

THE  
ZONING ORDINANCE  
OF  
MARTIC TOWNSHIP

ORDINANCE # 11-4-2002

Amended ORDINANCE # 2-4-2019

THE ZONING ORDINANCE OF MARTIC TOWNSHIP REGULATING THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR AGRICULTURAL, RESIDENTIAL, INDUSTRIAL AND COMMERCIAL PURPOSES; REGULATING THE BULK AND SIZE OF BUILDINGS, STRUCTURES AND OTHER USES; ESTABLISHING DISTRICTS AND REGULATIONS FOR USES WITHIN EACH SUCH DISTRICT; DEFINING TERMS USED IN THE ORDINANCE; ESTABLISHING PERFORMANCE STANDARDS AND REGULATIONS FOR USES; PROVIDING FOR THE APPOINTMENT OF A ZONING OFFICER; PROVIDING FOR THE ADMINISTRATION OF THE ORDINANCE; PROVIDING FOR THE ESTABLISHMENT OF A ZONING HEARING BOARD AND THE POWER AND DUTIES OF SUCH BODY; ESTABLISHING REQUIREMENTS FOR PERMITS AND FEES; AND PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS THEROF.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Martic, Lancaster County, Pennsylvania, as follows:

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## ARTICLE I GENERAL PROVISIONS

**Section 101. Title.** This Ordinance shall be known and may be cited as “The Zoning Ordinance of Martic Township”.

**Section 102. Purpose.** These zoning regulations are enacted for the purpose of protecting the health, safety, morals, and general welfare of the people and to promote coordinated and practical community development; proper density of population; adequate light and air; and proper vehicle parking and loading space. These zoning regulations are also enacted to prevent overcrowding of land, blights, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

**Section 103. Community Development Objectives.** This Ordinance was developed in accordance with the community development objectives as set forth in the adopted Comprehensive Plan of Martic Township. Consideration has been given to the character of the Township and its various parts, together with the suitability of these various parts for particular uses and structures.

**Section 104. Interpretation and Conflicts.** 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 prescribes 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.

The provisions of this Ordinance do not repeal, abrogate, annul, supersede or interfere with any deed restrictions, restrictive covenants, or other private agreements governing the use or development of property.

**Section 105. Application and Scope.** The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land. In addition to the foregoing, and not in limitation thereof, any regulations set forth in Article V hereof, or any other regulations governing structures or uses, shall apply to any uses or structures that may be referred to herein, regardless of district unless reference is made to the contrary. Unless reference is made to the contrary, references to lot area, lot width, front yards, side yards, rear yards, and other yard and lot requirements shall be the minimal dimensional requirements for the particular district in which they are referenced. If there are no such requirements for any use, structure or district, the requirements set for similar uses or structures in such districts shall be applicable. The most restrictive requirement in another district shall apply in a district for which no such regulation is provided.

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

**Section 106. Construction.** Interpreting and applying the provisions of this Ordinance, such provisions shall be held to be the minimum requirements for the promotion of the health, safety and morals and general welfare of the residents of the Township.

## ARTICLE II

### CLASSIFICATION OF ZONING DISTRICTS

**Section 201. List of Districts.** For the purpose of this Ordinance, the Township is hereby divided into the following districts:

- RC – Rural Conservation District
- A – Agriculture District
- RLD – Residential Low Density District
- SR – Shoreline Recreational District
- NC – Neighborhood Commercial District
- HC – Highway Commercial District

**Section 202. Zoning Map.** The boundaries of the Zoning Districts shall be as shown on the “Zoning Map of Martic Township” which is on file in the Township Office. Said map and all notations, references and data shown thereon are hereby incorporated by reference into this Ordinance and shall be as much a part of this Ordinance as if all were fully described herein.

**Section 203. District Boundaries.**

- A. Boundaries which appear to follow the centerline of streets, highways, or alleys, or extensions thereof, or parallel or perpendicular to such centerlines, shall be construed as such.
- B. Boundaries which appear to follow lot lines or extensions thereof, or parallel or perpendicular to such lot lines shall be construed as such.
- C. Boundaries which appear to follow Township boundary lines or limits shall be construed as following such boundary lines or limits.
- D. Boundaries indicated as approximately following the centerline of streams or other bodies of water shall be construed to follow such centerlines.
- E. Distances specifically indicated shall be so construed. Distances not specifically indicated shall be determined by the scale of the Zoning Map.
- F. Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not indicated by provisions of this Section, the Zoning Officer, subject to appeal to the Zoning Hearing Board, shall interpret the district boundaries.



**Section 204. Amendments to the Zoning Map.** If, in accordance with provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Zoning Map, such changes shall be made on the Zoning Map promptly by the Zoning Officer or some other competent person designated by the Board of Supervisors. This change shall be accompanied by an entry on the Zoning Map stating the date of the amendment and the ordinance number which amends the Zoning Map.

**Section 205. Application of District Regulations.** The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land and, particularly, except as hereinafter provided in conformity with this Ordinance.

**Section 206. Uses Not Provided For.** If a use is neither specifically permitted nor prohibited under this Ordinance and an application is made by a landowner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board to hear and decide such request as a special exception. The Zoning Hearing Board shall permit the use or deny the use in accordance with the standards for the consideration of special exceptions contained herein. The use may be permitted if it is of the same general character of the enumerated permitted uses in the zoning district, accordance with the intended purpose of the zoning district, compatible with the permitted uses in the zoning district, and shall comply with all performance standards applicable to such permitted uses. The duty to present evidence and the burden of proof shall be on the applicant to demonstrate that the proposed use is of the same general character in accordance with the intended purpose of the zoning district, compatible with the permitted uses in the zoning district and shall comply with all performance standard applicable to such permitted uses in the zoning district.

**ARTICLE III  
NONCONFORMING USES AND STRUCTURES**

**Section 301. Abandonment.** No nonconforming use or structure may be reestablished after it has been discontinued for a period of one year. Vacating of premises or buildings or non-operative status of such premises or buildings shall be conclusive evidence of a discontinued use.

**Section 302. Continuance.** Except as otherwise provided in this Article, any use or structure existing as the time of enactment of this Ordinance may be continued although it is not in conformity with the regulations specified by this Ordinance.

**Section 303. Expansion.** Any nonconforming use may be expanded or altered upon obtaining a special exception and subject to the following criteria, and those contained in Article VI:

- A. Expansion of the nonconformity shall be confined to the lot on which it was the nonconformity.
- B. The total of all such expansions or alterations of use shall not exceed an additional fifty percent (50%) of the area of those buildings or structures or land devoted to the nonconforming use as they existed on the date on which the use of such buildings, structures or land first became nonconformities. The applicant shall furnish conclusive evidence as to the extent of the nonconformity when it was created.
- C. The applicant shall demonstrate that there will be provision for vehicular access, off-street parking and off-street loading consistent with standards required by this Ordinance.
- D. The applicant shall demonstrate that there will be provision for yards, building height and building area consistent with the standards required for permitted uses in the district in which the nonconformity in question is located.
- E. The appearance shall be harmonious with surrounding lots; this feature includes but is not limited to landscaping, enclosure or principal and accessory uses, height control, sign control, architectural control and maintenance of all improvements and open spaces.
- F. The applicant shall provide buffers and screens as necessary to adequately protect neighboring lots. This includes but is not limited to fences, walls, plantings and open spaces.
- G. The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities.

- H. 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 District.

**Section 304. Restoration.** A non-conforming structure which is partially damaged or entirely destroyed may be rebuilt and occupied for the same use as before the damage, provided the reconstructed structure shall not be larger than the damaged structure and that the reconstruction shall start within one (1) year from the time of damage to the structure.

**Section 305. Substitution.** Once a conforming use is established, no nonconforming use shall be permitted in the future. The Zoning Hearing board may, by special exception, permit the substitution of one nonconforming use for an existing nonconforming use in accordance with the following criteria and limitations:

- A. The use proposed to be substituted shall not be more detrimental to the other uses in the zoning district than the existing nonconforming use.
- B. The proposed use to be substituted shall not generate more traffic than the existing nonconforming use.
- C. The proposed use to be substituted, if commercial or industrial in nature, shall not have longer hours of operation than the existing nonconforming use.
- D. The proposed use to be substituted shall not generate higher levels of noise, smoke, glare or other potential nuisance conditions or safety hazards beyond the boundaries of the lot than the existing nonconforming use.
- E. The proposed use to be substituted shall not be more detrimental to the neighboring lots and uses than the existing nonconforming use.
- F. The existing nonconforming use shall be completely abandoned.

**Section 306. Discontinued Use of Open Land.** All non-conforming signs, billboards, junk areas, storage areas, and other non-conforming uses of open land, when discontinued for a period of ninety (90) days or damaged or deteriorated to an extent of sixty (60%) percent or more of replacement costs, shall not be continued repaired or reconstructed.

**Section 307. Nonconforming Lots.**

- A. Any nonconforming lot of record held in single and separate ownership on the date enactment of this Ordinance or any amendment thereto which rendered such lot nonconforming and continuously held in single and separate ownership thereafter may be developed for any use permitted in the district in which the nonconforming lot is located, provided that such development complies with all setback, coverage, bulk, height and other requirements.

B. No non-conforming lot of record containing any of the following characteristics may be issued a permit for construction without receiving a special exception from the Zoning Hearing Board:

1. The lot is less than twenty-one thousand seven hundred eighty (21,780) square feet in size;
2. Any portion of the lot contains slopes greater than or equal to fifteen (15) percent;
3. Any portion of the lot contains or is traversed by water courses, floodplain, or regulated wetlands.
4. The lot does not contain suitable areas for an initial and a replacement septic system absorption area.

If any of the above conditions apply, the applicant shall submit an application for a special exception which contains a plot plan drawn to a suitable engineering scale accurately showing the location of all proposed improvements, initial and replacement septic systems well, natural or man-made features, including topography drawn to two (2) foot contour intervals. The plot plan shall also include proposed finished grading for all proposed improvements. The Zoning Hearing Board shall, when considering said application, determine whether or not the proposed construction upon or use of the lot will endanger the health, safety or welfare of the future occupants of the lot or others, including, but not limited to, interference with neighborhood wells by the proposed well or septic system(s), or the diversion or concentration of storm water that may harm the lots of others.

**Section 308. Dimensional Nonconformities.** An existing structure which contains a permitted use and is non-conforming as to building setbacks or lot area may be expanded provided that:

- A. The expanded portion of the structure will not extend nearer any street right-of-way line or other lot line than the part of the existing structure which is closest to the street right-of-way line or other lot line.
- B. All other yard requirements of the zoning district are met.
- C. No expansion shall be permitted which may cause danger to vehicle or pedestrian traffic on a street by obscuring the view.
- D. No expansion shall be permitted within five (5) feet of any street right-of-way line or lot line.

**ARTICLE IV  
DISTRICT REGULATIONS**

**Section 401. Rural Conservation District (RC)**

A. Intended Purpose: The regulations for the Rural Conservation District are intended to protect those areas in the Township that are presently comprised of prime woodland streams, floodplains, slopes greater than fifteen (15%) percent, and various recreational activities. Development of an urban nature should be limited in this District in order to promote the conservation of the unique natural environment and encourage the retention on open land.

B. Uses and Structures:

1. Permitted:

- a. Agriculture.
- b. Single-Family Detached Dwelling
- c. Municipal Uses.
- d. No-Impact Home-Based Businesses
- e. Customary accessory uses and buildings incidental to the above permitted.

2. Special Exceptions: The following uses are permitted, subject to the issuance of a permit by the Zoning Hearing Board:

- a. Campground, subject to Section 604
- b. Conservation Area, subject to Section 604
- c. Park, subject to Section 604
- d. Game Refuge, subject to Section 604
- e. Horse Riding Stable, subject to Section 605
- f. Winter Sports Area and Ski Lodge, subject to Section 606
- g. Bed and Breakfast, subject to Section 609
- h. Short-term rental, subject to Section 619 (amended 2-4-19)

C. Lot, Yard and Height Requirements:

1. Lot Requirements:

- a. Minimum Lot Area – Three (3) acres.
- b. Minimum Lot Width – Two hundred ten (210) feet.
- c. Maximum Lot Coverage – Ten (10%) percent.

2. Yard Requirements:
  - a. Front Yard Depth – Fifty (50) feet
  - b. Side Yard Width – Twenty (20) feet
  - c. Rear Yard Depth – Fifty (50) feet
  
3. Building Height:
  - a. Principal Building – Thirty-Five (35) feet
  - b. Accessory Building – Twenty-Five (25) feet
  
- D. Parking and Loading Requirements: Off-Street parking and loading requirements shall be provided in accordance with Section 509 of this Ordinance.
  
- E. Signs: Signs shall be subject to the regulations of Section 508 of this Ordinance.

## Section 402. Agriculture (A)

- A. Intended Purpose: The primary purposes of the Agriculture District are to protect and stabilize agriculture in areas of productive soils as an on-going, viable, major component of the economy of the Township and of Lancaster County, to permit, with exceptions only those land uses and activities which are agricultural in nature, to encourage the preservation of the most productive farmland within the Township as a valuable resource which is lost and not reclaimable once it is developed for building purposes and to prevent adverse effects resulting from the encroachment and mixing of residential and other incompatible development with agricultural uses. The preservation of land for agricultural purposes is a legitimate zoning objective under the Pennsylvania Municipalities Planning Code which the Township desires to implement by the regulations set forth in this Section 402.
- B. Uses and Structures:
1. Permitted:
    - a. Agriculture
    - b. Single-Family Detached Dwelling
    - c. Municipal Use
    - d. Customary accessory uses and buildings incidental to the above permitted uses.
  2. Special Exceptions – the following uses are permitted, subject to the issuance of a permit by the Zoning Hearing Board:
    - a. Park or Conservation Area, subject to Section 604
    - b. Church and Related uses, subject to Section 608
    - c. School, subject to Section 607
    - d. Campground, subject to Section 604
    - e. Horse Riding Stable, subject to Section 605
    - f. Country Club and Golf Course, subject to Section 612
    - g. Kennel, subject to Section 617
    - h. Bed and Breakfast, subject to Section 609
    - i. Short-term rental, subject to Section 619 (amended 2-4-19)
- C. Subdivision and Land Development Limitations. It is the intent of the Supervisors to Preserve and protect agriculture and to preserve prime agricultural soils through limitation on subdivision and land development.
1. Number of lots, dwellings or other principal non-agricultural buildings permitted. For each parent tract there shall be permitted the subdivision of one (1) lot (which shall specifically include, but not be limited to, a subdivision to create a farm or farms and subdivision to change lot lines or a “lot add-on” subdivision which

removes land from the parent tract to add the land to another lot) or the erection of one (1) single-family detached dwelling or other principal non-agricultural building on the parent tract, but not both, with the portion of the existing or newly created lot used for residential purposes limited to the maximum lot size set forth in Section 402.D below, for each twenty (20) acres held on January 2, 1988, or if the parent tract was not classified as Agriculture District on January 2, 1988, on the date when such parent tract was first included in the Agriculture District after January 2, 1988. Lots created before January 2, 1988, and dwellings which existed on January 2, 1988, shall not be counted in determining the number of lots permitted to be subdivided or the number of dwelling permitted to be erected. A tabular example of this limitation or the creation of lots or the erection of dwellings is as follows:

Parent Tract Size In Acres	Number of Lots Permitted to be Sub- divided or Dwellings or Principal Non-Agricultural Buildings Permitted To be erected.
At least 3, but less than 20	1
At least 20, but less than 40	2
At least 40, but less than 60	3
At least 60, but less than 80	4
At least 80, but less than 100	5
At least 100, but less than 120	6
At least 120, but less than 140	7
At least 140, but less than 160	8
At least 160, but less than 180	9
At least 180, but less than 200	10

- a. For those parent tracts equal to or greater than three (3) acres, but less than twenty (20) acres which contained one or more residential dwellings on January 2, 1988, one new lot may be subdivided or one single-family detached dwelling or other principal non-agricultural building may be erected (but not both) provided that wherever possible such new lot contains soils predominantly within the agricultural land capability classifications of IV, V, VI, VII, or VIII as defined by the USDA or such dwelling shall be constructed upon such soil types and be surrounded predominantly by such soil types and be immediately adjacent to an existing public street. No further subdivision or erection of additional single-family detached dwellings or other principal non-agricultural buildings shall be permitted. Any plan for the subdivision of any such lot or the erection of any such dwelling or other principal non-agricultural building shall contain a note stating that further subdivision of the parent tract or the erection of additional dwellings or other non-agricultural principal buildings is prohibited. The deed for any lot so created shall contain a similar notation.



- b. For those parent tracts equal to or greater than three (3) acres but less than twenty (20) acres which did not contain a residential dwelling on January 2, 1988, two new lots may be subdivided or two single-family detached dwellings or other principal non-agricultural buildings may be erected (but not both) provided that wherever possible each such new lot contains soils predominantly within the agricultural land capability classifications of IV, V, VI, VII or VIII as defined by the USDA or each such dwelling shall be constructed upon such soil types and be surrounded predominantly by such soil types and be immediately adjacent to an existing public street. No further subdivision or erection of additional single-family detached dwellings or other principal non-agricultural buildings shall be permitted.
- c. For those parent tracts which contain at least twenty (20) acres, the table set forth above shall be followed to determine the number of lots which may be created or the number of dwellings or other principal, non-agricultural buildings which may be erected. Whenever possible, each lot shall be created to contain and each dwelling or other non-agricultural building shall be erected on soils with the agricultural land capability classifications of IV, V, VI, VII, or VIII as defined by the USDA. The burden shall be upon the applicant to demonstrate that development on such soils is not possible. If subdivision of a lot with such soils or the location of a dwelling or other principal non-agricultural building upon such soils is not possible, the lot or dwelling or other principal, non-agricultural building shall be so located as to be directly adjacent to an existing public street.
- d. The number of lots which may be created for single-family detached dwellings or other principal non-agricultural buildings which may be erected on the parent tract shall be fixed according to the parent tract. This number shall not be increased by the subdivision of such parent tract. Any subsequent owner of a parent tract or land remaining in a parent tract after subdivision shall be bound by the actions of his predecessor.
- e. Any land development, the purpose of which is to permit the erection of a permanent single-family detached dwelling on a parent tract which has been previously improved with a dwelling which also will remain upon the parent tract or to permit the erection of a structure for an additional principal use on the parent tract shall be considered a subdivision for the purposes of this Section. It is the purpose and intent of this Section to limit the development of Agricultural tract for non-agricultural purposes regardless of whether such development is accomplished by subdivision or land development as those terms are defined in the Municipalities Planning Code.
- f. No subdivision shall be permitted which shall increase the lot size of a lot of record used or to be used for residential purposes in excess of the maximum lot size as set forth herein. Any lot which is less than ten (10) acres in size shall be presumed to be used for residential purposes.

- g. If a parent tract is to be subdivided to create a new lot for a farm, the remainder of the parent tract and the new lot to be created for the new farm each must contain a minimum of ten (10) acres. The applicant shall have the burden to present substantial evidence to support the applicant's position that the principal use of the new lot will be a farm.
  - h. In addition to any other requirements of this Ordinance, any proposal to subdivide a parent tract to create a new lot which is greater than three (3) acres but less than ten (10) acres or which will result in the remainder of the parent tract being in excess of three (3) acres but less than ten (10) acres shall not be permitted unless the applicant obtains a special exception. The applicant shall demonstrate (i) that the lot size and the use to be conducted upon such lot or remainder of the parent tract is authorized within the Agriculture District and, if such use is authorized by special exception, such special exception shall have been obtained, or (ii) that the proposed subdivision uses all remaining rights to subdivide lots or erect additional dwellings or other principal non-agricultural buildings on the parent tract and no configuration which would limit the creation of the lot to less than three (3) acres while retaining a parent tract of at least ten (10) acres is possible. Notwithstanding the foregoing, a landowner of a parent tract shall be permitted to subdivide the number of residential lots with a maximum lot size of three acres authorized by Section 402.C.1 even if such subdivision or subdivisions will result in the remainder of the parent tract being less than ten (10) acres.
2. Exemptions from limitation on subdivision of land. The following types of subdivisions shall not be counted against the subdivision/land development quota established by Section 402.C.1:
    - a. A subdivision, the sole purpose of which is to transfer land to increase the size of a lot being used for agricultural purposes, where both the parent tract from which the land is taken and the lot to which the land is added will be ten (10) acres or greater after such subdivision.
    - b. A subdivision, to create a lot which will be transferred to the Township or a municipal authority created by the Township.
    - c. A subdivision to create a lot for a commercial communications tower.
  3. Requirements for plans and deeds relating to lands within the Agriculture District. Any subdivision or land development plan hereafter filed with the applicable approving body for subdivision or land development of land in the Agriculture District shall specify on the recorded plan which lot or lots shall carry a right of further subdivision or erection of single-family detached dwellings or other principal non-agricultural buildings, if any such right remains from the quota allocated to the parent tract on January 2, 1988, or on the date when such land was

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

D. Lot, Yard and Height Requirements

1. Lot Requirements:

- a. Minimum Lot Area – Forty-three thousand, five hundred sixty (43,560) square feet.
- b. Maximum Lot Area – Three (3) acres for any lot used principally for residential purposes.
- c. Minimum Lot Width – One hundred fifty (150) feet.
- d. Maximum Lot Width – Twenty (20%) percent.

2. Yard requirements:

- a. Front Yard Depth – Fifty (50) feet.
- b. Side Yard Depth – Twenty (20) feet.
- c. Rear Yard Depth – Fifty (50) feet.

3. Building Height:

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

E. Parking and Loading Requirements: Off-Street parking and loading requirements shall be provided in accordance with Section 509 of this Ordinance.

F. Signs: Signs shall be subject to the regulations of Section 508 of this Ordinance.

### **Section 403. Residential Low Density (RLD)**

- A. Legislative Intent: The regulations for the Residential Low Density District are intended to provide for various types of residential development while at the same time recognizing the potential problems caused by the use of on-lot sewage disposal systems on lots which are of insufficient size to support a replacement on-lot sewage system should the initial system become inoperable. The preservation of the Township's environmental resources, including groundwater, is essential to the public health and safety.
  
- B. Uses and Structures:
  - 1. Permitted:
    - a. Single-Family Detached Dwelling
    - b. Fire House
    - c. Municipal Uses
    - d. Any form of agriculture, subject to the requirements under Section 507 and further provided that the minimum lot area for any form of agriculture shall be ten (10) acres.
    - e. No-Impact Home-Based Businesses.
    - f. Customary accessory uses and buildings incidental to the above permitted uses.
  
  - 2. Special Exceptions – the following uses are permitted, subject to the issuance of a permit by the Zoning Hearing Board:
    - a. Two-Family Dwelling, subject to Section 613
    - b. Townhouse, subject to Section 613
    - c. Apartment, subject to Section 613
    - d. Mobile Home Park, subject to Section 614
    - e. School, subject to Section 607
    - f. Church and related uses, subject to Section 608
    - g. Park or Conservation Area, subject to Section 604
    - h. Short-term rental, subject to Section 619 (amended 2-4-19)
  
- C. Lot, Yard and Height Requirements:
  - 1. Lot Requirements:
    - a. Minimum Lot Area – One (1) acre.
    - b. Maximum Lot Area – One hundred twenty-five (125) feet.
    - c. Maximum Lot Coverage – Twenty-five (25%) percent.

2. Yard Requirements (unless provided otherwise in Article VI):

- a. Front Yard Depth – Forty (40) feet.
- b. Side Yard Depth – Fifteen (15) feet.
- c. Rear Yard Depth – Forty (40) feet.

3. Building Height:

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

D. Parking and Loading Requirements: Off-street parking and loading requirements shall be provided in accordance with Section 509 of this Ordinance.

E. Signs: Signs shall be subject to the regulations of Section 508 of this Ordinance.

#### **Section 404. Shore Line Recreational (SR)**

- A. Legislative Intent: The regulations for the Shore Line Recreational District are intended to encourage shoreline recreational areas compatible with residential uses. This District is to primarily provide for uses of a recreational character, including some commercial uses and seasonal residences. Permanent residential dwellings are permitted as a secondary use.
  
- B. Uses and Structures:
  - 1. Permitted:
    - a. Single-Family Detached Dwelling.
    - b. Fire House
    - c. Boat landings, wharves, marinas, fishing equipment and bait stores, and similar uses offering only goods and services commonly used for water recreational purposes.
    - d. Forestry
    - e. Municipal Uses
    - f. Customary accessory uses and buildings incidental to the above permitted uses.
  
  - 2. Special Exceptions- the following uses are permitted, subject to the issuance of a permit by the Zoning Hearing Board:
    - a. Clubs and Lodges, subject to Section 610
    - b. Parks, Conservation Area or Recreation Area, subject to Section 604
    - c. Two-Family Dwelling, subject to Section 613
    - d. Bed and Breakfast, subject to Section 609
    - e. Short-term rental, subject to Section 619 (amended 2-4-19)

C. Lot, Yard and Height Requirements:

1. Lot and Yard Requirements:

Lot Requirements				Yard Requirements		
	Min. Lot Area	Min. Lot Width	Max. Lot Coverage	Front Yard Depth	Side Yard Depth	Rear Yard Depth
Any dwelling with no public water and sewer and all non-residential uses	43,560 sq.ft. per dwelling unit or non-residential use	100'	25%	25'	10'	25'
Any dwelling with only public water or sewer	43,560 sq.ft. per dwelling unit	100'	25%	25'	10'	25'
Single-family detached dwelling with public water and sewer	10,000 sq. ft.	100'	30%	25'	10'	25'
Two-family dwelling with public water and sewer	8,000 sq. ft. per dwelling unit	50'	40%	30'	15'	40'

2. Building Height:

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

D. Parking and Loading Requirements: Off-Street parking and loading requirements shall be provided in accordance with Section 509 of this Ordinance.

E. Signs: Signs shall be subject to the regulations of Section 508 of this Ordinance.

## **Section 405. Neighborhood Commercial (NC)**

- A. Legislative Intent: The regulations for the Neighborhood Commercial District are intended to service the commercial needs of the surrounding residential villages providing goods that meet the needs generally classified as convenience goods and services.
  
- B. Uses and Structures:
  - 1. Permitted:
    - a. Retailing of Goods
    - b. Personal Service Shop
    - c. Professional Office and Clinic
    - d. Banks and Financial Institutions
    - e. Warehousing, Wholesaling, and Distribution Establishments, including storage, repair, and transfer operations.
    - f. Single-Family Detached Dwellings, subject to the lot, yard and area requirements of Section 403.C.
    - g. Forestry
    - h. Municipal Uses
    - i. Customary accessory uses and buildings incidental to the above permitted uses.
  
  - 2. Special Exceptions – the following uses are permitted, subject to the issuance of a permit by the Zoning Hearing Board:
    - a. Automobile Service Stations, subject to Section 615
    - b. Other uses determined by the Zoning Hearing Board to be of the same general character as those listed above and which will not be detrimental to any permitted uses and structures.
  
- C. Lot, Yard and Height Requirements:
  - 1. Lot Requirements:
    - a. Minimum Lot Area – One (1) acres
    - b. Minimum Lot Width – One hundred (100) feet
    - c. Maximum Lot Coverage – Fifty (50%) percent.
  
  - 2. Yard Requirements:
    - a. Front Yard Depth – Twenty-Five (25) feet
    - b. Side Yard Width – Ten (10) except when adjacent to another district, in which case a minimum side yard of twenty-five (25) feet is required.



- c. Rear Yard Depth – Twenty-five (25) feet.
- 3. Building Height:
  - a. Principal Building – Thirty-Five (35) feet.
  - b. Accessory Building – Twenty-Five (25) feet.
- D. Parking and Loading Requirements: Off-Street parking and loading requirements shall be provided in accordance with Section 509 of this Ordinance.
- E. Signs: Signs shall be subject to the regulations of Section 508 of this Ordinance

## **Section 406. Highway Commercial (HC)**

- A. Legislative Intent: The regulations for the Highway Commercial District are intended to serve the need of Township residents for commercial and other non-residential uses and services and to recognize the need of the Township to provide for all legitimate uses of land.
  
- B. Uses and Structures:
  - 1. Permitted:
    - a. Any use permitted as of right in the Neighborhood Commercial District.
    - b. Any use other than single-family detached dwellings permitted within the Agricultural District.
    - c. Municipal Uses
    - d. Customary accessory uses and buildings incidental to the above permitted uses.
  
  - 2. Special Exceptions – the following uses are permitted, subject to the issuance of a permit by the Zoning Hearing Board:
    - a. Any use permitted by special exception in the Neighborhood Commercial District.
    - b. Billboard, subject to Section 616
    - c. Community Service Organization, subject to Section 611
    - d. Shopping Center, subject to Section 618
    - e. Any nonresidential use not authorized by Section 406.B.1 and not otherwise prohibited by this Zoning Ordinance
  
- C. Lot, Yard and Height Requirements:
  - 1. Lot Requirements:
    - a. Minimum Lot Area – One (1) acres.
    - b. Minimum Lot Width – One hundred (100) feet.
    - c. Maximum Lot Coverage – Fifty (50%) percent.
  
  - 2. Yard Requirements:
    - a. Front Yard Depth – Twenty-five (25) feet.
    - b. Side Yard Width – Ten (10) feet except when adjacent to another district in which case a minimum side yard of twenty-five (25) feet is required
    - c. Rear Yard Depth – Twenty-five (25) feet.

- 3. Building Height:
  - a. Principal Building – Thirty-Five (35) feet.
  - b. Accessory Building – Twenty-Five (25) feet
- D. Parking and Loading Requirements: Off-Street parking and loading requirements shall be provided in accordance with Section 509 of this Ordinance
- E. Signs: Signs shall be subject to the regulations of Section 508 of this Ordinance

**ARTICLE V**  
**SUPPLEMENTARY DISTRICT REGULATIONS**

**Section 501. Accessory Buildings and Structures**

(Amended by Ordinance No. 03-01-10)

- A. Except as specifically noted hereafter, all accessory buildings shall comply in all respects with the yard requirements of this Ordinance for principal buildings.
  
- B. Storage Sheds. Storage sheds which do not exceed two hundred (200) square feet in floor area and ten (10) feet in height may be permitted within the side or rear yard setback as an accessory use, provided that the storage shed shall be a minimum of five (5) feet from any lot line and there shall be no exterior storage between the shed and the lot line(s).
  
- C. Fences and Walls. No fence or wall (except livestock fencing for agricultural operations) shall be erected to a height of more than four (4) feet in a front yard and more than six (6) feet in any side or rear yard within the Agriculture, Rural Conservation, Residential Low Density, and Shoreline Recreational Districts. Within the Neighborhood Commercial District and Highway Commercial District, no fence or wall shall be erected to a height of more than ten (10) feet in any yard. The landowner shall be responsible for normal maintenance of the area(s) between the fence and all lot lines and beneath the fence. No fence or wall shall be placed to block any motorist's field of view along or while entering or exiting any street. All fences or walls (except livestock fencing for agricultural operations) shall be set back a minimum of five (5) feet from any street right-of-way line. Fences are permitted to be placed on the rear and side lot lines subject to the following:
  - 1. The burden shall be upon the landowner desiring to erect a fence to determine that the fence does not encroach upon another property.
  - 2. The fence shall be installed at the risk of the landowner in the event it is later determined that the fence encroaches onto another property.
  - 3. The landowner installing the fence shall have no vested right to keep or refuse to relocate or remove an improperly placed fence.
  - 4. The zoning permit issued by the Zoning Officer may be revoked if it is later determined that the fence encroaches upon another property.
  - 5. If it is determined that the fence encroaches upon another property, the fence must be relocated or removed at the expense of the landowner.

**Section 502. Swimming Pools and Hot Tubs.** Swimming pools and hot tubs may be permitted as an accessory use in any zoning district. No permanent swimming structure shall be permitted

without an operable filtration system. All swimming pools and hot tubs shall be maintained to prevent development of stagnant or brackish water. All swimming pools and hot tubs designed to hold a depth of water twenty-four (24) inches or greater shall be completely enclosed by a minimum four (4) foot high fence or wall with a self closing and locking gate. An above ground swimming pool that is installed with a maximum top water level at least forty-eight (48) inches above the surrounding ground level and is equipped with a railing and a removable and lockable ladder supplied by the manufacturer that is designed to prevent accidental entry into the pool will not require the erection of a fence or wall, that is designed to prevent accidental entry into the pool will not require the erection of a fence or wall. A hot tub that is equipped with a cover supplied by the manufacturer that is designed to prevent accidental entry into the hot tub will not require the erection of a fence or wall. The fence or wall shall be erected prior to placing any water in the swimming pool or hot tub. All swimming pools, including decks, shall be set back a minimum of six (6) feet from all lot lines. No water from a swimming pool shall be discharged onto any public street or alley or onto any adjacent lot. These requirements shall not apply to a man-made ponds, lakes, or other impoundments, unless the primary purpose for their construction is swimming.

**Section 503. Animals and Animal Shelters.**

(Amended by Ordinance No. 03-01-10) The following standards shall apply within all zoning districts for the keeping of animals on parcels of land containing less than ten (10) acres. These standards shall not be interpreted as applying to animal hospitals, veterinary clinics, kennels or other commercial animal operations.

- A. The landowner and the occupant of the lot on which animals are maintained, regardless of the number or type of animals maintained (as authorized by Subsections B,C, and D below), shall comply with all of the following:
  - 1. The area within which the animals are maintained (whether in a shelter and/or exercise pen and/or pasture) shall be kept in a grass cover and shall not degrade to a bare earth and or erodible condition.
  - 2. Any drainage field or absorption area for an individual or community sewage system, including a tested replacement location, shall be fenced so that animals do not have access to such area. It is the intention of the Paragraph to insure that the maintenance of animals will not degrade an initial or replacement sewage disposal location.
  
- B. It is permitted to maintain up to five (5) each of dogs and cats and litters of puppies or kittens up to six (6) months in age as domestic animals provided the following conditions are met:
  - 1. All such dogs and cats shall be maintained on a non-commercial basis.
  - 2. The area within which a shelter and or exercise pen is maintained shall be located in the rear yard, at least ten (10) feet from all lot lines, and at least fifty (50) feet

from the nearest dwelling not located on the same lot as the lot upon which the animals are maintained.

- C. It is permitted to maintain up to twelve (12) small domestic animals provided the following conditions are met. For the purposes of this subsection, small domestic animals shall include animals such as rabbits, guinea pigs, chinchilla, and fowl such as chickens, turkeys, geese, ducks, quail, grouse, and pigeons.
1. Small domestic animals shall be maintained within the side or rear yard area.
  2. Small domestic animals shall be maintained on a non-commercial basis and be clearly secondary and incidental to the principal use.
  3. The area around which small domestic animals are kept shall be enclosed by a fence designed for containment.
  4. Within the Agriculture and Rural Conservation Districts, a fence enclosing or a structure housing small domestic animals shall be at least fifteen (15) feet from any lot line and at least one hundred (100) feet from the nearest dwelling not located on the same lot as the lot upon which the animals are maintained. The in the Residential Low Density, Neighborhood Commercial, Highway Commercial and Shoreline Recreational Districts, such fence or structure shall be at least one hundred (100) feet from any lot line and at least three hundred (300) feet from the nearest dwelling not located on the same lot as the lot upon which the animals are maintained.
  5. A separation distance of one hundred (100) feet shall be maintained between a fence enclosing or a structure housing small domestic Animals and any existing well.
  6. The owner of the small domestic animals shall exercise control over the animals and shall not allow a nuisance condition to be created in terms of noise, dirt, and odor.
- D. It is permitted to maintain large domestic animals up to one(1) animal per acre of area dedicated solely to the stabling/grazing/pasturing of said animals(s) and no other use, provided the following conditions are met. For the purposes of the Subsection, large domestic animals shall include animals of the bovine, equine, swine, and ovine families.
1. Large domestic animals shall be maintained within the side or rear yard area.
  2. Large domestic animals shall be maintained on a non-commercial basis and be clearly secondary and incidental to the principal use.

3. The area within which large domestic animals are kept shall be enclosed by a fence designed for containment. All fences shall be located a minimum of twenty-five (25) feet from the centerline of any street. Fences are permitted to be placed on the rear and side lot lines subject to the following:
  - a. The burden shall be upon the landowner desiring to erect a fence to determine that the fence does not encroach upon another property.
  - b. The fence shall be installed at the risk of the landowner in the event it is later determined that the fence encroaches onto another property.
  - c. The landowner installing the fence shall have no vested right to keep or refuse to relocate or remove an improperly placed fence.
  - d. The zoning permit issued by the Zoning Officer may be revoked if it is later determined that the fence encroaches upon another property.
  - e. If it is determined that the fence encroaches upon another property, the fence must be relocated or removed at the expense of the landowner.
4. Within the Agriculture and Rural Conservation Districts, all buildings, corrals, or stables shall be at least fifty (50) feet from any lot line and at least one hundred (100) feet from the nearest dwelling not located on the same lot as the lot upon which the animals are maintained. Within the Residential Low Density, Neighborhood Commercial, Highway Commercial and Shoreline Recreational Districts, all buildings, corrals, or stables shall be at least one hundred (100) feet from any lot line and at least three hundred (300) feet from the nearest dwelling not located on the same lot as the lot upon which the animals are maintained.
5. The area in which large domestic animals are maintained shall be kept in a healthy grass cover of at least two (2) acres.
6. The owner of the large domestic animals shall prepare and implement a written manure management plan meeting the requirements of the DEP. Said plan shall include the type of manure storage facility proposed and the method and location of disposal.
7. The owner of the large domestic animals shall exercise control over the animals and shall not allow a nuisance condition to be created in terms of noise, dirt, and odor.

**Section 504. Establishment of More than One Principal Use on a Lot.** More than one principal use may be established on a single lot in accordance with the following requirements:

- A. The minimum lot area required for lots which have more than one principal use shall

be calculated by adding the minimum lot areas required for each use as though each use were located on a separate lot.

- B. Each structure housing a principal use shall meet all requirements of this Ordinance. The applicant for such principal use shall present a plan which shall demonstrate that each proposed principal use meets all requirements of the zoning district in which the use is located, except as such requirements may be modified by this Section.
- C. Approval of the placement of a second or subsequent principal building on a lot does not imply that the lot may be subdivided in the future when such principal buildings are in conflict with the requirements of this Ordinance. The applicant shall obtain land development approval prior to obtaining a zoning permit for the erection of such second or subsequent principal building.
- D. An applicant may, by special exception, establish a second or subsequent principal use in buildings existing on a lot on the effective date of this Section where the location of the existing buildings will not comply with Sections 504.A A through 504.C above if applicant demonstrates compliance with all of the following requirements:
  - 1. The size or configuration of the existing structures makes a single use of the structures impractical.
  - 2. The principal uses proposed for the lot are compatible with each other and are permitted in the district in which the lot is located.
  - 3. The establishment of the proposed uses will not be detrimental to the surrounding neighborhood.
  - 4. The establishment of the proposed uses will not prevent future subdivision or reuse of the lot.

**Section 505. Exceptions to Height Regulations.** The height limitations contained in the district regulations shall not apply to spires, belfries, cupolas, antennas (other than commercial communications antennas regulated by Section 514 of this Ordinance), water tanks, ventilators, chimneys, silos or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

**Section 506. Lots and Structures to Have Access.** Every lot hereafter created, and every building or structure hereafter erected or moved shall be on a lot, which is adjacent to and gains direct access from a public street or an approved private street. On a corner lot, access shall be provided from the street of lesser classification.

**Section 507. Special Provisions Relating to Agricultural Uses and Impacts of Agricultural Uses.**



- A. Within the Agriculture and Rural Conservation Districts, no farm building, other than a dwelling unit may be erected within one hundred (100) feet of a residential dwelling not located on the same lot as the farm.
- B. Within the Agriculture and Rural Conservation District, intensively used agricultural facilities for animal or poultry husbandry shall not be constructed with five hundred (500) feet of a neighboring dwelling not located on the same lot as the farm.
- C. Non-Farm Dwelling Disclaimer. The primary purpose of agricultural land within Martic Township is for agricultural production. Non-farm dwellings or uses in or near these areas may be subject to some common characteristics of agriculture which are sometimes regarded as objectionable, including but not limited to odor, dust, night, holiday, early morning and weekend operations, noise, heavy vehicle use of streets, the storage and disposal of manure, the application of fertilizers, herbicides, pesticides, etc. Residents, owners and users of lots in these areas should accept these factors as normal and unavoidable characteristics of an agricultural area are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982, referred to as The Right To Farm Law may bar them from obtaining a legal judgment against such normal agricultural operations.

### **Section 508. Sign Regulations**

- A. The following general regulations are applicable to all signs within the Township.
  - 1. Signs shall be constructed of durable material and shall be maintained in good condition.
  - 2. No sign shall be maintained in such a state of disrepair as to have the appearance of complete neglect or which is rotting or falling down, or which is illegible or has loose parts separated from original fastenings.
  - 3. No sign shall be placed where it will obscure the vision of, or cause danger to, vehicular or pedestrian traffic.
  - 4. No sign shall be placed to obstruct ingress or egress from any window, door, or fire escape.
  - 5. No sign shall be placed so as to obstruct ventilation or light from a building.
  - 6. No sign shall use flashing, intermittent or rotating illumination, except official traffic control signs, and those parts of a sign which show time and or temperature.
  - 7. Lighted signs shall only be permitted with the Neighborhood Commercial District and the Highway Commercial District. Lighted signs shall be interior

lighted with non-glaring lights or externally lighted by lights which are shielded so there is no direct light transmitted to other lots or street rights of way.

8. No vulgar, indecent, or obscene advertising matter shall be displayed in any manner.
  9. No sign shall be painted, pasted, nailed, stapled, or otherwise attached to a utility pole, fire hydrant or another sign.
  10. No sign shall be placed on an automobile, truck or other vehicle if that vehicle is used primarily for displaying such sign.
  11. Except for billboards, any permanent sign shall be removed by the owner of the lot on which the sign is located if the purpose for which the sign was erected no longer exists.
- B. Specific Requirements – In addition to the general requirements, specific requirements contained in this Section shall apply to all signs. For the purposes of this Ordinance, each sign is classified by its (1) use and (2) type of construction.
- C. Classification of signs by use – All signs shall be divided into the following types of uses and shall be subject to specific requirements.
1. Estate Signs – One (1) non-illuminated sign not to exceed sixteen (16) square feet is permitted; such sign may only include the resident's name, address, and estate name.
  2. Home Occupation or Rural Occupation Signs – One (1) non-illuminated sign not to exceed four (4) square feet is permitted.
  3. Temporary Signs – All temporary signs shall be located on the premises of the referenced activity and a minimum of ten (10) feet from the street right-of-way. Only those signs referring or relating to the uses conducted on the premises or to materials or products made, sold, or displayed on the premises shall be permitted. Temporary signs shall not exceed four (4) square feet unless otherwise specified. One (1) temporary sign is permitted per lot for each of the following types of uses, subject to the following requirements.
    - a. Real Estate Signs – In advertising property for development, sale, rent, or lease, any lot is permitted one (1) sign with surface area not exceed six (6) square feet. For each one hundred fifty (150) feet of lot line adjacent to a public street, another such sign may be erected. No sign shall be erected within ten (10) feet of any side or rear lot line.
    - b. Roadside Stand Signs – Signs advertising the sale of farm products are permitted provided that the surface area of one side shall not exceed ten (10)

square feet, not more than two (2) signs shall be permitted, and such signs shall be displayed only when the farm products are offered for sale.

- c. Special Event or Use Signs – Any lot advertising a special event or use authorized by this Ordinance is permitted one (1) sign; the area of one side shall not exceed sixteen (16) square feet. Signs advertising special events and uses shall include, but not be limited to, yard and garage sales, entertainment events, meetings, etc. Special event signs may be displayed for a maximum of fourteen (14) days.
4. Residential Development Signs – One (1) non-illuminated sign per frontage not to exceed thirty-two (32) square feet per sign. Such sign shall include only the name of the development and shall not exceed a height of three (3) feet above grade.
5. Commercial/Industrial Signs – One (1) sign per lot is permitted. The size of the sign shall not exceed one (1) square foot per five (5) feet of lot frontage, up to a maximum of thirty-two (32) square feet. Such signs shall only be located within the Neighborhood Commercial District and the Highway Commercial District and shall only refer or relate to the uses conducted on the lot or to the materials or products made, sold or displayed on the lot.
6. Billboards – Billboards are permitted by special exception only within the Highway Commercial District and subject to Article VI.
7. Off-Lot Service Organization Sign – One (1) sign of a municipal use, church and related use, school, fire house, club or lodge, park, conservation area or recreational area, or community service organization, may be placed on any lot not containing the municipal use, church and related use, school, fire house, club or lodge, park, conservation area or recreational area, or community service organization, provided the sign is non-illuminated, does not exceed twelve (12) square feet, and only includes the name and brief message of the municipal use, church and related use, school, fire house, club or lodge, park, conservation area or recreational area, or community service organization not located on the lot occupied by such sign. No single organization shall have more than three (3) such signs within the Township.
8. Identification Sign – One (1) non-illuminated sign identifying a church, school, fire house or community service organization, located on the premises of the referenced use, not to exceed eighty (80) square feet.
9. Recreation Sign – Signs for recreation areas may be erected and maintained provided that the surface area does not exceed sixteen (16) square feet and not more than two (2) such non-illuminated signs may be erected on each street frontage.

10. Shore Line Recreational Sign – Within the Shore Line Recreational District, any sign referring or relating to boat landings, wharves, marinas, fishing equipment and bait stores, and similar uses offering only goods and services commonly used for water recreational purposes, shall be permitted except the surface area shall be no larger than four (4) square feet and not more than one (1) such non-illuminated sign may be erected on each street frontage.
- D. Classification of Signs by Type of Construction – All signs shall be divided into the following types of construction and shall be subject to the following specific requirements.
1. Ground Signs – Ground signs shall be any sign that is erected or placed in or on any ground, sidewalk, paved area, or other area not part of any building. Ground signs shall not exceed a height of fifteen (15) feet and shall not be located within any street right of way.
  2. Wall Signs – Wall signs shall be any sign that is on or attached to any wall of any building. Wall signs may have a maximum area of fifteen (15%) percent of the wall on which the sign is to be located, up to the maximum size as provided by Section 508.C.5.
  3. Roof Signs – Roof signs shall be any sign mounted on or extending above the roof of any building or structure. Roof signs may have a maximum area of fifteen (15%) percent of the roof area to which the sign is located, up to the maximum size as provided by Section 508.C.5.
- E. Sign Permits. The following signs shall be allowed, without obtaining a zoning permit and shall be erected and maintained in compliance with all other applicable requirements of Section 508.
1. Residential address or name signs not exceeding two (2) square feet in area and having no commercial connotations or connections.
  2. Flags and insignia of any government having no commercial connotations or connections.
  3. Legal notices, identification information, directional signs, traffic control signs, or any other type of sign, all of which are erected by governmental bodies.
  4. Temporary Signs as provided for by Section 508.C.3.
  5. Signs directing and guiding traffic and parking on private property, having no commercial connotations or connections.

All other signs shall require the application and approval of a zoning permit prior to the erection or placement of the sign. The application for a zoning permit for a sign permit shall be

submitted in such form as the Zoning Officer may prescribe and shall contain any information necessary for the Zoning Officer to determine compliance with the requirements of this Section.

### **Section 509. Off-Street Parking and Loading Regulations**

- A. Off-street parking shall be provided in accordance with the regulations of this Section on all lots where a new use is established or an existing use is enlarged.
  - 1. Residential. Two (2) spaces for each dwelling unit.
  - 2. Commercial and Industrial Uses.
    - a. Retail Stores. Five (5) parking spaces for each one thousand (1,000) square feet of floor area.
    - b. Personal Services Shops. Five (5) parking spaces for each one thousand (1,000) square feet of floor area.
    - c. Professional Offices (other than medical and dental offices). One (1) parking space for each four hundred (400) square feet of floor area.
    - d. Medical and Dental Offices. One (1) parking space for each two hundred (200) square feet of floor area.
    - e. Restaurant and Taverns. One (1) space for each four (4) seats plus one (1) space for each employee on duty.
    - f. Hotel, Motel, and Bed and Breakfast Establishments. One (1) parking space for each guest bedroom.
    - g. Automobile Service Station. One (1) parking space for each three hundred (300) square feet of floor area.
    - h. Commercial Uses Not Specified Above. One (1) parking space for each employee on the largest shift plus one (1) parking space for each four hundred (400) square feet of floor area.
    - i. Industrial, Manufacturing, and Warehousing. One (1) parking space for each employee on the largest shift.
  - 3. Institutional.
    - a. Churches. One (1) parking space for each four (4) seats provided. Where permanent seating is not provided, one (1) parking space for each two hundred (200) square feet of floor area.

- b. Schools. One (1) parking space for each two (2) teachers, employees, or administrators, and in high schools, one (1) off-street parking space for each ten (10) students.
  - c. Institutional Uses Not Specified Above. One (1) parking space for each two (2) employees, patrons, visitors or occupants projected to be at the use at any one time.
- B. Adequate off-street loading and unloading space shall be provided on the same lot with every building erected or occupied for any use which involves the receipt or distribution of materials or merchandise by motor vehicle. Off-street loading spaces shall be so placed and arranged as to not interfere with the free movement of vehicles and pedestrians over public streets. Off-street loading spaces shall be so designed that there will be no need for vehicles to back over public streets and sidewalks. Off-street loading spaces shall be so designed that there is no need for parking, loading or unloading on or along a public street. Off-Street loading areas shall be located so as to not interfere with or be part of any off-street parking areas. The Zoning Hearing Board may grant a special exception where hardship would result when an existing use is expanded and the off-street loading space requirements of this Ordinance would otherwise have been met.
- C. Other than a single-family detached dwelling, a two-family detached dwelling or a farm, any new use established, any use that is changed and requires the addition of off-street parking spaces or off-street loading spaces, or any use that is enlarged and requires the addition of off-street parking spaces or off-street loading areas, shall limit ingress and egress by means of an access drive. Access drives shall be designed and constructed for their intended function. All travel lanes shall be at least twelve (12) feet wide. Access drives shall be designed to provide for the safe and convenient movement of traffic to and from the parking or loading area.
- D. Off-street parking facilities, other than those serving a single-family detached dwelling, a two-family dwelling or a farm, shall be designed so that each vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle.
- E. Parking space within a garage shall be considered a parking space meeting the requirements of this.
- F. Off-street parking spaces shall be improved with an all-weather surface and shall be located on the same lot as the use to which the off-street parking space relates.

**Section 510. Home Occupations and Rural Occupations.** All home occupations and rural occupations shall comply with the following regulations.

- A. Home Occupations are permitted in all zoning districts subject to the following criteria:
1. Home occupations shall be accessory to, and clearly incidental to the principal residential use of the lot.
  2. Home occupations shall only be conducted in a single-family detached dwelling or an accessory building thereto.
  3. Whether conducted in the dwelling or in an accessory building, the area devoted to the home occupation shall not exceed twenty-five (25%) percent of the floor area of the dwelling.
  4. No exterior evidence of the home occupation shall be permitted other than one sign meeting the requirements of Section 508.
  5. No sales or displays of goods shall be visible from the exterior of the building.
  6. The person conducting the home occupation shall be a resident of the dwelling, and no more than two (2) non residents of the dwelling shall be engaged in the home occupation.
  7. There shall be no exterior storage of any goods or materials associated with the home occupation.
  8. Adequate off-street parking shall be provided.
  9. A family day care facility shall be considered a home occupation.
- B. Rural occupations may be permitted by special exception in the Agricultural, Rural Conservation and Residential Low Density Districts subject to the following criteria:
1. The owner/operator of the rural occupation shall reside on the premises.
  2. Rural occupations may involve any one of a wide range of uses so long as the use remains accessory to and compatible with the active existing principal use.
  3. The applicant for a rural occupation shall provide written information, in sufficient detail as may be required by the Zoning Hearing Board, to fully describe the nature of the rural occupation. Such information shall include, but not be limited to, materials used in the rural occupation, equipment and machine used, the number of employees, hours of operation, and waste products generated.
  4. No use resulting in the production or storage of wastes which, in the opinion of the Zoning Hearing Board, may represent a threat to the health, safety, and welfare of the residents of the community or the environment shall be permitted.

5. No more than four (4) persons not in the residence may be employed in the rural occupation.
6. The rural occupation shall be entirely conducted within one completely enclosed building which shall be at least one hundred (100) feet from any adjoining street or lot.
7. Exterior storage of goods and materials shall be permitted only within a completely enclosed and screened area which shall not be visible from any adjoining residential lot.
8. Any new building constructed for use by the rural occupation shall be compatible with surrounding buildings and of a design to allow the building to be converted to another permitted use or removed if the rural occupation is discontinued.
9. No portion of any area associated with the rural occupation shall be located within one hundred (100) feet of any side or rear lot line or three hundred (300) feet of any adjoining residential lot. Notwithstanding the foregoing, agricultural and horticultural operations (not including structures) may be located within such isolation distance.
10. The rural occupation shall occupy no more than four thousand (4,000) square feet of floor area or more than one (1) acre of lot area. Notwithstanding the foregoing, any existing access drive serving both the principal use and the proposed rural occupation shall not be calculated as land dedicated to the rural occupation.
11. No more than fifty (50%) percent of the land area dedicated to the rural occupation, up to the maximum permitted on the lot by the underlying zoning district, shall be covered by buildings, structures, parking or loading areas, or any other impervious surfaces.
12. Signs for the rural occupation shall be in accordance with Section 508.
13. Adequate off-street parking shall be provided.

**Section 511. Floodplain Provisions.**

(Amended by Ordinance No. 05-02-05)

- A. Declaration of Legislative Intent. In addition to the Purpose and Statement of Community Development Objectives found in Article I of the Ordinance, the specific 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 part of the continuing physical development



of Martic Township. In advancing these principles and the general purposes of this Ordinance and the Comprehensive Plan, the specific intent of this Section is:

1. To combine with present regulations certain restrictions necessary for the control of floodplains for the general health, safety and welfare of the community.
  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 water quality and promoting safe and sanitary drainage.
  4. To permit certain uses which can appropriately be located in the floodplain without impeding the flow of flood waters or otherwise causing danger or damage to life or property at, above, or below their location in the floodplain.
  5. To protect people and property in the municipalities within the same watershed from the impact of improper development in floodplains and the consequent increased potential for flooding.
- B. Definition and Establishment of the Floodplain Conservation District. The Floodplain Conservation District is defined and established as those areas of the Township subject to flooding as defined in Paragraphs 1 through 3 of this Subsection. The most extensive of those areas described in the following sources shall determine the outermost boundary of the Floodplain Conservation District.
1. The identified floodplain area shall be those areas of Martic Township, which are subject to the one hundred (100) year flood, as identified in the Flood Insurance Study (FIS) dated April 19, 2005, and the accompanying maps prepared for Lancaster County by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof.
  2. The low area adjoining and including any water or drainage course or body of water subject to periodic flooding or overflow and delineated as alluvial soils by the U.S. Department of Agriculture, Natural Resource Conservation Service, in maps and data comprising the most recent edition of the Soil Survey for Lancaster County, Pennsylvania.
  3. In those areas delineated as approximated floodplain or in low areas delineated as alluvial soils as described in Subparagraph 2 above, the one hundred (100) year flood elevation shall be determined by using other existing sources of data such as those provided by the U.S. Army Corps of Engineers, the U.S. Geologic Survey or the Susquehanna River Basin Commission. In lieu of this, the Zoning Officer may require the applicant for a permit to determine the one hundred (100) year flood elevation through a hydrologic and hydraulic study. Such study shall be signed, sealed and certified by a licensed professional registered by the

Commonwealth of Pennsylvania to perform such studies and surveys. Copies of such study shall be submitted to the Township Engineer for review.

4. Studies used to establish the Floodplain Conservation District boundaries shall be available for reference in the Township Office.
- C. Boundary Disputes. Should a dispute concerning any boundary of the Floodplain Conservation District arise, the applicant may appeal the initial determination of the Zoning Officer to the Zoning Hearing Board. The burden of proof in such appeal shall be on the appellant. Any changes to the boundaries of the Floodplain Conservation District as defined by the Flood Insurance Study, are subject to the review and approval of the Federal Insurance Administration.
- D. Overlay Concept. The Floodplain Conservation District shall be deemed an overlay on any Zoning District now or hereafter applicable to any lot.
1. Should the Floodplain Conservation District be declared inapplicable to any lot by reason of (a) the Board of Supervisors amending this Ordinance or (b) the Zoning Hearing Board or any court of competent jurisdiction so interpreting the same, the zoning applicable to such lot shall be deemed to be the District in which it is located without consideration of this overlay district.
  2. Should the zoning of any lot or part thereof where the Floodplain Conservation District is located be changed through any legislative or administrative action or judicial decision, such changes shall have no effect on the Floodplain Conservation District unless such change was included as part of the original application.
- E. Permitted Uses. The following uses and no others are permitted in the Floodplain Conservation District.
1. Agriculture, horticulture and forestry excluding any structures and excluding any grading or filling which would cause any increase in flood heights or frequency if placed within the floodway.
  2. Public and private recreational areas such as parks, swimming areas (excluding swimming pools), play areas, campgrounds, picnic groves, lawns, gardens, golf courses, driving ranges, archery ranges, bicycle paths and hiking and horseback riding trails, all excluding structures and excluding any grading or filling which would cause any increase in flood heights or frequency if placed within the floodway.
  3. Open space and front, side or rear yards required by other sections of this Ordinance.

4. Driveways and related culverts, subject to the criteria in Section 511.H, and further subject to exclude any grading or filling which would cause any increase in flood heights or frequency if placed within the floodway.
  5. Water-oriented uses such as docks, piers, wharves, marinas, boat liveries and boat launching ramps.
- F. Special Exception Uses. The following uses are permitted in the Floodplain Conservation District only when special exceptions are granted by the Zoning Hearing Board as provided for herein:
1. Parking lots, loading areas, access drives and aircraft landing strips and taxiways.
  2. Public utility facilities not under the exclusive jurisdiction of the Pennsylvania Public Utility Commission, subject to the following conditions:
    - a. Facilities such as pipelines, gas lines, storm sewers, sanitary sewers, water lines, outlet installations for sewage treatment plants, sealed public and private water supply wells, pumping stations and underground communications facilities shall, together with associated structures, but excepting necessary vents, be designed and installed underground so as to be at or below the existing natural surface grade and in such manner as will prevent flotation, minimize or eliminate flood damage, and not alter the cross-sectional area of the floodplain;
    - b. All new or replacement water supply facilities and/or sanitary sewage facilities shall be designed to minimize or eliminate infiltration of flood waters into the facilities and discharges from the facilities into flood waters.
  3. Extraction of sand, gravel and other mineral resources, excluding topsoil.
- G. Prohibited Uses. The following uses are prohibited in the Floodplain Conservation District:
1. All structures, building and manufactured and mobile homes with the exception of those specifically allowed by this Section.
  2. Sanitary landfills, dumps, junk and salvage yards and outdoor storage of vehicles and/or materials.
  3. Damming or relocation of any watercourse, except as provided for in this Section.
  4. Any parts of any on-lot sewage system.
  5. The storage of buoyant, toxic or hazardous material.

6. Parking, use or storage of any recreational vehicle for more than 180 days.
7. Any new structure or building, or any expansion or addition to an existing structure or building which constitutes a substantial improvement that will be used for the production or storage of any of the following potential dangerous materials or substances, or which will be used for the housing of any activity requiring the maintenance of a supply of more than 550 gallons or other comparable volumes any of the following dangerous materials or substances or will involve the production, storage or use of any amount of radioactive substances: acetone; ammonia; benzene; calcium carbide; carbon disulfide; celluloid; chlorine; hydrochloric acid; hydrocyanic acid; magnesium; nitric acid and oxides of nitrogen; petroleum products (gasoline, fuel oil, etc.); phosphorus; potassium; sodium; sulphur and sulphur products; pesticides (including insecticides, fungicides, and rodenticides); radioactive substances, insofar as such substances are not otherwise regulated; and any other potentially dangerous materials or substances.
8. Space below the lowest floor, subject to the following:
  - a. Fully enclosed space below the lowest floor (including basement) is prohibited.
  - b. Partially enclosed space below the lowest floor (including basement) which will be used solely for parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term “partially enclosed space” also includes crawl spaces.

Designs for meeting this requirement must either be certified by a Registered professional engineer or architect, or meet or exceed the following minimum criteria:

- (1) A minimum of two openings having a new total area of not less than one (1) square inch for every square foot of enclosed space.
- (2) The bottom of all openings shall be no higher than one (1) foot above grade.
- (3) Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

#### H. Design and Performance Standards.

1. General.

- a. No permitted use or use allowed by special exception shall be permitted within the floodway if the proposed use or development would cause any increase in the one hundred (100) year flood elevation.
- b. Prior to any proposed alteration or relocation of any watercourse, the applicant shall obtain a permit from the Department of Environmental Protection. The applicant shall provide notification of any such proposal to all affected adjacent municipalities. The applicant shall forward copies of such permit application and municipal notifications to the Federal Emergency Management Agency (FEMA) and to the Pennsylvania Department of Community and Economic Development.

2. Placement and Construction of Authorized Uses and Structures.

- a. All uses and structures shall be designed, constructed, and placed so far 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 flood waters. 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 or higher as those of nearby structures. Within any floodway area, no new construction or development shall be permitted that would cause any increase in the one hundred (100) year flood elevation. Within any identified floodplain area, no new construction or development shall be located within the area measured fifty (50) feet landward from the top of bank of any watercourse.
- 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 shall be designed to preclude infiltration or back-up of sewage or flood waters into the facilities or structures and discharges from the facilities into flood waters
- d. All new construction and substantial improvements of permanent non-residential structures and all new residential structures and substantial improvements of residential structures shall have the lowest floor (including basement) elevated to one (1) foot above the 100-year flood elevation as defined by this Ordinance.
- e. All authorized substantial improvements or additions to existing residential structures shall be elevated. Any portion of the structure not elevated to one

(1) foot above the 100-year flood elevation as defined by this Ordinance shall be floodproofed.

3. Floodproofing. Where Floodproofing is authorized by this Section it 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, publication 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 one (1) foot above the 100-year flood elevation as defined by this Section.
4. Anchoring. All structures, including buildings, air ducts, large pipes, and storage tanks, within the Floodplain Conservation District shall be firmly anchored to prevent flotation, movement, or collapse, thus reducing the possibility of the blockage of bridge openings and other restricted sections of the watercourse.
5. Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner which is consistent with the following:
  - a. They system shall insure proper drainage along streets and provide positive drainage away from buildings.
  - b. The system shall be designed to prevent the discharge of excess runoff onto adjacent lots.
6. Public Utility Facilities and Structures. Public utility facilities and structures (except buildings) shall comply with the following standards in the interest of achieving the purpose and intent of this Section:
  - a. Public utility facilities and associated structures such as pipelines, gas lines, storm sewers, sanitary sewers, water lines, outlet installations for sewage treatment plants, sealed public and private water supply wells, pumping stations, and underground communications facilities, should, except for necessary vents, be designed and installed underground so as to be at or below the existing natural surface grade within the floodplain, and in such a manner as will prevent floatation, minimize or eliminate flood damage, and not alter the cross-sectional area of the floodplain. All new or replacement water supply facilities and/or sanitary sewage facilities shall be designed and be placed outside the floodplain district and eliminate discharges from the facilities into flood waters (discharges that are not properly tested) and prevent backup of sewage. All gas lines should have a system of shut-off valves for service to the Floodplain Conservation District to allow positive control flood emergencies.

- b. Electrical distribution lines and supporting structures shall be installed so as to essentially eliminate flood damage, and all lines of less than 15 kilovolts shall be installed underground, below the existing natural surface grade within the floodplain.

7. Floors, Walls, and Ceilings.

- a. Wood flooring used at or below the lowest floor level shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without incurring structural damage to the building.
- b. All finished flooring used at or below the lowest floor level shall be made of materials which are dimensionally stable and resistant to water damage resulting from submersion for, at least, a forty-eight (48) hour period.
- c. All carpeting or carpet cushions employed as a finished flooring surface at or below the lowest floor level shall be made of materials which are resistant to water damage resulting from submersion for, at least a five (5) day period.
- d. Plywood uses at or below the lowest floor level shall be of a 'marine' grade and of a water-resistant or waterproof variety.
- e. Basement ceiling in nonresidential structures shall have sufficient wet strength and be so installed as to survive inundation.
- f. Walls and ceilings at or below the 100-year flood elevation plus two (2) feet shall be designed and constructed of 'water-resistant' materials that will withstand inundation.
- g. Window, doors and other components at or below the 100-year flood elevation plus two (2) feet shall be made of metal or other water-resistant material.
- h. Plumbing:
  - (1) Water heaters, furnaces and other critical mechanical installation shall be permitted only at elevations of two (2) feet or more above the level of the 100-year flood.
  - (2) No part of any on-lot sewage disposal system shall be constructed within the Floodplain Conservation District.
- i. Paints and Adhesives
  - (1) Adhesives used at or below the lowest floor levels shall be of a 'marine' or 'water-resistant' quality and shall have a bonding

strength that is unaffected by inundation.

- (2) Doors and all wood trim at or below the lowest floor level shall be finished with a 'marine' or 'water resistant' paint or other material.
- (3) Paints or other finishes used at or below the lowest floor level shall be capable of surviving inundation.

#### I. Nonconforming Uses and Structures

1. Continuation. All uses or structures lawfully existing in the Floodplain Conservation District on the effective date of this Section (January 15, 1980) which are not in conformity with the provisions of this Section shall be deemed nonconforming uses or structures. Such nonconforming uses or structures may be continued, maintained, repaired and floodproofed, except as otherwise provided for in this Section.
2. Expansion. Nonconforming structures located within the floodway shall not be expanded or enlarged if any increase in the one hundred (100) year flood elevation would result.
3. Replacement or Repair. A nonconforming structure may be replaced, repaired or restricted; provided that if the repair or reconstruction is to an extent or amount of fifty (50%) percent or more of its fair market value then the repair or reconstruction shall be in full compliance with the provisions of this Section. In such a case, however, the nonconformity of the new use or structure with respect to the requirements of this Section shall not exceed that of the original use or structure which was damaged or destroyed. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50%) percent of its fair market value shall be elevated and/or floodproofed to the greatest extent possible. Nothing shall be done which would otherwise violate any of the provisions of this Section. 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 rebuild in any way other than in complete conformity and full compliance with the provisions of this Section and all other Sections of this Ordinance and all other ordinances of the Township. 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. The Zoning Hearing Board shall have the right to waive, as a special exception, any of the requirements of this Section.



4. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of 'repetitive loss' shall be undertaken only in full compliance with the provisions of this Ordinance.

#### J. Application Procedures

1. Within the Floodplain Conservation District a zoning permit shall be required for any proposed development, construction, reconstruction, placement, replacement, renovation, extension, repair or other improvement of uses or structures, including the placement of manufactured or mobile homes, and activities such as mining, dredging, filling, grading, paving or drilling operations.
2. Application for a zoning permit shall be filed with the Zoning Officer who shall make an initial determination on the application. For a use other than those permitted in Paragraph E, an application seeking approval of a Special Exception or variance shall be forwarded to the Zoning Hearing Board, along with the required studies or information.
3. Every zoning permit application for development or construction within the Floodplain Conservation District shall include or be accompanied by all information necessary for the Zoning Officer to determine that the proposal meets all the provisions of this Section. Included within this submission shall be copies of all necessary state and federal permits. The following information is specifically required:
  - a. Site location, including address
  - b. The elevation, in relation to mean sea level, of the lowest floor (including basement).
  - c. Whether or not the structure includes a basement
  - d. If the structure is to be floodproofed, the elevation ( in relation to mean sea level) to which the structure is to floodproofed.
  - e. If the structure is to be floodproofed, a document certified by a licensed professional engineer or architect registered by the Commonwealth of Pennsylvania certifying that the Floodproofing methods used meet the Provisions of the Section.
  - f. Brief description of proposed work and estimated cost, including a breakout of the flood-related cost and the market value of the building before the flood damage occurred.

4. Uniform Construction Code Coordination. The standards and Specifications contained 34 PA Code (Chapters 401 – 405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this Ordinance, to the extent that they are more restrictive and/or supplement the requirements of this Ordinance.

- a. International Building Code (IBC) 2003 or the latest edition thereof: Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.
- b. International Residential Building Code (IRC) 2003 or the latest edition thereof: Sections R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

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

- 1. No special exception or variance shall be granted for any use, structure or development within the floodway if any increase in the one hundred (100) year flood elevation would result.
- 2. 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 a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 4. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing 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.
  - b. Such variance increases risk to life and property.
- 5. The Zoning Hearing Board shall maintain a complete record of all variance Requests and actions, including justifications for granted variances. The Zoning Hearing Board shall report such decisions in the annual report sent to the Federal Emergency Management Agency.

- L. **Municipal Liability.** The lawful granting of a permit or making of any other administrative decision under this Section shall not constitute a representation, guarantee or warranty of any kind by the 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 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 of this Section. There is also no assurance that lands not included in the Floodplain Conservation District are now or ever will be free from flooding or flood damage.
- M. **Definitions.** The following specific definitions of words and phrases are intended to supplement the definitions contained in Article X and are intended to be applicable to this Section only:

*Basement:* Any area of the building having its floor below ground level on all sides.

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

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

*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.

*Flood:* A temporary inundation of normally dry land areas.

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

*Floodproofing:* Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

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

*Hazardous Material:* Materials which have the potential to damage health or impair safety. Hazardous materials include, but are not limited to, the following: acetone, ammonia, arsenic and their common salts, benzene, calcium carbide, carbon disulfide, celluloid, chlorine, chromium, coal tar acids, such as phenols and cresols, and their salts; fluorine, hydrochloric acid, hydrocyanic acid, inorganic mineral acids, lead, magnesium, metallo-organic derivatives, mercury and their inorganic salts, nickel, nitric acid and oxides of nitrogen, petroleum products, phosphorus, selenium, sulphur and sulphur products, pesticides (including herbicides, insecticides and rodenticides); and radioactive material. Also included are floatable materials with the potential to cause physical damages, such as logs, storage tanks and large containers.

*Historic Structure:* Any structure that is: (i) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (ii) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (iii) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or (iv) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.

*Identified Floodplain Area:* The floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood.

*Land Development:* Any of the following activities:

1. The improvement of one lot or two or more contiguous lots, tracts or parcels of Land for any purpose involving:
  - a. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - b. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
2. A subdivision of land

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

*Mean Sea Level:* The average height of the sea for all stages of the tide, using the National Geodetic Vertical Datum of 1929.

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

*New Construction:* Structures for which the start of construction commenced on or after January 16, 1980, and includes any subsequent improvement thereto.

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

*One Hundred (100) Year Flood Elevation:* The water surface elevations of the one hundred (100) year flood.

*Regulatory Flood Elevation:* The one hundred (100) year flood elevation plus a freeboard safety factor of one and one half (1-1/2) feet.

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

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

*Subdivision:* The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of

ownership or building or lot development: provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling shall be exempted.

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

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

## **Section 512. Steep Slope Requirements**

- A. Legislative Intent. The Board of Supervisors intends through these regulations to conserve and protect those areas having slopes as defined herein from inappropriate development and excessive grading as well as to permit and encourage the use of said areas for open space purposes. Specifically the following objectives are intended:
1. To prevent inappropriate development of steep slope areas in order to avoid potential dangers for human usage caused by erosion, stream siltation, and soil failure leading to structural collapse or damage and/or unsanitary conditions and associated hazards.
  2. To prevent development that would cause excessive storm water runoff, flooding and erosion damage to downstream lots, together with the resultant reduction in the water-carrying capacity of the groundwater aquifers and watercourses which flow through or around the Township.
- B. Definition of Steep Slopes. Steep slopes are defined and established as those areas having slopes of twenty (20%) percent or greater. The Zoning Officer shall make a determination of the existence of steep slopes by using available mapping and on-lot verification. An applicant may, at his option and expense, provide the Zoning Officer with a topographic survey certified by a qualified professional licensed in the Commonwealth of Pennsylvania indicating contours at intervals not greater than two (2) feet which are based upon an identifiable benchmark. Such a certified topographic survey shall then be considered the official delineation of the steep slopes

on the subject lot. Any portion of a lot that lies within those areas identified as having slopes equal to or greater than twenty (20%) percent shall be considered to be in steep slopes. An applicant who disputes the determination of the existence or extent of steep slopes may appeal such determination of the Zoning Officer to the Zoning Hearing Board.

C. General Requirements. All applications for variances, special exceptions, and zoning permits, and all requests for determinations of the Zoning Officer in connection with applications for subdivision or land development approval shall submit the following to the Zoning Officer:

1. A topographic map of the lot which highlights those areas that possess slopes of twenty (20%) percent or greater. The topographic map shall also include all existing and proposed site improvements, including buildings, streets, driveways and on-lot utilities, and all existing vegetation, streams and wildlife habitat.
2. A detailed description of the methods which applicant shall use to:
  - a. Avoid the clearing of vegetation in areas that have a high potential for soil erosion.
  - b. Overcome foundation problems in construction of structures.
  - c. Prevent the construction of structures and other site improvements on areas with slopes exceeding twenty (20%) percent.
  - d. Minimize grading throughout the lot.
  - e. Protect and preserve any natural diversity sites and coincide with the steep sloped areas of the lot.
  - f. Protect water quality on and around the lot from the adverse effects of the proposed use and construction.
  - g. Protect any environmental conditions or uses on adjoining lots.
3. Applicant shall submit an erosion and sedimentation control plan which complies with the requirements of the DEP and a storm water management permit if required by the Township Storm Water Management Ordinance.

D. Requirements for steep slope development. In addition to the requirements in Sub-section C, applicants shall also comply with the following requirements:

1. Development is allowed only on slopes equal to or less than twenty (20%) percent.

2. Applicant shall demonstrate that the location of the proposed development has the least sloped area suitable for development on the lot.
3. Applicant shall design and construct all foundations and corresponding structural components and any grade changing structures necessary for earth or back-fill retention according to a plan and specifications which shall provide for a safe and sufficient foundation and grade changing structures. Applicant shall permit the Township to inspect the foundation and grade changing structures, and applicant shall reimburse the Township for the costs of such inspections.
4. An application for any development proposed on steep slopes in excess of twenty (20%) percent, when approved by the Zoning Hearing Board as a special exception, shall be accompanied by a statement sealed by a registered professional engineer or architect verifying the structural stability of such development. All plans and specifications for development on steep slopes shall be prepared and sealed by a registered professional engineer, architect or landscape architect.
5. Applicant shall construct all development according to a site plan which shall illustrate graphically and contain notations which specify:
  - a. Clearing and grubbing for construction shall not exceed twenty (20%) percent of the lot area or twenty thousand (20,000) square feet, whichever is less. This maximum shall include any areas for any type of on-lot sewage disposal system and the replacement area for such sewage disposal system and shall also include any areas to be cut or filled in accordance with Section 512.D.5(b) below.
  - b. Filling and grading for driveway or access drive and building foundations shall not exceed ten (10%) percent of the lot area or ten thousand (10,000) square feet, whichever is less. The maximum slope of the driveway or access drive shall not exceed twenty (20%) percent. Driveways or access drives with slopes greater than fifteen (15%) percent shall be paved or shall incorporate other adequate provisions such as water bars or broad based dips that will prevent erosion.
  - c. Lots shall be configured to provide undisturbed buffer areas along the contour above and below any area which is cleared, cut or filled in front and rear yards as follows:
    - (1) Down slope of any disturbed area, the buffer shall be a minimum of one hundred (100) feet in width and shall extend along the contour for the full length below any disturbed area, except for areas which are needed for access.



- (2) Up slope of any disturbed area, the buffer shall be a minimum of fifty (50) feet in width and shall extend along the contour for the full length above any disturbed area, except for areas which are needed for access.
- d. There shall be an undisturbed side yard area which shall be at least as wide as the side yard setback required in the district.
- e. Maximum fill slopes shall not exceed a 3:1 ratio. Cut slopes shall not exceed a 2:1 ratio. Slopes which cannot be cut or filled in accordance with the maximums as provided in this paragraph shall be provided with structural stabilization according to the conditions of each specific lot.
- f. Landscaping shall be provided in accordance with recognized industry standards to stabilize any areas exposed during construction.

**Section 513. Sight Obstructions.**

- A. On any lot, no wall, fence, or any other structure shall be erected, altered or maintained, and no hedge, tree, or any other type of vegetative growth shall be planted or maintained which may cause danger to traffic on a street by obscuring the view.
- B. On corner lots, no wall, fence, post, or any other type of structure and no boulder, large stone, hedge, tree or any other type of vegetative growth shall be permitted within an area formed by a triangle where the two legs of the triangle are extended one hundred (100) feet from the centerline intersection of two intersecting streets (the “clear sight triangle”). The landowner shall properly maintain the clear sight triangle and shall promptly remove any vegetation or object within the clear sight triangle which exceeds two and one-half feet in height. Notwithstanding any other provision of the Ordinance, no wall, fence, post or structure located in the clear sight triangle which is damaged or removed may be replaced or reconstructed to a height in excess of two and one-half feet.

**Section 514. Commercial Communication Antennas, Towers and Equipment.** In all zoning districts, commercial communications antennas, towers and equipment are subject to the following regulations:

- A. In any zoning district, a commercial communications antenna may be installed upon an existing structure if the height of the commercial communications antenna does not exceed the height of the existing structure by twenty-five (25) feet. The applicant shall obtain a permit prior to the installation of the commercial communications antenna and shall present to the Zoning Officer evidence that the commercial

communications antenna shall be property installed; that the applicant has received all necessary approvals from the Federal Aviation Administration and Federal Communications Commission; and that the commercial communications antenna will be removed when the applicant ceases using the facility.

- B. In the Rural Conservation, Agricultural, Neighborhood Commercial and Highway Commercial District, commercial communication antennas, towers and equipment are permitted by special exception subject to the following criteria:
1. The applicant shall demonstrate that the location is necessary for the efficient operation of the system and that no existing facilities within the proximity of the facility are adequate for collocation.
  2. Any new structure shall be set back from each lot line of the parent tract a distance at least equal to its height. This setback shall also be applicable to guide wire anchors for the commercial communications tower. If the applicant presents evidence that the structure will collapse rather than fall in the event of damage, the Zoning Hearing Board may, by special exception, reduce the required setback to a distance which the Zoning Hearing Board in its discretion determines is adequate to protect the public and adjoining lots. The applicant shall furnish expert testimony regarding the construction methods or other measures used to prevent (1) the toppling of any commercial communications tower onto adjoining lots or streets, and (2) the wind-borne scattering of ice onto adjoining lots or streets.
  3. All commercial communications towers shall be completely enclosed by a ten (10) foot high fence and a gate that shall be kept locked at all times.
  4. All ground-mounted satellite dishes that are used to transmit video format data shall be completely enclosed by a ten (10) foot high, non-climbable fence that includes signage warning of dangerous radiation levels. Any gates within the fence shall be locked when unattended.
  5. Commercial communications towers shall be sited so as to separate them from adjacent farming activities and residential structures.
  6. If the parent tract is located within the Agricultural District, the applicant shall demonstrate that the proposed location on agricultural land is necessary for the efficient operation of the commercial communications system, that alternative locations outside of the Agricultural District are not available, and that the lot established for the operation is as small as possible.
  7. The applicant shall submit notice of approval for the proposed installation from the Federal Aviation Administration and the Federal Communications Commission.

8. The applicant shall submit a plan for the removal of the commercial communications tower and the commercial communications antenna when they become functionally obsolete or are no longer in use. The applicant shall be responsible for the removal of the facility within three (3) months from the date the applicant ceases use of the facility or the facility becomes obsolete.
9. In order to reduce the number of commercial communications antenna support structures needed in the Township in the future, any proposed support structure shall be designed to accommodate other users, including, but not limited to, police, fire and emergency services.

**Section 515. Standards for Accessory Dwelling Units.** Within any zoning district providing for single family detached dwellings by right, and when approved by the Zoning Hearing Board as a special exception, an accessory residential dwelling unit shall be permitted for one or more family members related by blood, marriage or adoption to the landowner of the lot, subject to the following standards and criteria:

- A. If the accessory dwelling unit shall be a mobile home, the minimum lot size shall be one (1) acre.
- B. If the accessory dwelling unit is an apartment unit within the structure housing the principal dwelling unit on the lot, the accessory dwelling unit may be located in a single family detached dwelling or a two-family dwelling. Accessory dwelling units shall not be permitted in a townhouse or an apartment dwelling.
- C. A residential accessory structure may be converted to an accessory dwelling unit.
- D. The accessory dwelling unit shall be physically connected to and shall share the same sewage disposal and water supply systems as the principal dwelling unit. If sewage disposal is provided by an individual on-lot sewage disposal system, the applicant shall demonstrate that the total number of occupants of the principal dwelling and the accessory dwelling unit shall not exceed the maximum capabilities for which the system was designed unless the system shall be suitably expanded. Any connection to or expansion of an individual on-lot sewage disposal system shall be reviewed by the Sewage Enforcement Officer of the Township, and the applicant shall present evidence of such review and all necessary approvals.
- E. A minimum of one (1) off-street parking space shall be provided for the accessory dwelling unit in addition to the off-street parking spaces required for the principal dwelling unit.
- F. An accessory dwelling unit which is a mobile home shall be installed and located only in the side or rear yard setback requirements for principal uses.
- G. If the accessory dwelling unit is a mobile home, the mobile home shall be removed from the lot within three (3) months after it is no longer occupied by a person who

qualifies for its use.

- H. Upon proper installation of an accessory dwelling unit, the Zoning Officer shall issue a temporary certificate of use and occupancy. Such temporary certificate of use and occupancy shall be renewed every twelve (12) months until such time as the accessory dwelling unit is required to be removed, if a mobile home, or can no longer be occupied as a separate dwelling unit, if not a mobile home. 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 certificate of use and occupancy.
- I. The landowner shall present evidence of recording of an agreement between the landowner and the Township, in a form acceptable to the Township Solicitor, which sets forth that the occupancy of the accessory dwelling unit is limited as set forth in this Section.

**Section 516. Lighting.** In all zoning districts, lighting is subject to the following regulations:

- A. Any operation or activity producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of 0.5 footcandles when measured in a district other than in the Neighborhood Commercial District or the Highway Commercial District.
- B. Direct glare shall not be permitted with the exception that parking areas and walkways may be illuminated by luminaries meeting the standards of Section 516.D of the Ordinance.
- C. Indirect glare shall not exceed a maximum of 0.3 footcandles and an average of 0.1 footcandles. Deliberately induced sky-reflected glare, such as by casting a beam upward for advertising purposes, is prohibited.
- D. All luminaries for parking areas, walkways and similar purposes shall be so hooded or shielded so that the maximum angle or the cone of direct illumination shall be sixty (60) degrees drawn perpendicular to the ground, with the exception that such angle may be increased to ninety (90) degrees if the luminary is less than four (4) feet above the ground. No luminary may be placed more than twenty-five (25) feet above the ground, and the maximum illumination at ground level shall not exceed four (4) footcandles.
- E. The height and shielding of lighting standards shall provide proper lighting without hazard to drivers or nuisance to residents, and the design of the lighting standards shall be of a type appropriate to the development and the Township.
- F. No lighting shall be placed where it will obscure the vision of, or cause danger to, vehicular or pedestrian traffic.

### **Section 517. Windmills as Accessory Uses.**

- A. One windmill shall be permitted as an accessory use to an existing principal use within any zoning district subject to the regulations set forth in this Section.
- B. The windmill shall be used on the lot on which it is located and shall not be operated as a commercial enterprise.
- C. The height of the windmill shall include the windmill tower and the windmill rotor at its point where a blade is directly perpendicular to the ground. The windmill shall be set back from every lot line a distance at least equal to its height. The maximum height of the windmill shall be one hundred twenty (120) feet. The permitted height limit for a windmill is also subject to and shall comply with applicable Federal Aviation Administration regulations regarding objects affecting navigable air space.
- D. No windmill shall be placed between the principal structure on the lot and the street line.
- E. All electrical and utility lines associated with the windmill shall be buried underground.
- F. All mechanical equipment associated with and necessary for the operation of the windmill, including any structure for batteries or storage cells, shall be enclosed within a six foot high fence. Mechanical equipment shall not be located within the minimum front yard setback and shall be setback at least the ten (10) feet from the rear and side lot lines. The windmill tower shall also be enclosed within a six foot high fence unless the base of the windmill tower is not climbable for a distance of fifteen (15) feet.
- G. The windmill shall not generate noise which exceeds 60 decibels at any property line.
- H. The windmill shall be kept in good repair and sound condition. Upon abandonment of use, the windmill and all related structures shall be dismantled and removed from the lot within 60 days.
- I. The installation of the windmill shall meet all applicable requirements of the Uniform Construction Code. The applicant shall present evidence to the Zoning Officer that the proposed windmill can be constructed in accordance with the Uniform Construction Code and that all components of the windmill comply with all relevant industry standards.
- J. No windmill shall be constructed or located within the Township unless a permit has been issued by the Zoning Officer under the provisions of this Ordinance and the appropriate permit fee has been paid.
- K. Windmills shall not be artificially lighted unless required by the Federal Aviation

Administration or other applicable regulatory authority.

- L. Windmills shall not be used to display advertising, including signs, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturer's or installer's identification and any appropriate warning signs and placards may be displayed on the windmill provided they comply with the prevailing sign regulations.
- M. Applicant shall submit such studies, reports, certifications, and approvals to the Zoning Officer as may be necessary to ensure compliance with the Ordinance.

## **ARTICLE VI SPECIAL EXCEPTION REGULATIONS**

**Section 601. General.** Special exceptions are deemed to be uses that may be allowed in their respective districts subject to the satisfaction of the requirements and standards set forth in this Article, in addition to all other requirements of the Ordinance. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case. Before any special exception shall be granted, the Zoning Hearing Board shall review the proposed special exception in accordance with the following requirements and criteria and satisfy itself that they have been met in addition to any other requirements necessary to fulfill the objectives of this Ordinance. The Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of and insure compliance with the MPC and this Ordinance, which conditions may include plantings and buffers, harmonious designs of buildings and the elimination of noxious, offensive or hazardous elements.

**Section 602. Plan Required.** The applicant shall submit a site plan prepared by a qualified professional or based on GIS or other available base information deemed to be acceptable by the Zoning Hearing Board, the number of copies of which shall be established by the Board, drawn to a scale of not more than one hundred (100) feet to the inch and which shall include all of the following:

- A. The location of all existing floodplains, watercourses, wetlands, railroads, areas of subsidence, wooded areas (marking all wooded area to be cleared), bridges, culverts, and other significant natural features on the lot and within two hundred (200) feet of the lot.
- B. The location of all streets, adjoining lots, buildings, wells and on-lot sewage disposal systems within two hundred (200) feet of the lot.
- C. The location of all proposed land uses including residential uses by types.
- D. Size and intensity of use data, including the number of residential or commercial lots, lot sizes, the number and types of dwelling units, and the density per acre of each type of dwelling unit.
- E. The location and arrangement of all open spaces and yards, landscaping, fences and buffer yards, including the methods and materials to be employed for screening.
- F. The location, size (numbers shown), arrangement and capacity of all areas to be used for vehicular access, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas.
- G. The dimensions (numbers shown), location and methods of illumination for signs and exterior lighting.

- H. The location and dimensions of sidewalks and all other common areas.
- I. If applicable, a description of any proposed industrial or commercial operation in sufficient detail to indicate the effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion or other safety hazards.
- J. Provisions to be made for the treatment and disposal of sewage and industrial wastes and for water supply.
- K. Site contours at a minimum of five (5) foot intervals.
- L. Generalized site grading and drainage provisions and proposals.
- M. Zoning Districts and applicable area, bulk, and yard requirements.

**Section 603. General Standards.** In order for the Zoning Hearing Board to grant a special exception, the applicant shall demonstrate all of the following. The burden of proof shall rest with the applicant.

- A. The applicant shall establish by credible evidence compliance with all conditions of the special exception enumerated in the Section which gives the applicant the right to seek the special exception.
- B. The applicant shall establish by credible evidence, that the proposed special exception shall be properly serviced by all existing public service systems. The peak traffic generated by the subject of the approval, shall be accommodated in a safe and efficient manner or improvements made in order to effect the same. Similar responsibilities shall be assumed with respect to other public service systems including but not limited to police protection, fire protection, utilities, parks and recreation.
- C. The applicant shall establish by credible evidence that the proposed special exception shall be in and of itself properly designed with regard to internal circulation, parking, buffering, and all other elements of proper design as specified in the Ordinance and any other governing law or regulation.
- D. The applicant shall establish by credible evidence that the proposed use shall not substantially change the character of the surrounding neighborhood and shall meet the requirements of the district in which it lies.
- E. The applicant shall establish by credible evidence that adequate public facilities are available and existing to serve the proposed use (e.g. schools, fire, police and ambulance protection, sewer, water and other utilities, parks, vehicular access, recreation, and etc.).



- F. For development within the Floodplain Conservation District, the applicant shall establish by credible evidence that the application complied with those requirements listed in Section 511 of the Ordinance and the necessity of the development to be located in the floodplain.
- G. The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate compliance with all applicable regulations.
- H. The proposed special exception shall not substantially injure or detract from the use of neighboring lots or from the character of the neighborhood and that the use of adjacent lots to the area included in the special exception application are adequately safeguarded.

**Section 604. Campgrounds, Conservation Areas, Game Refuges, Parks and Recreation Areas.** Where authorized by Article IV, campgrounds, conservation areas, game refuges, parks and recreational areas may be permitted subject to the follow criteria:

- A. The minimum lot area shall be twenty-five (25) acres for campgrounds and game refuges.
- B. The lot yard and height requirements for conservation areas, parks and recreation areas shall be the same as required for a single-family detached dwelling within the zoning district in which the conservation area, park or recreation area is located.
- C. Any campsite shall be located at least one hundred (100) feet from any side or rear lot line and at least one hundred (100) feet from any street line. All pools, club houses, and similar areas of high use or noise potential shall be located at least two hundred (200) feet from any side or rear lot line and at least two hundred (200) feet from any street line.
- D. 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 DEP. All campgrounds shall furnish centralized, completely-enclosed garbage collection facilities that are leak-proof and vector-proof that shall be set back a minimum of one hundred (100) feet from any lot line. Such facilities shall be screened from adjoining residentially-zoned or used lots.
- E. Lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent lots or public streets.

**Section 605. Horse Riding Stable.** Where authorized by Article IV, a horse riding stable may be permitted, subject to the following criteria:

- A. The minimum lot area shall be five (5) acres

- B. All stables shall be maintained so to minimize odors perceptible at the lot line.
- C. All outdoor training and show facilities or areas shall be setback a minimum of one hundred (100) feet from all lot lines.
- D. All outdoor training, show, riding, boarding or pasture areas shall be enclosed by a fence with a minimum height of four (4) feet. Said fence shall be located a minimum of ten (10) feet from all lot lines.
- E. All parking compounds and unimproved overflow parking areas shall be setback a minimum of ten (10) feet from all lot lines. Barriers shall be provided around the unimproved parking areas to prevent the parking or movement of vehicles onto adjacent lot lines.
- F. No riding or show events shall be permitted to use outdoor sound amplification which is perceptible at any lot line.
- G. No activities other than grazing and normal farming activities shall be permitted between 11:00 PM and 7:00 AM.
- H. 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 DEP. Such facilities shall be screened from adjoining residentially-zoned or used lots.
- I. Lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent lots or public streets.

**Section 606. Winter Sports Area and Ski Lodge.** Where authorized by Article IV, a winter sports area and ski lodge may be permitted subject to the following criteria:

- A. The minimum lot area shall be five (5) acres.
- B. All outdoor recreation and activity areas shall be setback a minimum of fifty (50) feet from any lot line or street line.
- C. All pools, lodges, club houses, and similar areas of high use or noise potential shall be located at least two hundred (200) feet from any side or rear lot line and at least two hundred (200) feet from any street line.
- D. 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 DEP. All winter sports areas and ski lodges shall furnish centralized, completely-enclosed garbage collection facilities that are leak-proof and vector-proof that shall be set back a minimum of one hundred (100) feet from any lot line. Such facilities shall be screened from adjoining residentially-zoned or used lots.

- E. Lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent lots or public streets.

**Section 607. School.** Where authorized by Article IV, a school may be permitted subject to the following criteria:

- A. The minimum lot area shall be five (5) acres. Within the Agricultural District, the maximum lot area shall be fifteen (15) acres.
- B. Lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent lots or public streets.

**Section 608. Church and Related Uses.** Where authorized by Article IV, a church or related uses may be permitted subject to the following criteria:

- A. The minimum lot area shall be five (5) acres. Within the Agricultural District, the maximum lot area shall be fifteen (15) acres.
- B. All burial plots within a cemetery shall be setback a minimum of ten (10) feet from all side and rear lot lines and a minimum of fifty (50) feet from all street lines.
- C. No burial plots shall be located within a floodplain.
- D. Lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent lots or public streets.

**Section 609. Bed and Breakfast.** Where authorized by Article IV, a Bed and Breakfast may be permitted by special exception subject to the following criteria:

- A. No modification to the external appearance of the building (except fire escapes) which would alter its character, shall be permitted.
- B. All floors above-grade shall have direct means of escape to ground level.
- C. The sign shall comply with the requirements for signs for home occupations.
- D. A smoke alarm shall be placed in each guest bedroom.
- E. Minimum lot area – One (1) acre if public sewer and public water. If not serviced by both public sewer and public water, there shall be a minimum lot area of two (2) acres.
- F. Maximum number of bedrooms available for overnight guests shall be determined by the residence size as follows:

1. Minimum residence size less than two thousand two hundred (2,200) square feet – Four (4) bedrooms.
  2. Minimum residence size two thousand two hundred (2,200) square feet or greater – Five (5) bedrooms. No more than five (5) bedrooms for use by overnight guests shall be permitted regardless of size.
- G. The operator of the bed and breakfast shall reside on the premises.
- H. If on-lot sewer sewage disposal is provided, DEP and the Sewage Enforcement Officer shall approve the method of sewage disposal.
- I. No accessory buildings shall be used to provide rooms for overnight guests. Only one (1) building per lot shall be used for overnight guests.
- J. Lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent lots or public streets.

**Section 610. Club and Lodges.** Where authorized by Article IV, clubs and lodges may be permitted by special exception subject to the following criteria:

- A. All clubs and lodges shall front on and gain access from an arterial or collector street.
- B. All clubs and lodges involving outdoor activities, shall provide sufficient screening, landscaping or berming measures to mitigate any visual and audible impacts on adjoining lots.
- C. The number of required off-street parking spaces shall be determined based upon the type of use or uses proposed for the club or lodge. All off-street parking areas shall be set back at least twenty (20) feet from all street and lot lines.
- D. The applicant shall demonstrate that adequate water supplies are available for all activities to be conducted on the lot line and that such water usage shall not disrupt water supplies on nearby lots.
- E. The applicant shall demonstrate that adequate sewage disposal capacity is available for all proposed activities. If on-lot sewage disposal is provided, DEP and the Sewage Enforcement Officer shall approve the method of sewage disposal.
- F. All buildings and structures shall be set back at least fifty (50) feet from all lot lines.
- G. Lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent lots or public streets.
- H. All activities, whether indoor or outdoors, shall be conducted so that noise will not be

audible on adjoining lots.

- I. The applicant shall identify hours of operation.

**Section 611. Community Service Organization.** Where authorized by Article IV, a community service organization, may be permitted by special exception, subject to the following criteria:

- A. All community service organizations shall front on and gain access from an arterial or collector street.
- B. If the community service organization provides a service or provides goods which will result in members of the general public or a portion thereof coming to the lot, adequate offer-street parking shall be provided for all members of the organization or staff who will be on the premises and for all clients anticipated to come to the lot at any one time.
- C. If the community service organization provides goods to members of the general public or to a portion thereof, all such goods shall be stored inside a completely enclosed building.
- D. The applicant shall identify hours of operation. If members of the public will come to the lot to receive services or obtain goods, the applicant shall specify the hours when the facility shall be open to members of the public for such purposes.
- E. A community service organization which operates a club house, meeting hall, or similar facility for use by its members or by others shall meet all requirements of Section 610, Clubs and Lodges.

**Section 612. Country Club and Golf Course.** Where authorized by Article IV, a country club or golf course may be permitted, subject to the following criteria.

- A. The minimum lot area shall be twenty-five (25) acres.
- B. The minimum lot area for a country club that includes a clubhouse, restaurant, swimming pool or other accessory recreational facilities shall be fifty (50) acres.
- C. At any point where the access from an activity or golf hole to another activity or golf hole crosses a street, access drive or driveway, said crossing point shall be properly signed to warn motorists and pedestrians of such crossing access.
- D. All country clubs and golf courses shall front and have access to an arterial or collector street.
- E. All greens, tees, fairways, practice greens and driving ranges shall be setback a

minimum of one hundred (100) feet from any lot line or street line. All other outdoor activity areas shall be setback a minimum of fifty (50) feet from any lot line or street line.

- F. No golf hole shall be arranged to require a golf ball to be driven across any building, street, driveway, access drive or parking lot.
- G. Sufficient landscape screening shall be provided between greens, tees, fairways and driving ranges and any lot line or street line to insure that golf balls will be substantially prevented from leaving the facility during play.
- H. All outdoor storage, parking and loading/unloading areas shall be screened from adjoining lots that are within a residential zoning district.
- I. Lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent lots or public streets.

**Section 613. Two-Family Dwelling, Townhouse and Apartment.** Where authorized by Article IV, a two-family dwelling, townhouse or apartment may be permitted subject to the following criteria:

- A. All two-family dwellings, townhouses and apartments shall be connected to public sewer and water facilities; however, if public water facilities are not available, such dwellings may be connected to a community water supply.
- B. All dwellings shall comply with the height requirements of the applicable zoning district.
- C. Two-family dwellings shall comply with the following lot and yard requirements when served by public sewer and water facilities:
  - 1. Minimum Lot Area – Eight Thousand (8,000) square feet per dwelling unit.
  - 2. Minimum Lot Width – Fifty (50)
  - 3. Maximum Lot Coverage – Forty (40%) percent
  - 4. Maximum Density – Four (4) dwelling units per acre.
  - 5. Front Yard Depth – Thirty (30) feet.
  - 6. Side Yard Width – Fifteen (15) feet.
  - 7. Rear Yard Depth – Forty (40) feet.
- D. Townhouses shall comply with the following lot and yard requirements when served by public sewer and water facilities:
  - 1. Minimum Lot Area – Five Thousand (5,000) feet.
  - 2. Minimum Lot Width – Twenty-two (22) feet.
  - 3. Maximum Lot Coverage – Sixty (60%) percent.
  - 4. Maximum Density – Six (6) dwelling units per acre.

5. Front Yard Depth – Forty (40) feet.
6. Side Yard Width – Fifteen (15) feet.
7. Rear Yard Depth – Forty (40) feet.

E. Apartments shall comply with the following lot and yard requirements when served by public sewer and water facilities:

1. Minimum Lot Area – Four Thousand (4,000) square feet.
2. Minimum Lot Width – Thirty (30) feet per dwelling unit with a minimum width of one hundred twenty (120) feet.
3. Maximum Lot Coverage – Forty (40%) percent.
4. Maximum Density – Six (6) dwelling units per acre.
5. Front Yard Depth – Forty (40) feet.
6. Side Yard Width – Fifteen (15) feet.
7. Rear Yard Depth – Forty (40) feet.

F. No more than sixty percent (60%) of the total number of townhouse dwellings shall contain more than four (4) dwelling units and in no case shall any dwelling contain more than six (6) dwelling units.

G. For each townhouse and garden apartment building, no more than fifty (50%) percent of the total front façade shall have the same front building line. The minimum variation of setback for the front building line shall be four (4) feet.

H. All townhouse and apartment dwellings shall be setback a minimum of fifteen (15) feet from any parking facility contained on commonly-held lands.

I. For two-family dwellings and townhouses, individual driveway entrances onto streets shall be contiguous where possible so that a maximum amount of area is available for on-street parking between driveways. Driveways shall not enter directly onto arterial streets.

J. Required Recreational Facilities for Townhouse and Apartment Developments:

1. All townhouses and apartment developments shall provide sites for park, playground, open space or other recreational use. A minimum of twenty-eight one-thousandths (0.028) acres of land shall be provided for recreational use for each dwelling unit within the development; provided however, that no recreational site shall be less than twelve thousand (12,000) square feet in size.
2. The land established for recreational use must be suitable size, dimensions, topography, access and general character for its design purpose and shall meet the recreational needs of the development, subject to the approval of the Zoning Hearing Board.
3. The developer shall be responsible for development of all recreational facilities

within a required recreational site. The recreational site shall be owned by a private entity (such as a homeowner's association). Such entity shall be responsible for maintenance of the facilities, and a legally binding agreement between the entity and the Township shall be made providing for maintenance of all recreational sites and facilities. Said agreement shall also put forth provisions that will allow inspection by the Township of all recreational facilities at any reasonable time.

**Section 614. Mobile Home Parks.** Where authorized by Article IV, mobile home parks may be permitted subject to the following criteria:

- A. Each mobile home park shall have a minimum area of five (5) acres, and be served by public sewer and public water or by a community sewer system and a community water system meeting all DEP requirements.
- B. There shall be a maximum of density of seven (7) dwelling units per acre in a mobile home park.
- C. Each mobile home space shall contain no more than one (1) mobile home, nor more than one (1) family.
- D. All mobile homes, offices or service buildings shall be setback from all street right-of-way lines a minimum distance of twenty-five (25) feet and from all park boundary lines a minimum distance of twenty-five feet, or a distance equal to the rear setback requirements of the applicable zoning district, whichever is the greater distance.
- E. Not less than fifteen (15%) percent of the gross area of the mobile home park, excluding service buildings or offices, shall be set aside for useable recreation use by all park residents. Recreation facilities other than walking, nature or non-motorized trails shall not be located within any of the required yards or buffers.
- F. The total area of all impervious surface shall not exceed sixty (60%) percent of the gross area of the mobile home park.
- G. The foundation of each mobile home shall be provided with devices for anchoring the mobile home to the foundation to prevent overturning or uplifting of the mobile home. Anchoring devices shall be in the form of anchor bolts or cable which are of adequate size and material to prevent such forces and shall be fastened securely to the base frame of the mobile home and anchored to the footing with adequate anchor plates or hooks. Each mobile home shall be set upon and securely fastened to a permanent foundation of block or concrete, with concrete footings extending at least thirty-six (36) inches below finished grade. Each mobile home stand shall be equipped with appropriately designed utility connections.
- H. Lighting shall be arranged and shielded so that no glare or direct illumination shall be



cast upon adjacent lots or public streets.

**Section 615. Automobile Service Stations.** Where authorized by Article IV, automobile service stations may be permitted subject to the following criteria:

- A. Outdoor storage of licensed motor vehicles (whether capable of movement or not) for more than thirty (30) days is prohibited. Storage of unlicensed vehicles for more than sixty (60) days is prohibited. All exterior vehicle storage areas shall be screened from adjoining streets and residentially-zoned or used lots.
- B. All structures (including gasoline pump islands, but not permitted signs) shall be set back at least thirty (30) feet from any street line.
- C. No outdoor storage of parts, equipment, lubricants, fuel or other materials, new or used or discarded, as part of the service or repair operation, shall be permitted.
- D. All ventilation equipment associated with fuel storage tanks shall meet all DEP and EPA requirements.
- E. The building shall be constructed so as to blend harmoniously with the surrounding neighborhood.
- F. All service and repair activities shall be conducted within a wholly-enclosed building.
- G. Lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent lots or public streets.

**Section 616. Billboard.** Where authorized by Article IV, a billboard may be permitted subject to the following criteria:

- A. No billboard shall exceed three hundred (300) square feet in area and none shall be higher than twenty-five (25) feet from top of billboard to ground level.
- B. No billboard shall be erected within six hundred (600) feet of an existing residential dwelling.
- C. No more than one (1) panel (two sides) shall be permitted at any one (1) location.
- D. A minimum distance of one thousand (1,000) feet shall be maintained between billboards.
- E. No billboard shall be closer than thirty (30) feet to any lot line or street line.

**Section 617. Kennel.** Where authorized by Article IV, a kennel may be permitted subject to the following criteria:

- A. A kennel shall comply with all lot, yard and height requirements of the Agricultural District.
- B. All outdoor pens and exercise areas shall be fenced as required to insure animals cannot leave the lot.
- C. All outdoor pens and exercise areas shall be located a minimum of fifty (50) feet from the street line, a minimum of twenty-five (25) feet from all lot lines, and a minimum of one hundred (100) feet from the nearest dwelling not located on the same lot as the lot upon which the kennel is located.
- D. The owner of the kennel shall exercise control over the animals and shall not allow a nuisance condition to be created in terms of dirt, odor and noise.
- E. All water facilities, sewage disposal systems, solid waste disposal and vector control shall be approved and maintained in accordance with the requirements of DEP. All kennels shall furnish centralized, completely-enclosed garbage collection facilities that are leak-proof and vector-proof that shall be set back a minimum of one hundred (100) feet from any lot line. Such facilities shall be screened from adjoining streets and residentially-zoned or used lots.
- F. Lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent lots or public streets.

**Section 618. Shopping Center.** Where authorized by Article IV, a shopping center may be permitted subject to the following criteria:

- A. The minimum lot area shall be three (3) acres. All other lot, yard and height requirements of the Highway Commercial District shall be applicable.
- B. All shopping centers shall front and have access to an arterial or collector street.
- C. Only one vehicular access shall be permitted from each street on which the shopping center has frontage, regardless of the number of lots or stores within the shopping center.
- D. All water facilities, sewage disposal systems, rest rooms and solid waste disposal shall be approved and maintained in accordance with the requirements of DEP. All shopping centers shall furnish centralized, completely-enclosed garbage collection facilities that are leak-proof and vector-proof that shall be set back a minimum of one hundred (100) feet from any lot line. Such facilities shall be screened from adjoining streets and residentially-zoned or used lots.
- E. Lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent lots or public streets.

**Section 619. Short-Term Rentals.** (amended 2-4-19) Where authorized by Article IV, a short-term rental may be permitted by special exception subject to the following criteria:

- A. No modification to the external appearance of the building (except fire escapes) which would alter its residential character, shall be permitted.
- C. All floors above-grade shall have direct means of escape to ground level.
- D. Any sign shall comply with the requirements for signs for home occupation.
- E. A fire extinguisher shall be placed in the kitchen.
- F. Minimum lot area – One (1) acre if public sewer and public water are provided. If not serviced by both public sewer and public water, there shall be a minimum lot area of two (2) acres.
- G. Maximum number of bedrooms available for overnight guests shall be determined by the building size as follows:
  - 1. Minimum building size less than two thousand two hundred (2,200) square feet – Four (4) bedrooms.
  - 2. Minimum building size two thousand two hundred (2,200) square feet or greater – Five (5) bedrooms. No more than five (5) bedrooms for use by overnight guests shall be permitted regardless of size.
- H. The Applicant shall prepare and present to the Zoning Hearing Board a notice which shall be prominently and conspicuously posted at the short-term rental which shall contain, at a minimum, all of the following information:
  - 1. The name of the local contact person or owner of the short-term rental and a telephone number at which that party may be reached on a 24-hour bases.
  - 2. The address of the property which Lancaster County Communications uses for emergency response purposes.
  - 3. The maximum number of occupants permitted to stay in the short-term rental.
  - 4. The maximum number of all vehicles allowed to be parked on the property and a statement that parking is not permitted in any public street right-of-way.
  - 5. A statement notifying the occupants that trash and refuse shall not be left or stored on the exterior of the property except in secure, water-tight metal or plastic cans or similar containers designed for such storage.

- I. The Applicant shall designate a local contact person who shall have access and authority to assume management of the short-term rental and take remedial measures. An owner who resides within the Township or within 30 miles of the short-term rental may designate himself/herself as the local contact person. If the special exception is approved, the local contact person shall respond to the Township or to a police officer within one hour after being notified by such official of any disturbance on the property. There shall be a local contact person at all times the short term rental is operated. The owner of a short-term rental may change the local contact person only after written notice to the Zoning Officer, and any new local contact person shall meet all requirements of this subsection.
- J. If on-lot sewer sewage disposal is provided, DEP and the Sewage Enforcement Officer shall approve the method of sewage disposal.
- K. No accessory buildings shall be used to provide rooms for overnight guests. Only one (1) building per lot shall be used for overnight guests.
- L. Lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent lots or public streets.
- M. The owner of the short-term rental shall submit an application each year for a permit to authorize continued operation of the short-term rental, accompanied by any fee which the Board of Supervisors may establish by resolution. The application shall require that the owner provide sufficient information for the Zoning Officer to confirm that the short-term rental meets all requirements of this Section 619.

**ARTICLE VII  
ENFORCEMENT AND ADMINISTRATION**

**Section 701. Zoning Officer.** The provisions of this Zoning Ordinance shall be administered and enforced by an agent, to be appointed by and serve at the pleasure of the Board of Supervisors, who shall be known as the Zoning Officer. The Zoning Officer shall not hold any elective office in the Township. The Zoning Officer shall administer this Ordinance in accordance with its literal terms and shall not have the power to permit any construction or use which does not conform to this Ordinance and all other applicable Township and County ordinances and applicable statutes and regulations, unless the Zoning Officer shall be required to make a reasonable accommodation in accordance with the provisions of the Fair Housing Amendments Act of 1988 or the American with Disabilities Act and the federal regulations adopted pursuant to such statutes. The Zoning Officer may be provided with assistance of such persons as the Board of Supervisors may direct, and the compensation of the Zoning Officer shall be determined by the Board of Supervisors.

**Section 702. Duties and Responsibilities of the Zoning Officer.** The Zoning Officer shall have all of the duties and powers conferred upon him by this Ordinance and the MPC. The duties of the Zoning Officer shall include but not be limited to:

- A. Applications and Permits. The Zoning Officer shall receive, examine, and process all applications for zoning permits and certificates of use and occupancy for the erection, construction, alteration, repair, extension, replacement, relocation, conversion, use, change of use, or occupancy of land, buildings, structures, signs and landscaping in the Township. The Zoning Officer shall record and file all applications for permits and accompanying plans and documents and keep them for public record.
- B. Inspection. The Zoning Officer may, and if requested by the Board of Supervisors or the permit holder, shall make at least one inspection during the progress of the work for which a zoning permit has been issued. Upon completion of the work and before issuance of a certificate of use and occupancy, he shall make a final inspection of the lot to assure compliance with all provisions of this Zoning Ordinance and all other applicable Township and County ordinances and applicable statutes and regulations.
- C. Nonconforming Uses, Buildings and Lots. The Zoning Officer shall inspect nonconforming uses, building and lots and keep a record of such nonconforming uses, buildings and lots as a public record.
- D. Official Records. It shall be the duty of the Zoning Officer to maintain and be responsible for all pertinent records on zoning matters in the Township. These records shall include, but not be limited to, all applications received, copies of all permits and certificates issued, copies of orders and findings of the Zoning Hearing Board, written complaints of alleged violations, records of all inspections made, a current copy of this Ordinance and all amending ordinances, a copy of the current zoning map, and all other pertinent information. The records of the Zoning Officer shall be available for the use of the Township government and inspection by any

interested party during normal office hours. The Zoning Officer shall submit to the Board of Supervisors a written report of all zoning permits and certificates of use and occupancy issued and all notices of violations and stop work orders issued or recommended as requested by the Board of Supervisors.

- E. Presentation of Evidence and Testimony. Upon the request of the Board of Supervisors or the Zoning Hearing Board, the Zoning Officer shall present to such bodies facts, records, and any similar information on specific requests to assist such bodies in reaching their decisions.
- F. Complains Regarding Violations. The Zoning Officer may, and when in receipt of a signed written complaint stating fully the cause and basis thereof, shall investigate alleged violations of this Ordinance. If a signed written complaint is received, said investigation shall be completed within fifteen (15) days of receipt of said complaint. A written report of all investigations of alleged violations of this Ordinance shall be prepared and properly filed and a copy shall be sent to the Board of Supervisors. If, after investigation, the Zoning Officer determines that a violation has occurred, he shall take action as provided by this Ordinance.
- G. Enforcement. The Zoning Officer shall enforce the provisions of this Ordinance in accordance with the Sections 706 and 707 herein.
- H. Reasonable Accommodations. The Zoning Officer shall receive and render determinations upon applications for reasonable accommodations requested in accordance with the United States Fair Housing Amendments Act of 1988, 42 U.S.C. §3601 et seq., or the Americans with Disabilities Act, 42 U.S.C. §12101 et seq., and the federal regulations adopted pursuant to such statues.

**Section 703. Zoning Permits.**

(Amended by Ordinance No. 03-01-10)

- A. Requirement. A zoning permit shall be obtained from the Zoning Officer (a) for the erection, construction, alteration, extension, replacement, relocation, or conversion of any building or structure when the fair mark value of said work exceeds One Thousand (\$1,000) Dollars or any fence regardless of the fair market value of the fence and (b) for the change in use of any building, structure, sign or land and (c) for the excavation, grading of or earthmoving activities on any lot in preparation for the erection of a structure or change in use of a lot and (d) for any of the activities for which a zoning permit is required within the Floodplain Conservation District. Except as otherwise provided in the Section or Ordinance, no zoning permit shall be required for repairs to or maintenance on any building, structure or land, provided such repairs do not change the use, alter the exterior dimensions of the building or structure, or otherwise violate the provisions of the Ordinance or any other applicable Township or County ordinance or applicable statute or regulation.

- B. Application for Zoning Permit. The application for a zoning permit shall be submitted in such form as the Zoning Officer may prescribe by the owner or lessee of any building, structure or land or the agent of either, provided, however, that if the application is made by a person other than the owner or lessee, the applicant shall demonstrate that the application has authorization from the owner or lessee to make such application. The full name and the landowner, if different, shall be stated on the application. If the applicant is a corporation, the names and addresses of the officers of the corporation shall be included on the application. If the applicant is requesting a reasonable accommodation under the United States Fair Housing Amendments Act 1988 or the Americans with Disabilities Act, the applicant shall identify the disability which is protected by such statutes, the extent of the modification of the provisions of this Ordinance necessary for a reasonable accommodation, and the manner by which the reasonable accommodation requested may be removed when such person with a protected disability no longer will be present on the lot.
- C. Description of Work. The application shall contain a description of the proposed work or the use and occupancy of all buildings, structures and land, and any other information required by the Zoning Officer to determine compliance with this Ordinance and other applicable Township and County ordinances, statutes and regulations. The application shall be accompanied by plans in a form acceptable to the Zoning Officer, showing the actual dimensions and shape of the lot, the size and location and dimensions of the proposed use, building or alteration, distance from existing lot lines and street right-of-way lines, parking areas, and other pertinent information. The application shall be accompanied by all required fees as established by the Board of Supervisors by ordinance or resolution.
- D. Approval or Disapproval of Application. Upon receipt of the application, the Zoning Officer shall examine the application and supporting information to determine compliance with the Ordinance and other applicable Township and County ordinances, statutes and regulations. The Zoning Officer shall determine if subdivision and land development approval has been obtained, if state sanitation inspection requirements have been met, and, in the case of public buildings, the required permits have been issued by the Department of Labor and Industry. No zoning permit shall be issued unless the applicant presents the Zoning Officer with proof that any applicable subdivision and land development approval has been granted, a sewage permit has been issued by the Township Sewage Enforcement Officer for the lot, a driveway permit under the Township Driveway Ordinance or a PennDOT Highway Occupancy Permit has been issued in order that access may be gained to the lot, and all other required Township approvals and permits have been granted or issued. The Zoning Officer shall mark the application as either approved or disapproved. The Zoning Officer shall retain a copy of the application for the Township files. If disapproved, the Zoning Officer shall forward a statement to the applicant explaining the reasons for such disapproval and informing the applicant of his right to appeal to the Zoning Hearing Board.

- E. Issuance and Posting of Permits. Upon approval of the application by the Zoning Officer, the Zoning Officer shall issue a zoning permit and a placard which placard shall be visibly posted on the site of operations during the entire time of construction. The zoning permit shall expire one (1) year from the date of issuance, provided that it may be extended at the discretion of the Zoning Officer for six (6) month periods not to exceed a total of one (1) year.
- F. Rights of Permit Holders. The zoning permit shall be a license to proceed with work described on the approved application. The Zoning Officer shall revoke a permit or approval issued under the provisions of this Ordinance in the case of any false statement or misrepresentation of fact in the application on which the permit or approval was based, or if the permit was issued in error, or if work is not undertaken in accordance with the permit or for any other proper cause. Permit holders shall proceed with work at their own risk and subject to the rights of aggrieved parties to appeal the issuance of the zoning permit as authorized by the MPC.

#### **Section 704. Certificate of Use and Occupancy.**

- A. Certificate of Use and Occupancy. It shall be unlawful to use or occupy any structure, building or land or portion thereof for which a zoning permit is required until a certificate of use and occupancy has been issued by the Zoning Officer. The Zoning Officer shall not issue a certificate of use and occupancy unless he has inspected said structure, building or land and has ascertained compliance with all provisions of this Ordinance and all other applicable Township and County ordinances, statutes and regulations.
- B. Issuance. Upon the receipt of written notification that the work for which a zoning permit has been issued has been completed, the Zoning Officer shall inspect the premises within fifteen (15) days to determine that the work has been performed in accordance with the approved application and other applicable Township and County ordinances, statutes and regulations. If he is satisfied that the work has been completed in accordance with the approved application and applicable ordinances, statutes and regulations, he shall issue a certificate of use and occupancy to the permit holder for the use indicated on the approved application. A copy of the certificate of use and occupancy shall be retained by the Zoning Officer as part of the records. If he finds that the work has not been performed in accordance with the approved application, the Zoning Officer shall refuse to issue the certificate of use and occupancy and, in writing, give the reasons there for and inform the permit holder of his rights of appeal to the Zoning Hearing Board.
- C. Temporary Certificate of Use and Occupancy. Upon written request of a holder of a zoning permit, the Zoning Officer may issue a temporary certificate of use and occupancy for a structure, building, sign or land, or portion thereof, before the entire work covered by the zoning permit shall have been completed. Such portion or portions may be used or occupied prior to full completion of the work, provided that public health, safety or welfare is not endangered. The Zoning Officer shall also issue



a temporary certificate of use and occupancy for trailers on construction sites, provided that public health, safety or welfare is not endangered.

The Zoning Officer shall also issue a temporary certificate of use and occupancy for such temporary uses as tents, use of lands for public or semi-public purposes, or other temporary use or occupancy upon order of the Zoning Hearing Board. Such temporary certificates of use and occupancy shall be for the period of time to be determined by the Zoning Hearing Board, but in no case shall any temporary certificate of use and occupancy be issued for more than six (6) months. The applicant shall completely remove the structure or use authorized by the temporary certificate of use and occupancy upon expiration of the permit without cost to the Township.

**Section 705. Violations.** The construction, alteration, maintenance or use of any structure, building, sign, land, or landscaping or the change of use, area of use, percentage of use or displacement of the use of any structure, building, sign, land or landscaping without first obtaining a zoning permit; or the use of any building, structure, sign or land without receipt of a certificate of use and occupancy; or the use or maintenance of any building, structure, sign or land for a use or in a manner which is not in accordance with the provisions of this Ordinance; or the use of land for a use different from that set forth in any zoning permit or certificate of use and occupancy which has been granted for the lot without applying for and being granted a zoning permit and certificate of use and occupancy for such a new or different use; or the excavation, grading of or earthmoving activities on any lot in preparation for the erection of a structure or change in use of a lot without first obtaining a zoning permit; or the failure to comply with any other provision of this Ordinance; or the violation of any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board or a conditional use by the Board of Supervisors or by a court of competent jurisdiction if a special exception, variance or conditional use is granted by such court are hereby declared to be violations of this Ordinance.

**Section 706. Enforcement Notice.** If it appears to the Zoning Officer that a violation of this Ordinance shall exist, the Zoning Officer shall send an enforcement notice (also known as a “Notice of Violation and Cease and Desist Order”) to the owner of record of the lot on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that lot, to any other person requested in writing by the owner of record, and to any person against whom the Township may bring an enforcement action. The enforcement notice shall contain the name of the owner of record and any other persons against whom the Township may take action, the location of the lot in violation, the specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance, the date before which steps for compliance must be commenced and the date before which the steps must be completed, that the recipient of the enforcement notice has the right to appeal to the Zoning Hearing Board within thirty (30) days, and that a failure to comply with the notice within the time specified, unless extended by an appeal to the Zoning Hearing Board, constitutes a violation with sanctions as provided in this Ordinance.

**Section 707. Enforcement Action.** If the enforcement notice is not complied with promptly, the Zoning Officer shall notify the Board of Supervisors. The Board of Supervisors may request the Township Solicitor to institute in the name of the Township any appropriate action or proceeding at law or in equity to prevent, restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the structure, building, sign, landscaping or land in violation of the provisions of this Ordinance or the order or direction made pursuant thereto. The Board of Supervisors may also direct the Zoning Officer or Township Solicitor to institute a civil enforcement proceeding before a district justice.

**Section 708. Penalties.** Any person 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 Five Hundred (\$500.00) Dollars plus all court costs, including the reasonable attorney's 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 a district justice determining that there has been a violation further determines that there was a good faith basis for the person violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this Ordinance shall be paid over to the Township for the general use of the Township.

**Section 709. Remedies.** In case any building, structure, sign or landscaping is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure, sign or land is used; or any hedge, shrub, tree, or other growth is maintained in violation of this Ordinance or of any of the regulations made pursuant thereto or any of the permits or certificates of use and occupancy or certificates of use issued under this Ordinance, or any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board or upon the grant of a conditional use by the Board of Supervisors, then in addition to any other remedies provided by law, any appropriate action or proceeding may be instituted or taken to prevent or restrain such unlawful erection, conduct, business or use in and about such premises.

**ARTICLE VIII  
ZONING HEARING BOARD**

**Section 801. Creation and Membership.** There is hereby created a Zoning Hearing Board which shall consist of three (3) residents of the Township who shall be appointed by resolution of the Board of Supervisors. Zoning Hearing Board members shall be residents of the Township and shall serve three (3) year terms which shall be so fixed that the term of office of no more than one (1) member shall expire each year. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies which shall occur, and appointments to fill such vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in the Township. Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors taken after the member has received fifteen (15) day's advance notice of the intent of the Board of Supervisors to take such a vote. A hearing shall be held in connection with the vote if the member shall request such hearing in writing. The Board of Supervisors may, in its discretion, appoint by resolution between one (1) and three (3) alternate members to the Zoning Hearing Board. Such alternate members to the Zoning Hearing Board. Such alternate members shall have the right to participate in all hearings of the Zoning Hearing Board, but shall be entitled to vote only as provided in Article IX of the MPC. Whenever the term "Board" is used in this Article, it shall mean the Zoning Hearing Board.

**Section 802. Organization of the Zoning Hearing Board.** The Board shall elect from its 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 two (2) members. If the Board of Supervisors has appointed alternate members to the Zoning Hearing Board, the Chairman of the Zoning Hearing Board may designate alternate members to participate and vote upon designated applications in accordance with the regulations contained in Article IV of the MPC. The Board may also 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 the MPC. The Board may make, alter, and rescind rules and forms for its procedure, consistent with the ordinances of the Township and the laws of the Commonwealth. The Zoning Hearing 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 803. Zoning Hearing Board Functions.** The Zoning Hearing Board shall have the following functions and duties:

- A. The Board shall hear and render final adjudications concerning substantive challenges to the validity of any land use ordinance in accordance with Article IX of the MPC.
- B. The Board shall hear and render final adjudications concerning challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said land use ordinance.

- C. The Board shall hear and render final adjudications concerning appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or the failure to act on the application therefore, the issuance of any notice of violation or cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- D. Special Exceptions. When special exceptions are provided for in the Ordinance the Board shall hear and decide requests for such special exceptions in accordance with stated standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the MPC and this Ordinance. The Board may grant approval of a special exception provided that the applicant complies with the standards for such special exception in the Section authorizing the special exception and with the standards and criteria in Article VI.
- E. Variances. The Board shall hear requests for variances where it is alleged that the provisions of the Ordinance inflict unnecessary hardship upon the applicant. The Board may prescribe the form of application and shall require submission of a site plan containing the information required in Section 602 for applications concerning commercial or industrial uses or residential uses containing ten (10) or more dwelling units. The Board may grant a variance, provided the following findings are made where relevant in a given case. The burden of proof shall rest with the applicant.
1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of a 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 generally created by the provisions of this Zoning Ordinance in the neighborhood of or district in which the property is located.
  2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
  3. The such unnecessary hardship has not been created by the applicant.
  4. That the variance, if authorized, will not alter the essential character of the Neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
  5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modifications possible of the regulation in issue.

6. 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. The Board shall require that adequate on-lot or off-lot water and sewage disposal facilities are available for the intended.

F. The Zoning Hearing Board shall hear and render final adjudications in any other matter for which the Zoning Hearing Board shall have been granted jurisdiction by Article IX of the MPC.

**Section 804. Hearing Procedure.** The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

A. The Zoning Hearing Board shall fix a reasonable time and place for the public hearing and shall give notice thereof stating the time and place of the hearing and the particular nature of the matter to be considered as follows:

1. By publishing notice thereof as required by the MPC.
2. By mailing a notice thereof to the applicant.
3. By mailing a notice thereof to the Zoning Officer, the Township Secretary, and to every person or organization who shall have registered with the Zoning Hearing Board for the purpose of receiving such notices.
4. By posting notice conspicuously on the affected tract of land at least one (1) week prior to the hearing.

B. The hearing shall be held within such time periods as required by the MPC.

C. The hearings shall be conducted by the Board or the Board may appoint any member as a Hearing Officer. The decision or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.

D. The parties to the hearing shall be the Applicant, 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.

E. The chairman or acting chairman of the Zoning Hearing Board or the Hearing Officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and documents requested by the parties.

- F. 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.
- G. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- H. 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. 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.
- I. The Zoning Hearing Board or 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 its 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.
- J. The Zoning Hearing Board or Hearing Officer, as the case may be, shall render a written decision in the form and within the time periods established by the MPC.
- K. A variance or special exception shall expire if the applicant (i) fails to obtain a zoning permit to authorize construction within six (6) months from the date of authorization thereof by the Board or by the Court if such special exception or variance has been granted after an appeal or (ii) fails to complete any erection, construction, alteration or change in use authorized by special exception or variance approval within one (1) year from the date of issuance of the zoning permit, unless the Board or the Court establishes a different time period within which to obtain a permit or complete construction in the decision or order approving the requested special exception or variance. If the Board grants a special exception or a variance and the Board's decision is appealed by protesting parties, the running of the six (6) month and twelve (12) month time periods shall be suspended during the pendency of the appeal or appeals by protesting parties; provided, however, if the applicant obtains a permit and commences construction authorized by the Board during the pendency of an appeal, the twelve (12) month period within which to complete construction shall commence on the date the landowner obtains the zoning permit. If the use or construction authorized by the variance or special exception constitutes a subdivision or land development, the applicant shall have six (6) months from the date of the decision to submit an application for subdivision or land development approval to the applicable

body. If the applicant submits such application for subdivision or land development approval within six (6) months from the date of the decision, the time period established by the Subsection shall be extended for eighteen (18) months to allow such applicant to obtain the necessary land development approval.

- L. 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 date following its date. To all other persons who have filed their name and address with the Zoning Hearing Board no later than the last day of the hearing, the Board shall provide by mail or otherwise brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

### **Section 805. Time Limitations**

- A. Appeals from the denial of an application by the Zoning Officer or from the issuance of a notice of violation and/or cease and desist order shall be made within thirty (30) days of the denial of said permit or issuance of said notice of violation and/or cease and desist order.
- B. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after any application for development, preliminary or final, has been approved by the Board of Supervisors or later than thirty (30) days after a permit has been issued by the Zoning Officer 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 has 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.
- C. No appeal shall be considered filed with the Board unless any applicable filing fee has been paid.

**Section 806. Appeals.** Any party aggrieved by any decision of the Board may appeal to the Court of Common Pleas of Lancaster County in the manner provided by the laws of the Commonwealth of Pennsylvania and Article X-A of the MPC.

## **ARTICLE IX AMENDMENTS**

**Section 901. Amendments.** The Board of Supervisors of the Township may, from time to time as hereinafter provided, amend, change or repeal this Ordinance or the Official Zoning Map of the Township. Any amendment, change or repeal may be initiated by the Board of Supervisors, the Township Planning Commission or by a petition to the Board of Supervisors.

**Section 902. Amendment Initiated by the Township Planning Commission.** When the Township Planning Commission initiates an amendment, change or repeal, a report of the proposed amendment, change or repeal shall be presented to the Zoning Officer. Said report shall be processed in the same manner as a petition to the Board of Supervisor's which has already been reviewed by the Township Planning Commission.

**Section 903. Amendment Initiated by the Board of Supervisors.** When the Board of Supervisors initiated an amendment, change or repeal, the Board of Supervisors shall instruct the Zoning Officer to submit the proposal to the Township Planning Commission.

**Section 904. Procedure for Petition to the Board of Supervisors.** When the amendment, change or repeal is initiated by petition to the Board of Supervisors, the Zoning Officer shall simultaneously transmit said petition to the Board of Supervisors and a copy of said petition to the Township Planning Commission, except that when the Zoning Officer determines that the petition is substantially the same as a petition submitted within six (6) months previous, he shall transmit the petition to the Board of Supervisors who shall instruct the Zoning Officer to process the petition as specified in the Article or, stating their reasons, refuse to take further action on the petition.

The petition for amendment, change or repeal shall be submitted in duplicate and contain information to identify the petitioner, the amendment, change or repeal, together with any fees imposed by the Board of Supervisors and, if applicable, by the Lancaster County Planning Commission for reviews required by the MPC. In instances where the petition requests a change in the boundaries of a Zoning District on the Official Zoning Map, a plan with distances and data sufficient to identify the property to be reclassified and any other information requested by the Zoning Officer, shall be submitted. Such petition shall be signed by at least one (1) record owner of the property involved and contain a duly notarized affidavit.

**Section 905. Referral to the Township and County Planning Commissions.** After receipt of the petition by the Board of Supervisors, said petition shall be presented to the Township and Lancaster County Planning Commissions for their review and recommendations in accordance with the requirements of the MPC.

**Section 906. Public Hearing.** The Board of Supervisors shall a fix a time and place for a public hearing at which parties of interest and citizens shall have an opportunity to be heard. Notice of such public hearing shall be given in accordance with the requirements of the MPC.



**Section 907. Action by the Board of Supervisors.** At the time and place specified, the Board of Supervisors shall conduct a hearing on said petition to amend, change or repeal the Zoning Ordinance or Zoning Map of the Township and may thereafter either reject the proposed change or adopt an ordinance implementing the proposed change. The Board of Supervisors may adjourn said hearing in its discretion to a time and place certain.

## **ARTICLE X DEFINITIONS**

**Section 1001. General Interpretation.** The following rules of construction and interpretation shall be used in the Ordinance:

- A. The word ‘lot’ includes the word ‘plot’ or ‘parcel’.
- B. The word ‘used or occupied’ as applied to any land or building, shall be construed to include the words ‘intended, arranged, or designed to be used or occupied’.
- C. The words ‘building’ or ‘structure’ shall be construed as if followed by the words ‘or part thereof’.
- D. Words in the present tense may imply the future tense.
- E. Words used in the singular imply the plural.
- F. The masculine gender includes the feminine and the neuter genders.
- G. The word ‘person’ includes a partnership, corporation, association, trust, estate, or any other legally recognized entity as well as an individual and the officers of any corporation and the members of any partnership.
- H. The word ‘shall’ is to be interpreted as mandatory; the word ‘may’ is directory.
- I. References to codes, ordinances, resolutions, plans, maps, governmental bodies, commissions or agencies or officials are to codes, ordinances, resolutions, plans, maps, governmental bodies, commissions or agencies or officials of the Township of Martic or the Commonwealth of Pennsylvania as in effect or office from time to time including amendments thereto or revisions or successors thereof, unless the text indicates another reference is intended.
- J. Terms defined in the MPC shall have the meaning established by the MPC unless such terms are otherwise defined in this Ordinance.

**Section 1002. Terms.** 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 street and a lot containing any use other than a single-family detached dwelling, a two-family dwelling, or a farm.

**ACCESSORY BUILDING** – A detached subordinate building, the use of which is customarily incidental to that of the principal building and which is located on the same lot as the occupied by the principal building, but not including buildings on a farm used for agricultural purposes.

**ACCESSORY USE** – A use customarily incidental and subordinate to the principal use and located on the same lot as the principal use.

**AGRICULTURE** – Any activity, practice, or procedure that fits within the definition of the term “normal agricultural operation” in Section 2 of the Act of June 10, 1982 (P.L. 454, No. 133), entitled “An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances”, commonly referred to the Right to Farm Act, 3 P.S. §952.

**ALTERATIONS** – 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, location, size and/or intensity of use.

**ANIMAL HOSPITALS** – Any establishment offering veterinary services. Animal hospitals can treat all types of animals and can include outdoor and overnight boarding of animals.

**AUTOMOBILE SERVICE 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, major repair facilities, body and fender work, painting, and car washes.

**BANKS AND FINANCIAL INSTITUTIONS** – Any establishment offering services pertaining to the custody, loan, exchange or issue of money, for the extension of credit, and for facilitating the transmission of funds.

**BED AND BREAKFAST** – A single-family detached dwelling, where between one (1) and six (6) rooms are rented to overnight guests on a daily basis for periods not exceeding three (3) weeks. Meals may be offered only to registered overnight guests.

**BILLBOARD** – A sign upon which images or messages of any kind are 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, or to disseminate other messages.

**BOARDING HOUSE** – A detached arranged or used for sheltering or feeding, or both, for more than three (3) and not more than ten (10) individuals that do not constitute a family.

**BUILDING** – A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

**BUILDING AREA** – The total of areas taken on a horizontal plane at the average grade level of the principal building and all accessory buildings, exclusive of uncovered porches, awnings, terraces, and steps.

**BUILDING HEIGHT** – The vertical measurement of a building from the average level of the ground abutting the building at its corners to a point midway between the highest and lowest points of the roof.

**BUILDING LINE** – The actual line of that face of the building nearest to an adjacent right-of-way line or street line or lot line. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps, overhanging eaves, cutters and cornices.

**CAMPGROUND** – A lot or part thereof upon which two or more campsites are located or established, intended and maintained for occupation by transients in recreational vehicles or tents.

**CAMPsites** – A plot of ground within a campground intended for occupation by a recreational vehicle or tent.

**CARTWAY** – That portion of a street right-of-way intended for vehicular movement.

**CHURCH 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 rectories, convents, and church-related educational or day care facilities.

**COMMERCIAL COMMUNICATIONS ANTENNA** – Any facility for the receipt and transmission of signals associated with cellular telephone, pagers, beepers, or radio frequency energy or other frequencies utilized in the communications industry.

**COMMERCIAL COMMUNICATIONS TOWER** – Any pole, telescoping mast, tower, tripod, equipment shelter, or any other structure which supports a device used in transmitting or receiving cellular telephone, pager, beeper, radio frequency energy or other frequencies utilized in the communications industry, including but not limited to communications antenna and satellite dishes used to transmit and receive data.

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

**COMMUNITY SERVICE ORGANIZATION** – Any organized and incorporated group that exists for the purpose of providing services and facilities to and within the local community. All services and facilities associated with the use shall be owned and operated by the community services organization and shall be available to the general public. The use of the services and facilities owned and operated by the community service organization shall not be restricted by

requiring membership in the community service organization. Community service organizations may allow facilities to be used for customary community gatherings and meetings.

**COMMUNITY WATER SUPPLY** – A utility operated by a municipality or a company, regulated by the Public Utility Commission, which supplies potable, domestic water for use by more than one household, business or institution.

**COMPREHENSIVE PLAN** – The most recently adopted version of the Official Comprehensive Plan, Martic Township, Lancaster County, Pennsylvania, including any amendments.

**CONSERVATION AREA** – An area maintained principally for the purpose of protecting natural resources or animal habitat with no minimal improvements. A conservation area may be open to the public for hiking and similar low impact activities.

**DAY-CARE** – The offering of care or supervisions 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 principal use, or an accessory use, in which more than six (6) individuals are cared for or supervised during any calendar day. A commercial day-care facility requires licensure from the Commonwealth of Pennsylvania.

**DAY-CARE, FAMILY** – An accessory use to a single-family detached dwelling in which up to six (6) individuals, who are not related to the residents of the principal dwelling, are cared for or supervised during any calendar day. A family day-care facility must be registered by the Commonwealth of Pennsylvania.

**DENSITY** – The number of dwelling units permitted in relation to the gross land area of a lot exclusive of existing perimeter public or private street rights-of-way and area within the Floodplain Conservation District.

**DEP** – The Pennsylvania Department of Environmental Protection or any agency successor thereto.

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

**DEVELOPMENTAL DISABILITY** – A disability of a person which has continued or can be expected to continue indefinitely; a disability which is:

1. Attributable to mental retardation, cerebral palsy, epilepsy or autism.
2. Found to be attributable to any other conditions found to be closely related to mental

retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior to that of mentally retarded persons or requires treatment and services similar to those required for such persons.

3. Attributable to dyslexia resulting from a disability described in Subsections (1) and (2) of this definition.

**DEVELOPMENTALLY DISABLED PERSON** – A person with a developmental disability.

**DRIVEWAY** – An improved cartway designed and constructed to provide vehicular movement between a public or private street and a lot serving a single-family detached dwelling, a two-family dwelling, or a farm.

**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.

Single-Family Detached: A freestanding building containing one dwelling unit for one family, and having two (2) side yards, one (1) front yard, and one (1) rear yard; in the case of a corner lot, the building will have two (2) front and (1) side and rear yards. Manufactured and mobile homes can be considered single-family detached dwellings if, in addition to the requirements listed for all dwellings, they comply with paragraph 6 below. Travel trailers, as defined herein, 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.

Two-Family: A freestanding building containing two dwelling units for two families, arranged in a side-by-side configuration. Those units placed on common grounds shall have one (1) front and rear yard and two (2) side yards. Those units constructed on individual lots shall have one (1) front, side and rear yard.

Multiple Family (Apartment): A building containing three (3) or more dwelling units, at least one of which must be located above or below the remaining units.

Townhouse: A building containing between three (3) and six (6) dwelling units arranged in a side-by-side configuration with two or more common party walls.

Mobile Home: For the purposes of this Ordinance, all mobile homes, except those contained within mobile home parks, shall be governed by all regulations applicable to single-family detached dwellings, and the following:

1. All apparatuses used to tow or transport the mobile home (including, but not limited to, the towing hitch) shall be removed; and,
  
2. All mobile homes and additions thereto shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top or frame ties to ground anchors in accordance with the American National Standards, as specified in the Standard for the Installation of Mobile Homes Including Mobile Home Park Requirements (NFPA No. 501-A-1974 [ANSI A119.3-1975]), as amended for Mobile Homes in Hurricane Zones or other appropriate standards, such as 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) additional 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.

**DWELLING UNIT** – A building or portion thereof used for residential occupancy by not more than one family and having separate cooking and sanitary facilities. (amended 2-4-19)

**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, excluding the tilling of the soil.

**FAMILY** – An individual or individuals related by blood, marriage, or adoption (including persons receiving foster care) that maintain one common household and live 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. Finally, a family shall also expressly include any number of unrelated persons who reside within a licensed group home, as defined herein.

FARM – Any lot with ten (10) or more acres which is used in 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.

FENCE – A structure designed as a barrier to restrict the movement or view of persons, animals, property, or vehicles. This definition shall not include ornamental fence treatments that are located in the front yard and extend less than twenty (20) feet of the width or depth of the front yard.

FIRE – Any fire set or maintained outside of a building.

Contained Fire: Any fire contained in an incinerator, fireplace or cooking grill or other contained enclosure design for outdoor cooking, or a fireproof container.

Uncontained Fire: Any fire not included in the definition of a ‘Contained Fire’.

FLOOR AREA – The total area of a building measured from the outside walls and including all floors of the building.

FORESTRY – The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

GARAGE, PRIVATE – An accessory building for the storage of one or more automobiles and other vehicles accessory and incidental to the primary use of the premises; provided however, that one (1) commercial vehicle of not more than one (1) 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.

GLARE DIRECT – The illumination beyond the lot lines caused by direct or specularly reflected rays from incandescent, fluorescent or arc lighting, or from such high temperature processes as welding or petroleum or metallurgical refining.

GLARE, INDIRECT – The illumination beyond the lot lines caused by diffuse reflection from a surface, such as a wall or roof of a structure.

GOLF COURSE – A golf course with a minimum of 2,800 yards of play in nine (9) holes.

GROUP HOME – A dwelling operated by a reasonably responsible individual, family, or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the individual served due to age, emotional, mental, or physical handicap. This definition shall expressly include facilities for the supervised care of

developmentally disabled persons and those under treatment for alcohol and / or drug abuse. Group homes must be licensed where required by any appropriate government agencies, and a copy of any such licenses 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.

**HOME OCCUPATION** – A low intensity business or commercial activity, other than a no-impact home-based business as defined herein, that is conducted as an accessory use in a dwelling unit or accessory building, which is clearly incidental and subordinate to the residential use of the lot. A home occupation typically involves activities of a professional nature and does not result in outward evidence or indication that the dwelling contains a business or commercial activity other than a sign. A day care facility providing care for no more than six (6) children or adults not related to the care-giver, shall be considered a home occupation. A home occupation shall not include a no-impact home based business, a rural occupation or a bed and breakfast.

**HOTEL** – A facility which provides lodging to transient guests for compensation, which contains more than five (5) guest rooms with less than twenty-five (25%) percent of all rooms having direct access to the outside with the necessity of passing through a lobby. A hotel may also include a dining room and a kitchen operated by the same management as an accessory use. An establishment which rents rooms for a period in excess of thirty (30) days shall be considered a boarding, rooming or lodging house.

**INTENSIVELY USED AGRICULTURAL FACILITY** – An agricultural use involving the commercial keeping and handling of livestock or poultry quantities exceeding either one hundred (100) livestock or twenty thousand (20,000) poultry at any time.

**JUNK YARD** – An area of land exceeding one hundred (100) square feet in area, four hundred thirty (430) square feet on a farm, with or without buildings, used for the storage, outside a completely enclosed building, of used or 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 'junk yard'. For the purposes of this definition, a disabled vehicle is (1) a vehicle intended to be self-propelled that shall not be operable under its own power for any reason or (2) where inspection and/or registration is required, 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. Notwithstanding the foregoing, the storage of disabled farm vehicles or pieces of farm equipment on a lot shall not be considered a junkyard if (1) the lot is currently being used for agriculture and (2) the vehicle or equipment is owned by the landowner or the operator of the farm and (3) the vehicle or equipment was used on the lot in connection with the agricultural operation before such vehicle or equipment became disabled.

**KENNEL** – Any lot on which six (6) or more animals that are older than six (6) months (except relating to a farm) that are kept, boarded, raised, bred, treated, or trained for a fee, including but not limited to dog or cat kennels.



**LOADING SPACE** – An off-street mud-free space suitable for the loading or unloading of goods and have direct usable access to a street.

**LOT** – A designated parcel, tract or area of land established by a plat or otherwise as permitted by law to be used, developed or built upon as a unit. Contiguous nonconforming lots of record under single and separate ownership shall be considered one lot for the purposes of this Ordinance. A lot as herein defined may or may not coincide with a lot of record.

1. **Lot, Corner:** A lot which has an interior angle of less than one hundred thirty-five (135°) degrees at the intersection of two (2) streets lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than one hundred thirty-five (135°) degrees. Corner lots shall have two front yards. The rear yard shall be opposite the address street.
2. **Lot, Flag:** A lot whose frontage does not satisfy the minimum width requirements for the respective district but has sufficient lot width away from the frontage of the lot.
3. **Lot, Interior:** A lot other than a corner lot, the sides of which do not abut a street.
4. **Lot, Through or Reverse Frontage:** An interior lot having frontage on two parallel or approximately parallel streets.

**LOT AREA** – The area contained within the lot lines of an individual lot, excluding any area within a street right-of-way, but including the area of any easement.

**LOT COVERAGE** – A percentage of the lot area which may be covered with an impervious surface (e.g., buildings, driveways, parking area, sidewalks).

**LOT OF RECORD** – A lot identified on a subdivision plan or on a deed or other instrument of conveyance recorded in the Office of the Recorder of Deeds in and for Lancaster County, Pennsylvania.

**LOT WIDTH** – The horizontal distance measured between side lot lines. On corner lots, lot width shall be measured between the street right-of-way line for the non-address street and the directly opposite lot line. Unless otherwise noted, lot width shall be measured at both the building setback line and the street line.

**MANUFACTURE** – A function involving either the processing or production of materials, goods, or products.

**MANUFACTURED HOME** – A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and

other similar vehicles which are placed on a site for more than one hundred eighty (180) consecutive days.

**MANUFACTURED HOME PARK** – A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

**MINERALS** – Any aggregate or mass of mineral, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

**MOBILE HOME** – A transportable single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. The term includes manufactured homes and trailers, travel trailers, recreational and similar vehicles which are placed on a site for more than one hundred eighty (180) consecutive days.

**MOBILE HOME LOT** – A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

**MOTEL** – A building or group of buildings, which detached or in connected units, designed primarily for transient automobile travelers and provided with accessory off-street parking facilities. The term ‘motel’ includes buildings designed as tourist courts, motor lodges, auto courts, and other similar designations.

**MPC** – The Pennsylvania Municipalities Planning Code, Act of July 31, 2968, P.L. 805, No. 247, as amended and reenacted, 53 P.S. §10101 et seq., and as may be amended in the future.

**MUNICIPAL USE** – Any use owned or operated by the Township.

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

1. The business activity shall be compatible with the residential use of the lot 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 that creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
7. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25%) percent of the habitable floor area.
8. The business may not involve illegal activities.

**NONCONFORMING LOT** – A lot, the area or dimension of which was lawful prior to the enactment of this Ordinance or any amendment thereto but which fails to conform to the requirements of the zoning district in which it is located by reason of the enactment of this Ordinance or any amendment thereto.

**NONCONFORMING STRUCTURE** – A structure or a part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this Ordinance or any amendment thereto, where such structure lawfully existed prior to the enactment of this Ordinance or such amendment. 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 this 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 building or use of land 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.

**ON-LOT SEWAGE DISPOSAL** – The disposal of sewage generated by one principal use with the use of safe and healthful means within the confines of the lot on which the use is located, as approved by the DEP.

**ON-LOT WATER SERVICE** – The provision of a safe, adequate and healthful supply of water to a single principal use from a private well.

**PARENT TRACT** – An existing lot of record proposed for development.

**PARK** – An area maintained principally for active or passive outdoor recreation which is open to the public or to the residents of a development. A park may include amenities such as ball fields, tennis courts, trails, restrooms, and similar facilities. A park shall not include improvements for or permit motorized recreation, such as go-karts, or arcade games, carnival rides or similar facilities.

**PARKING COMPOUND** – A principal use where passenger vehicles may be stored for a 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 possibly, additional parking spaces are provided for a use.

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

**PennDOT** – Pennsylvania Department of Transportation

**PERSON** – An individual, partnership, public or private association or corporation firm, trust, estate, municipality, government unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

**PERSONAL SERVICE SHOP** – A building or portion of a building in which the services of a person permitted to practice a specific profession are offered to the general public.

**PLANNING COMMISSION** – The Planning Commission of Martic Township.

**PREMISES** – The land upon which the activity is conducted as determined by physical facts rather than lot lines. It is the land occupied by the buildings or other physical uses that are necessary or customarily incident to the activity, including such open spaces as are arranged and designed to be used in connection with such buildings or uses. The following are not considered to be a part of the premises on which the activity is conducted, and any signs located on such land are to be considered off-premise advertising:

1. Any land which is not used as an integral part of the principal use, including land which is separated from the use by a street or other obstruction, and not occupied by the use; and extensive undeveloped street frontage contiguous to the land actually used by a commercial facility, even though it might be under the same ownership.
2. Any land which is used for, or devoted to, a separate purpose unrelated to the advertised activity.

3. Any land which is in closer proximity to the street than to the principal use, and developed or used only in the area of the sign site or between the sign site and the principal use and whose purpose is for advertising purposes only. In no event shall a sign site be considered part of the premises on which the advertised use is conducted if the site is located on a narrow strip of land which is non-buildable land, or is a common or private street, or is held by easement or other lesser interest than the premises where the use is located.

**PRINCIPAL BUILDING** – A building in which is conducted the principal use of the lot on which the building is located, including buildings on a farm used for agricultural purposes.

**PRINCIPAL USE** – The primary permitted use of a property.

**PROFESSIONAL OFFICE AND CLINIC** – 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.

**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). This definition shall not include the Penn Manor School District.

**PUBLIC UTILITY** – A use which is operated, owned or maintained by a public utility corporation and regulated by the Pennsylvania Public Utility Commission in accordance with the requirements of the Pennsylvania Public Utility Code, 66 Pa. C.S. §101 et seq., or which is operated, owned or maintained by a municipality or a municipal authority organized under the laws of the Commonwealth of Pennsylvania to provide water service, public sewer service, or similar services. A ‘public utility’ shall not include cellular telephone transmission facilities and similar facilities of entities which are not governmentally owned and operated or not regulated by the Public Utility Commission.

**RECREATION AREA** – An indoor or outdoor facility for the recreation and amusement of the public, which may include activities permitted in parks as well as motorized recreation, arcade or video games, miniature golf, carnival rides, laser tag, and other activities.

**RECREATIONAL VEHICLE** – A vehicle which is (1) built on a chassis; (2) not more than four hundred (400) square feet, measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light-duty truck; (4) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**RESPONSIBLE ADULT** – An individual eighteen (18) years or older is not under the influence of drugs or alcohol or suffering from any other disability which would impair his or her ability to properly supervise a fire.

**RESIDENTIAL OCCUPANCY** – the non-transient occupancy of a dwelling unit by one family for a continuous period of thirty (30) or more days. In order for the occupancy of a dwelling unit to be considered residential occupancy, such dwelling unit shall be owner-occupied or shall be leased to a family (as defined in the Ordinance) for a period of not less thirty (30) continuous days. (amended 2-4-19)

**RESTAURANT** – An establishment that serves prepared food 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.

**RETAILING OF GOODS** – Those businesses whose primary activities involve the display and retail sales and rentals of goods and products. This term shall not include adult-related facilities.

**RIGHT-OF-WAY** – A corridor of publicly or privately owned or eased land for purposed of maintaining primary vehicular and pedestrian access to abutting lots, including but not limited to, streets and sidewalks. Abutting lot owners are prohibited from encroaching across the right-of-way line. (See also ‘Street Line’)

**RURAL OCCUPATION** – A commercial or industrial activity that is conducted as an accessory use to the primary agricultural or residential use of a lot, which is clearly incidental and subordinate to the agricultural or residential use of the lot. A bed and breakfast establishment shall be considered a rural occupation.

**SATELLITE DISH ANTENNA** – A device incorporating a reflective service 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 only to receive radio or electro-magnetic waves. A device which is designed to receive and transmit shall be included within the definition of ‘communications antenna’ and shall not be considered a ‘satellite dish antenna’ for the purposes of this Ordinance.

**SCHOOL** – A principal use in which supervised education or instruction is offered.

**SEASONAL RESIDENCE** – A dwelling, cabin, lodge or summer house which is intended for occupancy less than one hundred eighty (180) days of the year and which complies with all zoning provisions for a single-family detached dwelling.

**SETBACK** – The required horizontal distance between a setback line and a lot line or street right-of-way line.

Setback, Front: The distance between the street line and the front setback line projected the full width of the lot.

Setback, Rear: The distance between the rear lot line and the rear setback line projected the full width of the lot.

Setback, Side: The distance between the side lot line and the side setback line projected from the front yard to the rear yard.

**SETBACK LINE** – A line within a lot and parallel to a lot or street line which delineates the required minimum distance between some particular use and the lot or street line.

**SHOPPING CENTER** – A group of stores planned and designed for the premises on which it is built, functioning as a unit, with shared off-street parking provided on the lot as an integral part of the unit.

**SHORT-TERM RENTAL** – the use of a structure which would be considered a dwelling if it were residentially occupied in a manner which does not meet the definition of residential occupancy, i.e. occupancy for a period of less than thirty (30) continuous days by the same occupants. A dwelling unit with an approved bed and breakfast as an accessory use shall not be considered a short-term rental. (amended 2-4-19)

**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.

**SOIL SURVEY** – The published version of the United States Department of Agriculture’s Soil Survey for Lancaster County, Pennsylvania.

**STREET** – Includes street, avenue, boulevard, road, highway, freeway, lane, viaduct and any other dedicated and adopted public or private right-of-way, used or 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 lots. The street line shall be the same as the legal right-of-way line currently in existence.

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

**SUBSTANTIAL IMPROVEMENT** – Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure before the ‘start of construction’ of the improvement. This term includes structures which have incurred ‘substantial damage’ or ‘repetitive loss’ regardless of the actual repair work performed. This term does not, however include either:

1. Any project improvement of a structure to correct existing violations of state or local

health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or;

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

**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 greater than one and one-half (1 ½) feet. Farm ponds and 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.

**TEMPORARY FARM EMPLOYEE HOUSING** – An additional temporary dwelling unit placed on a farm for occupancy by a person or family engaged in farm work on the farm.

**TOWNSHIP** – Martic Township

**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 street;
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.

**USE** – Includes the phrases 'arranged', 'designed' and 'intended to be used' and shall mean a specific purpose for which land, buildings, or structures are designed, arranged, intended, occupied or maintained, or any activity, occupation, business or operation which may be conducted at a given location.

**WINDMILL** – A device which converts wind energy to mechanical or electrical energy.

**WINDMILL ROTOR** – The portion of the windmill, i.e. the blades and the associated hub and shaft, which is intended to be moved or activated by the wind.



WINDMILL TOWER – The supporting structure on which the windmill rotor and accessory equipment are mounted.

YARD – A required open space unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the average elevation of the final grade upward, provided, however, that fences and walls may be permitted in any yard subject to height limitations as specified in this Ordinance.

Yard, Front: The yard area between the front setback line and the street line, measured perpendicular to the street line.

Yard, Rear: The yard area between the rear setback line and the rear lot line, measured perpendicular to the lot line.

Yard, Side: The yard area between the side setback line and the side lot line, measured perpendicular to the lot line.

## **ARTICLE XI MISCELLANEOUS**

**Section 1101. Repeals and Continuation of Prior Regulations.** Except as otherwise required by the law, this Ordinance is intended as a continuation of, and not a repeal of, existing regulations governing the subject matter. To the extent that this Ordinance restates regulations contained in ordinances previously enacted by the Board of Supervisors, this Ordinance shall be considered a restatement and not a repeal of such regulations. It is the specific intent of the Board of Supervisors that all provisions of this Ordinance shall be considered in full force and effect as of the date such regulations were initially enacted. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed. It is expressly provided that the provisions of this Ordinance shall not affect any act done, contract executed or liability incurred prior to its effective date, or affect any suit or prosecution pending or to be instituted to enforce any rights, rule, regulation or ordinance, or part thereof, or to punish any violation which occurred under any prior zoning regulation or ordinance. In the event any violation has occurred under any prior zoning regulation or ordinance of Martic Township, prosecution may be initiated against the alleged offender pursuant to the provisions of said prior zoning regulation or ordinance, and the provisions and penalties provided in said prior zoning regulation or ordinance shall remain effective as to said violation.

**Section 1102. Severability.** In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence clause or part of this Ordinance, it being the intent of the Board of Supervisors that such remainder of this Ordinance shall be and shall remain in full force and effect.

**Section 1103. Effective Date.** This Ordinance shall become effective five (5) days after enactment by the Board of Supervisors of the Township of Martic as provided by law.

DULY ORDAINED AND ENACTED THIS 4<sup>TH</sup> DAY OF NOVEMBER, 2002, by the Board of Supervisors of the Township of Martic, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF MARTIC  
Lancaster County, Pennsylvania

Ordinance #11-4-2002  
Attest:       /s/ Judy Mae Ament        
Secretary

By:       /s/ Barbara J. Stokes        
(Vice) Chairman,  
Board of Supervisors

Amended Ordinance 2-4-2019  
Attest:       /s/ Karen D. Sellers        
Secretary

By:       /s/ Duane A Sellers        
Chairman,  
Board of Supervisors

[TOWNSHIP SEAL]