magnolia stellata - Star Magnolia

Magnolia virginiana – Sweetbay Magnolia

Malus spp. - Crabapple

Oxydendrum arboreum - Sourwood

Parrotia persica - Persian Parrotia

Prunus spp. - Flowering Cherries and Plums

Evergreen Trees

(For Screen Planting and Landscape Strips)

Abies concolor - White Fir

Abies nordmanniana - Nordmann Fir

Cedrus atlantica - Atlas Cedar

Cupressocyparis leylandii - Leyland Cypress

Ilex opaca - American Holly

Juniperus virginiana - Eastern Red Cedar

Picea abies - Norway Spruce

Picea glauca - White Spruce

APPENDIX B – LIST OF APPROVED TREES (continued)

Evergreen Trees (continued)

Picea omorika - Serbian Spruce

Picea pungens - Colorado Spruce

Pinus nigra - Austrian Pine

Pinus strobus - Eastern White Pine

Pseudotsuga menziesii - Douglas Fir

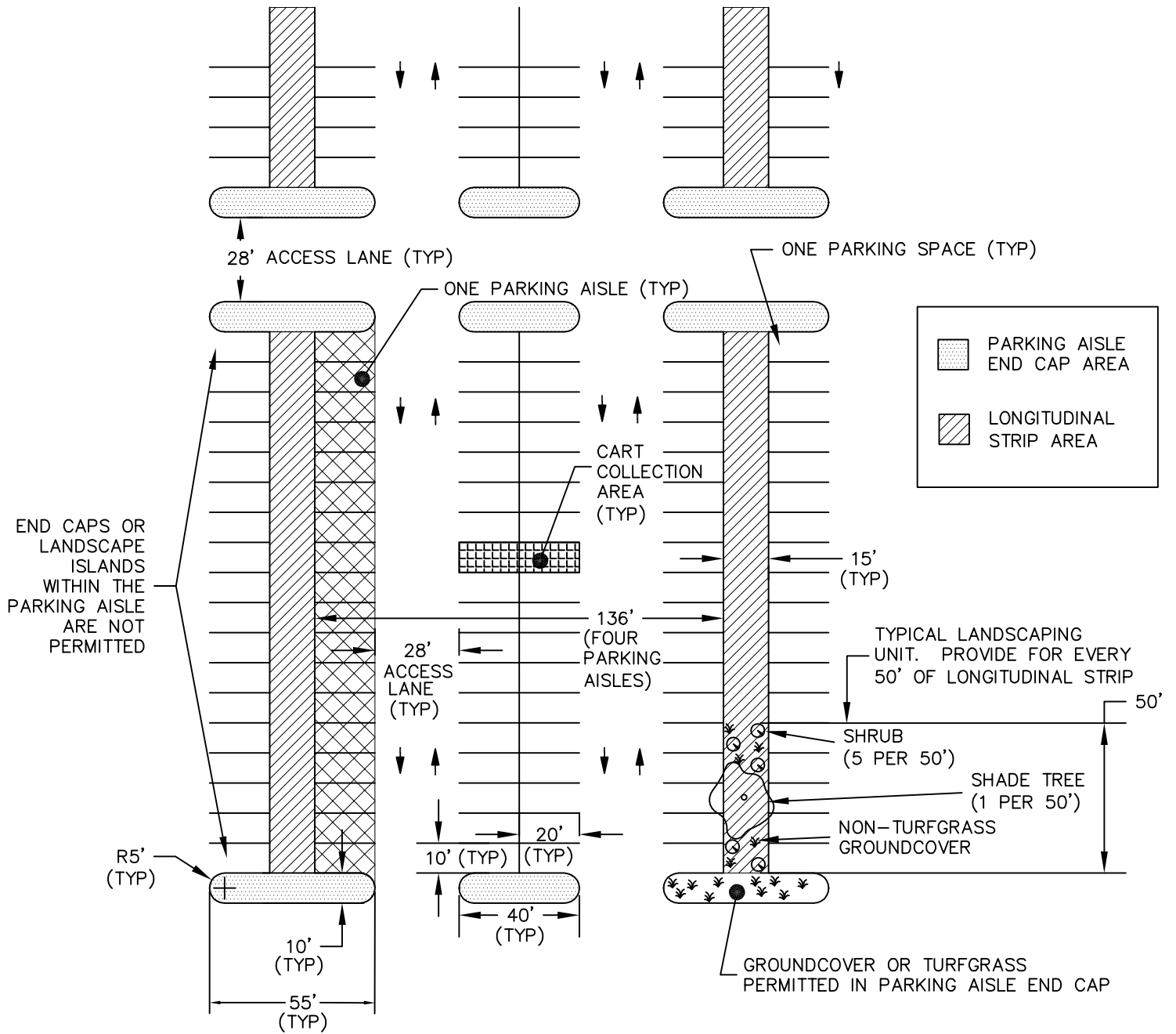
Thuja occidentalis - American Arborvitae

Tsuga canadensis - Eastern Hemlock

APPENDIX C

TYPICAL PARKING LOT LAYOUT

APPENDIX C



TYPICAL PARKING AREA DIAGRAM

SCALE 1" = 50'

APPENDIX D

COMMON OPEN SPACE DESIGN



**APPENDIX D:
COMMON OPEN SPACE DESIGN**

- D-1. Common Open Space
- D-2. Screens and Buffers
- D-3. Internal Open Space
- D-4. Greens & Plazas (Nonresidential)
- D-5. Greens (Residential)
- D-6. Mini-Park and Play Areas

Common Open Space Overview

Legislative Intent

- 1.1 Common Open Space is intended to provide the following functions:
 - Conserve and protect natural resource areas in their natural state;
 - Buffer Open Space Development from adjoining roads and uses;
 - Protect existing views from within and onto the site;
 - Provide opportunities for residents, patrons, and visitors to gather and recreate.
- 1.2 Common Open Space is intended to connect to adjoining open space areas, parks, and trails to create a regional network.

Design Standards

- 1.3 Provide Common Open space as a percentage of the gross tract area in accordance with the underlying district and Open Space Development Option.
- 1.4 Common Open Space shall be a minimum of 1 acre in size, unless designed as a Green, Plaza or Mini-park/play area in accordance with the following pages.
- 1.5 Each area of Common Open Space shall have a minimum width of 150 feet, unless part of an approved trail corridor, in which case the minimum width shall be 20 feet, or a natural resource buffer in accordance with Section 231.
- 1.6 The following resources shall be protected in accordance with Section 231 and included within the Common Open Space:
 - Floodplains;
 - Steep Slopes;
 - Riparian Buffers;
 - Wetlands and Wetland Buffers; and
 - Woodlands and Hedgerows.



Conservation Area



Residential Green



Nonresidential Green

Screens and Buffers

Legislative Intent _____

- 2.1 Buffers are intended to preserve and enhance existing views from within a site as well as along roadways and minimize conflicts between disparate uses.



Roadside Buffer

Design Standards _____

- 2.2 Provide minimum screen widths for the following in accordance with the Development Option and Section 317:
- OSD option 1;
 - OSD option 2; and
 - Planned Business Developments (PBD)/ Shopping Centers.
- 2.3 Buffers shall be landscaped in accordance with Section 317.
- 2.4 Maintain existing vegetation to the maximum extent feasible.



Open Space Development Buffer



Lack of agricultural buffer

Internal Open Space Overview

Legislative Intent

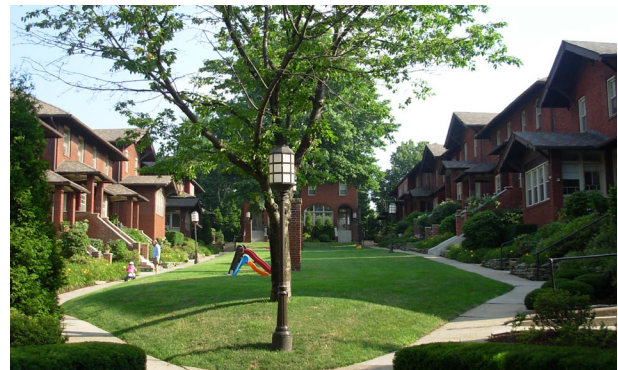
- 3.1 Internal Open Space is intended to provide opportunities for residents to gather and recreate in close proximity to dwellings or a commercial center.
- 3.2 Internal Open Space is intended to be provided in the following forms:
 - Plaza (PBD only);
 - Green; or
 - Mini-Park or Play Area.



Network of Internal Open Spaces connected by sidewalks

Design Standards

- 3.3 Internal Open Space shall be provided in Open Space developments of fifteen (15) units or more and in all PBD developments.
- 3.4 Where required, Internal Open Space shall be provided as a percentage of the overall required Common Open Space in accordance with the following:
 - OSD1: 1%
 - OSD2: 2%
 - Planned Business Development (PBD): 5%
- 3.5 Internal Open Spaces shall be sized as follows:
 - Plaza: 1,000 square feet or larger
 - Green: 5,000 square feet or larger
 - Mini-Park or Play Area: 10,000 square feet or larger.
- 3.6 There shall be at least one (1) open space type located within 1,500 feet of 75% of all dwelling units within a new neighborhood. Dwellings located outside of this radius shall be located immediately adjacent to either a protected natural resource area or perimeter buffer area.
- 3.7 Internal Open Space shall be designed, constructed, and maintained with a maximum grade of 5%.



Residential Green



Mini-Park & Green



Play Area

Common Open Space Greens & Plazas (Nonresidential)

Legislative Intent _____

- 4.1 Greens and plazas are intended to function as a centrally located civic anchor space in a neighborhood commercial center or Planned Business Development.



Nonresidential Green

Design Standards _____

- 4.2 Greens and plazas shall be centrally located in the commercial or mixed-use core and shall accommodate pedestrian gathering spaces, as well as common access between adjacent buildings.
- 4.3 Plazas shall be surrounded by buildings on at least one (1) sides.
- 4.4 Plazas shall be a minimum of 1,000 square feet in area and paved with brick, flagstone, or like materials.
- 4.5 Greens and plazas shall be embellished with benches, plantings, lighting, and civic art.



Centrally located plaza space for gathering and resting



Green anchor for small scale nonresidential development

Common Open Space Greens (Residential)

Legislative Intent

- 5.1 A Green is intended to be a primarily geometric open space physically defined by walkways, streets, and architectural edges.



Concept sketch of Green anchoring a residential street corner.

Design Standards

- 5.2 Greens shall be designed, constructed, and maintained as predominantly landscaped spaces.
- 5.3 Greens shall be embellished with benches, pavilions, lighting, plantings, and the like.
- 5.4 Greens shall be located in close proximity to residential dwelling units. Greens shall be located at mid-block, corner, courtyard, or in a square with dwellings directly adjoining.
- 5.5 Greens shall be defined by shade trees along the perimeter.
- 5.6 Greens shall be landscaped with low growing and low maintenance shrubs, groundcovers and bulbs in lieu of larger (42"+) plants in order to enhance security perceptions and provide seasonal variety.



Courtyard dwellings configured on a green.



Residential Green located in Glen Mills, PA



Dwellings directly front on a mid-block residential Green.

Common Open Space ***Mini-Parks and Play Areas***

Legislative Intent _____

- 6.1 Mini-Parks and Play Areas are intended to provide both active and passive recreational opportunities.



Mini-park provides passive and active recreational space.

Design Standards _____

- 6.2 Mini-Parks and Play Areas which are 10,000 square feet or larger shall be created.
- 6.3 Mini-Parks and Play Areas with benches, play equipment, lighting, shade trees, other plantings, gazebos and/or pavilions shall be designed, constructed, and maintained.
- 6.4 Existing natural and cultural resources present at sites of proposed Mini-Parks and Play Areas shall be preserved.



Mini-Park located at Weatherstone, Chester County, PA.



Play Area located in Marsh Harbour Open Space Development.

