

CHANCEFORD TOWNSHIP

ZONING  
ORDINANCE

YORK COUNTY, PENNSYLVANIA

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AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES; THEIR CONSTRUCTION, ALTERATION, EXTENSION, REPAIR, MAINTENANCE AND ALL FACILITIES AND SERVICES IN OR ABOUT SUCH BUILDINGS AND STRUCTURES; PERCENTAGE OF LOT THAT MAY BE OCCUPIED; THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES; THE DENSITY OF POPULATION AND THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE OR OTHER PURPOSES; AND FOR THESE PURPOSES ESTABLISHING ZONES AND BOUNDARIES AND DESIGNATING AND REGULATING RESIDENTIAL, COMMERCIAL, INDUSTRIAL, PUBLIC AND SEMI-PUBLIC, AGRICULTURAL AND CONSERVATION USES WITHIN SUCH ZONES AND BOUNDARIES; PROVIDING FOR THE ADMINISTRATION OF THIS ORDINANCE AND PENALTIES FOR THE VIOLATION THEREOF IN THE TOWNSHIP OF CHANCEFORD, IN THE COUNTY OF YORK AND STATE OF PENNSYLVANIA.

BE IT ORDAINED by the BOARD OF SUPERVISORS OF THE TOWNSHIP OF CHANCEFORD in the County of York and the State of Pennsylvania, as follows:

## **ARTICLE I**

### **SHORT TITLE, PURPOSES, ZONES AND STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES**

#### **SECTION 101          SHORT TITLE**

This Ordinance shall be known as the “Chanceford Township Zoning Ordinance.”

#### **SECTION 102          PURPOSE OF ORDINANCE**

The regulations in this Ordinance have been promulgated with the purpose of promoting, protecting, and facilitating - -

- a. The preservation of prime agricultural land for agricultural purposes.
- b. Proper density of population.
- c. Adequate water and sewerage.
- d. Adequate schools, parks, and other public grounds and buildings.
- e. Adequate light and air.

- f. Adequate transportation, parking and loading space.
- g. The public health, safety, morals and general welfare.
- h. Harmonious community development.

The regulations are also designed to prevent - -

- i. Overcrowding of land.
- j. Blight.
- k. Danger and congestion in travel and transportation.
- l. Injury or loss of health, life, or property from fire, flood, panic or other dangers.

This Ordinance is enacted as part of the overall plan for the orderly growth and development of Chanceford Township.

### **SECTION 103            STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES**

The primary objective of the Township's development policy is to preserve for agricultural use the major portion of the Township's quality farmlands. This should be done by preserving most of the best land in agricultural use and by minimizing the presence of conflicting uses in the agricultural zones which would tend to impair or interfere with continued agricultural activity.

Preservation of farmland should be achieved by:

- a. Directing residential growth away from areas of quality farmland
- b. Utilizing the least productive farmland where possible for industrial, commercial and residential growth.
- c. Providing an extensive well insulated agricultural area in order to encourage continued agriculture and agricultural related industries.
- d. Preventing the Township from becoming the situs for leapfrog development and exurban sprawl.
- e. Maintaining agricultural parcels of farms in sizes which will permit efficient agricultural operations.

Lands set aside for agriculture should reflect the better agriculture soils as well as include those areas to be protected from unnecessary development. Where feasible, soils classified as good for agricultural purposes should be preserved for agricultural use.

In planning for agricultural land, it is the Township's policy not to consider agricultural land as "undeveloped farmland awaiting another use." Farmland must be considered as "developed land." It is being used to produce a product. Farming is a land intensive manufacturing process which converts raw materials into a product comparable to other industrial operations, with occasional accompanying nuisances of noise, odor and dust. The agricultural zone should not be considered as a holding zone but as a zone having a positive purpose of utilizing the Township's natural resources for the benefit of the entire community and the Township should protect the agricultural zone from interference by incompatible uses which breakdown the integrity of the zone and also interfere with normal and customary operations within the zone.

Residential development should occur in limited amounts consistent with the area's needs. However, the Township does not represent a reasonable or logical place for urban oriented residential growth to occur. Generally, residential growth should represent an expansion of the Borough of Felton and an infilling of the villages of Brogue, Collinsville, and New Bridgeville. Some minimal development should occur in the agricultural or non-development areas of the Township. This development should be directed toward the lower quality agricultural soils. Large lot or farmette type of development wastes land and should be discouraged.

The Township's need for commercial and industrial enterprise is minimal but to the extent commercial development is to occur, it should occur near present commercial centers and do as not to increase traffic on residential and farm roads. If industrial development is to occur, it is important that it not degrade the quality environment currently existing in the Township and that it not have the effect of accelerating residential and commercial development in order to serve the residential and commercial needs of those who would be employed in such industry with the resulting loss of productive farmland and environment quality.

The Township recognizes that its road network will require continuing maintenance and upgrading if is to properly serve the needs of Township citizens.

The Township also recognizes that its existing recreational areas will need continuing maintenance and improvement and that with population growth additional recreation facilities will be required and plans are for them to be constructed gradually as resources become available and they become needed.





## ARTICLE II

### ZONE REGULATIONS

#### SECTION 201 ESTABLISHMENT OF ZONES

The Township of Chanceford is divided into zones enumerated below and shown on the Zoning Map of Chanceford Township which map is part of this Ordinance.

CV	Conservation
A	Agricultural
RR	Rural Residential
R	Residential
GC	General Commercial

#### SECTION 202 BOUNDARIES OF ZONES

Where uncertainty exists as to the boundaries of the zones as shown on the zoning map, the following rules shall apply:

- a. Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerline.
- b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- c. Boundaries indicated as approximately following municipality limits shall be construed as following municipality limits.
- d. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- e. Boundaries indicated as approximately following the centerline of streams, rivers, or other bodies of water shall be construed to follow such centerline.
- f. Boundaries indicated as parallel to or extensions of features indicated in Subsections a through e above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- g. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or in circumstances not covered by Subsections a through f above, the Zoning Hearing Board shall interpret the district boundaries.

## SECTION 203 USES PERMITTED

The uses permitted in the zones established by this Ordinance and the permitted extent of these uses, are as shown in the following Table 203.1 and Article IV herein. The uses shown as permitted in each zone are the only uses permitted in that zone and all other uses are subject to Section 204.

Table 203.1 Summary of Permitted and Special Exception Uses

Use/Zone	Section	CV	A	RR	R	GC
Adult Oriented Facility	407					SE
Agricultural Product Sales and Processing	409	P/SE	P/SE	P/SE	P/SE	P/SE
Agricultural Support Facilities	408	P	P		P	
Agricultural Uses	410	P	P	P	SE	SE
Airport	411	SE				P
Automotive Garage or Service Station	412	SE		SE		P
Bed and Breakfast	413	SE	SE	SE	SE	SE
Camp Ground	414	SE	SE			
Cemetery	415	P	P	P	P	
Child Care Facilities -						
Child Day Care Center and Nursery School	416				SE	P
Family Day Care Home	302.7	A	A	A	A	A
Church and Related Uses	417	P	P	P	P	P
Contractors Office or Shop	418		SE			SE
Dwelling, Single Family	401	P	P	P	P	
Dwelling, Two Family	402				P	
Dwelling, Multi-Family and Row	403				SE	
Dwelling, Multi-Family Conversion	404	SE	SE	SE	SE	
Educational Facilities, Commercial	419					P
Educational Facilities, Public/Parochial	420	P	P	P	P	P
Group Home	421	P	P	P/SE	P/SE	P/SE
Health and Personal Care Facilities -						
Hospital	422			SE	SE	P
Nursing Home or Convalescent Home	422			SE	SE	P
Personal Care Home	422			SE	SE	P
Adult Day Care Center	422			SE	SE	P
Domiciliary Care Unit	422			SE	SE	P
Heavy Equipment/Vehicle Maintenance Facility	423					SE
Home Occupation	424	P/SE	P/SE	P/SE	P/SE	P/SE
Industrial Park	425					SE

Intensive Animal Operations	439		SE			
Junkyard	426					SE
Kennel	427	SE	SE			
Manufacturing Buildings and Facilities	428					SE
Mobile Home Park	405				SE	
No-Impact Home Occupation or Profession	440	P	P	P	P	P
Professional Office	429			P/SE	P/SE	P/SE
Public and Non-Profit Buildings and Facilities, including Parks	430	P	P	P	P	P
Public Utility and Similar Building/Facilities	431	P/SE	P/SE	P/SE	P/SE	P/SE
Quarrying	432	SE				
Recreation	433	SE		SE	SE	P
Retail, Restaurant, Entertainment, Service Facilities and General Business Facilities	434			P/SE		P/SE
Rooming House	435			SE	SE	P
Sawmill	436	SE	SE			P
Shopping Center	437					P
Solid Waste Processing or Disposal Facility	438	SE				
Storage	302.6	A	A	A	A	P

Zones

CV - Conservation

A - Agricultural

RR - Rural Residential

R - Residential

GC - General Commercial

Use Key

P - Permitted (to extent allowed in Article IV)

SE - Permitted by Special Exception

A - Permitted as an Accessory Use

**SECTION 204 ALL OTHER USES**

Any use not specifically allowed in this Ordinance shall be allowed by special exception in the zone or zones where, and to the extent that, similar uses are permitted or allowed by special exception provided that said use meets the requirements for a special exception and does not constitute a public or private nuisance.

**SECTION 205 DIMENSIONAL CRITERIA AND REQUIREMENTS**

**SECTION 205.1 AS INDICATED IN TABLE 205.1**

**SECTION 205.2 BUILDING COVERAGE**

Maximum coverage of lot area by buildings shall be permitted as follows:

- a. Residential Uses
  1. If public water and public sewer are not used: 15%
  2. If public water only is used: 20%
  3. If both public water and public sewer are used: 30%
  
- b. Nonresidential Uses
  4. If public water and public sewer are not used: 30%
  5. If public water only is used: 40%
  6. If both public water and public sewer are used: 60%

**SECTION 205.3 SETBACK ON CORNER LOTS**

A corner lot shall be considered to have two front yards and two side yards and shall comply with the front and side setback requirements applicable to the zone where such lot is located.

TABLE 205.1 DIMENSIONAL CRITERIA AND REQUIREMENTS

	Conservation (Cv)	Agricultural (A)	Rural Residential (RR)		Residential (R)	General Commercial (GC)
Minimum Lot Size:	Farm:	Farm:	<u>Dwellin</u> <u>g:</u>	<u>All Other</u> <u>Uses:</u>		20,000 S.F.
Public Water and Public Sewer	50 Acres	50 Acres	20,000 S.F.	40,000 S.F.	12,000 S.F.	
Public Water and Public Sewer	All other uses	All other uses	30,000 S.F.	40,000 S.F.	20,000 S.F.	
No Public Water or Public Sewer	40,000 S.F.	40,000 S.F.	40,000 S.F.	40,000 S.F.	40,000 S.F.	
Minimum Lot Width:	150 Ft.	150 Ft.				100 Ft.
Public Water and Public Sewer			100 Ft.	150 Ft.	100 Ft.	
Public Water and Public Sewer			125 Ft.	150 Ft.	100 Ft.	
No Public Water or Public Sewer			150 Ft.	150 Ft.	100 Ft.	
Minimum Setbacks - Principal Building						
Front	35 Ft.	35 Ft.	25 Ft.		25 Ft. (2)	35 Ft.
Side	25 Ft.	25 Ft.	15 Ft.		15 Ft.	30 Ft.
Rear	25 Ft.	25 Ft.	15 Ft.		15 Ft.	30 Ft.
Minimum Setbacks - Accessory Building						
Front	35 Ft.	35 Ft.	25 Ft.		25 Ft.	35 Ft.
Side	10 Ft.	10 Ft.	10 Ft.		10 Ft.	10 Ft.
Rear	10 Ft.	10 Ft.	10 Ft.		10 Ft.	10 Ft.
Minimum Setbacks - Non-Agricultural Use						
Front	35 Ft.	35 Ft.	35 Ft.		35 Ft.	35 Ft.
Side	10 Ft.	10 Ft.	10 Ft.		10 Ft.	10 Ft.
Rear	10 Ft.	10 Ft.	10 Ft.		10 Ft.	10 Ft.
Building Height:						
Agricultural Buildings:	None	None	None	None	None	
All Other Buildings:	35 Ft.	35 Ft.	35 Ft. (1)	35 Ft. (1)	35 Ft. (1)	

(1) May be increased up to 45 feet if each side yard is increased in width 1/2 foot for each additional foot in height.

(2) Increase to 30 feet fronting a collector road, 50 feet fronting an arterial road

## **SECTION 206        CONSERVATION (Cv)**

### **SECTION 206.1        PURPOSE**

The purpose of this zone is to prescribe a zoning category for those areas where, because of natural geographic factors and existing land uses, it is considered feasible and desirable to conserve open spaces, water supply sources, woodland areas, wildlife and other natural resources. This zone may include extensive steeply sloped areas, stream valleys, water supply sources, and wooded areas adjacent thereto. This zone also includes substantial areas of prime agricultural land which it is desired be preserved for agricultural use. It is intended to maintain agricultural parcels which will permit efficient agricultural operations.

### **SECTION 206.2        USE REGULATIONS**

No building or structure may be erected or used and no land may be used or occupied except for uses indicated in Table 203.1 as either permitted or allowed by special exception in this zone.

### **SECTION 206.3        DIMENSIONAL CRITERIA AND REQUIREMENTS**

As indicated in Table 205.1

### **SECTION 206.4        BUILDING COVERAGE**

The maximum coverage of lot area by buildings or structures shall be as permitted in Section 205.2.

### **SECTION 206.5        SUBDIVISION**

- a. Except when necessary to permit the location of a lot for a single family dwelling pursuant to Sections 203.1 and 206.6 of this Ordinance, no subdivision of land other than land of low quality for agricultural use as defined in Article VI of this Ordinance shall be permitted; provided, however, this shall not prevent a “parcel” from being divided into or among two or more “farms” which will, after transfer, each contain at least fifty (50) acres of land nor shall it prevent a “parcel” containing less than fifty (50) from transferring land to another “parcel” which will, after transfer, contain at least as many total acres of land as the transferor parcel prior to the transfer.

Land of low quality for agricultural use may not be subdivided from the original tract other than as a dwelling site meeting the requirements of Section 206.6 of this Ordinance if such subdivision would preclude the property owner from locating all of the dwellings permitted on his parcel by Section 206.6(a) on land of low quality for agricultural use.

- b. Any new division line being created between two “farms” shall be agriculturally reasonable and shall not be so as to render the agricultural use of the tracts less

efficient: i.e., under normal circumstances, fields and contour strips shall not be split.

- c. The land transferred to a farm or parcel pursuant to this Section shall not subsequently be separated from such farm or parcel.
- d. A property owner submitting a subdivision plan shall be required to specify on his plan which lot or lots shall carry with them the right to erect or place any unused quota of dwelling units his tract may have.
- e. There must be assigned both the land being separated from the original tract or parcel and the remaining portion of the original parcel and the remaining portion of the original tract or parcel at least one of the original tract's permitted allocation of single family dwelling units unless that land or parcel is being permanently joined to an adjacent tract or parcel which either contains an existing dwelling or has allocated to it the right to construct at least one dwelling.

**SECTION 206.6 LIMITATIONS WITH RESPECT TO DWELLING**

Dwelling units in the Conservation Zone shall be subject to the following limitations:

- a. There shall be permitted on each tract of land the following number of dwelling units:

<u>Size of Tract Land as of July 3, 1979</u>	<u># of Dwelling Units Permitted (including those existing as of July 3, 1979 and those located on a "farm")</u>	<u># of Dwelling Units Allowed to Be Transferred To This Tract in accord- ance with Sections 206.10 and 207.10</u>
0 – 80,000 square feet	1	1
80,000 sq. ft. to 15 acres	2	1
15 acres to 30 acres	3	2
30 acres to 60 acres	4	3
60 acres to 90 acres	5	4
90 acres to 120 acres	6	5
over 120 acres	6 plus one per 30 acres or part thereof over 120	5 plus one per 60 acres or part thereof over 120

For purposes of calculating tract size, any portion of the tract located in any other Zone shall not apply and shall be regulated according to applicable regulations for such other Zone.

- b. New dwelling units must be single family dwelling units and must be located on lots containing in their entirety land of low quality for agricultural use as defined in Article VI of this ordinance. Where such location is not feasible, permits shall be issued to enable dwelling units to be located on lots containing higher quality soils. However, in all cases such residential lots shall be located on the least agriculturally productive land feasible, and shall be located so as to minimize interference with agricultural production.

- c. A lot which a new dwelling is to be located shall not contain more than forty-five thousand (45,000) square feet unless the lot in its entirety is composed of land of low-quality for agricultural use as defined in Article VI of this ordinance, and it is determined from the subdivision plan submitted by the property owner that the increased size of the proposed lot will not have the effect of precluding the property owner from locating all of the dwelling units permitted his tract by paragraph (a) of this section on lots composed in their entirety of land of low quality for agricultural use as defined in Article VI of this Ordinance, or that the physical characteristics of the land itself require a lot size in excess of forty-five thousand (45,000) square feet in order to properly locate a dwelling, a driveway, and an on-site sewage disposal system. If a new dwelling is to be located on a residual tract which currently is not improved with the dwelling, that dwelling must be located on the least agriculturally productive land feasible, and so as to minimize interference with agricultural production.
- d. A property owner submitting a subdivision plan will be required to specify on his plan which lot or lots shall carry with them the right to erect or place any unused quota of dwelling units his tract may have. The property owner shall be required to assign to each lot the right to erect or place at least one dwelling unit and to demonstrate that the lot can be approved as a location for the placement or erection of a dwelling unless the lot is being permanently merged with another parcel which has either an existing dwelling or the right to erect or place at least one dwelling.
- e. Each additional dwelling approved pursuant to subsection (a) of this section shall be located upon a separate and approved lot whether intended for transfer of title or not. Such additional dwelling lot or lots shall meet all of the requirements of this Ordinance, the Township Subdivision and Land Development Ordinance, and all requirements of the Pennsylvania Department of Environmental Protection.

#### **SECTION 206.7 BURDEN OF PROOF**

The applicant shall have the burden of proving that the land he seeks to subdivide or to utilize for a use or in a manner permitted only if the land is found to be of low quality for agricultural use, in fact is of low quality for agricultural use as defined in this ordinance and meets the criteria set forth in Section 206.9 and 206.10 of this Ordinance.

#### **SECTION 206.8 SOIL CLASSIFICATION REVIEW**

Any land owner who disagrees with the classification of his farm or any part of it by the Soil Survey of York County, Pennsylvania, Series 1959, No. 23 issued May, 1963, may submit an engineering analysis of the soils on the portion of the farm which he seeks to have reclassified, and if the Board of Township Supervisors finds his study to be accurate, it shall act in accordance with the results of such study.



**SECTION 206.9           NON-AGRICULTURAL USES WITHIN CONSERVATION ZONE**

Non-agricultural uses except for single family dwellings which shall be regulated by Section 206.4, shall be located on Land of Low Quality for Agricultural Use as defined in this Ordinance unless located in buildings existing prior to January 1, 1992 and shall reduce the number of dwelling units permitted the tract by one for each such use permitted unless the location of such use will not have an effect of precluding the property owner from locating all the dwelling units permitted the tract by Section 206.4 of this Ordinance on land of low quality for agricultural use as defined in Article VI of this Ordinance.

**SECTION 206.10       TRANSFER OF DWELLING RIGHTS**

In the event two or more tracts are in common ownership, the owners may transfer the right to construct or erect dwellings as provided by Section 206.4 (a) of this Ordinance from one tract to another owned by them providing the resulting single family dwelling unit or units are located on lots which, when considered as a part of the entire tract, consist in their entirety either of land of low quality for agricultural use as defined in Article VI of this Ordinance or of land which is less desirable for agricultural use than any land on which a single family dwelling lot could feasibly be located on the transferor tract.

Before such transfer is approved, the owner or owners must enter into a recordable agreement with the Township in a form approved by the Township Solicitor to give public notice of the transfer.

A transfer may not be approved if the location of the dwellings allocated to the transferor tract by Section 206.6 (a) of this Ordinance on such transferor tract is precluded by physical features such as inadequate access, steep slopes, wetlands, etc. as opposed to the desire to preserve agricultural land in agricultural use.

Following the transfer the transferor tract must either contain an existing dwelling to have allocated to it the right to construct at least one dwelling unless it is being permanently joined to an adjacent tract or parcel which either contains an existing dwelling or has allocated to it the right to construct at least one dwelling.

**SECTION 206.11       PRIME FARMSTEAD EXEMPTION**

The prime farmstead, if applicable, associated with any parcel shall be subject to all lot area and width requirements except lot size maximum. There shall be no lot size maximum requirement for the prime farmstead. Further, the prime farmstead need not contain a minimum fifty (50) acre minimum area required in Section 206.5/207.5 to be considered a farm.

**SECTION 207           AGRICULTURAL ZONE (A)**

## **SECTION 207.1 PURPOSE**

The primary purpose of the Agricultural Zone is to permit, protect and encourage the continued use of the land for agricultural purposes. This Zone is composed of those areas in the Township whose predominant land use is agricultural. The regulations for this zone are designed to protect and stabilize the essential characteristics of these areas, to minimize conflicting land uses detrimental to agricultural enterprises, to limit development which requires highways and other public facilities in excess of those required by agricultural uses and to maintain agricultural parcels which will permit efficient agricultural operations.

## **SECTION 207.2 USE REGULATIONS**

No building or structure may be erected or used and no land may be used or occupied except for uses indicated in Table 203.1 as either permitted or allowed by special exception in this zone.

## **SECTION 207.3 DIMENSIONAL CRITERIA AND REQUIREMENTS**

As indicated in Table 205.1

## **SECTION 207.4 BUILDING COVERAGE**

The maximum coverage of lot area by buildings or structures shall be as permitted in Section 205.2.

## **SECTION 207.5 SUBDIVISION**

- a. Except when necessary to permit the location of a lot for a single family dwelling pursuant to Table 203.1 and 207.6 of this Ordinance, no subdivision of land other than land of low quality for agricultural use as defined in Article VI of this Ordinance shall be permitted; provided, however, this shall not prevent a "parcel" from being divided into or among two or more "farms" which will, after transfer, each contain at least fifty (50) acres of land nor shall it prevent a "parcel" containing less than fifty (50) acres from transferring land to another "parcel" which will, after transfer, contain at least as many total acres of land as the transferor parcel prior to the transfer.

Land of low quality for agricultural use may not be subdivided from the original tract other than as a dwelling site meeting the requirements of Section 207.6 of this Ordinance if such subdivision would preclude the property owner from locating all of the dwellings permitted on his parcel by Section 207.6 (a) on land of low quality for agricultural use.

- b. Any new division line being created between two "farms" shall be agriculturally reasonable and shall not be so as to render the agricultural use of the tracts less efficient; i.e. under normal circumstances, fields and contour strips shall not be split.

- c. The land transferred to a farm or parcel pursuant to this Section shall not subsequently separated from such farm or parcel.
- d. A property owner submitting a subdivision plan shall be required to specify on his plan which lot or lots shall carry with them the right to erect or place any unused quota of dwelling units his tract may have.
- e. There must be assigned both the land being separated from the original tract or parcel and the remaining portion of the original tract or parcel at least one of the original tract's permitted allocation of single family dwelling units unless that land or parcel is being permanently joined to an adjacent tract or parcel which either contains an existing dwelling or has allocated to it the right to construct at least one dwelling.

**SECTION 207.6      LIMITATIONS WITH RESPECT TO DWELLINGS**

Dwelling units in the Agricultural Zone shall be subject to the following limitations:

- a. There shall be permitted on each tract of land the following number of dwelling units:

<u>Size of Tract Land as of July 3, 1979</u>	<u># of Dwelling Units Permitted (including those existing as of July 3, 1979 and those located on a "farm")</u>	<u># of Dwelling Units Allowed to Be Transferred To This Tract in accord- ance with Sections 206.10 and 207.10</u>
0 – 80,000 square feet	1	1
80,000 sq. ft. to 15 acres	2	1
15 acres to 30 acres	3	2
30 acres to 60 acres	4	3
60 acres to 90 acres	5	4
90 acres to 120 acres	6	5
over 120 acres	6 plus one per 30 acres or part thereof over 120	5 plus one per 60 acres or part thereof over 120

For purposes of calculating tract size, any portion of the tract located in any other zone shall not apply and shall be regulated according to applicable regulations for such other zone.

- b. New dwelling units must be single family dwelling units and must be located on lots containing in their entirety land of low quality for agricultural use as defined in Article VI of this Ordinance. Where such location is not feasible, permits shall be issued to enable dwelling units to be located on lots containing higher quality soils. However, in all cases such residential lots shall be located on the least agriculturally productive land feasible, and shall be located so as to minimize interference with agricultural production.
- c. A lot on which a new dwelling is to be located shall not contain more than forty-five thousand (45,000) square feet unless the lot in its entirety is composed of land

of low quality for agricultural use as defined in Article VI of this Ordinance, and it is determined from the subdivision plan submitted by the property owner that the increased size of the proposed lot will not have the effect of precluding the property owner from locating all of the dwelling units permitted his tract by paragraph (a) of this section on lots composed in their entirety of land of low quality for agricultural use as defined in Article VI of this Ordinance, or that the physical characteristics of the land itself require a lot size in excess of forty-five thousand (45,000) square feet in order to properly locate a dwelling, driveway, and on-site sewage disposal system. If a new dwelling is to be located on a residual tract which currently is not improved with the dwelling, that dwelling must be located on the least agriculturally productive land feasible, and so as to minimize interference with agricultural production.

- d. A property owner submitting a subdivision plan will be required to specify on his plan which lot or lots shall carry with them the right to erect or place any unused quota of dwelling units his tract may have. The property owner shall be required to assign to each lot the right to erect or place at least one dwelling unit and to demonstrate that the lot can be approved as a location for the placement or erection of a dwelling unless the lot is being permanently merged with another parcel which has either an existing dwelling or the right to erect or place at least one dwelling.
- e. Each additional dwelling approved pursuant to subsection (a) of this section shall be located upon a separate and approved lot whether intended for transfer of title or not. Such additional dwelling lot or lots shall meet all of the requirements of this ordinance, the Township Subdivision and Land Development Ordinance, and all requirements of the Pennsylvania Department of Environmental Protection.

#### **SECTION 207.7 BURDEN OF PROOF**

The applicant shall have the burden of proving that the land he seeks to subdivide or utilize for a use or in a manner permitted only if the land is found to be of low quality for agricultural use, is in fact of low quality for agricultural use as defined in this ordinance, meets the criteria set for in Section 207.9 and 207.10 of this Ordinance.

#### **SECTION 207.8 SOIL CLASSIFICATION REVIEW**

Any landowner who disagrees with the classification of his farm or any part of it by the Soil Survey of York County, Pennsylvania, Series 1959, No. 23 issued May, 1963, may submit an engineering analysis of the soils on the portion of the farm which he seeks to have reclassified, and if the Board of Township Supervisors finds his study to be accurate, it shall act in accordance with the results of such study.

#### **SECTION 207.9 NON-AGRICULTURAL USES WITHIN AGRICULTURAL ZONE**

Non-agricultural uses except for single family dwellings which shall be regulated by Section 207.6, shall be located on land of low quality for agricultural use as defined in Article VI of this Ordinance unless located in buildings existing prior to January 1, 1992 and shall reduce the number of dwelling units permitted the tract by one for each such use permitted unless the location of such use will not have an effect of precluding the property owner from locating all the dwelling units permitted the tract by Section 207.6 (a) of this Ordinance on land of low quality or agricultural use as defined in this Ordinance.

#### **SECTION 207.10      TRANSFER OF DWELLING RIGHTS**

In the event two or more tracts are in common ownership, the owners may transfer the right to construct or erect dwellings as provided by Section 207.6 (a) of this Ordinance from one tract to another owned by them provided the resulting single family dwelling unit or units are located on lots which, when considered as a part of the entire tract, consist in their entirety either of land of low quality for agricultural use as defined in Article VI of this Ordinance or of land which is less desirable for agricultural use than any land on which a single family dwelling lot could feasibly be located on the transferor tract.

Before such transfer is approved, the owner or owners must enter into a recordable agreement with the Township in a form approved by the Township Solicitor to give public notice of the transfer.

A transfer may not be approved if the location of the dwellings allocated to the transferor tract by Section 207.6 (a) of this Ordinance on such transferor tract is precluded by physical features such as inadequate access, steep slopes, wetlands, etc. as opposed to the desire to preserve agricultural land in agricultural use.

Following the transfer, the transferor tract must either contain an existing dwelling or have allocated to it the right to construct at least one dwelling unless it is being permanently joined to an adjacent tract or parcel which either contains an existing dwelling or has allocated to it the right to construct at least one dwelling.

#### **SECTION 207.11      PRIME FARMSTEAD EXEMPTION**

The prime farmstead, if applicable, associated with any parcel shall be subject to all lot area and width requirements except lot size maximum. There shall be no lot size maximum requirement for the prime farmstead. Further, the primed farmstead need not contain a minimum fifty (50) acre minimum area required in Section 207.5 to be considered a farm.

**SECTION 208 RURAL RESIDENTIAL ZONE (RR)**

**SECTION 208.1 PURPOSE**

This Zone is composed of those areas in Chanceford Township where residential development has already begun and is established in rural village centers.

Rural Residential Zones are established to promote and encourage a suitable and safe environment for family life, by providing only for low-density single-family residences in rural areas where public services such as water and sewerage are not available and generally not expected to be available. This Zone is also intended to encourage a mix of residential and agricultural uses in close proximity to one another.

**SECTION 208.2 USE REGULATIONS**

No building or structure may be erected or used and no land may be used or occupied except for uses indicated in Table 203.1 as either permitted or allowed by special exception.

**SECTION 208.3 DIMENSIONAL CRITERIA AND REQUIREMENTS**

As indicated in Table 205.1

**SECTION 208.4 APPROVED SUBDIVISION**

Each additional dwelling approved in this district shall be located upon a separate and approved lot whether intended for transfer of title or not. Such additional dwelling lot or lots shall meet all of the requirements of this Ordinance, the Township Subdivision and Land Development Ordinance, and all requirements of the Pennsylvania Department of Environmental Protection.

**SECTION 208.5 NUMBER OF PRINCIPAL USES ON A LOT**

Not more than one principal use shall be permitted upon a lot in this Zone except by special exception.

**SECTION 209          RESIDENTIAL ZONE (R)**

**SECTION 209.1      PURPOSE**

This Zone is composed of those areas in Chanceford Township where residential development is adjacent to significant community development areas.

Residential Zones are established to promote and encourage a suitable and safe environment for family life by providing for the orderly development of existing and proposed medium-density residential areas where public services such as water and sewerage can reasonably be expected to be available.

This Zone is also intended to facilitate general residential support activities appropriate to the uses compatible with these objectives.

**SECTION 209.2      USE REGULATIONS**

No building or structure may be erected or used and no land may be used or occupied except for uses indicated in Table 203.1 as either permitted or allowed by special exception.

**SECTION 209.3      DIMENSIONAL CRITERIA AND REQUIREMENTS**

As indicated in Table 205.1

**SECTION 209.4      APPROVED SUBDIVISION**

Each additional dwelling approved in this Zone shall be located upon a separate and approved lot whether intended for transfer of title or not. Such additional dwelling lot or lots shall meet all the requirements of this Ordinance, the Township Subdivision and Land Development Ordinance, and all requirements of the Pennsylvania Department of Environmental Protection.

**SECTION 209.5      NUMBER OF PRINCIPAL USES ON LOT**

Not more than one principal use shall be permitted upon a lot in this zone except by special exception.

**SECTION 210            GENERAL COMMERCIAL ZONE (GC)**

**SECTION 210.1        PURPOSE**

The purpose of the General Commercial Zone is to provide logical locations for the orderly development of those uses necessary to meet the community needs of Chanceford Township and the surrounding area for goods and services of a general commercial nature.

This Zone is also intended to permit and encourage limited industrial development that will be, or can be made compatible with surrounding residential or agricultural areas. It is further intended that the standards of this Zone will constitute a harmonious and appropriate development, contribute to the economic base of the Township, and otherwise carry out the purposes of the Zone.

**SECTION 210.2        USE REGULATIONS**

No building or structure may be erected or used and no land may be used or occupied except for uses indicated in Table 203.1 as permitted or allowed by special exception.

**SECTION 210.3        DIMENSIONAL CRITERIA AND REQUIREMENTS**

As indicated in Table 205.1

**SECTION 210.4        PERFORMANCE STANDARDS**

- a. Before any permit for any use permitted in this zone by special exception is granted, the applicant must establish that his proposed use will not:
  1. Cause dust, smoke, fumes, gas or offensive odors or be disseminated beyond the boundaries of the lot in violation of Section 301.2 (e)
  2. Cause vibration beyond that permitted by Section 301.2 (b) of this Ordinance
  3. Cause noise exceeding that permitted by Section 301.2 (a) of this Ordinance
  4. Cause glare observable from beyond the boundaries of the lot in violation of Section 301.2 (d) of this Ordinance
  5. Cause heat beyond the boundaries of the lot in violation of Section 301.2 (c) of this Ordinance
  6. Cause pollution, degradation, contamination or discoloration of any underground surface waters of the Township
  7. Constitute an unusual fire or explosion hazard



- b. In addition to the above, the applicant for a special exception or a use permitted in this Zone by special exception must establish to the Zoning Hearing Board the following:
1. That the ground water recharge on the tract in question after development computed during drought conditions (periods when precipitation is forty (40%) percent below normal) will exceed the anticipated water usage figures computed by using Department of Environmental Protection's figures of 3.5 persons per dwelling unit and average daily usage of one hundred gallons per person per day, where residential use is contemplated and will exceed projected water usage figures where industrial or commercial use is contemplated and that the installation of the proposed systems will not lower the ground water table in the area so as to endanger or decrease ground water supplies available to other properties in the area of the property proposed for the use permitted by special exception.
  2. That there is suitable access to the site of the proposed use and taking into consideration the amount and type of additional traffic movement likely to result from the location of the proposed use on the site proposed and that the use will not substantially increase traffic on residential streets and/or farm roads.
  3. That the buildings to be erected in conjunction with the proposed use will be suitably designed and landscaped so as to be compatible with surrounding areas.
  4. That the drainage requirements of Section 310 of this Ordinance will be complied with.
  5. That adequate fencing shall be provided to prevent children from having access to any dangerous facilities and/or materials.
  6. That the buffer requirements of Section 306 of this Ordinance will be complied with.
- c. In the event that a special exception for a use permitted in this District by special exception is granted by the Zoning Hearing Board and a permit and use certificate are issued therefore by the Township Zoning Officer and it is established that to the satisfaction of the Board of Supervisors that the use is in fact causing:
1. Dust, smoke, fumes, gas or offensive odors to be disseminated beyond the boundaries of the lot in violation of Section 301.2 (a) of this Ordinance;  
or
  2. Vibration beyond that permitted by Section 301.2 (b) of this Ordinance;  
or

3. Noise exceeding that permitted by Section 301.2 (a) of this Ordinance; or
4. Glare observable from beyond the boundaries of the lot in violation of Section 301.2 (d) of this Ordinance; or
5. Heat beyond the boundaries of the lot in violation of Section 301.2 (c) of this Ordinance.
6. Any pollution, degradation, contamination, or discoloration of underground or surface waters of the Township; or
7. An unusual fire or explosion hazard; or
8. An adverse effect upon water supplies utilized by neighboring properties; or

That the permit or certificate holder has:

1. Failed to construct and/or landscape buildings as provided in the proposal; or
2. Has failed to comply with the drainage requirements of Section 310; or
3. Has failed to fence facilities or materials dangerous to children; or
4. Has failed to comply with the buffer requirements of Section 306 of this Ordinance.

The permit and use certificate issued with respect to the use shall be revoked and the use shall terminate immediately.

### **ARTICLE III**

#### **GENERAL PROVISIONS**

#### **SECTION 301                    USES WITH NUISANCE EFFECT**

#### **SECTION 301.1                GENERAL**

In no case is a use permitted in any zone which by reason of noise, dust, odor, appearance, or other objectionable factor creates a nuisance, hazard, or other substantial adverse effect upon the property value or reasonable enjoyment of the surrounding property. Every reasonable effort must be made to prevent this effect through - -

- a. Control of lighting
- b. Design and maintenance of structures

- c. Use of planting screens or attractive fences
- d. Placement of structures on this site
- e. Appropriate control of use
- f. Prompt removal of trash or junk

**SECTION 301.2 PERFORMANCE STANDARDS**

In all Zones, all non-agricultural uses and activities established after the effective date of this Ordinance shall comply with the following performance standards; all existing non-agricultural uses and activities in compliance with the following performance standards on the effective date of this Ordinance shall continue in compliance; and all existing non-agricultural uses and activities not in compliance with Section 301.2 (a) through 301.2 (e) regarding environmental standards shall, within two (2) years following the effective date of this Ordinance, bring themselves into compliance.

- a. Noise

The sound level of any operation shall not exceed the decibel levels of the preferred frequencies cited below or as modified or exempted. The sound pressure level shall be measured with an octave bank analyzer calibrated in the preferred frequencies conforming to the specifications published by the American Standard Association (preferred Frequencies for Acoustical Measurements, SI 61960 American Standards Association, New York, New York).

- 1. Standards – At no point on the Zone boundary of or at any point within any Zone shall sound pressure level resulting from any operation in any Zone exceed the maximum permitted sound levels set forth below expressly or waived in paragraph 2 below.

<u>Center Frequency (Cycles per second)</u>	<u>Maximum Sound-Pressure Level (Decibels)</u>
31.5	65
63	67
125	66
250	59
500	52
1,000	46
2,000	37
4,000	26
8,000	17

(sound pressure level in decibels equals 0.2002 dynes/cm)

- 5. Waivers – The following sources of noise are exempt.

- a) Transportation vehicles not under the control of an on-site use.
- b) Occasionally used safety signals, warning devices and emergency pressure relief valves.
- c) Temporary construction activity between 7:00 A.M. and 7:00 P.M.

b. Vibration

No use shall cause vibrations exceeding the maximum values specified in this selection. The maximum vibration is given as particle velocity which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed the following formula shall be used.

$$PV = 6.28 F X D \text{ Where}$$

PV = Particle velocity, inches per second

F = Vibration frequency, cycles per second

D = Single amplitude displacement of the vibration inches

Particle velocity shall be the vector sum of three individual components measured simultaneously in three mutually perpendicular directions.

<u>Zoning District</u>	<u>Max. Ground Transmitted Vibration Particle Velocity (Inches/Second)</u>	
	<u>Adjacent Lot Line</u>	<u>Residential District</u>
Conservation, Agricultural Residential & Rural Residential	0.05	0.02
General Commercial	0.10	0.02

Where vibration is produced as discrete impulses and such impulses do not exceed a frequency of sixty (60) per minute, then the values in this table may be multiplied by two.

c. Heat

No heat from any use shall be sensed at any property line to the extent of raising the temperature of air or materials more than one degree F.

d. Glare

In the General Commercial, any operation or activity producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of 0.5 foot candles when measured in any district other than a General Commercial.

e. Air Pollution

A person, partnership, corporation or association may not cause on any land or permit on land owned by him the emission into the outdoor atmosphere of any malodorous air contaminants or particulate air contaminants from any source in such a manner that the malodors are detectable outside the property of the person on whose land the source is being operated or the particulate fall outside the property of the person on whose land the source is being operated. For purpose of this section, malodor is an odor which causes annoyance or discomfort to the public and which the Township determines to be objectionable to the public.

For the purpose of grading the density of equivalent opacity of smoke, the Ringelmann Chart published by the U.S. Bureau of Mines shall be used.

### **SECTION 301.3 APPLICATION OF PERFORMANCE STANDARDS**

If, in the considered judgment of the Zoning Officer, there is probably violations of the performance standards set forth herein, the following procedures shall be followed:

- a. The Zoning Officer shall give written notice, by certified mail, to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Officer believes there is a violation and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Officer within a time set by the Zoning Officer. The notice shall state, and it is hereby declared, that failure to reply or correct the alleged violation to the satisfaction of the Zoning Officer within the time set constitutes admission of violation of the terms of this Ordinance. Except in connection with alleged violations of Section 301.2 (e) regarding air pollution, the notice shall state that, on request of those to whom it is directed, technical determinations shall be made as to the existence of the alleged violation and if a violation is determined to exist, the cost of such determination shall be charged against those responsible for the violation, in addition to other penalties as may be appropriate, but that, if it is determined that no violation exists, the cost of the determination will be paid by the Township.
- b. If there is no reply within the time limit set but the alleged violation is corrected to the satisfaction of the Zoning Officer, he shall note "Violation Corrected" on his copy of the notice and shall retain it among his official records, taking such other action as may be warranted.
- c. If there is no reply within the time limit set and the violation is not corrected to the satisfaction of the Zoning Officer within the time limit set, he shall take or cause

to be taken such action as is warranted by continuation of a violation after notice to cease.

- d. If a reply is received within the time limit set indicating that the alleged violation will be corrected to the satisfaction of the Zoning Officer but requesting additional time, the Zoning Officer may grant an extension of time if he deems it warranted in the circumstances of the case and if the extension will not, in his opinion, cause imminent peril to life, health or property.
- e. If a reply is received within the time set requesting technical determination as provided in this Ordinance and if the alleged violation continues, the Zoning Officer may call in properly qualified experts to make the determinations. If such determinations indicate violation of the performance standards, the cost of the determinations shall be assessed, against the person or persons responsible for the violation, in addition to such other penalties as may be appropriate under the terms of Section 511 of this Ordinance.

If no violation is found, the cost of the determination shall be paid by the Township without assessment against person or persons involved.

#### **SECTION 301.4 SEWAGE**

- a. Hereafter no sewage system of any kind shall be erected, constructed, installed, altered, or extended within the limits of Chanceford Township except as set forth in Section 1 of the Chanceford Township Sewage Permit Ordinance, unless a permit to do so shall first be secured in accordance with the provisions of the Chanceford Township Sewage Permit Ordinance and unless such erection, construction, installation, alteration or extension is in strict accordance with the application submitted pursuant to the Chanceford Township Sewage Permit Ordinance and with the permit issued pursuant thereto and in accordance with the procedures set forth in such ordinance.
- b. No person, firm, association, or corporation shall maintain or use any sewage disposal system of any kind so that vectors (insects or rodents capable of carrying disease) may have access to the excrementitious matter contained therein or so that the sewage disposal system directly or indirectly drains or discharges over or upon the surface of the ground or into any waters of the Township. It shall also be unlawful for any person, firm, association, or corporation to fail to comply with the requirements as set forth in subparagraphs (a) and (b) of Section 2 of the Chanceford Township Sewage Permit Ordinance.
- c. All the provisions of the Chanceford Township Sewage Permit Ordinance are incorporated herein by reference. Any violation of any provision of that ordinance shall constitute a violation of this ordinance.

#### **SECTION 302 ACCESSORY USES AND STRUCTURES**

Accessory uses and structures shall be permitted in conjunction with the principal uses permitted by this Ordinance and shall be further subject to the requirements for accessory uses and structures as set forth herein.

### **SECTION 302.1 WELLS**

- a. A well must not be placed within ten (10) feet of a property line unless such location is necessary in order to enable a well, sewage disposal system, driveway and dwelling to be placed on the lot.
- b. A well must not be placed within the right-of-way of any public road or within twenty (20) feet of the center line of any public or private road providing or potentially providing access to more than one dwelling.

### **SECTION 302.2 ATTACHED STRUCTURES**

A permanent-roofed accessory structure, attached to the principal building, is considered a part of the principal building for all regulatory purposes.

### **SECTION 302.3 NONATTACHED STRUCTURES**

A permanent-roofed accessory structure, standing apart from the principal structure, is permitted in rear and side yards.

In the Residential Zone (R) and in the Rural Residential Zone (RR), structures originally designed for transportation after fabrication on streets and highways on their own wheels or on flatbed for other trailers and arriving at the site where they are to be utilized complete and ready for use except for minor and incidental unpacking and assembly operation, location on jacks or permanent foundations, connection to utilities and the like, including but not limited to structures originally designed as mobile homes, as vans, as trailers or as buses, are not permitted as accessory structures.

### **SECTION 302.4 FENCES AND WALLS**

No fence or wall (except a retaining wall or a wall of a building permitted under the terms of this Ordinance) shall be erected to a height of more than six (6) feet in any yard area unless authorized by special exception.

### **SECTION 302.5 OUTDOOR SWIMMING POOL**

Every outdoor swimming pool must conform to all applicable requirements of State law and in addition, all outdoor swimming pools, whether public, club, or private must be completely surrounded by a fence or wall not less than four (4) feet in height, which shall be so constructed as not to have openings, holes, or gaps larger than four (4) inches in any dimension. However, vertical picket fences whose picket members are not more than four (4) inches apart are permitted as protection. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped. The walls or sides of above ground pools will be considered to be protective fences or walls as required by this section provided they

meet all requirements of this section as to height. Farm ponds shall be excluded from the protective fence requirements of this section.

All swimming pools must be located either in existing side yard area or the existing rear yard area excepting that this requirement shall not apply if the swimming pool is to be located at a distance greater than one hundred (100) feet from the center of a public road.

## **SECTION 302.6 STORAGE**

### **1. TRAILERS AND TRUCKS**

In a residential zone, trailers used for a business or commercial purpose and trucks licensed for 17,000 lbs. or more gross vehicle weight must be parked or stored within a garage, carport, or an enclosed storage structure.

### **2. WHEN PERMITTED**

Storage is a permitted use in the General Commercial District and is permitted as an accessory use in all districts, provided that no part of the street right-of-way, no sidewalks or other area intended or designed for pedestrian use, no required parking areas and no part of the front yard shall be occupied by outdoor storage or display. The permitted storage of items used on the lot or tract where stored in connection with the principal permitted use in such lot or tract of land.

### **3. OUTDOOR STORAGE**

The following items may not be stored out of doors in any District except in an approved "junk yard" in the General Commercial District.

- a. Automobiles, buses, vans, recreational vehicles and other vehicles of the type required to be registered for highway operation pursuant to the provisions of Chapter 13 of the Pennsylvania Motor Vehicle Code but not so registered.
- b. Automobiles, buses, vans, recreational vehicles and other vehicles of the type required to be registered for highway operation pursuant to the Pennsylvania Motor Vehicle Code and so registered but not displaying a currently valid certificate of inspection and approval issued pursuant to Chapter 47 of the Pennsylvania Motor Vehicle Code.

(Excepting, however, each lot or parcel in separate ownership may be permitted one such vehicle, provided the property owner is actively repairing such vehicle or using the vehicle as parts for the repair of other vehicles and such vehicle does not remain on the property for an unreasonable period of time.)

- c. Tire stockpiles



- d. Motor vehicle parts, appliances, appliance parts, pieces of iron, steel, cans or other such materials
- e. Junk as defined in this Ordinance.

**SECTION 302.7 FAMILY DAY CARE HOME**

This shall be permitted as accessory to use as a dwelling subject to the limitations which are applicable in this Ordinance with respect to the location of dwellings.

**SECTION 302.8 DOMICILIARY CARE UNIT**

This shall be permitted as accessory to use as a dwelling subject to the limitations which are applicable in this Ordinance with respect to the location of dwellings.

**SECTION 302.9 LIMITATION ON ACCESSORY USES**

Unless specifically permitted in this Ordinance, there may be no business use or other use involving monetary receipt to the property owner or operator of the “use” accessory to the use of a tract for residential purposes.

**SECTION 302.10 RESIDENTIAL USES ACCESSORY TO COMMERCIAL AND INDUSTRIAL USES**

An apartment permitted as an accessory use in conjunction with a commercial or industrial establishment or a caretaker or watchman dwelling placed in conjunction with such use, must be discontinued and the residential use terminated immediately upon termination or cessation of the commercial or industrial use.

**SECTION 302.11 EXCEPTIONS FOR ACCESSORY OR APPURTENANT STRUCTURES**

The height regulations do not apply to - -

1. Structures such as chimneys, standpipes, flagpoles, television antennas or radio towers
2. Structures on buildings such as clock towers, cupolas, water tanks, and other mechanical appurtenances, if such structures, at any level, do not cover more than 25 percent of the roof on which they are located.
3. Parapet walls or cornices used solely for ornamental purposes if not in excess of five (5) feet.

**SECTION 303 SIGNS PERMITTED AND EXTENT-OF-USE**

**SECTION 303.1 GENERAL**

- a. Drive-in Business

For a Drive-in Business, one (1) business sign not exceeding thirty (30) square feet in area is permitted on each street frontage. Additional signs are permitted as long as their number does not exceed two (2) per street frontage and their combined area does not exceed twenty (20) square feet per street frontage.

b. Other Uses

For other uses, one (1) sign is permitted on each street frontage of a lot for each occupancy purpose and an additional sign for each occupancy or purpose is permitted for every one hundred (100) feet of street frontage or major fraction thereof all in accordance with Subsection (d) below. However, for business signs, any number of signs are permitted as long as their total area does not exceed the maximum under (d) below.

c. All Uses

For all uses, and advertising and a business sign must be at least sixty (60) feet apart, and no sign exceeding thirty (30) square feet in area may be located within seventy-five (75) feet of a residential zone.

d. Type, Location and Size of Sign –

<u>Type of Sign</u>	<u>Where Permitted</u>	<u>Maximum</u>
Traffic	any zone	12 sq. ft.
Home Occupation or Home Profession	A & CV R & RR	12 sq. ft. 6 sq. ft.
Trespassing	any zone	2 sq. ft.
Utility	any zone	6 sq. ft.
For sale, rent, sold and rented	any zone	12 sq. ft.
Work signs of builders, painters, and other artisans while performing work on the premises	any zone	12 sq. ft.
Directional	any zone but R	6 sq. ft.
Identification and information of churches, schools, and other non-profit institutions	any zone	41 sq. ft.
Multi-family bulletin board	same zone as multi-family Dwelling	20 sq. ft.

Business, including agricultural and horticultural products	any zone	A or CV zone: 2 signs neither to exceed 3 sq. ft. GC Zone: 160 sq. ft. or 3 sq. ft. for each lineal foot of building frontage, whichever is greater. Where the nature of the business and its location require such long range visibility of signs that the above dimensions are inadequate to reasonably attract business, the max. size may be raised by special exception to the extent to do so. RR Zone: 1 sign not to exceed 16 sq. ft. in size.
Advertising	GC Zone	300 sq. ft.
Industrial Park Subdivision, Shopping Center	GC Zone	Special exception must be obtained from the Zoning Hearing Board

**SECTION 303.2 SETBACK OF SIGNS**

a. Attached Signs

No portion of an attached sign may extend beyond the building setback line.

b. Free-standing Signs

No portion of a free-standing sign may be closer to a street right-of-way line than a distance equal to its height and in no event closer than fifteen (15) feet.

**SECTION 303.3 BUNTINGS AND PENNANTS**

Buntings and pennants are permitted only to announce the opening of a new business or industry and must be removed after seven (7) days.

**SECTION 303.4 PROJECTION OF SIGNS**

No sign may project - -

- a. Over a public sidewalk area
- b. Over a public highway or street unless specifically by other Township or State regulations.
- c. More than twenty-five (25) feet above the ground except for an attached sign which may project ten (10) feet above the roof of a building providing the sign so placed does not project more than thirty-five feet above the ground.

### **SECTION 303.5 ILLUMINATION OF SIGNS**

- a. All Zones:

Flashing and intermittent lights are prohibited.

- b. All Signs:

A sign may be illuminated only if the lighting is so screened that it is not directed or reflected toward any adjacent residence within one hundred (100) feet.

- c. Near Highway Traffic Lights:

Signs which are illuminated in the colors, red, green, or amber, either by colored bulbs or tubing, or in high reflection by the use of special preparations such as florescent paint or glass, may not be located within a radius of one hundred (100) feet of a highway traffic light or similar safety device or in the center of any street intersection.

### **SECTION 303.6 SIGN CONSTRUCTION & MAINTENANCE**

Signs must be constructed of durable materials, maintained in good condition, and not allowed to become dilapidated.

### **SECTION 303.7 TERMINATION OF ENTERPRISE – SIGN REMOVAL**

Upon termination or abandonment of a commercial, or industrial use, all signs pertaining to the enterprise must be removed.

### **SECTION 304 YARD REGULATIONS**

- A. Expansion of Existing Buildings

1. Expansion of building existing as of January 1, 1992, shall be permitted without regard to the yard requirements set forth in this Ordinance provided such expansion does not project further into the required yard area than does the building before expansion.

- B. New Principal Buildings

1. New principal buildings may be located in the required front setback or front yard area only if:
  - a. The alignment of one or more of the existing principal buildings on each side of the lot proposed as the location for a new principal building and within a distance of two hundred (200) feet of the proposed building and fronting on the same side of the same road or street is more proximate to the center of the road or street than the required minimum front setback line; and
  - b. The proposed principal building will be located so that it is in alignment with principal building on each side of the lot within a distance of two hundred (200) feet of the proposed building and fronting on the same side of the same road or street as the proposed building; and
  - c. The resulting front setback is not less than thirty-five (35) feet from the center line of the road or street.

C. New Accessory Building

1. New accessory buildings may be located within minimum required front setback or front yard areas only if:
  - a. There is on the property proposed as the location for the accessory building another building within the required front setback or front yard area; and
  - b. Such building was existing on January 1, 1992; and
  - c. The proposed accessory building will not project further into the required front setback or front yard area than the other building existing on January 1, 1992.
2. New accessory buildings may be located in the existing front yard area as defined in relation to the principal building only if:
  - a. The provisions of subsection 1(a) above are applicable to permit the accessory building to be located within the minimum required front setback or front yard area; or
  - b. The proposed accessory building will be located in the Agricultural Zone or Conservation Zone.
    1. The accessory building will be located at least five hundred (500) feet from any dwelling other than one owned by the owner of the accessory building.

D. Exclusions

1. In all Zones, the setback regulations do not apply to:
  - a. School bus shelters and cornices, chimneys, steps, canopies, and similar extensions, but not including porches or patios whether covered or not
  - b. Open fireproof fire escapes
  - c. Eaves
  - d. Hedges, fences or walls less than six (6) feet in height above the natural grade except that on a corner lot in any Residential Zone, no fence, wall, hedge or other structure or planting more than two and one-half (2-1/2) feet in height shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line adjoining said street lines at points which are twenty-five (25) feet distant from the point of intersection, measured along said street lines.

E. General

No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.

F. Sight Distance

Proper sight lines must be maintained at all street intersections. Measured along the centerline of the street, there must be a clear sight triangle with sides as follows:

<u>Street</u>	<u>Clear Sight Triangle Side</u>
Major Thoroughfare	150 feet
Minor Streets	75 feet

No building or construction is permitted in this area except as follows:

1. Obstructions or plantings less than three (3) feet in height.
2. If not obstructing the view of traffic, post columns and trees not exceeding one (1) foot in diameter.

**SECTION 305                      MINIMUM HABITABLE FLOOR AREA**

All dwelling units shall conform to the following minimum habitable floor area:

- a. 1 – 2 bedroom units; 700 square feet of which at least 75% of the required square footage must be encompassed in the main floor or ground level.

- b. Units with more than 2 bedrooms: 120 square feet additional per bedroom.

Add-ons must be harmonious with the existing building structure.

## **SECTION 306                      SCREENS AND BUFFERS**

1. Wherever the General Commercial Zone abuts a residential zone except for street or alley frontage:
  - a. A fence or hedge must be placed sufficient to screen any proposed industrial or commercial uses or structures from any location in a Residential Zone and from any existing residence in an Agricultural or Conservation Zone.
  - b. The space along the side or rear lot line in the General Commercial Zone abutting a residential zone for fifty (50) feet in depth may not be used for commercial or manufacturing operations. This area must be suitably landscaped and maintained.
2. Where an outdoor recreational use other than a golf course adjoins or is in a residential zone, trees or shrubs must be planted on the site of the use so as to form an effective visual barrier between the outdoor recreational use and the adjoining residentially zoned property.

## **SECTION 307                      PARKING REQUIREMENTS**

### **SECTION 307.1    GENERAL REGULATIONS**

Off-street parking, loading and unloading facilities shall be provided to lessen congestion in the streets. As used herein, the term “parking space” includes either covered garage space or uncovered parking lot space located off the public right-of-way.

- a. Space for off-street parking of motor vehicles shall be provided and maintained for each building, structure or use hereafter erected, altered or established, exclusive of any public right-of-way, together with adequate access ways, driveways, or other means of circulation and access to and from a public street. A minimum of two hundred (200) square feet, exclusive of drives, entrances, and exits, shall comprise one vehicular parking space. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the schedule set forth in Section 307.2.
- b. Any off-street parking area shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface, such as gravel, concrete, or bituminous concrete surface, and shall be so arranged as to provide for orderly and safe parking and storage of vehicles. Access drives and parking areas for commercial and industrial uses shall be paved, except where unpaved parking areas are authorized by special exception.
- c. Any lighting used to illuminate any off-street parking shall be arranged as to reflect the light away from adjoining premises and public rights-of-way.

- d. There shall be adequate provisions for ingress and egress parking and loading space designed for employees, customers, delivery services, sales people and/or the general public. Where a parking or loading area does not abut on a public right-of-way or private easement of access, there shall be provided an access drive per lane of traffic, not less than twelve (12) feet in width per lane of traffic and not less than eighteen (18) feet in width in all cases where the access is to storage areas or loading and unloading spaces required hereunder.
- e. All off-street parking spaces shall be marked so as to indicate their location.

**SECTION 307.2 MINIMUM PARKING SPACES REQUIRED**

<u>Building Type</u>	<u>Minimum Space Required</u>	<u>For Every</u>
Single-family and two-family dwelling	2	Dwelling Unit
Multi-family dwelling, row dwelling, and multi-family conversions	2	Dwelling Unit
Churches, schools or other places provided for public or private assembly	1	3 seats
Retail stores and other places of trade or business	1	100 square feet of floor area
Drive-in restaurants, sit-down restaurants, public entertainment facilities	1	50 square feet of floor area; or, 4 seats, plus 2 for every 3 employees
Office	1	200 square feet of floor area
Motel	1	Room, plus 2 for each 3 employees
Clubs, lodges	1	5 persons total capacity
Nursing or convalescent home	1	3 beds plus 2 for each 3 employees
Automobile service station	1	200 square feet of floor area plus 1 for each employee



Kennel, stable, animal hospital, drive-in, produce stands, commercial greenhouse	3	Sufficient number, but no fewer than 3
Home occupations	1	Residence, plus 2 for patron use, plus 1 for the non-resident employee
Funeral Homes	1	100 square feet of floor area
Industrial and manufacturing establishments, including shops, laboratories, warehousing and truck terminals	1	Employee of the largest shift

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**SECTION 307.3      PARKING AREAS ADJACENT TO STREETS**

For multi-family and non-residential uses, where a parking area or other area open to movement of vehicles abuts the right-of-way line of a public street, a pipe railing, post and chain barricade, raised curb, or equally effective device, satisfactory to the Township, must line the public right-of-way, except at access points.

**SECTION 307.4      LOADING AND UNLOADING SPACE**

In addition to the off-street parking space required above, any building erected, converted or enlarged in any Zone for commercial, office building, manufacturing, wholesale, or similar uses shall provide adequate, off-street areas for loading and unloading of vehicles. The minimum size loading space shall be fifty (50) feet in depth, twelve (12) feet in width, with an overhead clearance of fourteen (14) feet.

All commercial and industrial establishments shall provide loading and unloading and commercial vehicles storage space, adequate for their needs. This required space shall be provided in addition to established requirements for patron and employee parking. In no case, where a building is erected, converted or enlarged for commercial, manufacturing, or business purposes, shall the public rights-of-way be used for loading and unloading of materials.

**SECTION 307.5      ACCESS TO OFF-STREET PARKING AND LOADING AREAS**

- a. Access to and from all off-street parking, loading, and vehicle service areas along public rights-of-way shall consist of well-defined separate or common entrances and exits.

- b. All accessory driveways and entrance ways shall be graded, surfaced, and drained to the satisfaction of the Township, to the extent necessary to prevent nuisances of dust, erosion, or excessive water flow across public rights-of-way.

#### **SECTION 307.6      PARKING AND LOADING AREA SETBACKS**

All non-residential parking and loading areas and parallel circulation and service lanes shall be separated from the paving edge of a public thoroughfare or adjoining property line by a planting strip, at least twenty (20) feet in depth, unless adjoining owners mutually agree to common facilities subject to greater setbacks as may be required elsewhere in this Ordinance.

#### **SECTION 307.7      SURFACE IMPROVEMENT**

All access drives for commercial or industrial uses (a church is not considered a commercial or industrial use) shall be improved in accordance with the standards set forth in the Township Subdivision and Land Development Ordinance. The surface course shall be added at least six (6) months but not more than twelve (12) months following the completion of the stone base.

All required parking areas for commercial uses and industrial uses as set forth in this Ordinance shall be improved in accordance with the standards set forth in the Township Subdivision and Land Development Ordinance excepting that four (4) rather than eight (8) inches of pavement base shall be required. The surface course shall be added at least six (6) months but not more than twelve (12) months following the completion of the stone base.

#### **SECTION 307.8      STORM WATER DRAINAGE**

All parking areas and access drives must be designed so as to achieve compliance with the storm drainage requirements of the Township Storm Water Management Ordinance and, where necessary in order to achieve compliance with that section, storm drainage facilities including but not limited to storm water detention basins must be designed and installed so that all of the requirements regarding storm drainage as set forth in the Storm Water Management Ordinance which requirements are incorporated herein by reference are met with respect to parking areas and access drives. A violation of any provision of the storm water management provision of the Township Subdivision and Land Development Ordinance shall be a violation of this Ordinance.

#### **SECTION 307.9      LOADING SPACE SIZE; SURFACING**

The loading space must be not less than twelve (12) feet wide and seventy (70) feet long. It must be surfaced so as to be available in all weather.

#### **SECTION 307.10     LOADING SPACES REQUIRED**

Off-street loading spaces must be provided for each building erected or enlarged in accordance with the following schedule:

<u>Type of Use</u>	<u>Number of Loading Spaces</u>
Manufacturing, storage, display or sale of goods hospitals and sanitararia	1 space for a gross floor area 5,000 25,000 sq. ft. and 1 additional space for each 10,000 sq. ft. of gross floor area in excess of 25,000 sq. ft.
Offices, hotels, theaters or similar uses	1 space for a gross floor area of 20,000 to 100,000 sq. ft. and 1 additional space for each 40,000 sq. ft. of gross floor area in excess of 100,000 sq. ft.

### **SECTION 307.11      LOADING SPACE LAYOUT**

The loading area must be arranged so that there will be no need for motorists to back over public rights-of-way and must not be located in the front yard.

### **SECTION 308            DRIVEWAYS**

#### 1. Width

Within ten (10) feet of the street right-of-way line, access driveways may not exceed thirty-five (35) feet in width.

#### 2. Number

The number of driveways may not exceed two (2) per lot on any one street frontage. The Zoning Hearing Board may grant permission by special exception for additional driveways where required to meet exceptional circumstances and where frontage of unusual length exists.

#### 3. Offsets

Driveways may not enter a public street:

- a. Within forty (40) feet of the street right-of-way line of an intersecting street.
- b. Within five (5) feet of a fire hydrant.
- c. Within twenty-five (25) feet of another access drive on the same property.
- d. Sight Distances; Slope, Cuts

A driveway must be located in safe relationship to sight distance and barriers to vision. The drive may not exceed a slope of five (5) percent within twenty-five (25) feet of the street right-of-way line. Where a drive enters a bank through a cut, unless a retaining wall is used, the shoulders of the cut may not exceed fifty (50) feet of the point at which the drive intersects the street right-of-way. The height of the bank must not exceed three (3) feet within (10) feet of the street. Minor variations may be granted by the zoning officer upon written recommendation by the township engineer and approved by the Board of Supervisors.

e. Driveway Permits

Hereafter no driveway may be opened or constructed within the limits of Chanceford Township unless a permit to do so shall first be secured in accordance with the provisions of the Chanceford Township Driveway Ordinance, all of which provisions are incorporated herein by reference; and unless such opening or construction is in strict accordance with the application submitted pursuant to the Chanceford Township Driveway Ordinance and with the permit issued pursuant thereto in accordance with procedures set forth in such Ordinance. Any violation of the provisions of the Township Driveway Ordinance shall constitute a violation of this Ordinance.

**SECTION 309 LIGHTING**

Where a use involves exterior lighting, the lighting must be so located and shielded that no objectionable illumination or glare is cast upon adjoining properties.

**SECTION 310 STORM WATER AND DRAINAGE**

**SECTION 310.1 ADEQUATE DRAINAGE REQUIRED**

No principal building may be erected, structurally altered or relocated on land - -

- a. Which is not adequately drained at all times.
- b. Which is subject to periodic flooding.

**SECTION 310.2 BUILDING RESTRICTED ADJACENT TO DRAINAGE CHANNELS & WATERCOURSES**

Except for a boathouse, no building may be erected, structurally altered or relocated -

- a. Within twenty (20) feet of the ordinary high water line of any surface water drainage channel or natural watercourse.
- b. So that its lowest floor is less than three (3) feet above the high water line.

**SECTION 310.3 DRAINAGE UPON STREETS**

In order to prevent improper surface water drainage upon streets, each building erected, structurally altered, or relocated, and its driveways, must be at a grade in satisfactory relationship - -

- a. With the established street grade, or
- b. With the existing street grade where none is established.

**SECTION 310.4 DRAINAGE UPON ADJOINING PROPERTIES; SLOPES**

In order to protect adjoining property owners, and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land may be made which would - -

- a. Result in a slope of more than ten (10%) percent within twenty (20) feet of a property line.
- b. Alter the existing drainage or topography in any way so as to adversely affect adjoining properties.

In no case may any slope exceed the normal angle of slippage of the material involved. All slopes must be protected against erosion.

### **SECTION 310.5 OBSTRUCTION TO DRAINAGE PROHIBITED**

The damming, filling, or otherwise interfering with the natural flow of a surface watercourse is not permitted without approval of the Township Supervisors.

### **SECTION 311 WATER SUPPLY**

Unless a safe water supply is provided, a use certificate will not be issued for a building involving human use or occupancy. Any private water supply for a principal building involving human use and occupancy must be in accordance with minimum standards approved by the Pennsylvania Department of Environmental Protection.

### **SECTION 312 NONCONFORMITIES**

#### **A. NONCONFORMING STRUCTURES**

##### **1. Continuation**

Any nonconforming building or structure may remain although such structure does not conform to the dimensional requirements of this Ordinance.

##### **2. Restoration**

If any nonconforming building or structure shall be destroyed or damaged by reason of wind, storm, fire, explosion or other act of God, or torn down by the owner thereof, such building or structure may be restored or rebuilt at its original location provided that the original location is at least sixteen and one-half (16 – ½) feet from the center line of a public road or at an alternate location provided the alternate location does not involve a greater encroachment into the required setback or yard area than did the original location and provided such restoration or reconstruction is commenced within one (1) year of the date of the casualty and it is completed within one (1) year thereafter. Unless such building or structure is restored or reconstructed as set forth above, it shall be considered abandoned and shall not be restored or reconstructed except in conformance with the provisions of this Ordinance.

3. Extension, Expansion or Alteration

A nonconforming building or structure may be extended, expanded or altered provided the extension, expansion or alteration does not involve a greater encroachment into the required setback or yard area than did the original building or structure.

B. NONCONFORMING LOTS

1. Continuation

Any nonconforming lot may be continued although such lot does not conform to the lot requirements for the district where its is located.

2. Construction

The provision of this Ordinance shall not prevent the construction of a structure or building provided the yard, height and other applicable dimensional requirements are met, or the establishment of a use on any nonconforming lot.

C. NONCONFORMING USES

1. Continuation

Any nonconforming use may be continued indefinitely although such use does not conform to the provisions of this Ordinance. Unless specifically provided by the Zoning Hearing Board for a particular use, no change of title or possession or any other change in status of a property on which a nonconforming use exists shall prevent the continuance of such nonconforming use.

2. Extension or Expansion

The Zoning Hearing Board may permit the extension or expansion of a nonconforming use provided:

- a. The extension or expansion of the nonconforming use must be confined to the lot on which the use was located at the time the use became nonconforming.
- b. Access drives, off-street parking and off-street loading areas consistent with the standards required by this Ordinance must be provided.
- c. All setback, lot area, building coverage and building height requirements for permitted uses in the zone where the nonconforming use is located must be complied with.
- d. Extension or expansion of a nonconforming use shall be restricted to an additional area not exceeding thirty-five (35%) percent of the area

devoted to the nonconforming use at the time such use became nonconforming.

- e. To the extent reasonably possible, appearance must be rendered harmonious with surrounding properties. This includes but is not limited to: landscaping, enclosure of principal and accessory uses, height control and maintenance in good condition of all improvements and open spaces.
- f. Buffers and screens must be provided as necessary to adequately protect neighboring properties including, but not limited to: fences, walls, plantings and open space.
- g. The Zoning Hearing Board may impose such additional requirements as may be reasonable to assure that the proposed extension or expansion will not adversely affect the use or enjoyment of neighboring properties.

### 3. Change of Use

Once changed to a conforming use, no building, structure or land shall be permitted to revert to a nonconforming use. The Zoning Hearing Board may by special exception permit a nonconforming use or a combination of nonconforming uses which may but need not include the original nonconforming use. The Zoning Hearing Board shall require that:

- a. The applicant establish that the nonconforming use cannot reasonably be changed to a permitted use.
- b. The applicant establish that the proposed nonconforming use or uses will not have greater adverse impact upon adjacent property and the general neighborhood than the existing nonconforming use or uses. In making this determination, the Zoning Hearing Board shall consider particularly the effect upon adjacent property and the general neighborhood of the following:
  - (1) Signs and Lighting
  - (2) Extent and appearance of buildings or structures
  - (3) Traffic generation and congestion including truck, automobile and pedestrian traffic
  - (4) Parking and loading
  - (5) Emission of noise, odors, fumes, glare, vibrations, smoke, vapors, gases, waste or storm water runoff
  - (6) Fire, explosion or other hazards
  - (7) Storage and waste disposal. The proposed nonconforming uses may not cause an increase in outside storage.
- c. The total space consumed by the proposed nonconforming use or combination of nonconforming uses may not exceed the space consumed by the original nonconforming use or uses by more than thirty-five (35%) percent.

- d. If the space to be utilized for the proposed nonconforming use or uses is to be enlarged, the applicant must establish that all of the requirements set forth in subsection 2 hereof regarding the extension or expansion of nonconforming uses will be complied with.
- e. The Zoning Hearing Board may impose such additional requirements as may be reasonable to assure that the change of use or uses will not adversely affect the use or enjoyment of neighboring properties.

4. Abandonment

A nonconforming use shall be adjudged as abandoned when there occurs a cessation of any use or activity by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of one (1) year from the date of cessation and noncontinuance.

Such use shall not thereafter be reinstated and any building or structure located on the property shall not be reoccupied except in conformance with this Ordinance.

5. Zone Changes

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



## **ARTICLE IV**

### **STANDARDS FOR SPECIFIC USES**

#### **SECTION 401            SINGLE FAMILY DWELLING**

Where indicated as permitted, this use is permitted subject to the limitations contained within the applicable Zone and Article III herein.

#### **SECTION 402            TWO FAMILY DWELLING**

Where indicated as permitted, this use is permitted subject to the limitations contained within the applicable Zone and Article III herein.

#### **SECTION 403            MULTI-FAMILY DWELLINGS AND ROW DWELLINGS**

In passing upon a special exception application for the construction of a row dwelling or a multi-family dwelling, the Zoning Hearing Board shall require that:

- a. The applicant submit feasibility study on connecting or extension to a public sewerage system or construction of a private sewage treatment facility.

If connection or extension to a public sewage system or construction of a private sewage treatment facility is not feasible, the Board shall require that soil absorption tests be performed concerning the suitability of the soil for subsurface sewage disposal. All feasibility reports and soil testing results are to be prepared by a registered professional engineer and submitted to the Pennsylvania Department of Environmental Protection for review and approval and assurance that the dwelling will pose no sanitation or health hazard in the area involved.

- b. Lot width shall not be less than one hundred fifty (150) feet.
- c. Lot depth shall not be less than two hundred (200) feet.
- d. No two detached buildings shall be closer to one another than thirty (30) feet.
- e. The maximum number of dwelling units in a row group is eight (8).
- f. Within the required open space, a portion of the total lot area equal to fifteen one hundredths (0.15) times the habitable floor area shall be assigned and developed for active recreation usage. Any space designated for recreation shall be suitably improved and equipped by the developer and subsequently maintained by the owner.
- g. The landscape area shall not be less than twenty-five (25%) percent of the total lot area.
- h. Permitted density shall be determined in the following manner:

1. "Density Factors" are numerical values applied residential dwelling unit types for the purpose of computing permitted densities, and shall be assigned each dwelling unit type in accordance with the following table:

<u>Dwelling Unit Type</u>	<u>Density Factor</u>
Efficiency Unit	3
One-Bedroom Unit	3
Two-Bedroom Unit	4
Three-Bedroom Unit	4
Four-Bedroom Unit	6

2. The aggregate "Density Factor" per acre shall not exceed twenty-four (24).
  3. The total number of dwelling units per acre shall not exceed eight (8).
- i. The layout and design shall be consistent with current principles and practices of modern site planning and development. In accordance with Section 503 (5) of Act 247, the Township reserves the right to alter site plans which do not conform with such principles and practices or which do not meet the design provisions of the Chanceford Township Subdivision and Land Development Ordinance.
  - j. Condominiums shall be considered multi-family dwellings for the purposes of this Section.

**SECTION 404            MULTI-FAMILY CONVERSION**

- a. Yard, building area and other applicable requirements for the Zone shall not be reduced by reason of the conversion.
- b. No structural alteration of the building exterior shall be made except as may be necessary for purposes of safety.
- c. Such conversion shall be authorized only for large buildings that have little economic usefulness as single-family dwellings or for other conforming uses, and erected prior to the adoption of this ordinance.
- d. The lot area per housing unit shall not be reduced thereby to less than five thousand (5,000) square feet per multi-family conversion.
- e. The grant of the special exception and loss of one or more dwelling rights must be made a matter of public record by an agreement entered with the township which is recorded in the Office of the Recorder of Deeds.
- f. Each housing unit counts as a dwelling right.
- g. Verification of adequacy of the septic system shall be furnished for the Township Sewage Enforcement Officer.

- h. Parking in accordance with this Ordinance shall be provided.

**SECTION 405            MOBILE HOME PARKS**

In passing upon a special exception application for a mobile home park or extension thereof the Zoning Hearing Board shall require in addition to the general requirements set forth in this Ordinance for special exception that:

- a. The minimum tract area shall be ten (10) acres.
- b. Public water and public sewer approved by the Pennsylvania Department of Environmental Protection must be utilized and each lot must be not less than 8,000 square feet in area.

The total number of mobile homes per acre of land owned by the mobile home park developer shall not exceed five (5).

- c. Regardless of lot size, the side yard distances measured from outside each mobile home to the lot line shall not be less than thirty (30) feet in total and no one side yard distance less than twelve (12) feet. Front yards not less than twenty (20) feet and rear yards shall not be less than ten (10) feet and in no case, shall the distance between any two mobile homes be less than thirty (30) feet.
- d. The Zoning Hearing Board may require suitable screen planting, or may restrict the proximity of mobile homes or other improvements to adjoining properties, or may attach such other conditions or safeguards to the use of land for a mobile home park as the Board may deem necessary to protect the general welfare.
- e. A mobile home park and extension thereof shall also comply with all applicable State and/or municipal regulations now in effect or hereafter enacted.
- f. The mobile home park shall be provided with a public water and public sewage system permitted by the Pennsylvania Department of Environmental Protection.

**SECTION 406            TRANSIENT HOUSING FACILITIES**

Where indicated as permitted, this use is permitted subject to the following:

- a. Parking shall be provided in accordance with the provisions of this Ordinance.
- b. Verification of the adequacy of the septic system shall be provided for by the Township Sewage Enforcement Officer.
- c. Screening shall be provided to shield any adjacent residential zones or uses.

**SECTION 407            ADULT ORIENTED FACILITY**

In the GC Zone and subject to the requirements of that zone except as herein modified and provided:

- a. No materials, merchandise, film, or service offered for sale, rent, lease, loan or for view shall be exhibited, displayed or graphically represented outside of a building or structure.
- b. Any building or structure used and occupied as an Adult Oriented Facility shall be windowless or have an opaque covering over all windows or doors of any area in which materials, merchandise, film, or offered items of service or entertainment shall be visible from outside the structure.
- c. No sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise, film, service or entertainment offered therein.
- d. Each and every entrance to the structure shall be posted with a notice that the use in an Adult Facility; that persons under the age of eighteen (18) are not permitted to enter; and warning all others that they may be offended upon entry.
- e. Parking shall be established at the minimum ratio of one (1) parking space for each one hundred (100) square feet of gross floor area and one (1) parking space for each employee.
- f. Tree or shrubs must be planted around the perimeter of the Facility (other than the road frontage) to form an effective visual barrier between the adult facility and any residence, school, recreation facility, or other non-commercial or non-industrial use.
- g. The facility must be located at least one thousand (1,000) feet from any public or parochial school offering education below the college level, church, library, child day care, or nursery school, including church related nursery school. If the one thousand (1,000) feet separation cannot practically be achieved then a six (6) foot high security fence must be installed completely around the adult oriented facility except for an approved entrance. In no case can the use be within five hundred (500) feet on any building used as a church, public or parochial school offering education below the college level, library, child day care center, or nursery school, or any fenced play area associated with one of the foregoing uses.

#### **SECTION 408            AGRICULTURAL SUPPORT FACILITIES**

Where indicated as permitted, this use is permitted subject to the following:

- a. If to be located in the agricultural or conservation zone, the applicant must provide verification that the proposed use is important to local farming and is specifically sized to primarily serve local users. All activities and services should be directed at meeting the needs of those engaged in local farming. The facility should be directed at providing materials and services needed to farm, rather than the distribution of goods produced on the farm.

- b. The length of any on-site access drive(s) shall be sufficient to allow the stacking of delivery and/or customer vehicles. Furthermore, any use that potentially involves the movement of vehicles through mud and/or manure shall provide a paved apron of at least fifty (50) feet from the street right-of-way. In addition, another fifty (50) foot gravel section shall be located just beyond the paved apron.
- c. Any outdoor storage of supplies, materials and products shall be screened from adjoining roads and properties. The display of farm equipment for sale shall be excluded from this provision.
- d. The facility shall be screened from adjacent residential uses or Zones.
- e. The applicant must provide verification that the proposed use is in conformance with Section 301 herein.
- f. If in the Agricultural or Conservation zone, the provisions of Section 206.9 and 207.9 shall apply to the site location and to reduce the number of dwelling units permitted on the tract where the use is located.
- g. The site will have direct access to a collector road. (Collector roads shall be designated by resolution of the Board of Supervisors).

#### **SECTION 409            AGRICULTURAL PRODUCT SALES AND PROCESSING**

Drive-in produce stands may be erected in any zone for the sale of agricultural products and agricultural commodities produced on the same property where offered for sale, provided: NO building or structure other than a portable stand shall be constructed for such sale: such stand shall be removed during seasons when such products are not being offered for sale, and such stand shall not be placed nearer than fifty (50) feet to any intersection nor within ten (10) feet of any right-of-way.

Farm markets and/or farm processing establishments involving the construction of permanent structures and involving the sale or processing of agricultural products not grown on the same farm where sold or processed may be approved as a special exception by the Zoning Hearing Board if the following requirements are met:

1. Seventy-five (75%) percent of annual gross sales must be of agricultural products. Agricultural products include such items as vegetables, fruit, cider, nursery plants, trees, etc. and products made from agricultural products such as bakery goods and food products made from crops grown on a farm. It does not include crafts and manufactured products normally sold at flea market.
2. At least fifty (50%) percent of annual gross sales and at least thirty (30%) percent of the volume of products processed must be of products grown on the land farmed by the operator of the farm market or farm processing establishment.
3. Each sales or processing facility must be considered independently and each must meet all of the criteria of this section.

4. The applicants must keep such records as are necessary to establish compliance with Sections (1), (2) and (3) above.
5. If York County has been declared an agricultural disaster area any year by the U. S. Department of Agriculture, the requirements of subsection (2) above shall not be applicable in that year.

#### **SECTION 410            AGRICULTURAL USES**

Where indicated, the use is permitted subject to the following:

- a. Agricultural uses involving more than two animal units per acre of cropland or pasture shall be operated in conjunction with a Nutrient Management Plan prepared in accordance with the Nutrient Management Act of 1993 and applicable regulations of the State Conservation Commission and approved by the York County Conservation District or other applicable regulatory agency. An animal unit shall constitute 1000 pounds of live animal weight. Animal weight shall be listed in the Nutrient Management Regulations.

#### **SECTION 411            AIRPORT**

Where indicated as permitted by special exception, this use is permitted subject to the following:

- a. Lot Area: ten (10) acres minimum.
- b. The approach zone to any of the proposed runway landing strips shall be in accordance with the regulations of applicable Federal and/or State agencies.
- c. There shall be no existing flight obstructions such as towers, chimneys or other tall structures or natural obstructions outside of the airport and located within the proposed approach zones.
- d. Any building, hanger or structure shall be located a sufficient distance away from the landing strip in accordance with the recommendations of applicable Federal and/or State agencies.
- e. Building heights in airport approach zones shall be limited to provide a clear glide path from the end of the usable landing strip. The glide path shall be a plane surface laid out in accordance with the operating characteristics of the aircraft for which the airport is designed. The first five hundred (500) feet of the glide path shall be wholly within the airport property.
- f. The facility must be permitted under applicable PAA and FAA regulations.

- g. If in the Conservation Zone or Agricultural Zone, the provisions of Sections 206.9 and 207.9 shall apply to the site location and to reduce the number of dwelling units permitted on the tract where the use is located.

## **SECTION 412            AUTOMOTIVE GARAGE OR SERVICE STATIONS**

In addition to meeting the other requirements within the district where the use is proposed to be located, an applicant to establish an automotive garage or service station must establish that:

- a. Parking: there will be adequate off-street parking for the use.
- b. Storage: the premises will at all times be kept neat and orderly and there will be not outdoor storage of the following:
  - 1. Automobiles, buses, vans, recreational vehicles and other vehicles of the type required to be registered for highway operation pursuant to the provisions of Chapter 13 of the Pennsylvania Motor Vehicle Code but not so registered;
  - 2. Automobiles, buses, vans, recreational vehicles and other vehicles of the type required to be registered for highway operation pursuant to the Pennsylvania Motor Vehicle Code and so registered, but not displaying a currently valid certificate of inspection and approval issued pursuant to Chapter 47 of the Pennsylvania Motor Vehicle Code;
  - 3. Discarded motor vehicle parts or accessories;
  - 4. Other trash or junk as defined in this Ordinance.
- c. Traffic: the use will not result in a substantial increase in traffic. A twenty (20%) percent increase in traffic shall be regarded as substantial. For this purpose measurement of traffic increase shall occur on the nearest non-dead end or non-cul-de-sac street. (Not applicable if in the General Commercial Zone).
- d. Location: the use will be at least five hundred (500) feet from any neighboring residence.
- e. Noise: the use will not involve noise audible to neighboring residents between 6:00 p.m. and 7:00 a.m. The Zoning Hearing Board may require as a condition to any special exception that the applicant put in noise insulation and take other action so as to minimize audible noise during the period between 7:00 a.m. and 6:00 p.m. If the Zoning Hearing Board determines that the use will involve unreasonable noise which cannot be satisfactorily reduced by insulation or other action by the applicant, the application shall not be approved.
- f. Other Environmental Impacts: the use will not create any vibrations, smoke, dust, odor, heat or glare detectable beyond the property of the owner of the use.
- g. Minimum Setbacks From Street Right-of-way Lines

1. Pumps: fifteen (15) feet
2. Building: forty (40) feet

h. Access Drives

1. Minimum offset from intersection of street right-of-way lines: forty (40) feet
2. Side lot line offset: ten (10) feet
3. Minimum width: twelve (12) feet
4. Maximum width: thirty-five (35) feet
5. Minimum separation of drives on same lot: twenty-five (25) feet

i. Curbing

Except along access drives, a concrete curb eight (8) inches in height must be placed along all street right-of-way lines.

j. Lighting

All lights must be diverted inward and downward.

k. Landscaping

At least ten (10%) percent of the lot on which the automotive garage or service station is situated must be devoted to landscaping.

In the event a special exception is not required to establish or maintain an automotive Garage or Service Station, the operation shall nevertheless be required to comply with the above requirements.

l. Predominant Use

At least seventy-five (75%) percent of the vehicles being serviced must be registered vehicles of three-quarter (3/4) ton or less (8,600 pounds).

- m. If in the Conservation Zone the provisions of Section 206.9 shall apply to the site location and to reduce the number of dwelling rights permitted on the tract where the use is located.



- a. In passing upon a special exception application for the establishment of a Bed and Breakfast Inn, the Zoning Hearing Board must require that the applicant establish that the Bed and Breakfast Inn shall be operated only by members of the immediate family of the owner residing in the dwelling unit where the Bed and Breakfast will be located and a maximum of one nonresident employee.
- b. The character or external appearance of the dwelling unit must be that of a dwelling.
- c. Only short term overnight lodging is to be provided. Maximum guest stay shall be limited to seven (7) consecutive days and must be limited to seven (7) days in each calendar month.
- d. In addition to the required parking of the dwelling unit, additional parking is required as follows:
  1. One space for the Bed and Breakfast Inn, one space for each guest room available for rent and one space for each employee not residing in the dwelling unit.
- e. One (1) sign shall be permitted with the name plate not being larger than eight (8) square feet, with such sign being illuminated only by indirect lighting.
- f. The Bed and Breakfast Inn may not involve any dimensional alterations to any existing building, use of any building constructed or placed after September 1, 1995, or construction or placement of any new building except that such alteration, enlargement or construction shall be permitted if such building after alteration, enlargement or construction does not have a ground floor area in excess of two thousand (2, 000) square feet and is not more than three (3) stories high. This limitation shall not apply if the building is at least five hundred (500) feet from neighboring residence.
- g. The Bed and Breakfast Inn may not be used for any other business use or other use involving monetary receipt to the property owner or operator of the Bed and Breakfast Inn.

#### **SECTION 414            CAMPGROUND**

Campgrounds are subject to the following criteria:

- a. None of the automobile trailers, cabins, travel trailers, motor homes, tents or campers approved for location on the premises shall be utilized as a permanent place of abode, or a permanent dwelling. It shall be conclusively presumed that the automobile trailer, cabin, travel trailer, motor home, tent, or camper is in fact being utilized as a permanent dwelling or place of abode if:
  1. Someone is going to work from the automobile trailer, cabin, travel trailer, motor home, tent, or camper or,

2. Someone is going to school from the automobile trailer, cabin, travel trailer, motor home, tent, or camper.
- b. Every campground shall have erected thereon at a distance not greater than four hundred (400) feet from any cabin, tent site, or camper site which it is designed to serve, a suitable building for housing toilets, showers and laundry facilities. Such building to be known as the service building.
    1. There shall be provided separate toilet rooms for each sex. Flush toilets shall be provided with an adequate water supply in the ratio of one men's toilet and one ladies' toilet for each eight cabins, trailer site, tent sites, or camper sites or fractions thereof. Toilet rooms shall contain lavatories with hot and cold water in the ratio of one lavatory to every two or less water closets.
    2. Separate bathing facilities for each sex shall be provided with one shower enclosed in a compartment at least four (4) feet square for each eight cabins, tent sites, camper sites or trailer sites or fraction thereof. Each shower compartment shall be supplemented by an individual dressing compartment of at least twelve (12) square feet.
    3. Floors of toilets, showers, and the laundry shall be of concrete, tile, or similar material impervious to water and easily cleaned and pitched to a floor drain.
  - c. All water from showers, toilets, laundries, faucets, and lavatories shall drain into a sewage disposal system meeting the regulations of the Pennsylvania Department of Environmental Protection or permitted by the Township Sewage Enforcement Officer.
  - d. In every trailer camp or tourist camp, there shall be an office building in which shall be located the office of the person in charge of the camp, which office building shall be occupied by someone in charge of the camp facilities at all times the camp facility is occupied or is open to the public for occupancy.
  - e. Each cabin, campsite, trailer site, or camper site, shall be accessible to a roadway or driveway which shall have an improved cartway at least twenty (20) feet in width and shall be improved with a six (6) inch stone base, and there shall be a roadway with an improved cartway at least twenty-eight (28) feet in width improved by an eight (8) inch stone base leading from a public road to the campsite.
  - f. The application for a permit shall be accompanied by such plans as will enable the Zoning Officer to insure that the above requirements will be met and proof of Department of Environmental Protection approval of proposed on-site sewage disposal system and proof that the proposed water supply is sufficient to meet the water supply needs of the proposed trailer camp or campground.
  - g. If in the Agricultural or Conservation Zone, the provisions of Sections 206.9 and 207.9 shall apply to the site location and to reduce the number of dwellings permitted on the tract where the use is located.

## **SECTION 415            CEMETERY**

Where indicated, the use is permitted subject to the following:

- a. All burial plots or facilities shall be located at least thirty (30) feet from all property or street lines.
- b. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces.
- c. No burial plots or facilities are permitted on land subject to flooding.
- d. Pet cemeteries must meet all of the above applicable requirements.
- e. Structures shall conform to Table 205.1.
- f. If in the Agricultural or Conservation Zone, the provisions of Section 206.9 and 207.9 shall apply to the site location and to reduce the number of dwelling units permitted on the tract where the use is located.

## **SECTION 416            CHILD DAY CARE CENTER AND NURSERY SCHOOL**

Care facilities other than Family Day Care Homes which shall be permitted as an accessory use by right in every zone and facilities permitted pursuant to Section 417 hereof are subject to the following requirements:

- a. No building shall be located closer than fifty (50) feet to any lot line.
- b. Direct access to a collector street shall be available.
- c. The Township Sewage Enforcement Officer shall submit a report indicating the adequacy of the existing or proposed septic system.
- d. There must be a fenced play area at the site of sixty-five (65) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a minimum four (4) foot high fence, and screened from adjoining residentially zoned properties. Any vegetative materials located within the outdoor play areas shall be of a nonharmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s).
- e. In the event the facility requires certification and/or licenses from Federal and/or state agencies to permit its operation, the applicant must establish that he has secured or will be able to secure such certifications and licenses.

- f. The facility must be inspected by the local fire chief, who shall submit a written report containing his recommendations for fire and safety equipment and other necessary recommendations to insure adequate fire protection.
- g. There must be one parking space for each employee of the center and an off-street area where facility users can be dropped off and picked up.
- h. The use must be located at least one thousand (1,000) feet from an adult oriented facility or a group home housing more than eight (8) persons. If the one thousand (1,000) feet separation cannot reasonably be achieved, a six (6) foot high security fence must be installed completely around the day care center or nursery school except for the approved entrance, with all play areas being inside the security fence. In no case may any part of the use be less than five hundred (500) feet from an adult oriented facility or a group home housing eight (8) or more persons.
- i. The facility must provide approval for occupancy by the Pennsylvania Department of Labor and Industry where required.

#### **SECTION 417 CHURCH AND RELATED USES**

Where indicated, this use is permitted subject to the following:

- a. Minimum lot area – two (2) acres;
- b. Minimum lot width - two hundred (200) feet;
- c. All houses of worship shall have vehicular access to an arterial or collector highway;
- d. Side yard setback – fifty (50) feet on each side; and,
- e. All off-street parking areas shall be set back at twenty-five (25) feet from the street right-of-way line.

##### Church Related Residences (Rectories and Convents):

- a. All residential uses shall be accessory, and located upon the same lot or directly adjacent to a lot containing a house of worship; and,
- b. All residential uses shall be governed by the location, height and bulk standards imposed upon other residences within the Zone, except that any number of persons of a convent and/or seminary may share group quarters.

##### Child Day Care or Nursery School Facilities:

- a. All day care or nursery school uses shall be accessory, and located upon the same lot as house of worship;

- b. In the case of a child day care facility, an outdoor play area shall be provided at a rate of sixty-five (65) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a minimum four (4) foot high fence, and screened from adjoining residentially zoned properties. Any vegetative materials located within the outdoor play areas shall be of a nonharmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s);
- c. Enrollment shall be defined as the largest number of students and/or children under educational and/or day care supervision at any one time during a seven day period;
- d. Passenger “drop-off” areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site;
- e. All educational or day care uses shall be governed by the location, height, and bulk standards imposed upon principal uses within the underlying zone; and,
- f. Unless the applicant is owned and operated by a church and can demonstrate that the off-street parking associated with the house of worship is sufficient for the proposed use, one (1) off-street parking space shall be provided for each six (6) students enrolled below grade ten, and/or one (1) off-street parking space for each three (3) students, grades ten and above.
- g. If in the Agricultural or Conservation Zone, the provisions of Section 206.9 and 207.9 shall apply to the site location and to reduce the number of dwelling units permitted on the tract of land where the use is located.

**SECTION 418            CONTRACTOR’S OFFICE OR SHOP**

Where indicated, this use is permitted subject to the following:

- a. Parking shall be provided for the maximum number of vehicles present at the site.
- b. Outdoor storage of vehicles, equipment or materials is prohibited.
- c. Hours of operation of the facility shall be in accordance with the impact upon the adjacent properties.
- d. If in the Agricultural Zone the provisions of Section 207.9 shall apply to the site location and to reduce the number of dwelling units permitted the tract where the use is located.

**SECTION 419            EDUCATIONAL FACILITIES, COMMERCIAL**

Where indicated, this use is permitted subject to the following:

- a. All standards within the underlying zone shall apply;
- b. All off-street parking lots shall be set back twenty-five (25) feet and be screened from adjoining property lines;
- c. All buildings shall be set back at least one hundred (100) feet from any adjoining land within a residential zone;
- d. If education is offered below the college level, and outdoor play area shall be provided, at a rate of sixty-five (65) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a minimum four (4) foot high fence and screened from adjoining residentially zoned properties. Any vegetative materials located within the outdoor play area shall be of a nonharmful type (Poisonous, thorny, allergenic, etc.). All outdoor play areas must provide means of shade such as shade tree(s) or pavilion(s);
- e. Enrollment shall be defined as the largest number of students on the site at any one time during a seven (7) day period; and,
- f. Passenger “drop-off” and “pick-up” areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site.
- g. In the event the facility requires certification and/or licenses from Federal and/or State agencies to permit its operation, the applicant must establish that he has secured or will be able to secure such certifications and licenses.
- h. The facility must be inspected by the local fire chief who shall submit a written report containing his recommendations for fire and safety equipment and other necessary recommendations to insure adequate fire protection.

## **SECTION 420            EDUCATIONAL FACILITIES, PUBLIC/PAROCHIAL**

Where indicated, this use is permitted subject to the following:

- a. All standards within the underlying zone shall apply;
- b. All off-street parking lots shall be set back twenty-five (25) feet and screened from adjoining property lines;
- c. All buildings shall be set back at least one hundred (100) feet from any adjoining land within a residential zone;
- d. If education is offered below the college level, an outdoor play area shall be provided, at a rate of sixty-five (65) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25)

feet from all property lines. Outdoor play areas shall be screened from adjoining properties. Any vegetative materials located within the outdoor play area shall be of a nonharmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide means of shade such as shade tree(s) or pavilion(s);

- e. Enrollment shall be defined as the largest number of students on the site at any one time during a seven (7) day period; and,
- f. Passenger “drop-off” and “pick-up” areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site.
- g. In the event the facility requires certification and/or licenses from Federal and/or State agencies to permit its operation, the applicant must establish that he has secured or will be able to secure such certifications and licenses.
- h. The facility must be inspected by the local fire chief who shall submit a written report containing his recommendations for fire and safety equipment and other necessary recommendations to insure adequate fire protection.
- i. If in the Agricultural or Conservation Zone the provisions of Sections 206.9 and 207.9 shall apply to the site location and reduce the number of dwelling units permitted the tract of where the use is located.

## **SECTION 421            GROUP HOME**

Where indicated, this use is permitted subject to the following:

- a. The following requirements shall apply to all group homes:
  - 1. The minimum of two hundred fifty (250) square feet of habitable floor space shall be provided for each occupant.
  - 2. A common kitchen and dining facility shall be provided and no cooking or dining facilities shall be provided in individual rooms or suites. This provision is not intended to require such facilities if the affiliated institution provides them elsewhere.
  - 3. Off-street parking shall be provided for each group home based upon one (1) parking space for each two occupants or as set by the Zoning Hearing Board pursuant to Section (c) hereof.
  - 4. The group home must be licensed where required by any appropriate government agency and a copy of any such license must be delivered to the township prior to receipt of any use certificate.
- b. If the proposed group home meets all of the requirements of paragraph (a) hereof, and all of the requirements for the location of a “dwelling unit” in the zone where it is proposed to be located and will house eight (8) or fewer persons, it shall be

permitted as a “dwelling unit” in any zone upon receipt of a Use Certificate to be issued by the zoning officer.

- c. If the proposed group home meets all of the requirements of paragraph (a) hereof but will house more than eight (8) persons, it shall be permitted by special exception in the General Commercial zone, the Residential zone, and the Rural Residential zone. In addition to the general requirements of Section 502 of this ordinance and the requirements of paragraph (a) hereof, the applicant must establish the following:
  1. That site has direct access to a collector road (collector road shall be designated by resolution of the Board of Supervisors);
  2. A lot area of not less than four thousand (4,000) square feet per occupant shall be provided, but in no case shall the lot area be reduced below that required for the zone in which such group home is to be located.
  3. No newly constructed building shall be located closer than fifty (50) feet to any lot line.
  4. The township sewage enforcement officer shall submit a report indicating the adequacy of the proposed sewage facilities.
  5. In the event the group home requires certifications and/or licenses from federal and/or state agencies to permit its operation; the applicant must establish that it has secured or will be able to secure such certifications and licenses.
  6. The facility must be inspected by the local fire chief who shall submit a written report containing his recommendation for fire and safety equipment and other necessary recommendations to insure adequate fire protection.
  7. The group home must establish that it has received approval for occupancy from the Pennsylvania Department of Labor and Industry where required.
  8. The Zoning Hearing Board shall designate the number of supervisory personnel to be on the premises at any one time depending on the number of residents and the nature of the handicap involved and shall, in addition, designate the number of required off-street parking spaces depending upon the nature of the handicap of the residents and whether such handicap will prevent their operation of motor vehicles. In the event the residents other than supervisory personnel have handicaps which will preclude their operation of motor vehicles, there must be one parking space for each employee of the group home and off-street area where residents can be dropped off and picked up plus a reasonable parking area for visitors. If the handicap involved does not preclude operation of motor vehicles there shall be one off-street parking space for each employee of the group home and at least one parking space for each two residents.



9. The facility must be located at least one thousand (1,000) feet from any public or parochial school offering education below the college level, church, library, child day care center, or nursery school, including church related nursery school. If the one thousand (1,000) feet separation cannot practically be achieved then a six (6) foot high security fence must be installed completely around the group home except for an approved entrance. In no case can the use be within five hundred (500) feet of any building used as a church, public or parochial school offering education below the college level, library, child day care center, or nursery school, or any fenced play area associated with one of the foregoing uses.

## **SECTION 422**

### **HEALTH AND PERSONAL CARE FACILITIES**

Health and personal care facilities other than Domiciliary Care Homes, which shall be permitted as an accessory use by right in every zone, shall be permitted as a permitted use in the General Commercial Zone and by special exception in the Residential and Rural Residential zones. In addition to the general requirements of Section 502, the applicant must establish the following:

- a. That the site has direct access to a collector road (collector road shall be designated by resolution of the Board of Supervisors);
- b. A lot area of not less than one thousand (1,000) square feet per bed shall be provided, but in no case shall the lot area be reduced below that required for the Zone in which such health and personal care facility is to be constructed;
- c. No building shall be located closer than fifty (50) feet to any lot line.
- d. The Township Sewage Enforcement Officer shall submit a report indicating the adequacy of the existing or proposed sewage facilities.
- e. In the event the facility requires certification and/or licenses from Federal and/or state agencies to permit its operation, the applicant must establish that he has secured or will be able to secure such certifications and licenses.
- f. The facility must be inspected by the local fire chief, who shall submit a written report containing his recommendations for fire and safety equipment and other necessary recommendations to insure adequate fire protection.
- g. There must be one parking space for each employee of the center and an off-street area where facility users can be dropped off and picked up.
- h. The facility must establish that it has received approval for occupancy from the Pennsylvania Department of Labor and Industry where required.

## **SECTION 423**

### **HEAVY EQUIPMENT VEHICLE MAINTENANCE FACILITY**

Where indicated, this use is permitted subject to the following:

- a. Access shall be via an arterial or collector street as designated by resolution of Board of Supervisors.
- b. A buffer yard twenty-five (25) feet wide must be located on the site in all instances where the site adjoins a residential use or zone. The buffer yard shall be naturally landscaped, have no imperious cover and shall not be used for building, parking, loading or storage.
- c. Any outdoor storage areas shall be enclosed by a wall or fence and screened from view of adjoining properties. No materials may be stored so as to create a public health hazard or a public nuisance.
- d. No toxic or hazardous materials may be stored on any property, except in compliance with applicable State and Federal regulations.

#### **SECTION 424            HOME OCCUPATION**

This use is permitted in any District subject to the following:

- a. The following requirements shall apply to all home occupations:
  1. The home occupation shall be carried on by the owner of the property plus up to two other employees by right and up to a total of five persons, owners and employees, by Special Exception.
  2. The character or external appearance of the dwelling unit or accessory structure must be that of a dwelling or structure normally accessory to a dwelling. No display or products may be shown as to be visible from outside the dwelling or the accessory structure.
  3. A nameplate not larger than twelve (12) square feet shall be allowed in the Agricultural and Conservation Zones, and not larger than six (6) square feet in the Rural Residential and Residential Zones.
  4. In addition to the required parking for the dwelling unit, additional parking as follows:
    - a) One space for the home occupation, and one space for each employee;
    - b) Three additional spaces for a physician or dentist.
    - c) One space for home occupations with periodic visits by customers.
  5. The premises must at all times be kept neat and orderly.

6. The use will not result in a substantial increase in traffic. A twenty (20%) percent increase in traffic shall be regarded as substantial. For this purpose, measurement of traffic increase shall occur on the nearest non-dead end or non-cul-de-sac street.
  7. The use will not involve any waste product other than domestic sewage or municipal waste (as defined in the Pennsylvania Solid Waste Management Act).
  8. The use will not involve sale of any item not made on the premises except as incidental to the home occupation. Beauty shops, insurance agent offices, physician offices, bake shops, handcraft shops, are examples of the type of uses which normally will meet this requirement.
  9. The use will not involve any outside storage.
  10. The use will not be one which tends to create dust, heat, glare, smoke, vibrations or odors outside the building in which the use is being conducted or noise audible outside the building in which the use is being conducted. Motor vehicle repair facility is a use which tends to create noise audible outside the building in which the use is being conducted.
- b. The following additional requirement applies to a home occupation use located within a dwelling unit:
1. Not more than twenty-five (25%) percent of the habitable floor area of a dwelling unit may be devoted to a home occupation.
- c. The following additional requirements apply to a home occupation use located within an accessory structure.
1. Unless the use is to be located in a building constructed or placed prior to January 1, 1992, if it is in the Agricultural Zone or in the Conservation Zone, it shall be located on land unsuitable for agricultural purposes as defined in Article VI of this Ordinance.
  2. The accessory structure for a home occupation may be included in addition to the twenty-five percent (25%) of the habitable floor area of a dwelling unit.
- d. If the home occupation is located less than 500 feet from an existing residence on an adjacent lot (distance between structures), the following additional requirements apply:
1. If the use will occur in an accessory building which was constructed or placed after January 1, 1992, or if a new building is to be constructed or placed, or an existing accessory building is to be enlarged to accommodate the proposed use, the building after enlargement or construction shall not have a ground floor area in excess of fifty (50%) percent of the ground floor area of the dwelling.

e. Application

1. The applicant must include with the application for a use certificate such drawings as will enable the Zoning Officer to have an adequate record of the location and extent of the proposed use, the applicant must also supply to the Zoning Officer such information as will enable the Zoning Officer to insure that all of the above enumerated requirements will be met. The use certificate, once issued, shall continue in effect as long as there is no change in the nature or extent of the use and all of the requirements of this section continue to be met.

f. Permit by Zoning Officer

If the home occupation meets all of the above requirements, it shall be permitted in any zone upon receipt of a use certificate to be issued by the Township Zoning Officer.

g. Permit by Special Exception

If the proposed use would fail to meet one or more of the requirements of this Section, the use will be permitted only following application and approval as a Special Exception by the Zoning Hearing Board. The Zoning Hearing Board shall Review the application and approve it only if the applicant establishes that the intent of the requirements of this section will be met. The Zoning Hearing Board may attach such conditions to the approval as are necessary to minimize the impact of the use on adjoining properties.

## **SECTION 425 INDUSTRIAL PARK**

- a. Streets & Highways: The industrial park site must have access to a major thoroughfare. Traffic going to and from the industrial park will be permitted on non-residential streets only; traffic routes and exits will be far enough away from houses so that truck noise and vibration will not be perceived.
- b. No harmful Effects: Satisfactory provision will be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke, vapors and gases, electrical emissions, and industrial wastes)
- c. Appearance is Harmonious: This feature includes but is not limited to: landscaping, enclosure of principal and accessory uses, height control, sign control, low structural density, and architectural controls.
- d. Buffers: the distance separating all park uses and buildings from surrounding properties will be great enough to constitute in fact a buffer: e.g., loading docks and truck maneuvering areas and terminals must be further from residential areas than buildings. In addition to the extent-of-use requirements in the Use Regulations, the Board must require that from an R zone boundary-

1. A truck terminal or motor freight depot be at least five hundred (500) feet distant.
2. A shipping or receiving dock to be at least three (300) feet distant.

In any case, a buffer yard of not less than one hundred fifty (150) feet must be along any Residential Zone or boundary line.

#### **SECTION 426                      JUNKYARD**

Where indicated, this use is permitted subject to conformance to the Township Junkyard Ordinance.

#### **SECTION 427                      KENNELS**

Where indicated, this use is permitted subject to the following:

- a. That the kennel will be located at least one thousand (1,000) feet away from any dwelling owned by someone other than the owner of the kennel.
- b. That the kennel will be located at least one thousand (1,000) feet away from any area which could, pursuant to the provisions of the Township Zoning Ordinance, be approved as a location for a dwelling on property not owned by someone other than the applicant.
- c. That adequate disposal of animal waste will be provided in a manner that it will not create a public health hazard or nuisance.
- d. Animals being boarded are either domestic canines or domestic felines.
- e. If in the Agricultural or Conservation Zone the provisions of Sections 206.9 and 207.9 shall apply to the site location and to reduce the number of dwelling units permitted the tract where the use is located.

#### **SECTION 428                      MANUFACTURING BUILDINGS AND FACILITIES**

Where indicated, this use is permitted subject to the following:

- a. The applicant shall provide a detailed written description of the proposed use in each of the following topics:
  1. The nature of the on-site processing operations, the materials used in the process, the products produced, and the generation and methods for disposal of any wastes and/or by-products. In addition, the applicant shall furnish evidence that the storage and disposal of materials will be accomplished in a manner that complies with State and Federal regulations;

2. The general scale of operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size;
  3. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, waste water, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish expert evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances.
- b. The facility shall be the subject of a Land Development Plan submitted in accordance with the Township Subdivision and Land Development Ordinance. A traffic impact report prepared by a professional traffic engineer shall be submitted where specifically requested by the Township Engineer.

**SECTION 429            PROFESSIONAL OFFICE/BUSINESS**

Where indicated, this use is permitted subject to the following:

- a. Offices and businesses are limited to three (3) full time employees at the facility. Facilities with more than three (3) full time employees shall be subject to approval by special exception.
- b. Parking for the facility shall include the employees and maximum number of projected users.

Users not conforming to criteria in this section are required to obtain a special exception use approval.

**SECTION 430            PUBLIC AND NON-PROFIT BUILDINGS AND FACILITIES INCLUDING PARKS**

These and similar uses are restricted to those not conducted primarily for gain although a dining room may be operated for the benefit of club members, provided no sign advertising the sale of food or beverages will be permitted. Buildings or structures hereafter converted or erected for such use are subject to all applicable regulations for the Zone in which the facility is to be located.

**SECTION 431            PUBLIC UTILITY AND SIMILAR BUILDINGS/FACILITIES INCLUDING COMMUNICATION TOWERS**

**SECTION 431.1        BUILDINGS AND FACILITIES OTHER THAN COMMUNICATION TOWERS**

Such buildings and facilities other than communication towers shall be approved in any Zone, provided however, that buildings or structures erected for these utilities shall be subject to the following regulations:

- a. Front, side and rear yards shall be provided in accordance with the regulations of the Zone in which the building is located.
- b. Height of building shall be as required by the Zone regulations.
- c. Unhoused equipment shall be enclosed with a chain link fence six (6) feet in height, topped with barbed wire.
- d. House equipment - - when the equipment is totally enclosed within a building no fence or screen planting shall be required and the yard shall be maintained in conformity with the Zone in which the facility is located.
- e. Screen planting in Residential Zones - - the required fence for unhoused equipment shall be surrounded by an evergreen planting.
- f. The external design of the building shall be in conformity with the building in the Zone.
- g. Access for unhoused equipment - - where vehicular access is across the front yard, the gate shall be constructed of solid materials having not less than fifty (50 %) percent solid in ratio to open space. In Residential Zones, the permitted public facilities shall not include the storage of vehicles or equipment used in the maintenance of any utility and no equipment causing unreasonable noise, vibration, smoke, odor, or hazardous effect shall be installed.
- h. If in the Agricultural or Conservation Zone the provisions of Sections 206.9 and 207.9 shall apply to the site location and to reduce the number of dwelling units permitted the tract where the use is located.

## **SECTION 432 QUARRYING**

Quarrying operations may be approved by special exception in the Conservation Zone. In passing upon special exception applications for quarrying operations, the Zoning Hearing Board must consider the following factors:

- a. Location of quarrying pit, buildings, stockpiles, waste piles, in relation to other existing or planned uses in the area.
- b. Physical factors
  - 1. Soil - - nature and characteristics, including possible erosion by water and wind.
  - 2. Drainage
  - 3. Prevailing wind
- c. Abutting land and streets - - lateral support slopes and grades

- d. The special exception application shall not be granted unless a satisfactory reclamation plan is proposed by the applicant and the applicant demonstrates his capacity to carry out the reclamation plan and comply with environmental requirements of Section 301 of this Ordinance and the general standards for special exceptions as set forth in Section 502.4 of this Ordinance. The reclamation of the land affected, and include the following:
1. The plan shall set forth the use made of the land as of January 1, 1992, and any change in use between that date and the date of the filing of the plan.
  2. A statement of the soil types of the land and the topography of the land.
  3. Where proposed land use so requires the manner in which compaction of the soil and fill will be accomplished.
  4. The proposed land use upon completion of the quarrying operation. If the land was in agricultural use on January 1, 1992, it must be restored to agricultural use.
  5. A description of the manner in which the operation will segregate and conserve topsoil and if necessary suitable subsoil to restore the area to agricultural use if such restoration is required pursuant to subsection (4) above or if such restoration is not required to establish a diverse, effective and permanent vegetative cover of the same seasonal variety native to the area of land to be affected and capable of self-regeneration in planned succession at least equal in extent of cover to the natural vegetation of the area.
  6. A detailed timetable for the accomplishment of each major step and the reclamation plan and the operators estimate of the cost of each said step and the total cost of the reclamation plan.
  7. The reclamation plan shall provide for contouring as defined in Title 52 P.S. S 1396.3 (Surface Mining Conservation and Reclamation Act) excepting that the Zoning Hearing Board may permit terracing in lieu of contouring if approved by the Pennsylvania Department of Environmental Protection, if the land is not required to be restored to agricultural use, pursuant to sub paragraph 4 of this paragraph and the area proposed to be affected had previously been quarried and, cannot be reclaimed by contouring and re-affecting the area is likely to produce an environmental benefit.
  8. The manner in which the operator plans to control surface water drainage including a practicable method of preventing or avoiding surface and ground water contamination.
  9. The reclamation plan must propose the restoration of the affected areas within two years following the termination of quarrying operations in that particular area. It is not intended that reclamation await the completion of quarrying operation on the entire tract.



- e. The Zoning Hearing Board shall in addition require that the applicant post sufficient security by Performance Bond or Letter of Credit to guarantee compliance with all aspects of the reclamation plan, provided however that the amount of this obligation may be reduced by the amount of any effective security which the Zoning Hearing Board finds has been posted with the Commonwealth pursuant to the Surface Mining Act.
- f. All machinery, equipment and materials used in quarrying; all processing and manufacturing operation; and all hauling of quarrying products must be maintained, operated, or conducted in such a manner that - -
  - 1. Flying objects and debris are not thrown
  - 2. Noxious gases are not disseminated
  - 3. There is no appreciable noise, vibration, dust or mist

g. **Barriers**

- 1. Fencing

A six (6) foot substantial fence or other suitable barrier six (6) feet high must surround the area of actual quarrying, unless such requirement is waived by special exception issued by the Zoning Hearing Board. If guarded at all times, the entrance of the pit where adjacent to the quarry may be left unfenced.

- 2. Screens

Where the quarry operations will substantially impair the beauty and character of the surrounding countryside, trees or shrubs must be planted, or attractive earth barriers erected, to screen the operation as far as practical from normal view.

h. **Washing**

The washing of any earth material is permitted excepting - -

- 1. Where the quantity of water required will seriously affect the supply for residential uses in the area.
- 2. Where in the written opinion of the Pennsylvania Department of Environmental Protection, disposal of water will result in contamination, pollution, or excessive silting.

i. **Setbacks From Residential Zones**

- 1. No stockpiles, waste piles, processing or manufacturing equipment may be closer than one thousand (1,000) feet to a Residential Zone.

2. No part of the quarrying pit, private access road, truck-parking area, scales, or operational equipment may be closer than five hundred (500) feet to a Residential Zone.

**j. Street Setbacks**

From the right-of-way line of a public street or highway, no part of the quarrying pit, stockpiles, waste piles, processing or manufacturing equipment, scales, or operational equipment, may be closer than one hundred (100) feet.

**k. Property Line Setbacks**

From a property line, except for those following:

1. No part of the quarrying pit, stockpiles, waste piles, processing or manufacturing equipment, may be closer than two hundred (200) feet.
2. No private access road, truck-parking area, scales, or operational equipment may be closer than one hundred (100) feet.

Where a quarry property abuts another quarry property, an operating railroad's right-of-way property or a property in an Agricultural Zone, no part of the quarrying operation except an access road may be closer than fifty (50) feet.

**l. Rehabilitation Required**

The operator must implement the reclamation plan approved by the Zoning Hearing Board in accordance with the standards and time frame set forth in such plan.

**m. Removal Of Plant And Equipment**

Within two years after termination of operations all plant and equipment must be removed except where the plant and equipment is still used for processing earth material from other properties. In the event it continues to be used for processing earth material from other properties, it must be removed within two years after it stops being used for such purpose. If covered, foundations and piers may be left in the ground.

**n. Reporting Of Operational and Rehabilitation Information**

In order to keep the Zoning Officer abreast of impending termination of quarrying operations and plans for rehabilitation as well as operational activities which he has a duty to check, each quarry owner or operator must submit to the Zoning Officer, annually in the month of October, the information following:

1. Operation Data

- a. Ownership and acreage of the land which is the situs of quarrying operations, including all land held under contract or lease.
  - b. Type of earth resources quarried.
  - c. Present depth of quarrying operations.
2. Location map, at a scale of 1 inch = 100 feet, or such other scale acceptable to the Township showing - -
    - a. All land owned or under option, contract or lease
    - b. Lot or land quarried
    - c. As practical, contours at twenty (20) feet intervals extending beyond the site to the nearest public street or highway.
    - d. Private access roads and abutting streets and highways
    - e. Existing structures
  3. Reclamation Plan
    - a. The extent to which the reclamation plan has been implemented.
    - b. The planned reclamation during the succeeding year.
    - c. The exact dimensions of the land which is currently used for quarrying and has not been reclaimed.

**SECTION 433            RECREATION**

This use is permitted as a permitted use in the GC zone and by special exception in the CV, RR and R zones subject to the following:

Subject to the requirements of the zone in which located except as herein modified and provided:

- a. Setbacks: the area to be used for recreational purposes must be set back at least fifty (50) feet from any property or street line.
- b. The use must have access on an arterial street or collector street.
- c. Where an outdoor recreation use, other than a golf course, adjoins a Residential Zone, trees or shrubs must be planted on the site of this use so as to form an effective visual barrier between the outdoor recreational use and adjoining residential properties.
- d. Exterior lighting shall be directed away from all adjoining properties.

- e. To the extent possible, existing trees and natural vegetation shall be preserved.
- f. If in the Conservation Zone the provisions of Section 206.9 shall apply to the site location and to reduce the number of dwelling units permitted the tract where the use is located.

**SECTION 434            RETAIL, RESTAURANT, ENTERTAINMENT SERVICE, AND  
GENERAL BUSINESS FACILITIES**

Where indicated, this use is permitted subject to the following:

- a. The number of full time employees is limited to three (3) as a permitted use; operations involving more than three (3) employees are subject to approval by special exception.
- b. Parking shall be provided in accordance with Section 307.
- c. Copies of any required certificates or permits for operation shall be furnished to the Township.
- d. The applicant must demonstrate that the facility will not create a nuisance to adjoining properties or nuisances as a result of its hours of operation.

**SECTION 435            ROOMING HOUSE**

This use is permitted by special exception in the General Commercial zone, the Residential Zone, and the Rural Residential zone. In addition to the general requirements of Section 502 of this ordinance, the applicant must establish the following:

- a. That the site has direct access to a collector road. (Collector road shall be designated by Resolution of the Board of Supervisors);
- b. A lot area of not less than one thousand (1,000) square feet per bed shall be provided, but in no case shall the lot area be reduced below the required for the zoning in which the rooming house is to be located:
- c. No newly constructed building shall be located closer than fifty (50) feet to any lot line;
- d. The township Sewage Enforcement Officer shall submit a report indicating the adequacy of the proposed sewage facilities;
- e. The facility must be inspected by the local fire chief who shall submit a written report containing his recommendations for a fire and safety equipment and other necessary recommendations to insure adequate fire protection.

- f. There shall be one off-street parking space provided for each potential resident of the rooming house.

**SECTION 436            SAWMILL**

This use is permitted by special exception subject to the following:

- a. No saw or other machinery shall be less than fifty (50) feet from any street line.
- b. All power saws and machinery will be secured against tampering and locked when not in use.
- c. All machinery used in the sawmill operation shall be located at least five hundred (500) feet from a Residential Zone or use.
- d. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes, but is not limited to, fences, walls, plantings, and open spaces.
- e. If in the Agricultural or Conservation Zone, the provisions of Sections 206.9 and 207.9 shall apply to the site location and to reduce the number of dwelling units permitted on the tract of land where the use is located.

**SECTION 437            SHOPPING CENTER**

- a. Location: have access to a major thoroughfare so as to avoid traffic on residential streets.
- b. Parking: adequate site area, permitting parking at the ratio of parking space to gross floor area of 4 to 1.
- c. Design: site and building design, in order to provide and maintain, where appropriate, a proper “buffer” of unbuilt-on space between the shops and adjoining uses.
- d. Control: control of uses to minimize disturbances to residential areas.

**SECTION 438            SOLID WASTE PROCESSING OR DISPOSAL FACILITIES**

A solid waste disposal facility may be approved by special exception in the Conservation Zone. In passing upon special exception applications for solid waste operations, the Zoning Hearing Board must consider the following factors:

- a. Location of pit, buildings, waste stockpiles, in relation to other existing or planned uses in the area.
- b. Physical Factors

1. Soil - - nature and characteristics, including possible erosion by water and wind.
  2. Drainage
  3. Prevailing wind
- c. Abutting land and streets - - lateral support slopes and grades
- d. The special exception application shall not be granted unless a satisfactory reclamation plan is proposed by the applicant and the applicant demonstrates his capacity to carry out the reclamation plan and comply with environmental requirements of Section 301 of this Ordinance and the general standards for special exceptions as set forth in Section 502 of this Ordinance. The reclamation of the land affected, and include the following:
1. The plan shall set forth the use made of the land as of January 1, 1992, and any change in use between that date and the date of the filing of the plan.
  2. A statement of the soil types of the land and the topography of the land.
  3. Where the proposed land use so requires the manner in which compaction of the soil and fill will be accomplished.
  4. The proposed land use upon completion of the landfilling operation. If the land was in agricultural on January 1, 1992, it must be restored to agricultural use.
  5. A description of the manner in which the operation will segregate and conserve topsoil and if necessary suitable subsoil to restore the area to agricultural use if such restoration is required pursuant to subsection (4) above or if such restoration is not required to establish a diverse, effective and permanent vegetative cover of the same seasonal variety native to the area of land to be affected and capable of self-regeneration in planned succession at least equal in extent of cover to the natural vegetation of the area.
  6. The reclamation plan must provide that at least three and one-half (3-1/2) feet of agriculturally suitable soil be placed over the landfilled material and any membrane or other type of cap required by the Department of Environmental Protection. The top foot of topsoil removed must be separately conserved and placed on the top foot of soil cover.
  7. A detailed timetable for the accomplishment of each major step and the reclamation plan and the operators estimate of the cost of each said step and the total cost of the reclamation plan.
  8. The manner in which the operator plans to control surface water drainage including a practicable method of preventing or avoiding surface and ground water contamination.

9. The reclamation plan must propose the restoration of the affected areas within two years following the termination of landfilling operations in that particular area. It is not intended that reclamation await the completion of landfilling operations on the entire tract.
10. The Zoning Hearing Board shall in addition require that the applicant post sufficient security by Performance Bond or Letter of Credit to guarantee compliance with all aspects of the reclamation plan, provided however that the amount of this obligation may be reduced by the amount of any effective security which the Zoning Hearing Board finds has been posted with the Commonwealth pursuant to the Solid Waste Management Act.

**e. Rehabilitation Required**

The operator must implement the reclamation plan approved by the Zoning Hearing Board in accordance with the standards and time frame set forth in such plan.

**f. Reporting Of Operation And Rehabilitation Information**

In order to keep the Zoning Officer abreast of impending termination of landfilling operations and plans for reclamation as well as operational activities which he has a duty to check, each landfill owner or operator must submit to the Zoning officer, annually in the month of October, the information following:

1. Operational Data
  - a. Ownership and acreage of the land which is situs of landfilling operations, including all land held under contract or lease.
  - b. Date of anticipated opening of any new fill areas and the date of expected closure of any existing fill area.
2. Reclamation Plan
  - a. The extent to which the reclamation plan has been implemented.
  - b. The planned reclamation during the succeeding year.
  - c. The exact dimensions of the land which is currently used for landfilling and has been reclaimed.
- g. The provisions of Section 206.9 shall apply to the site location and to reduce the number of dwelling units permitted the tract where the use is located.

Intensive animal operations are permitted by Special Exception in the Agricultural Zone subject to the following criteria:

- a. Compliance with Act 38 of 2005 – the applicant shall provide evidence of full compliance with all applicable provisions of Act 38 of 2005.
- b. Existing Operation Compliance – If an existing Intensive Animal Operation, the applicant shall provide evidence of full compliance with the approved plans and studies as required by Act 38 of 2005.
- c. Approved Plans to be Filed – All plans or studies required under Act 38 of 2005, along with any action taken to review, approve, deny, or enforce a violation, shall be furnished to the Township within thirty (30) days of receipt.
- d. Failure to Comply – Failure to comply with the requirements of Act 38 of 2005 or any plans or studies approved under the act will provide a basis for revocation of the Zoning Use Permit.

**SECTION 440            NO-IMPACT HOME OCCUPATION or PROFESSION**

This use is permitted in any District subject to the following:

- a. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- b. The business shall employ no employees other than family members residing in the dwelling.
- c. There shall be no display or sale of retail goods and no stockpiling or inventory of substantial nature.
- d. There shall be no outside appearance of a business use, including but not limited to parking, signs, or lights.
- e. The business may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical interference, including interference with radio or television reception, which is detectable in the neighborhood.
- f. The business activity may not generate solid waster or sewage discharge in volume or type, which is not normally associated with residential use in the neighborhood.
- g. 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.
- h. The business may not involve any illegal activities.



## **ARTICLE V**

### **ADMINISTRATION**

#### **SECTION 501                    BUILDING PERMITS**

Hereafter, no building or structure shall be erected, moved, placed, constructed, or enlarged within the limits of Chanceford Township unless a permit to do so shall first be secured in accordance with the provisions of the Township Building Permit Ordinance all of which provisions are incorporated herein by reference and unless such erection, movement, placement, construction, or enlargement is in strict accordance with the application submitted pursuant to the Building Permit Ordinance, and, with the permit issued pursuant thereto and in accordance with the procedures set forth in such Ordinance. Any violation of the provisions of the Township Building Permit Ordinance shall constitute a violation of this Ordinance. A building permit expires one (1) year from the date of issuance. The permit application must be accompanied by a site plan, in duplicate, showing as necessary to demonstrate conformity to this Ordinance - -

- a. Lot: the location and dimension of the lot
- b. Streets: names and widths of abutting streets and highways
- c. Structures & Yards: locations, dimensions, and uses of existing and proposed structures and yards on the lot and, as practical, of any existing structures within one hundred (100) feet of the proposed structure but off the lot.
- d. Improvements: proposed off-street parking and loading areas, access drives, and walks. Proposed sewage disposal system.

For lots less than 1/2 acre, the site plan must be at a scale of 1 inch = 20 feet; for larger lots, the site plan must be at a scale of 1 inch = 40 feet. The north point must be shown on all site plans.

#### **SECTION 502                    SPECIAL EXCEPTIONS**

For any use permitted by special exception, a special exception must be obtained from the Zoning Hearing Board. In addition to the information required on the building permit application, the special exception application must show - -

- a. Ground floor plans and elevations of proposed structure
- b. Names and addresses of adjoining owners

Unless otherwise specified or extended by the Zoning Hearing Board, a special exception authorized by the Board expires if the application fails to obtain, where

required to do so, a building permit within six (6) months of the date of the authorization of the special exception.

1. Referral to Planning Commission

All applicants for a special exception shall be referred to the Planning Commission for a report.

The Chairman of the Planning Commission shall insure that a copy of its report is delivered to the Township Secretary for inclusion in the permanent record of the application, to the Zoning Officer and to the Zoning Hearing Board.

2. Conditions

The Zoning Hearing Board in passing upon special exception applications, may attach conditions considered necessary to protect the public welfare and the comprehensive plan, including conditions which are more restrictive than those established for other uses in the same zone.

3. Application of Regulations

The regulations as set forth in this Ordinance must be followed by the Zoning Hearing Board. Where no regulations are set forth for the particular use, the Board must impose requirements as necessary to protect the public welfare.

4. General Standards

The Zoning Hearing Board, before granting a special exception for any use, must find that the use and the operations in connection with it would be in harmony with the orderly and appropriate development of the zone. In particular, the Board must make the findings following in writing:

- a. Use: that the items below are in harmony with the orderly and appropriate development of the zone;
  1. Location of the use, including location with respect to the existing or future streets giving access to it.
  2. Nature and intensity of the operations involved.
- b. The applicant must establish that the drainage requirements of Section 310.1 through 310.5 of this Ordinance will be complied with.
- c. Buildings, Walls, and Fences: that the use of adjacent land and buildings will not be discouraged and the value of adjacent land and buildings will not be impaired by the location, nature, and height of buildings, walls, and fences.
- d. Traffic: that the use will not create traffic congestion or cause commercial or industrial traffic to use residential streets.

- e. The applicant must establish that adequate provision can and will be made to dispose of the sewage created by the proposed use consistent with the requirements set forth in the regulations promulgated by the Pennsylvania Department of Environmental Protection and with the requirements of the Township Sewage Permit Ordinance.
- f. If connection to an existing public water supply system is proposed, the applicant must submit an agreement committing the public water system to provide such water as will be utilized by the proposed special exception use for such period of time and under such terms and conditions as the public water supply system provides water service elsewhere in its service area. If the water supply system proposed involves the utilization of water obtained from the tract proposed for the location of the special exception use, or from a nearby tract, the applicant must establish that the ground water recharge on the tract where the water supply system is located, after development, computed during drought conditions (when the precipitation is forty (40%) percent below normal) will exceed projected water usage. The Zoning Hearing Board may require as a condition of the approval that the applicant execute an agreement with the Township committing the proposed special exception use not to utilize more ground water on a daily basis than the ground water recharge computed during drought conditions and to establish procedures pursuant to which the usage can be verified.
- g. The applicant must establish that the environmental standards set forth in Section 301 of this Ordinance will be complied with.

Additional finds or considerations to weigh for particular uses are found in Article III and Article IV.

The applicant shall have the burden of proof with respect to each and every standard and requirement for the obtaining of a special exception as set forth in Article III and Article IV and with respect to the drainage requirements as specifically set forth in Sections 310.1 through 310.5 of this Ordinance.

The applicant for a special exception shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Zoning Hearing Board.

Unless otherwise specified or extended by the Zoning Hearing Board, a special exception authorized by the Board expires if the applicant fails to, where required to do so, obtain a building permit or use certificate within six (6) months of the date of the authorization of the special exception or fails to complete the work in the one (1) year next following the issuing of the building permit; excepting that in cases where the granting of a building permit or use certificate must be preceded by Township approval of a subdivision or land development plan, the special exception authorized by the Board expires if:

1. The applicant fails to file with the Township a preliminary subdivision or land development plan meeting applicable subdivision and zoning requirements within six (6) months of the date of the authorization of the special exception; or
2. Fails to file with the Township a final subdivision or land development plan meeting applicable subdivision and zoning requirements within six (6) months of the date of the approval by the Township of the preliminary plan; or
3. Fails to obtain a building permit or use certificate within six (6) months of the date of the approval by the Township of the final plan; or
4. Fails to complete the work within one (1) year of the issuing of the building permit.

### **SECTION 503            HARSHIP PERMIT**

The Board of Supervisors may grant a hardship permit to place a mobile home or other residential unit on a lot where the same would not otherwise be permitted by the terms of this Ordinance provided the applicant establishes that:

- a. All of the residential units located on the tract of land where the mobile home or other residential unit is proposed to be located are occupied by the landowner or a member of his family, family to include only ancestors and direct descendants of the landowner, or caretaker. This condition shall not apply if the residential unit not occupied by a member or the family is at such a distance from the residence of the owner of the tract of land to render the personal care to a member of the family as contemplated by this section or alternatively to receive the care contemplated by this section; and
- b. No rent or other consideration will be received for the use of the mobile home or other residential unit or the space which the same occupies; and
- c. There is a genuine medical hardship involved which requires that the occupant of the mobile home or other residential unit for which the permit is issued live in close proximity to the owner of the tract of land on which the mobile home or other residential unit is to be placed so as to enable the occupant of the mobile home or other residential unit to give or alternatively receive the personal care contemplated by this section of the Ordinance.
- d. There is an adequate sewage disposal system and water supply system.

In addition the applicant must establish that:

- e. The occupant of the mobile home or other residential unit to be permitted will provide care to one or more of the landowners who reside on the tract of land in question and own the mobile home or other residential unit; or

- f. The occupant of the mobile home or other residential unit is a parent or grandparent of one or more of the landowners who reside on the tract of land in question and will receive care from one or more of such landowners.

The hardship permit shall be for a period of one (1) year and shall be renewable annually by the Zoning Officer. It shall automatically expire when any of the requirements of this section are no longer met. Such mobile home or other residential unit must be removed from the premises within ninety (90) days following the expiration of the permit.

#### **SECTION 504            TEMPORARY PERMIT**

A temporary permit may be issued by the Zoning Officer at the direction of the Board of Supervisors for a nonconforming structure or use, which it deems necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit without cost to the Municipality. Such permits shall be issued for a specified period of time not to exceed six (6) months.

#### **SECTION 505            USE CERTIFICATES**

This section applies to any new structure as below or to any change of use of a structure or land as below:

- a. Use of a structure erected, structurally altered or extended, or moved after the effective date of this ordinances.
- b. Use of vacant land except for agricultural purposes.
- c. Any change in conforming use of a structure or land unless the change is to the same general type of conforming use.
- d. Any change from a nonconforming use of a structure or land to another nonconforming use or to a conforming use.
- e. Any change in the use of a structure or land from that permitted by any variance of the Zoning Hearing Board.

Before any such use or change of use, a person must have the intended use certified by the Zoning Officer as being in compliance with this Ordinance and other relevant Township Ordinances. The application for a use certificate must include a statement of the intended use, and any existing use of the structure or land. The certificate continues in effect as long as the use of the structure or land for which it is granted conforms with this Ordinance.

#### **SECTION 506            VARIANCES**

Where (a) the strict application of a regulation of this Ordinance would result in peculiar and exceptional practical difficulty to, or exceptional and undue hardship upon, the owner of property and (b) this difficulty of hardship is due to unique

physical circumstances or physical conditions of the owner's property, he may apply to the Zoning Hearing Board for a variance from the regulation. The application must be on a form provided for that purpose by the Zoning Officer. It must be filed with the Board and copies given to the Zoning Officer and Planning Commission. The applicant must provide all the information requested on the form, together with any other information and data that may be required to advise the Board on the variance, whether such information is called for by the official form or not.

Unless otherwise specified or extended by the Board, a variance authorized by it expires if the applicant fails to obtain a building permit within six (6) months from the date of authorization of the variance.

a. Referral To Planning Commission

All applications for a variance shall be referred to the Planning Commission for a report.

The Chairman of the Planning Commission shall insure that a copy of its report is delivered to the Township Secretary for inclusion in the permanent record of the application, to the Zoning Officer and to the Zoning Hearing Board.

b. Standards For Variances

Where there is unnecessary hardship, the Board may grant a variance in the application of the provisions of this ordinance only if all the findings following, in writing are made:

1. There are unique physical circumstances or conditions including (1) irregularity, narrowness or shallowness of lot size or shape or (2) exceptional topographical or other physical conditions peculiar to a particular property and is not due to circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or zone in which the property is located.
2. Because of these physical circumstances or conditions, the property cannot reasonably be used in strict conformity with the provisions of the Zoning Ordinance.
3. Necessary hardship is not financial in nature and has not been created by the appellant.
4. The variance, if authorized, will not alter the essential character of the neighborhood or zone 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. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

c. Conditions

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

**SECTION 507 APPEALS – ZONING HEARING BOARD**

Any person aggrieved or affected by provision of this Ordinance or decision of the Zoning Officer, may appeal to the Zoning Hearing Board. The appeal must be on a form provided for that purpose by the Zoning Officer. The appellant must provide all the information requested on the form, together with any other information and data that may be required to advise the Board on the appeal, whether such information is called for by the official or not.

**SECTION 508 APPEALS – COURT OF LAW**

Within thirty (30) days after a decision of the Zoning Hearing Board - -

- a. A person aggrieved by the decision,
- b. A taxpayer, or
- c. The Board of Township Supervisors may appeal to the Court of Common Pleas of the County, by petition, setting forth that the decision is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, and specifying the ground upon which he relies.

**SECTION 509 FEES**

For each application, permit, or appeal, the applicant or appellant must pay the Township a fee as set by the Township Supervisors.

**SECTION 510 ENFORCEMENT REMEDIES**

In case any building, structure, landscaping or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Township Board of Supervisors or with the approval of the Township Board of Supervisors, an officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially effected by the alleged violation, in addition to the remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping, or land, or to prevent, in or about such premises, any act, conduct business or use constituting a violation. When any such action is instituted by landowner, or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Township Board of Supervisors. No such action shall be maintained until such notice has been given.

**SECTION 511 PENALTIES**

Any person, partnership or corporation who or which has violated or permitted a violation of any provision of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment in the amount of five hundred (\$500.00) dollars plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of the violation by the District Justice. If the Defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determines that there has been a violation and further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation, until the fifth day following the date of determination of violation by the District Justice and thereafter each day that violation continues shall constitute a separate violation. All judgments, costs or reasonable attorney fees collected for the violation of this Ordinance shall be paid over to the Township.

## **SECTION 512            ZONING OFFICER**

### **a. Appointment and Powers**

For the administration of this Ordinance, a Zoning Officer, who may hold other office in the Township, shall be appointed. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to the Zoning Ordinance. The Zoning Officer is the enforcement officer for this Ordinance. He issues all building permits, use certificates, and at direction of the Zoning Hearing Board, special exceptions and variances. The Zoning Officer is encouraged to utilize the Planning Commission for interpretation and actions.

### **b. Forms**

The Zoning Officer must provide a form or forms prepared by the Township Solicitor for - -

1. Building permits
2. Special permits
3. Use certificates
4. Appeals
5. Variances

### **c. Transmittal of Papers**



Upon receipt of an application for a special exception, variance or notice of appeal, the Zoning Officer must transmit to the Secretary of the Zoning Hearing Board and to the Planning Commission, copies of all papers constituting the record upon the special exceptions, variance, or appeal.

d. Action on Building Permits

Within ninety (90) days, except for holidays, after receipt of an application for a building permit, the Zoning Officer must grant or refuse the permit. If the application conforms to the applicable requirements of the Building Permit Ordinance and this Ordinance, the Zoning Officer must grant a permit. If the permit is not granted, he must state in writing the grounds for his refusal and the manner in which the application can be corrected and/or modified to obtain the required approval if such correction and/or modification is possible.

e. Action on Use Certificates

Within ninety (90) days, except for holidays, after receipt of an application for a use certificate, the Zoning Officer must grant or refuse the certificate. If the specifications and intended use conform in all respects with the provisions of this Ordinance, he must issue a certificate to that effect. Otherwise, he must state in writing the grounds of his refusal.

If the permit is not granted, he must state in writing the grounds for his refusal and the manner in which the application can be corrected and/or modified to obtain the required approval if such correction and/or modification is possible.

f. Records

The Zoning Officer must keep a record of - -

1. All applications for building permits, use certificates, special exceptions and variances and all actions taken on them, together with any conditions imposed by the Zoning Hearing Board.
2. All plans submitted

All records and plans are available for public inspection.

g. Reports

At intervals of not greater than one (1) month, the Zoning Officer should report to the Township Supervisors - -

1. The number of building permits and use certificates issued
2. The number of complaints of violations received and any enforcement recommendations to the Board of Supervisors for enforcement actions.

a. Membership of Board

The membership of the Board shall consist of three residents of the Township appointed by the Board of Supervisors. Their terms of office shall be three years and shall be so fixed that the term of office of one member shall expire each year. The Board of Supervisors may appoint not more than three alternate members of the Board. The term of such alternate member shall be three years. The Board shall promptly notify the Township Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township.

b. Organization of Board

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Section 512. The Board may make, alter, and rescind rules and forms for its procedure, consistent with Ordinances of the Township and laws of the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the governing body once a year.

c. Powers

The Zoning Hearing Board has the following powers:

1. Interpretation: to interpret any provision of Ordinance including zone boundaries.
2. Special Exceptions: to hear and decide special exceptions upon which the Board is required to pass under this Ordinance.
3. Appeals: to hear and decide where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Officer in the enforcement or interpretation of this Ordinance.

**SECTION 514 PUBLIC HEARINGS**

At public hearings, the applicant or appellant is entitled to the rights set forth herein and must conform to the procedures set forth herein.

a. Procedures

1. Notice

The notice required by this section of the Ordinance shall be given by the official designated by the Board of Supervisors to give such notice. Such

notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than (30) days and the second publication shall not be less than seven (7) days from the date of the hearing. In addition, such official shall give written notice to anyone designated to receive such written notice by the rules of the Zoning Hearing Board and in addition, written notice shall be given to the applicant, the Zoning Officer and to any persons who have made timely requests for the same. In addition to the written notice provided herein, the officer designated by the Board of Supervisors to give notice as required by this section shall at least one week prior to the hearing post written notice of said hearing at a conspicuous location on the affected tract of land.

## 2. Fees

The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Such fees shall be sufficient to defray the cost of said hearing including compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. Such fees shall not be intended to defray the legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness fees.

## 3. Hearings

- a. The hearings shall be held within sixty (60) days from the date of the applicant's request unless the applicant has agreed in writing to an extension of time.
- b. The hearings shall be conducted by the Board or the Board may appoint any member as a Hearing Officer. The decision, or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive the decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- c. The parties to the hearing shall be the municipality, 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.
- d. The Chairman or Acting Chairman of the Board or the Hearing Officer presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

- e. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond to present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- f. The formal rules of evidence shall not apply but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- g. The Board or the Hearing Officer as the case may be shall keep a stenographic record of the proceedings.
- h. The Board or the Hearing Officer shall not communicate directly or indirectly with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, report, staff memorandum or other materials except advice from their solicitor unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- i. The Board or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or Hearing Officer. When the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this act or of any Ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found. If the hearing is conducted by a Hearing Officer and there has been no stipulation that his decision findings are final, the Board shall make its report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to the final decision or entry of findings and the Board's decision shall be entered no later than thirty (30) days after the report of the Hearing Officer. When the Board fails to render a decision within the period required by this subsection, or fails to hold the required hearings within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to be rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in subsection "a" of this section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

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

4. Records

- a. The Zoning Officer shall retain records of all applications and notices given pursuant to this section and shall make a record of the date any notice is sent or posting performed pursuant to this section of the Ordinance.
- b. He shall retain such records in a permanent file together with a copy of the decision rendered in each case.
- c. He shall in addition ensure that the Township secretary receives a copy of each application and the decision rendered in connection therewith.

b. Representation; Statements

The parties to the hearing shall be any person who is entitled to notice under Section 514 (a) without special request therefore who has made timely appearance of record before the Board and any other person permitted to appear by the Board.

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.

Statements are to be made in the following order as the Chairman may direct:

1. Applicant or appellant
2. Zoning Officer and other officials
3. Any private citizens

The applicant or appellant must be given an opportunity for rebuttal.

c. Witnesses

The Chairman or acting Chairman of the Board or the Hearing Officer presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

d. Decision Procedure

The Board or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days. Each decision shall be accompanied by findings of fact and conclusions based on any provisions of this act or of any Ordinance, rule or regulations shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of facts found. If the hearing is conducted by a Hearing Officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties and the parties shall be entitled to make written representations thereon to the Board prior to final decisions or entry of findings. Where the Board has power to render a decision and the Board or the Hearing Officer, as the case may be, fails to render the same within the period required by this clause, the decision shall be deemed to have been rendered in favor of the applicant. 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 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.

Whenever the Board imposes a condition or conditions with respect to the granting of an application or appeal, this condition must be stated in order of the Board and in the permit issued pursuant to the order by the Zoning Officer. This permit remains valid only as long as the condition or conditions upon which it was granted or the conditions imposed by this Ordinance are adhered to.

e. Records

The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings.

## **SECTION 515                      TOWNSHIP ENGINEER**

A. Drainage

At the request of the Zoning Officer or the Zoning Hearing Board, the Township Engineer must review site plans or other data to ascertain that provisions for surface water drainage will be adequate (Section 310).

B. Building Adjacent to Drainage Channels and Watercourses

The Township Engineer shall review plans for buildings adjacent to drainage channels or watercourses to ascertain that the building will be an adequate distance from the high water line (Section 310).

C. Zoning Hearing Board Cases

Where the exercise of the above powers and duties involves an application or appeal to the Zoning Hearing Board, the Township Engineer shall make recommendations to the Board. The approving authority in such cases shall be the Zoning Hearing Board and not the Township Engineer.

## **SECTION 516**

## **PLANNING COMMISSION**

### **A. Zoning Hearing Board Cases**

Within thirty (30) days of receiving an application for a special permit or variance from the Zoning Hearing Board, the Planning Commission must give a written report on it to the Board. The Commission is governed by the same standards as the Board in making its recommendations plus its special knowledge gathered from planning for the Township.

### **B. Amendments**

The Planning Commission may recommend amendments to the regulations and provisions of this Zoning Ordinance to the Township Supervisors. For a proposed amendment stemming from other sources, the Commission must review it and make a recommendation regarding it to the Township Supervisors within forty-five (45) days after receipt of the proposal.

## **SECTION 517**

## **TOWNSHIP SUPERVISORS**

### **A. Zoning Hearing Board – Appointment**

The Township Supervisors must appoint three (3) residents of the Township to a Zoning Hearing Board. The Township's supervisors must designate one (1) member to serve until the first day of January following the effective date, one (1) member to serve until the first day of the second January thereafter, and one (1) member to serve until the first day of the third January thereafter. Successors must be appointed on the expiration of the respective terms above to serve three (3) years. Appointments to fill vacancies must be only for the unexpired portion of the terms.

### **B. Changes**

#### **1. Power of Amendments**

The Board of Supervisors may, from time to time, amend, supplement, change, modify or repeal this Ordinance including the Zoning Map. When doing so, the Supervisors shall proceed in the manner prescribed in this Article.

#### **2. Initiation of Amendments**

Proposals for amendment, supplement, change, modification or repeal may be initiated by the Board of Supervisors on its own motion, by the Planning Commission, or by petition or curative amendment of one or more owners of property to be affected by the proposed amendment, subject to the following provisions.

- a. Proposals originated by the Board of Supervisors - -

Any proposed amendment, supplement, change, modification or repeal of the Ordinance originated by the Board of Supervisors shall be referred to the Planning Commission. Within thirty (30) days of the submission of said proposal, the Planning Commission shall submit to the Supervisors a report containing the Commission's recommendations, including any additions or modifications to the original proposal.

- b. Proposals originated by the Planning Commission - -  
The Planning Commission may at any time transmit to the Board of Supervisors any proposal for the amendment, supplement, change, modification or repeal of this Ordinance.
- c. Proposals originated by a Landowner - -  
One or more owners of property to be affected by a proposal for amendment to this Ordinance may petition to change the Ordinance or may submit a curative amendment. Such petition shall be submitted in writing to the Township Secretary, together with a fees as specified by a fee schedule adopted by resolution of the Board of Supervisors to cover costs, no part of which shall be returnable to the landowner. On receipt, the Township Secretary shall transmit a copy of the petition to the Planning Commission. Within thirty (30) days of this submission to the Commission, the Commission shall submit to the Board of Supervisors a report containing the Commission's recommendations, including any additions or modifications or the original proposal.
- d. Proposals by Curative Amendments - -  
A landowner who desires to challenge the validity of this Ordinance which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in Section 1004 of the Pennsylvania Municipalities Planning Code (Act 247) as amended. The curative amendment application shall include a fee as specified by a fee schedule adopted by resolution of the Board of Supervisors to cover costs, no part of which shall be returnable to the landowner. If the hearing last more than one day, periodically during the course of the hearing, the appellant or applicant shall be billed for expenses in excess of the deposit and shall promptly pay such excess amount. Upon completion of the hearing, the appellant or applicant shall be reimbursed that amount of the deposit not expended. The payment of fees and costs set forth above shall be a prerequisite to the validity of any permit, variance, ruling or decision issued in favor of an applicant pursuant to any proceeding initiated before the Zoning Hearing Board or the Board of Supervisors.

#### C. Fees

The Township Supervisors shall set fees for all applications, certificates, permits, variances, or appeals provided for by the Pennsylvania Municipalities Planning Code or by this Ordinance to defray the costs of advertising mailing notices, processing, inspecting, and copying applications, permits, use certificates,



necessary administrative overhead (and one-half of the appearance fee for the stenographer), and in addition to provide compensation for the secretary and members of the Zoning Hearing Board if the action is brought before Zoning Hearing Board; to provide compensation for the secretary and the members of the Board of Supervisors if the application is brought before the Board of Supervisors. The payment of all fees and costs as set by the Board of Supervisors pursuant to this paragraph shall be a prerequisite to the validity of any permit, variance, ruling or decision issued in favor of an applicant pursuant to any of the applications set forth above.



## ARTICLE VI

### DEFINITIONS

#### SECTION 601 GENERAL INTERPRETATION

In this Ordinance when not inconsistent with the context - -

- a. The word "lot" includes the word "plot" or "parcel"
- b. Words in the present tense imply also to the future tense
- c. The singular includes the plural
- d. The male gender includes the female gender
- e. The term "shall" or "must" is always mandatory
- f. The word "person" includes a partnership or corporation as well as an individual

#### SECTION 602 SPECIFIC WORDS AND PHRASES

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

**ACCESSORY STRUCTURE** - A subordinate structure or a portion of the principal structure on a lot, the use of which is customarily incidental to that of the principal structure.

**ADULT ORIENTED FACILITY** – An establishment open to the general public or a private club open to members except person under the age of eighteen (18) years, which is used and occupied for one (1) or more the following activities:

**ADULT BOOK STORE** – An establishment in which five (5%) percent or more of the occupied sales or display area offers for sale, for rent or lease, for loan, or for view upon the premises, or pictures, photographs, drawings, prints, images, sculpture, still film, video tape, or similar visual representations distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity, or books, pamphlets, magazines, printed matter or sound recordings containing explicit and detailed descriptions or narrative accounts distinguished or characterized by an emphasis on sexual conduct or offers sexual devices for sale.

**ADULT CABARET** – An establishment, club tavern, restaurant, theater or hall which features live entertainment distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity.

**ADULT MASSAGE PARLOR** – An establishment whose business is the administration of massage to the anatomy of patrons regardless whether or not the same includes sexual conduct.

**ADULT THEATER** – A building, or room within a building, used for presenting motion picture film, video tape or similar visual representation of materials distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity.

**AGRICULTURAL SALES AND PROCESSING** – The sale of and/or processing of agricultural commodities. Includes buildings for the retail sale of such commodities and buildings for the processing of agricultural commodities so as to render them marketable in the same or in a different form, such as milk pasteurizing and/or bottling facilities, cider press, meat slaughtering, packaging and freezing facility, food canning or freezing facilities.

**AGRICULTURAL USES** – The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce and equipment and for housing and feeding the animals and housing the equipment. The use of land as a place for the location of a dwelling it not an agricultural use.

**AGRICULTURAL SUPPORT FACILITIES** – Facilities such as feed mill, fertilizer dealer, agricultural machinery and supply dealer, canning house, milk receiving or processing plant, tobacco auction facility, meat slaughtering or packing plant which act in direct support of agricultural uses.

**ANIMAL EQUIVALENT UNITS** – One thousand (1,000) pounds live animal weight of livestock or poultry regardless of the number of individual animals or birds comprising the unit, calculated as follows:

Total AEUs for each type of animal or bird=[number of animals or birds (average on a typical production day)] x (animal or bird weight (lb) divided by 1,000) x number of product days per year divided by 365).

**AUTOMOTIVE GARAGE OR SERVICE STATION** – A building on a lot designed and/or used primarily for mechanical and/or body repairs, storage, rental, servicing, or supplying of gasoline or oil to automobiles, trucks, and similar motor vehicles.

**BASEMENT** – A story having a part but not more than one-half (1/2) of its height below grade. A basement shall be considered in determining height.

**BED AND BREAKFAST INN** – A dwelling unit where in exchange for compensation, the owner who resides on the premises, provides lodging and at least one meal for guests.

**BOARDING HOUSE** – A building, where for compensation provisions are made for lodging and meals for at least three (3) but not more than fifteen (15) persons.

**BUILDING** – Any structure or edifice designed or intended for use as an enclosure, a shelter, or protection of persons, animals or property.

**BUILDING AREA** – The total area of outside dimensions on a horizontal plan at ground level of the principal building and all accessory buildings.

**BUILDING LINE** – The required setback (front, side or rear) of a building from the property or street line.

**CAMPGROUND** – Any park, tourist park, tourist camp, court, site lot, parcel or tract or land upon which one or more camp cottages or cabins are located and maintained for the accommodations of transients by the day, week or month or upon which tents, recreational vehicles, travel trailers or other temporary accommodations may be placed by transient occupants. It shall not include mobile home parks.

**CAFO: CONCENTRATED ANIMAL FEEDING OPERATION** – A CAO with greater than three hundred (300) AEUs, any agricultural operation with greater than one thousand (1,000) AEUs, or an agricultural operation with a discharge to surface waters during a storm event of less than a 25-year/24-hour storm.

**CAO:CONCENTRATED ANIMAL OPERATION** – An agricultural operation where the animal density exceeds two (2) AEUs per acre on an annualized basis, as calculated in Act 38 of 2005.

**CHILD CARE FACILITIES** –

**CHILD DAY CARE CENTER** – A facility licensed by the State that provides a wide range of formal day care services outside of a residence to children who are not relatives of the care giver.

**FAMILY DAY CARE HOME** – A facility, located in a dwelling, which provides supervised care for remuneration to not more than six (6) children who are not relatives of the caregiver.

**NURSERY SCHOOL** – A facility designed and operated to provide regular instruction and daytime care for two (2) or more children under the age of elementary school students. No part of a nursery school or of a building which is used as a nursery school shall be used as a family residence.

**CARETAKER OR WATCHMAN DWELLING** – A temporary single family dwelling placed on property in the “general commercial district” as accessory to a commercial or industrial business.

**CELLAR** – A story partly underground and having more than one-half (1/2) of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the required number of stories or building height.

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

**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, picnic pavilions, church-related schools, church-related day care facilities, or any combination thereof.

**CONTRACTOR’S OFFICE OR SHOP** – Offices and shops for tradesman, such as building, cement, electrical, masonry, plumbing, painting and roofing contractors.

**DWELLING** – A building or structure designed for living quarters for one (1) or more families, including mobile homes, but shall not include hotels, rooming houses, convalescent homes or other accommodations used for transient occupancy.

**MULTI-FAMILY DWELLING** – A building containing three (3) or more dwelling units (such as apartment houses, garden apartments). All dwelling units are located on a single lot and share with other units a common yard area.

**ROW DWELLING** – A portion of a building containing one (1) dwelling unit, and having two (2) party walls in common with other dwelling units (such as row houses or townhouses). Each dwelling unit is located on a single lot.

**SINGLE FAMILY DWELLING** – A detached building designed for or used exclusively for residential purposes by one family or housekeeping unit.

**TWO FAMILY DWELLING** – A building containing two (2) dwelling units, having two (2) side yards, and one (1) partition in common between the two (2) units. Both dwelling units are located on the same lot.

**DWELLING UNIT** – A building or portion thereof arranged or designed for occupancy by not more than one family for living purposes and having no enclosed space (other than vestibule, entrance or other hallways or porches) or cooking or sanitary facilities in common with any other dwelling unit.

**DRIVEWAY** – A paved surface other than a street which provides vehicular access from a street or a private road to a lot.

**EDUCATIONAL FACILITY, COMMERCIAL** – Any place offering instruction for profit for such special instruction as business, art, music, trades, handicraft, dancing and riding.

**EMPLOYEE** – A person who works for another person for pay or other compensation.

**FULL-TIME EMPLOYEE** – A person who receives compensation eighty (80) or more hours in a four (4) week period.

**PART-TIME EMPLOYEE** – A person who receives compensation eighty (80) or less hours in a four (4) week period.

**FAMILY** – A single person occupying a dwelling unit and maintaining a household; two (2) or more persons related by blood, marriage or adoption occupying a dwelling unit, living together and maintaining a common household, or not more than three (3) unrelated persons occupying a dwelling unit, living together and maintaining a common household. Family may include domestic servants and gratuitous guests, but not occupants of a club, fraternal lodging, rooming house, boarding house, institutional care facility, personal care facility, or any other arrangement pursuant to which compensation is paid in exchange for the right to reside in such facility, to receive meals, supervision and/or care.

**FARM** – A tract of land which is used in the production of agricultural commodities and products.

**FARMSTEAD, PRIME** – The primary existing structure(s) associated with a farm consisting of all related farm buildings including, but not limited to, barns, silos, and farm implement storage buildings. In order to be designated a prime farmstead as above, at least 1,000 square feet of structure building area must be proven by the applicant to have been in existence as of the effective date of this Ordinance.

**FLOOR AREA, HABITABLE** – The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, bathroom, closets, hallways, stairways, but not including cellars or attics, or service rooms or areas such as utility rooms, nor unheated areas such as enclosed porches, nor rooms without at least one window opening onto an outside yard or court.

**GROUP HOME** – A building or structure used by a parent charitable, religious, educational, or philanthropic institution 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, those under the treatment for alcohol abuse, drug abuse, or both, unwed parents, and those who have been physically abused.

**HEALTH AND PERSONAL CARE FACILITIES** –

**HOSPITAL** – An institution having an organized medical staff which is primarily engaged in providing to in patients, by or under the supervision of physicians, diagnostic and therapeutic services for the care of injured, disabled, pregnant, diseased, sick or mentally ill persons, or rehabilitation services for the rehabilitation of injured, disabled, pregnant, diseased, sick or mentally ill persons. The term includes facilities for the diagnosis and treatment of disorders within the scope of specific medical specialties, but not facilities caring exclusively for the mentally ill.

**NURSING HOME OR CONVALESCENT HOME** – A building or structure in which nursing care and related medical or other health services are provided for a period exceeding twenty-four (24) hours for two (2) or more individuals who are not relatives of the operator, who are not acutely ill and not in need of hospitalization, but how, because of age, illness, disease, injury, convalescence or physical or medical infirmity need such care.

**PERSONAL CARE HOME** – A building or structure in which food, shelter, and personal assistance and/or supervision are provided for a period exceeding twenty-four (24) hours for four (4) or more adults who are not relatives of the operator and who do not require the services in, or of a “nursing home” but do require assistance or supervision in matters such as dressing, bathing, diet, financial matters, evacuation of a residence in the event of an emergency or medication prescribed for self-administration.

**ADULT DAY CARE CENTER** – Any premises where care is provided to elderly or disabled adults for part of a twenty-four (24) hour day, excluding care provided by relatives. Such care includes personal assistance, the development of skills for daily living, and the provision of social contact.

**DOMICILIARY CARE UNIT** – A building or structure designed for living quarters for one or more families which in addition to providing living quarters for one or more families, provides, on a state or federally licensed and supervised basis, twenty-four (24) hour supervised, protective living arrangements by the families residing therein for not more than three (3) persons eighteen (18) years of age and above who are disabled physically, mentally, emotionally or as a result of old age and are unrelated to the family providing the care.

**HEAVY EQUIPMENT/VEHICLE MAINTENANCE FACILITY** – A facility used primarily for mechanical and/or body repairs, storage, rental, servicing or supplying of gasoline or oil to vehicles and equipment larger than automobiles or pickup trucks or equipment not licensed or inspected under the Motor Vehicle Code.

**HOME OCCUPATIONS OR PROFESSION** – A special type of accessory use. It is an occupation or profession which - -

1. Is carried on in a dwelling unit or in a structure accessory to a dwelling unit;
2. Is carried on by a member of the family residing in the dwelling unit;
3. Is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

**INDUSTRIAL PARK** – An industrial park in an industrial area - -



1. Organized and laid out in accordance with an overall plan for a community of industries including the servicing of these industries; and
2. Designed to insure compatibility between the industrial operations in the park and the surrounding area through such devices as landscaping, architectural control, setbacks, and use requirements.

**INTENSIVE ANIMAL OPERATION** – Any use meeting the definition of CAO (Concentrated Animal Operation) or CAFO (Concentrated Animal Feeding Operation) as defined herein.

**JUNK** – Any discarded material or article and shall include but not be limited to, scrap metal, scrapped, abandoned or junked motor vehicles, machinery, equipment, paper, glass, containers, and structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.

**JUNKYARD** – A lot, land or structure, or part thereof, used primarily for the collecting, storage, and sale of waste, paper, rags, scrap metal or discarded material, or for the abandonment, collecting, dismantling, demolition, storage and salvaging of machinery, or vehicles not in running condition and for the sale of parts thereof.

**KENNEL** – Any building or buildings and/or land used for the sheltering, boarding, breeding or training of dogs, cats, fowl or other small domestic animals at least six (6) months of age which are kept or bred for purposes involving remuneration to the owners, but not to include a riding academy or the keeping of livestock for agricultural purposes. A kennel operation may include accessory uses such as animal grooming.

**LAND OF LOW QUALITY FOR AGRICULTURAL USE** – For the purpose of this Ordinance, land shall be considered of low quality for agricultural use if:

1. The land consists of soil in category GbD, MOC, MOD, MOE, MPD, MRF, or W as classified in the 1995 Update of the Soil Survey of York County, Pennsylvania by the U.S. Department of Agriculture, Natural Resources Conservation Service; or
2. The land cannot feasibly be farmed:
  - a. Due to the existing features of the site such as rock close to the surface, swamps, wetlands, or the fact that the slope of the area exceeds fifteen (15%) percent; or
  - b. Due to the fact that the size or shape of the area suitable for farming is insufficient to permit efficient use of farm machinery. For the purpose of determining whether the size or shape of the area suitable for farming is insufficient to permit reasonable use of farm machinery:

- (i) The land to be contained in the proposed lot or lots shall be considered as a part of the original tract; and
- (ii) It shall be presumed that the farmer who would be farming the tract or lot would be also farming other land in the immediate area; and
- (iii) It shall be presumed that if the land has been or could reasonably be farmed with machinery of the size and type typically used at the present time by farmers in the area, it is suitable for agricultural use with reasonable use of farm machinery.

**LOADING SPACE** – An off-street space suitable for the loading or unloading of goods having direct usable access to a street or alley.

**LOT** – A parcel of land considered as a unit (1) for an urban use and (2) from the standpoint of ownership. It may be vacant, devoted to a certain use, occupied by a structure, or occupied by a group of structures that are united by a common interest or use.

**LOT AREA** – The area contained within the property lines of a parcel of land including the area within a street right-of-way and including the area of any easement.

**LOT WIDTH** – The width of a lot measured at the minimum required front building setback line.

**MANUFACTURING BUILDING OR FACILITY** – A building or facility where raw materials are converted to a secondary or finished product (e.g. plastics molding) or components are assembled/formed into a secondary or finished product (e.g. computer assembly).

**MOBILE HOME** – A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation.

**MOBILE HOME LOT** – A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

**MOBILE HOME PARK** – A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use, consisting of two (2) or more mobile home lots.

**MULTI-FAMILY CONVERSION** – A multi-family dwelling created by converting a building existing as of July 3, 1979, into apartments for more than one family without substantially altering the exterior of the building.

**NONCONFORMITY** – A use, structure, or lot (1) existing on the effective date of this Ordinance, or (2) existing at any subsequent amendment of this Ordinance, or (3) created by variance, and in conflict with the regulations of this Ordinance. Specifically, the following types of nonconformities are distinguished:

**NONCONFORMING BUILDING, STRUCTURE OR LOT** – A building, structure or lot that does not conform to a dimensional regulation prescribed by this Ordinance for the district in which it is located or to regulations for signs, off-street parking or the environment, but which building, structure or lot was lawfully in existence prior to the enactment of the Township Zoning Ordinance or to an amendment to such Ordinance which rendered such building, structure or lot nonconforming or which building, structure or lot was lawfully permitted as a variance authorized by the Zoning Hearing Board. “Lot” includes all land which was owned by the same owner or owners on July 3, 1979. Land shall be considered contiguous even though separated by public or private roads or by a right-of-way owned by a public utility company for a utility line or lines irrespective of whether such right-of-way is owned in fee or constitutes easement.

**NONCONFORMING USE** – A use whether of land or of structure which does not comply with the applicable use provision in the Zoning Ordinance of Chanceford Township or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment.

**DIMENSIONAL NONCONFORMITY** – A lot or structure which is nonconforming because it is not in compliance with the extent-of-use or dimensional regulations of this Ordinance.

**NOT FOR PROFIT BUILDINGS AND FACILITIES** – Buildings and facilities owned and operated by an educational, religious, or charitable use qualifying under Section 501 (c) of the Internal Revenue Service Code, latest revision.

**PARCEL** – Any tract or contiguous tracts of land in the same ownership and contained in the same deed as of July 3, 1979. Land shall be considered contiguous even though separated by public or private roads. Parcel shall not include those contiguous tracts separately described and contained in one (1) deed which originate from separate titles and which otherwise conform to this Ordinance.

**PARKING GARAGE** – A building where passenger vehicles may be stored for short-term, daily, or overnight off-street parking.

**PARKING LOT** – An open lot where passenger vehicles may be stored for short-term, daily, or overnight off-street parking.

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

**PRINCIPAL USE** – The main or primary use of property or structures.

**PROFESSIONAL OFFICE OR BUSINESS** – The office of a member of a recognized profession, including the offices of doctors or physicians, dentist, optometrists, ministers, architects, landscape architects, professional engineers, lawyers, artists, authors, musicians, tutors and such other professional occupations which may be so designated within the regulations of this Ordinance. The practice of such occupation shall in no way adversely affect the safe and comfortable enjoyment of property rights in any Zone to a greater extent than for the professional activities listed herein. The issuance of a state or local license for regulation of any gainful occupation need not be deemed indicative of professional standing.

**PUBLIC BUILDING** – Any building to be occupied and used by any federal, state, or local governmental entity or an agency thereof and shall further include any building to be occupied by person(s) or organizations which provide public services, such as fire protection and ambulance services, to the community at large.

**PUBLIC SEWER** – A municipal sanitary sewer system or a comparable common water facility approved and permitted by the Pennsylvania Department of Environmental Protection and the Pennsylvania Public Utility Commission.

**PUBLIC UTILITY OR SIMILAR BUILDING OR FACILITY** – The erection, construction alteration, or maintenance by private utilities or municipal or other governmental agencies or private corporations providing gas, electrical, telephone, steam or water transmission or distribution, including buildings, enclosures, wells, pumping stations, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic light signals, hydrants, and other similar equipment and accessories and services in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other agencies of private corporations including firehouses or fire companies and energy services under agreement with the municipality. It also includes communication towers.

**PUBLIC WATER** – A municipal water supply system, or a comparable common water facility approved and permitted by the Pennsylvania Department of Environmental Protection and Pennsylvania Public Utility Commission.

**QUARRYING** – The extraction of solid materials such as rock from the earth for compensation including filling of voids from which materials have been extracted.

**RECREATION** – A building, facility, or use such as golf course, miniature golf, driving range, sports club, motorcross trail, riding academy, swimming pool, tennis court, etc. where recreation is provided.

**RELATIVES** – For purposes of this Ordinance, relatives shall include ancestors, direct descendants, first cousins, nephews, nieces, grandnephews and grandnieces.

**RETAIL, RESTAURANT, ENTERTAINMENT, SERVICE AND GENERAL BUSINESS FACILITIES** - Facilities which provide retail sale or lease of products or services, public eating establishments including sit down service, take out, and delivery; service facilities providing business or personal services such as barbers, hairdressers, etc.; other business activities such as funeral home, entertainment facilities, including motion picture theater, and facilities providing live entertainment.

**ROOMING HOUSE** – Any dwelling or part thereof containing one or more rooming units, and which space is let to one or ore persons for terms of not less than one month. In addition to rooming units it may include but does not have to include common cooking and dining facilities. A “rooming unit” means any room or group of rooms forming a single habitable unit use or intended to be used for a living and sleeping combo but not for cooking or eating purposes.

**SAWMILL** – A building where machines saw timber into plank boards, etc.

**SCHOOL** – See educational facility.

**SCREEN PLANTING** – A vegetative material of sufficient height and density to conceal from the view of property owners in adjoining zones the structures and uses on the premises on which the screen planting is located.

**SETBACK** – The horizontal distance between a building and a property or street line.

**SETBACK, FRONT** – The distance between the street line and the front building line projected the full width of the lot. Commonly called “front yard”.

**SETBACK, REAR** – The distance between the rear lot line and the rear building line projected the full width of the lot. Commonly called “rear yard”.

**SETBACK, SIDE** – The distance between the side lot line and the side building line projected from the front yard to the rear yard. Commonly called “side yard”.

**SHOPPING CENTER, MALL AND PLAZA** – A group of stores planned and designed to function as a unit for the site on which it is located with off-street parking and landscaping provided as an integral part of the unit.

**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 in an integral part of another structure or flags or other insignia of any government, government agency, or of any civic, charitable, religious, fraternal, or similar organization.

**SIGN, ADVERTISING** – A sign whose major purpose is for directing attention to a business commodity, service, or entertainment conducted, sold or offered elsewhere than upon the same lot, such as billboards.

**SIGN, BUSINESS** – A sign directing attention to a business or profession conducted on the same lot or, as incidental to a business, to products sold upon the same lot.

**SIGN, DIRECTIONAL** – A sign which is for directing patrons or attendants to an establishment off the main-traveled highway or to service clubs, churches, or other nonprofit organizations.

**SIGN, FREE-STANDING** – A sign supported by upright braces placed upon the ground and not attached to a building.

**SIGN, PROJECTING** – A sign which is attached to a building or other structure and extends beyond the line of a building or structure or beyond the surface or that portion of the building or structure to which it is attached.

**SOLID WASTE** – Garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials, resulting from municipal, industrial, commercial, agricultural and residential activities. Such wastes shall not include biological excrements or hazard waste materials as defined in the Code of Federal Regulations, Title 40, Chapter 1, Part 261, dated July 1, 1984, or as amended.

**STORY** – That portion of a building, excluding cellars, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

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

**STREET** – A public or private way, excluding driveways, which affords the principal means of access to abutting properties.

**STREET GRADE** – The officially established grade of the street upon which a lot fronts or in its absence the established grade of other streets upon which the lot abuts, at the midway of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

**STREET LINE** – The dividing line between the street and lot, also known as right-of-way line.

**STRUCTURAL ALTERATION** – Any change in or addition to the supporting members of a structure.

**STRUCTURE** – Any combination of materials forming any construction, the use of which requires location on the ground or attachment to something having location on the ground.

**SWIMMING POOL** – A body of water in an artificial or semi-artificial receptacle or other container eighteen (18) inches or more in depth, used or intended to be used or intended to be used for public, semi-public or private swimming by adults or children.

**TRACT** – An area of land which may comprise the entire area or subpart of a parcel. Individual tracts within a parcel of land, which are not separately deeded, shall not be considered separate lots for the purpose of construction, permitting, or other purposes of this Ordinance. Such tracts contained with a Parcel shall be considered descriptive only.

**TRANSIENT HOUSING** – Housing provided for compensation transient persons, defined as residents for less than seven (7) consecutive days, such as hotels, motels, tourist homes, or boarding houses.

**TRAVEL TRAILER** – A vehicle, portable, structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses permanently identified “Travel Trailer” by the manufacturer on the trailer. Unoccupied travel trailers do not constitute mobile homes, as used in this Ordinance.

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

1. Accessory Use – A subordinate use listed in Table 205.1 for each Zone, normally located on the same lot with a principal use.
2. Principal Use – The primary purpose or purpose for which a lot is occupied as listed in Table 205.1 for each Zone.

**VARIANCE** – A modification of any provision of this Ordinance granted by the Zoning Hearing Board.

**ZONING OFFICER** – An individual employed at the Township’s pleasure and serving under the direction of the Township Supervisors Employment Policy.

**ARTICLE VII**

**EFFECTIVE DATE/ENACTMENT**

This Ordinance shall take effect immediately upon adoption and publication according to law. This Ordinance shall revoke and repeal the prior zoning ordinance of Chanceford Township adopted June 10, 1992 and all amendments thereto effective upon enactment of this Ordinance.

Adopted by the Board of Supervisors of Chanceford Township, York County, Pennsylvania into Ordinance the 10th day of April, 2006.

Attest:

Board of Supervisors  
Chanceford Township  
York County, Pennsylvania

/s/ Brenda C. Gohn  
Secretary

By: /s/ David E. Gemmill  
Chairman