

# 2017 Amended and Restated East Earl Township Zoning Ordinance

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ARTICLE I

TITLE, AUTHORITY, PURPOSE,  
COMMUNITY DEVELOPMENT GOALS AND OBJECTIVES

Section 101. SHORT TITLE

This Ordinance shall be known as and may be cited as the "EAST EARL TOWNSHIP ZONING ORDINANCE."

Section 102. AUTHORITY

This Ordinance is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, "The Pennsylvania Municipalities Planning Code", July 31, 1968, as amended.

Section 103. PURPOSE

This Ordinance is enacted for the following purposes:

- A. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements; as well as,
- B. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use, and to preserve environmentally sensitive lands.
- C. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers. This Zoning Ordinance is made in accordance with an overall program, and with consideration for the character of the Township, its various parts, and the suitability of the various parts for particular uses and structures.

Section 104. INTERPRETATION

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

Section 105. APPLICATION

The provisions, regulations, limitations, and restrictions of this Zoning Ordinance shall apply to all structures, buildings, land uses, and signs in the Township. Nothing in this Zoning Ordinance shall require any change in plans or construction of a lawful use for which a building permit has been heretofore issued prior to the effective date of this Zoning Ordinance provided, however, that construction shall be completed within two (2) years of the effective date of this Zoning Ordinance or of any subsequent amendment to

this Zoning Ordinance. If construction is not completed within two (2) years of the effective date of this Zoning Ordinance, a new zoning permit must be secured from the Zoning Officer, unless an extension of time has been requested by the applicant and approved by the Zoning Hearing Board as a special exception.

Section 106. USES NOT PROVIDED FOR

If a use is neither specifically permitted nor prohibited under this Ordinance, the applicant may make application to the Zoning Hearing Board to hear and decide such request as a special exception. If the applicant applies to the Zoning Hearing Board for such a special exception, the Zoning Hearing Board shall permit the use or deny the use in accordance with the standards for the consideration of special exceptions contained herein. The use may be permitted if the applicant demonstrates that it is of the same general character of the enumerated permitted uses in the Zoning District, is in accordance with the intended purpose of the Zoning District, is compatible with the permitted uses in the Zoning District, and complies with all performance standards applicable to such permitted uses. In addition, the applicant shall demonstrate that the proposal conforms to all general standards for all special exception applications as stated in Section 2204 of this Ordinance. The duty to present such evidence and the burden of proof shall at all times be upon the applicant.

Section 107. COMMUNITY DEVELOPMENT GOALS AND OBJECTIVES

To promote and to foster the community development goals and objectives as contained in the ELANCO Regional Comprehensive Plan, dated August, 2008, as amended.

ARTICLE II  
DEFINITIONS

Section 201. GENERAL

The following words are defined in order to facilitate the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board.

Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated.

Words used in the present tense include the future tense.

The singular includes the plural, and words in the plural include the singular.

The word "person" includes any individual or group of individuals, firms, partnerships, joint ventures, trusts, trustees, estates, corporations, associations, and any other similar entities.

The word "lot" includes the words "plot," "tract" or "parcel".

The terms "shall," "must," and "will" are mandatory in nature and establish an obligation or duty to comply with the particular provision. . The words "may" and "should" are permissive.

The word "used" or "occupied" as applied to any land or building shall be construed to include the words, "intended, arranged or designed to be used or occupied."

Any words not defined in the Ordinance or in Section 107 of the Pennsylvania Municipalities Planning Code shall be construed as defined in standard dictionary usage.

References to codes, ordinances, resolutions, plans, maps, governmental bodies, commissions or agencies or officials are to codes, ordinances, resolutions, plans, maps governmental bodies, commissions or agencies or officials of the Township or the Commonwealth of Pennsylvania as in effect or office from time to time including amendments thereto or revisions or successors thereof, unless the text indicates another reference is intended.

The time, within which any act required by this Ordinance is to be performed, shall be computed by excluding the first day and including the last day. However, if the last day is a Saturday or Sunday or a holiday declared by the United States Congress or the Pennsylvania General Assembly, it shall also be excluded. The word "day" shall mean a calendar day, unless otherwise indicated.

Section 202. DEFINITIONS

**ABANDONMENT.** The relinquishment of property, or a cessation of the use of the property, by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property. It shall be rebuttably presumed that abandonment has occurred where such relinquishment, cessation and/or non-resumption occurs for a period of at least twelve (12) months.

**ACCESS.** A way or means of approach for vehicle and/or pedestrian traffic from a street,

right-of-way, public area or community facility, to a lot.

ACCESS DRIVE. A private drive providing pedestrian and vehicular access between a public or private street and a parking area within a land development and any driveway servicing two or more units of occupancy on a single lot or contiguous lots.

ACCESSORY BUILDING (STRUCTURE). A building (structure) subordinate to and detached from the principal building on the same lot and used for purposes customarily incidental and subordinate to the principal building. Such buildings shall also include utility sheds and bath houses.

ACCESSORY USE. A use customarily incidental and subordinate to the principal use of the main building or land and located on the same lot with such principal use or main building or a use not the principal use.

ACT. Shall mean the Pennsylvania Municipalities Planning Code, Act 247, as amended.

ADAPTIVE REUSE OF AGRICULTURAL BUILDING. A farm building, originally devoted to an agriculture use, either for the storage of agriculture equipment or products of the housing of animals or fowl and is no longer needed for the agriculture use but may be utilized by an outside business, not connected with the farm, for storage purposes only and subject to any applicable building code requirements.

ADULT DAY CARE FACILITY. A facility providing counseling and rehabilitative services to functionally impaired adults, licensed by the Pennsylvania Department of Public Welfare.

ADULT RELATED BUSINESS. A business, club, lodge or other establishment which engages in one or more of the following or substantially similar activities or uses, and also including any activities or uses described in the East Earl Township Adult Related Activities Ordinance No. 43.

- A. Adult Bath House: An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This section shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical practitioner, for the purpose of this Ordinance, shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania;
- B. Adult Body Painting Studio: Any establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when specified anatomical areas are exposed;
- C. Adult Bookstore: Any establishment which has a substantial or significant portion of its stock in trade:
  - 1. Books, films, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas; and,
  - 2. Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.
- D. Adult Cabaret: A nightclub, theater, bar or other establishment which features live or media representations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are

distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas;

- E. Adult Massage Establishment: Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.
- F. Adult Mini Motion Picture Theater: An enclosed or unenclosed building with a capacity of more than five (5), but less than fifty (50), persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas;
- G. Adult Model Studio: Any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any "figure studio" or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized thereunder, to issue and confer a diploma;
- H. Adult Motel: A motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas;
- I. Adult Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical area;
- J. Adult Motion Picture Theater: An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time, measured on an annual basis, is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas;
- K. Adult News Rack: Any coin-operated machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas;
- L. Adult Out-Call Service Activity: Any establishment or business which provides an out-call service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs;
- M. Adult Sexual Encounter Center: Any business, agency, or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshops, operated by a medical practitioner licensed by the Commonwealth to engage in sexual therapy;
- N. Adult Theater: A theater, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature which regularly features live performances which are

- distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons; and
- O. Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

AGE-RESTRICTED RESIDENTIAL COMMUNITY. A form of residential development, which may include a variety of dwelling unit types, as provided herein, for persons at least fifty-five (55) years in age, or for couples at least one of whom is 55 years of age or older, and with no residents under the age of 18 in residence for more than 14 consecutive days, in compliance with the provisions of the Housing for Older Persons Act (HOPA) of 1995. An Age-restricted Residential Community is not subject to the provisions for a "Continuing Care Retirement Community" (CCRC) where it does not provide other than independent living residences and customary accessory uses.

AGRICULTURAL USES, INTENSIVE. Intensive agricultural uses include, but are not limited to, the cultivation of mushrooms; the raising of pigs and poultry; dry lot livestock production; and the maintenance of dairy animals, poultry, livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof at a density of two (2) animal equivalent units per acre or greater. Intensive agricultural uses are undertaken in intensive agricultural facilities pursuant to section 2205.AA of this Ordinance.

AGRICULTURE. The cultivation of the soil and the raising and harvesting of the products of the soil, including but not limited to nursery, horticulture, forestry, and animal husbandry activities.

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

ALLEY. A public thoroughfare other than a minor street which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATIONS. As applied to a building or structure, any change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another. As applied to land, a change in topography as a result of the moving of soil and rock from one location or position to another; also the changing of surface conditions by causing the surface to be more or less impervious; earth disturbance activity.

ALTERATIONS, STRUCTURAL. Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

ALTERNATIVE ENERGY SYSTEM: Any of the following as defined in this Ordinance: a Geothermal Energy System, a Small Solar Energy System, a Small Wind Energy System, a Small Manure Digester, an Outdoor Solid Fuel Burning Appliance, a Large Manure Digester, a Large Solar Energy Production Facility, or a Large Wind Energy Production Facility.

AMENDMENT. A change in use in any district which includes revisions to the zoning text and/or the official zoning map; and the authority for any amendment lies solely with the Board of Supervisors.

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

ANIMAL EQUIVALENT UNIT. Sometimes called an "AEU", which is hereby defined as one thousand pounds live weight of livestock or poultry animals, regardless of the actual number of individual number of individual animals comprising the unit.

ANIMAL HOSPITAL. A building used for the treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits, and birds or fowl by a veterinarian.

ANSI. The American National Standards Institute.

ANTENNA. Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves, which is external to or attached to the exterior of any building.

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

APARTMENT. A dwelling unit within a Multi-Family Dwelling. This classification includes apartments in Apartment Houses, Bachelor Apartments, Studio Apartments and Kitchenette Apartments. Accessory Apartments and Conversion Apartments, are separately defined and regulated herein.

APARTMENT, ACCESSORY. An independent dwelling unit incorporated within an existing single-family detached dwelling or existing accessory structure without any substantial external modification.

APARTMENT, CONVERSION. An existing dwelling unit that is or was converted to a dwelling for more than one (1) family, without substantially altering the exterior of the building.

APARTMENT HOUSE. See definition DWELLING, MULTI-FAMILY.

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

AREA, LOT. The area contained within the property lines of a lot or as shown on a subdivision plan excluding space within any street, but including the area of any easement.

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

BASEMENT. For the purposes of this Ordinance, that portion of a building that is partially or wholly below ground level. This portion is not a completed structure and

serves as a substructure or foundation for a building. A basement shall be counted as a story for the purpose of height measurement, if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or is used for business or dwelling purposes, other than a game or recreation room.

BED AND BREAKFAST ESTABLISHMENT. A use which provides sleeping accommodations for compensation and, if offered, only breakfast (no other meals) for transient guests, such a use being pursuant to the provisions of Sections 2205.I.

BILLBOARD. A sign displaying changeable advertising copy at a location other than the premises being advertised which pertains to a business, organization, event, person, place, service, or product.

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

BOARDING HOME. A building arranged or used for the lodging, with or without meals, by either transient or permanent residents, for compensation pursuant to Section 2205.J. This definition includes rooming houses and lodging houses.

BUFFER YARD. See YARD, BUFFER.

BUILDING. Any enclosed or open structure, other than a boundary wall or fence, occupying more than four (4) square feet of area and/or having a roof supported by columns, piers or walls, including covered porches, decks and patios whether enclosed or unenclosed, storage/utility sheds, sun parlors, bay windows, and chimneys, but does not include steps. Included shall be all manufactured homes and trailers to be used for human habitation.

BUILDING CODE. The East Earl Township Uniform Construction Code Ordinance, as amended.

BUILDING, DETACHED. A building surrounded by open space on the same lot.

BUILDING FOOTPRINT. The total areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, awnings, steps and patios.

BUILDING HEIGHT. The vertical distance measured from the average elevation of the finished grade at the two front corners of the building to the highest point of the roof, inclusive of elevator shafts and associated mechanical equipment. Chimneys, spires, and other similar projections shall not be used in calculating the height of the building

BUILDING LINE. A line formed by the intersection of a horizontal plane and a vertical plane that coincides with the exterior surface of a building or structure on any side. In the case of a cantilevered or projected section of a building, except overhanging eaves, gutters and cornices, the vertical plane will coincide with the most projected surface.

BUILDING PERMIT. Written permission issued by the authorized East Earl Township building code official for building construction and/or alterations certifying compliance with the applicable East Earl Township building code requirements.

BUILDING, PRINCIPAL. A building or, where the context so indicates, a group of buildings in or on which is conducted the principal use of the lot on which such building is located.



BUILDING SETBACK LINE. A line parallel to, and set back from, the abutting street right-of-way a distance equal to the depth of the front yard requirement for the district in which the lot is located.

CAMPGROUND. A parcel of land used by campers for seasonal, recreational, or other similar temporary living purposes, in buildings of a movable, temporary, or seasonal nature, such as cabins, or in recreational vehicles, tents, or shelters. This definition shall be inclusive of outback or remote camping not specifically within a specific designated campsite or formally designed campground.

CARPORT. A covered space, open on at least three (3) sides, for the storage of one (1) or more vehicles and accessory to a principal or accessory building.

CARTWAY. That portion of a street or alley which is improved, designed, or intended for vehicular use.

CELLAR. A story partly underground and having more than one-half of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the maximum number of stories.

CERTIFICATE OF USE AND OCCUPANCY. A certificate issued and enforced by the Zoning Officer upon completion of the construction of a new building or upon a change or conversion of the structure or use of a building, which certifies that all requirements and regulations as provided herein, as well as all other applicable requirements, have been satisfied.

CHURCH. A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services and accessory uses.

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

- A. Coated with paint, stain, oil, resin or any other preservative, fire retardant or decorative materials;
- B. Impregnated with preservatives or fire retardants;
- C. Exposed to salt water; nor
- D. Manufactured with the use of adhesives, polymers or resins, such as strand, particle and veneer lumber and recycled lumber.

CLEAR-SIGHT TRIANGLE. An area of unobstructed vision at a street intersection(s) defined by lines of sight between points at a given distance from the intersecting street right-of-way lines.

CLUB AND/OR LODGE. A building and/or structure utilized as a private club offering food and/or drink privileges.

COMMERCIAL ESTABLISHMENT. An individual or commercial business which leases or owns space for the purpose of commerce.

COMMON OPEN SPACE. See OPEN SPACE, COMMON.

COMPLETE STREETS. Streets that provide an attractive streetscape to create a sense of place and community identity while providing multiple modes of accessible, safe, effective transportation for pedestrians, bicyclists, and motorized vehicles alike. The street designs shall be context sensitive and may include street trees, hedges, pedestrian-oriented lighting, wayfinding signs, sidewalks or pathways, curbs and transit stops.

COMPOST. A substance composed mainly of partly decayed organic material that is applied to fertilize the soil and to increase its humus content. Compost is derived from plant materials together with manure and some soil. Lime, superphosphates, and nitrogen fertilizers are often added with the manure to reinforce the compost and speed up its decomposition and adjust the nutrient balance. The process of composting may include the biological decomposition and digestion of dead domestic animals provided the method utilized is performed in accordance with the procedures and safety standards established by all state and federal agencies, including the Pennsylvania Department of Agriculture and the Pennsylvania Department of Environmental Protection.

CONDITIONAL USE. A use which may not be appropriate to a particular zoning district as a whole, but which may be suitable in certain localities within the district only when specific conditions and criteria prescribed for such uses have been complied with. Conditional uses are reviewed by the Board of Supervisors after recommendations by the Planning Commission, in accordance with Article XXII and Section 2312 of this Ordinance.

CONSERVATION AREAS. Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character, except in cases of overriding public interest. Such areas may include wetlands, floodplains, steep sloped lands, and woodlands

CONSTRUCTION. The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a structure, including the placement of manufactured homes.

CONTINUING CARE RETIREMENT COMMUNITY (CCRC). A form of residential development, in compliance with the provisions of the Housing for Older Persons Act (HOPA) of 1995. A CCRC may include any residential dwelling unit type and may provide for a continuum of accommodations and care for persons at least sixty-two (62) years of age, or for couples at least one of whom is sixty-two (62) years of age or older, and with no residents under the age of eighteen (18) in residence for more than fourteen (14) consecutive days. A CCRC, while a form of Age-restricted Residential Community, may provide independent living residences, assisted living residences, personal care, skilled nursing facilities, health care services, social services, and customary accessory uses and is subject to additional provisions as set forth herein.

CONVENIENCE STORE. Any retail establishment offering for sale prepackaged food products, household items, energy products and other goods commonly associated with the same and having a gross floor area of less than five-thousand (5,000) square feet.

CREMATORIUM. A facility utilized for cremation purposes.

DAY CARE CENTER. A facility which provides care for (1) a combined total of seven or more children or adults per day, where the child or adult care areas are being used as a family residence or (2) any number of children or adults per day, where the child or adult care areas are not being used as a family residence. Where applicable, such facility shall employ licensed personnel and shall be licensed by the Commonwealth of Pennsylvania.

DECK. A flat-floored, roofless area adjoining a dwelling unit.

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

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

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

DOMESTIC ANIMALS. Non-poisonous animals that are normally considered to be kept in conjunction with a dwelling for the pleasure of the resident family, rather than for economic reasons. No more than four (4) adult dogs or more than two (2) litters a year may be kept in a residential dwelling or on a residential property.

DRIVE-THRU USE. An establishment which by design, physical facilities, service or by packaging procedures, encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

DRIVEWAY. A private roadway providing access for vehicles to a residential parking space, garage, dwelling or other structure. A shared driveway is a private roadway servicing two residential units of occupancy, with public road frontage, and designed to the standards of this Ordinance.

DWELLING. A building or structure designed for living quarters for one (1) or more families, including industrialized housing and manufactured homes which are supported either by a foundation or are otherwise permanently attached to the land, but not including hotels, boarding/rooming houses or other accommodations used for transient occupancy. This definition of dwelling shall also include permanently attached model homes intended for residential purposes upon the completion of the development.

DWELLING, MANUFACTURED HOME. A transportable, single-family detached dwelling intended for permanent occupancy, contained in one unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. For Federal Emergency Management Agency (FEMA) flood plain management purposes, this definition includes park trailers, travel trailers, and other similar vehicles located on site for greater than one hundred eighty (180) consecutive days.

DWELLING, MULTI-FAMILY. A building used by three (3) or more families living independently of each other and doing their own cooking, including apartment houses.

DWELLING, SINGLE FAMILY ATTACHED (TOWNHOUSE AND ROWHOUSE). Unless otherwise provided in the base zoning district, a residential building containing at least three (3) but not more than eight (8) dwelling units, attached side by side by the use of a common wall, with end units having a side yard.

DWELLING, SINGLE FAMILY, DETACHED. A building used by one (1) family, having only one (1) dwelling unit and two (2) side yards, and shall include family care facilities.

DWELLING, SINGLE-FAMILY, SEMI-DETACHED. A dwelling used by one (1) family, having one (1) side yard and one (1) party wall common with another one (1) family dwelling.

DWELLING, TWO FAMILY, DETACHED (DUPLEX). A building used by two (2) families, with one (1) dwelling unit arranged over the other, and having two (2) side yards.

DWELLING UNIT. A single unit providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. A grant of one (1) or more property rights by the property owner to and/or for the use by the public, a corporation or another person or entity. No building, structure or landscaping shall be permitted within any easement that could adversely affect the purpose and function of that easement.

EATING ESTABLISHMENT. Any form of restaurant and/or tavern open to the public, dispensing food and drink.

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

- A. A person who has an inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve (12) months; or,
- B. In the case of an individual who has attained the age of 55, is blind, and by reason of such blindness is unable to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he/she has previously engaged with some regularity and over a substantial period of time. For the purposes of this definition, the term blindness means central vision acuity of 20/200 or less in the better eye with use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than twenty (20) degrees shall be considered for the purposes of this paragraph as having a central visual acuity of 20/200 or less; or,
- C. A person who is determined, pursuant to HUD regulations, to have a physical, mental or emotional impairment that:
  - 1. Is expected to be of long-continued and indefinite duration;
  - 2. Substantially impedes his or her ability to live independently; or,
- D. Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or, a person who has a developmental disability, as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(8), i.e., a person with a severe chronic disability that:
  - 1. Is attributable to a mental or physical impairment or combination of mental and

- physical impairments;
2. Is manifested before the person attains age 22;
  3. Is likely to continue indefinitely; and,
  4. Results in substantial functional limitation in three (3) or more of the following areas of major life activity: capacity for independent living, economic self-sufficiency, learning, mobility, receptive and expressive language, self-care, and self-direction.

ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITIES. Electric public utilities transmission and distribution facilities including substations.

EMPLOYEES. Whenever the “employees” or the expression “number of employees” is herein referred to, it shall mean, when referencing an on-site activity, the greatest number of persons to be employed in the building in question during any season of the year and at any time of the day or night.

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

EVENT FACILITY. A location, building, site, or structure which is rented as a place for the purpose of accommodating a group of patrons, guests, or other attendees for functions such as banquets, wedding receptions, parties, entertainment, meetings, conferences, performances, and/or similar gatherings.

EXOTIC ANIMALS. Animals which are not defined herein as domestic animals and are not considered as livestock or poultry and which are normally considered to be kept in conjunction with a dwelling for the pleasure of the resident family, rather than for economic reasons. The keeping of exotic animals shall be in compliance with applicable regulations pertaining to their humane and safe keeping. The keeping of exotic animals which exceeds this definition shall be considered a “game refuge” as herein defined and further regulated by this Ordinance.

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

FAMILY. Any one or more of the following:

- A. A single individual.
- B. Two (2) or more persons related by blood, marriage or adoption, including first cousins.
- C. A group of not more than three (3) persons who are not related.

FAMILY CARE FACILITY. A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for not more than eight (8) residents, plus such minimum supervisory personnel, as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A family care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare and may include uses such as foster homes, community residential alternative facilities, or home individual programs.

FAMILY DAY CARE HOME. A residence offering baby-sitting services and child care services for four (4) to six (6) children unrelated to the resident household and meeting all

applicable licensing/registration requirements of the Pennsylvania Department of Public Welfare.

FARM. A tract of land of at least ten (10) acres in size, upon which the principal use is agricultural, as defined in this chapter. Such farms may include a farm dwelling and accessory uses, buildings and structures.

FARM-RELATED OCCUPATION. A resident farm family-owned and operated business related to agriculture, traditional trades or arts and crafts, to include small scale, limited site coverage, agriculturally compatible farmstead occupations conducted commercially within the context of and/or in close proximity to farmstead buildings. A Farm-Related Occupation shall conform to the following:

- A. A Farm-Related Occupation may be conducted either within an existing farm residence used principally as a residence, within principally agricultural buildings of the farmstead or within additions to existing buildings or new buildings, which by farmstead location, scale, and design, are incidental and secondary to the agricultural character of the property.
- B. A Farm-Related Occupation may include agricultural equipment repair, welding, small machine repair, painting service, fencing service, sharpening service, livestock grooming, shearing and/or trimming services, agricultural consulting service, small tools, small parts and/or specialized small agricultural equipment, family-scale food processing preparation, canning and baking, small feed or fertilizer franchises or family dealerships, butcher shops, cold storage and mini-warehousing of foods and prepared agricultural products in existing agricultural buildings, craftsmanship shops, woodworking and cabinetry shops, metalworking, leatherworks, blacksmith shops, carriage shops, tool making, handmade arts and crafts, quilts and kindred traditional arts and crafts, and commercial composting or incineration operations. See also Section 2205.T of this Ordinance.
- C. A Farm-Related Occupation shall not include commercial or industrial uses such as feed, fertilizer, and grain mills, large agricultural equipment sales and service, canneries, rendering plants, manufacture and assembly or any other use which results in high traffic generation or attraction, noise, glare or noxious elements.

FARMSTEAD. The area of a farm occupied by the farmhouse, barns, outbuildings, an accessory dwelling unit (i.e. attached or detached unit for a family member), parking areas and business structures.

FENCE. An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

FILL. Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting there from; the difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade; and the material used to make a fill.

FLAG LOT. A parcel of land where the area between the building envelope and abutting street is connected by an access strip of land of less than the required minimum lot width.

FLOODPLAIN MANAGEMENT TERMS. Refer to East Earl Township Ordinance 197-2016 for all terms relating to flooding, floodplain, floodplain management and the like.

FLOOR AREA. The gross floor space of the building, or buildings, measured from the exterior faces of exterior walls or from the centerline of walls separating buildings. In particular, the floor area of a building, or buildings, shall include:

- A. All spaces other than basement/cellar space with structural headroom of seven (7) feet six (6) inches or more.
- B. Interior balconies and mezzanines.
- C. Enclosed or roofed porches or terraces or other roofed spaces.
- D. Attic spaces (with or without a finished floor) providing structural headroom of seven (7) feet four (4) inches or more available over thirty percent (30%)

FLORICULTURE. The use of land for the growing or production for income of flowering and ornaments plants.

FORESTRY. The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve and land development. The foregoing shall also be the definition of "Forestry Activities". Provisions of this Ordinance relating to Forestry/ Forestry Activities are set forth in section 2205.V. See also this Ordinance's definition of "Timber Harvesting".

GAME REFUGES. An area of land or of land and water established and maintained for the preservation and protection of one or more species of wildlife. For purposes of this definition, wildlife is defined as undomesticated animals living in the wild.

GARAGE, PRIVATE. An enclosed or covered space for the storage of one (1) or more vehicles or vessels, provided that no business, occupation or service is conducted for profit therein, nor space herein for more than one (1) vehicle or vessel is leased to a nonresident of the premises.

GARBAGE. All table refuse, animal and vegetable matter, offal from meat, fish and fowl, vegetables and fruits and parts thereof, and all other articles and materials ordinarily used for food, for humans or domestic animals, and which have become unfit for such use or which are discarded for any reason.

GEOHERMAL TERMS.

- A. Closed Horizontal Loop Geothermal System - A mechanism for heat exchange which consists of the following basic elements: underground loops of piping; heat fluid; a heat pump; an air distribution system. An opening is made in the Earth. A series of pipes are installed into the opening and connected to a heat exchange system in the building. The pipes form a closed loop and are filled with a heat transfer fluid. The fluid is circulated through the piping from the opening into the heat exchanger and back. The system functions in the same manner as the open loop system except there is no pumping of groundwater. A horizontal closed loop system shall be no more than twenty (20) feet deep.
- B. Closed Vertical Loop Geothermal System - A borehole that extends beneath the surface. Pipes are installed with U-bends at the bottom of the borehole. The pipes are connected to the heat exchanger and heat transfer fluid is circulated through the pipes.
- C. Geothermal Boreholes - A hole drilled or bored into the earth into which piping is inserted for use in a closed vertical loop geothermal system.
- D. Geothermal Energy System - An energy generating system that uses the Earth=s thermal properties in conjunction with electricity to provide greater efficiency in the heating and cooling of buildings.
- E. Open Loop Geothermal System - Water is pumped from a water well or other water source into a heat exchanger located in a surface building. The water drawn from the Earth is then pumped back into the ground through a different well or in some cases the

same well, also known as “re-injection”. Alternatively, the groundwater could be discharged to a surface water body also known as a “pump and dump”. In the heating mode, cooler water is returned to the Earth, and in the cooling mode, warmer water is returned to the surface water body or well.

GOLF COURSE. A tract of land laid out for at least nine regular sized holes (that is, with all holes having an average length of at least 100 yards) for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse and shelter. This definition shall also include pitch and putt courses, unless context of use in this ordinance indicates otherwise.

GOVERNING BODY. Shall mean the East Earl Township Board of Supervisors, Lancaster County, Pennsylvania.

GREENHOUSE. A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants and/or fruits and vegetables for subsequent sale or for personal enjoyment.

GREENS. A spatially defined element of common public/semi-public open space within the community designed to serve a variety of outdoor leisure and assembly needs. Landscaping, lighting, and accessory structures integral to the function of the greens may be included.

GROUND FLOOR. The floor of a building nearest the mean grade of the front of the building.

GROUP CARE HOME. A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for more than nine (9) but fewer than fifteen (15) residents, plus such minimum supervisory personnel, as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A group care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare.

GROUP DAY CARE HOME. A residence offering baby-sitting services and child care services for seven (7) to eleven (11) children unrelated to the resident household and meeting all applicable licensing/registration requirements of the Pennsylvania Department of Public Welfare.

HALFWAY HOUSE. A residence for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently. Such facility must be leased and operated by the Pennsylvania Department of Corrections for such services.

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



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

The term "Hazardous Waste" shall not include coal refuse as defined in the Act of September 24, 1968 (P.L. 1040, No. 318), known as the "Coal Refuse Disposal Control Act." "Hazardous Waste" shall not include treatment sludge from coal mine drainage treatment plants, disposal of which is being carried on pursuant to the Act of June 22, 1937 (P.L. 1987, No. 394), known as "The Clean Streams Law;" solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. Section 1342), or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C.A. Section 2011-2394).

HEIGHT OF BUILDING. See definition BUILDING HEIGHT.

HISTORIC STRUCTURE. Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved state program as determined by the Secretary of the Interior or;
  - (2) Directly by the Secretary of the Interior in states without approved programs.

HOME OCCUPATION. A business or commercial activity, not including a No-Impact Home-Based Business, a Rural Accessory Business or a Farm-Related Occupation, that is conducted as an accessory use to a single-family detached dwelling.

HORTICULTURE. The use of land for the growing or production for income of fruits, vegetables, flowers, nursery stock, including ornamental plants and trees, and cultured sod.

HOTEL. A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, and recreational facilities.

HOUSING FOR OLDER PERSONS. Residential dwelling units intended for occupancy by persons fifty-five (55) years of age or older and which comply with the provisions of the Housing for Older Persons Act (HOPA) of 1995.

IGSHPA. The International Ground Source Heat Pump Association.

IMPERVIOUS COVERAGE. Any substance placed on a lot, which covers the surface in such fashion as to prevent natural absorption of surface water by the earth so covered. The following items shall be deemed to be impervious material: buildings, concrete sidewalks, all gravel and stoned areas, driveways and parking areas, closed floor decks, swimming pools and any other concrete or asphalt or other nonporous structures or materials as well as packed stone and compacted soil which shall be considered impervious if they prevent infiltration.

IMPERVIOUS SURFACE. Any surface meeting the definition of "Impervious Coverage."

INCINERATOR. A device in which combustible material, other than garbage, is burned to ashes.

INDOOR RECREATIONAL FACILITY. Any establishment which provides recreation, amusement or entertainment for the general public within a completely enclosed structure for a fee or admission charge, including but not limited to: theaters, dance halls, bowling alleys, billiard and pool halls, amusement arcades and spas or health clubs where the principal use includes a gymnasium, exercise room, swimming pool or other sports facility.

INDUSTRY. The manufacturing, compounding, processing, assembly or treatment of materials, articles, or merchandise.

JUNK. Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk includes vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood and lumber.

JUNKYARD. The use of more than one hundred (100) square feet of the area any lot, land, or structure, or part thereof or four hundred (400) square feet in the case of a farm, in all zoning districts except the Industrial Light (IL) District for the storage, keeping, or abandonment of junk. Two (2) or more unregistered and/or inoperable farm vehicles/equipment, utilized solely for on-site replacement parts by the owner of the farm shall not be considered a junkyard. However, the deposit or storage on any lot of one (1) or more unlicensed, wrecked, or disabled vehicles, or the major part thereof, shall be deemed to constitute a junkyard. A disabled vehicle is one that is not operable under its own power for any reason, or a vehicle that does not have a valid current registration plate, or that has an inspection certification which is more than sixty (60) days beyond the expiration date, and which is not intended for use, restoration, or removal within one (1) year of the date upon which the vehicle was deemed disabled. Any vehicle stored in accordance with the above criteria shall not be located within the front yard area of any property.

KENNEL. A structure on any lot on which animals (except livestock, horses, or poultry) are kept, boarded, raised, bred, treated, or trained for a fee, including but not limited to, dog or cat kennels. For the purpose of this definition, the production of more than two (2) litters in any calendar year of dogs and cats shall be considered breeding and shall include the raising and sale of rabbits, gerbils, mice and other similar type animals.

LAND DEVELOPMENT. Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - 1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Development in accordance with Section 503(1.1) of the Pennsylvania Municipalities Planning Code.

LANDFILL. A solid waste disposal facility.

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

LANDSCAPE SCREEN. A completely planted visual barrier composed of evergreen plants and trees arranged to form both a low level and high level screen.

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

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

LIGHTING.

- A. Diffused. That form of lighting wherein the light passes from the source through a translucent cover or shade;
- B. Direct or Flood. That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated;
- C. Indirect. That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

LOADING BERTH/SPACE. An off-street area on the same lot with a building or

contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street or other appropriate means of access.

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

LOT AREA. The area contained within the property lines of individual parcels of land, excluding any area within a street right-of-way, but including the area of any easement.

LOT, CORNER. A lot abutting two street rights-of-way at their intersection in which the average centerlines of such roads along the frontage of the lot form an interior angle of less than 135 degrees.

LOT, DEPTH OF. The average horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE. An interior lot having frontage on two (2) streets.

LOT LINE. A line dividing one lot from another lot or from a street or alley.

LOT LINE, FRONT. A lot line separating the front of the lot from the street. On a corner lot, all lot lines which abut a street shall be front lot lines.

LOT LINE, REAR. A lot line which does not intersect a front lot line and is most distant from, and most parallel to, a front lot line.

LOT LINE, SIDE. Any lot line which is not a front or rear lot line. Corner lots shall have a side lot line opposite each front lot line.

LOT WIDTH. The width of the lot measured at the building setback line between side lot lines and parallel to the front lot line, but in no case shall the street frontage be less than thirty (30) feet. In the case of a corner lot, lot width shall be the horizontal distance measured at the minimum building setback line parallel to the street between the side lot line and the intersecting street right-of-way line of the corner lot.

LOT, NONCONFORMING. See definition NONCONFORMING LOT.

LOT OF RECORD. A lot which has been recorded in the Office of the Recorder of Deeds of Lancaster County, Pennsylvania.

MANUFACTURED HOME, DWELLING. See definition DWELLING, MANUFACTURED HOME.

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

MANUFACTURED HOME PARK. A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more manufactured home lots for the placement thereon of manufactured homes .

MANUFACTURING. The processing and/or converting of raw unfinished or finished materials or products, or of any combination, into an article or substance of a different character, or for use for a different purpose; industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

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

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

MANURE STORAGE FACILITY. A permanent structure or facility, or portion of a structure or facility, utilized for the primary purpose of containing manure. Examples include: liquid manure structures, manure storage ponds, component reception pits and transfer pipes, containment structures build under a confinement building, permanent stacking and composting facilities and manure treatment facilities. The term does not include the animal confinement areas of poultry houses, horse stalls, free stall barns or bedded pack animal housing systems.

MEDICAL FACILITY. An establishment primarily engaged in furnishing in-patient and/or out-patient medical, surgical or other services to individuals, including the offices of physicians, dentists and other health care practitioners, medical and dental laboratories, blood banks and oxygen and miscellaneous types of medical supplies and services.

MEWS. A semi-public, pedestrian oriented outdoor courtyard which is spatially defined by residences fronting on its perimeter.

MINERAL RECOVERY. The extraction of minerals from the earth, from waste or stockpiles or from pits or from banks by removing the strata or material that overlies or is above or between them or otherwise exposing and retrieving them from the surface, including, but not limited to, strip mining, auger mining, dredging, quarrying, and leaching and all surface activity connected with surface or underground mining, including, but not limited to, exploration, site preparation, entry, tunnel, drift, slope, shaft and borehole drilling and construction and activities related thereto; but it does not include those mining operations carried out beneath the surface by means of shafts, tunnels or other underground mine openings. The term does not include any of the following:

- A. The extraction of minerals by a landowner for his own noncommercial use from land owned or leased by him.
- B. The extraction of sand, gravel, stone, earth or fill from borrow pits for highway construction purposes of the Pennsylvania Department of Transportation or the extraction of minerals pursuant to construction contracts with the Department if the work is performed under a bond, contract and specifications that substantially provide for and require reclamation of the area affected in the manner provided by the "Noncoal Surface Mining Conservation and Reclamation Act", #1984-219, as amended.
- C. The handling, processing or storage of slag on the premises of a manufacturer as a part of the manufacturing process.
- D. Those dredging operations that are carried out in the rivers and streams of the Commonwealth and Lake Erie.
- E. The extraction, handling, processing or storing of minerals from any building construction excavation of the site of the construction where the minerals removed are incidental to the building construction excavation, regardless of the commercial value of the minerals.

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

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

MIXED USE. Occupancy of a building or land for more than one (1) use.

MOTEL. A building or group of buildings, whether detached or in connected units, used as individual sleeping units, and designed for year-round occupancy, by transient automobile travelers and providing for accessory off-street parking facilities. The term "motel" includes buildings designated as tourist courts, tourist cabins, motor lodges, and similar terms.

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

MULTI-PLEX BUILDINGS. A Multi-Family Building containing more than twelve (12) dwelling units which are constructed on multiple floors.

MUNICIPAL FACILITY. Any building, structure or use of land by East Earl Township or a municipal authority/commission created by the East Earl Township Board of Supervisors.

MUNICIPAL WASTE. This term includes garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities, and sludge not meeting the definition of residual or hazardous waste from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility.

NET DENSITY. For purposes of determining compliance with target density or other density requirements where applicable, net density shall refer to the density of dwelling units on the buildable areas of the tract subject to development, including building areas, yard areas, and access drives and parking areas serving the subject dwellings. Areas occupied by floodplains, wetlands or slopes greater than twenty-five percent (25%) and areas occupied by existing public streets shall be excluded from the area used to calculate net density.

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after September 4, 1987, and includes any subsequent improvements thereto.

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

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

NONCONFORMING LOT. A lot, the area or dimension of which was lawful prior to the adoption or amendment of this Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE. A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of this Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

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

NURSING HOME. A building with sleeping rooms where persons are housed or lodged and furnished with meals, nursing care for hire and which is approved for nonprofit/profit

corporations licensed by the Pennsylvania Department of Public Welfare for such use.

NUTRIENT MANAGEMENT PLAN. A written site-specific plan which incorporates best management practices to manage the use of plant nutrients for crop productions and water quality protection consistent with the criteria established in 3 P.S Sections 1704 and 1706, in Sections 83.271, 83.272 and 83.281-83.331 for concentrated agricultural operations or Sections 83.271, 83.272 and 83.391-83.441 for not concentrated agricultural operations planning under the ACT.

OPEN SPACE. The unoccupied space, open to the sky on the same lot with the building, not including parking lots.

OPEN SPACE, COMMON. A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

OPEN SPACE NEIGHBORHOOD. A proposed development project to be built under the requirements of Section 2205.GG1, Open Space Neighborhood Option.

OUTDOOR RECREATIONAL FACILITY. An establishment which provides recreation, amusement or entertainment to the general public outside for a fee or admission charge, including but not limited to, golf facilities (including for purposes of this definition pitch and putt and miniature golf facilities but excluding a golf course as otherwise defined in the definitions section hereof), buggy rides and amusement rides.

OUTDOOR SOLID FUEL BURNING APPLIANCE. A fuel-burning device, also known as an "outdoor wood-fired boiler or furnace", "outdoor solid fuel burning appliance", and "outdoor wood-burning appliance", designed:

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

PARENT TRACT. All contiguous land held in single and separate ownership, regardless of whether (i) such land is divided into one or more lots, parcels, purports or tracts; (ii) such land was acquired by the landowner at different times or by different deeds, devise, partition or otherwise; or (iii) such land is bisected by public or private streets or rights-of-way, which was held by the landowner or his predecessor in title on the effective date of this Ordinance.

When used in determining the maximum number of lots which may be subdivided or dwellings or other principal nonagricultural buildings erected in the Agricultural (AG) District, all contiguous land held in single and separate ownership, regardless whether such land is divided into one or more lots, parcels, purparts or tracts; whether such lands were acquired by the landowner at different times or by different deeds, devices, petitions or otherwise; whether such land is bisected by public or private streets or rights-of-way, which was held by the landowner or his predecessor in title on May 10, 1983, or if land was not classified as AG District on May 10, 1983, that which was held by the landowner or his predecessor in title on the date such land was first classified Agricultural (AG) District.



When used in determining the maximum number of lots which may be subdivided or dwellings or other principal nonagricultural buildings erected in the Conservation/ Open Space (CO) District, all contiguous land held in single and separate ownership, regardless whether such land is divided into one or more lots, parcels, purparts or tracts; whether such lands were acquired by the landowner at different times or by different deeds, devices, petitions or otherwise; whether such land is bisected by public or private streets or rights-of-way, which was held by the landowner or his predecessor in title on August 9, 2005, or if land was not classified as CO District on August 9, 2005, that which was held by the landowner or his predecessor in title on the date such land was first classified Conservation/ Open Space (CO) District.

When used in determining the maximum number of lots which may be subdivided or dwellings or other principal nonagricultural buildings erected in the Welsh Mountain Watershed Conservation (WMWC) District, all contiguous land held in single and separate ownership, regardless whether such land is divided into one or more lots, parcels, purparts or tracts; whether such lands were acquired by the landowner at different times or by different deeds, devices, petitions or otherwise; whether such land is bisected by public or private streets or rights-of-way, which was held by the landowner or his predecessor in title on April 9, 2013, or if land was not classified as WMWC District on April 9, 2013, that which was held by the landowner or his predecessor in title on the date such land was first classified Welsh Mountain Watershed Conservation (WMWC) District.

PARKING LOT. Any lot, municipally or privately owned for off-street parking facilities, providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or for a fee.

PARKING SPACE. The space within a building, or on a lot or parking lot, for the parking or storage of one (1) vehicle.

PARTY WALL. A common shared wall between two (2) separate structures, buildings, or dwelling units.

PATIO. An unroofed area or courtyard which shall not be completely enclosed, except for any side which may adjoin a structure or be lined by fences, walls, shrubs, or hedges. Outdoor areas covered by a roof, trellis, or fixed awning shall be considered to be a structure and not a patio. For the purposes of this Ordinance, a patio is considered to be an impervious surface.

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

PERSONAL CARE BOARDING HOME. A building in which food, shelter and personal assistance or supervision are provided for a period exceeding forty-eight (48) consecutive hours for more than three (3) adults who are not relatives of the operator and who require assistance or supervision in such matters as dressing, bathing, diet or medication prescribed for self-administration. Residents shall consist primarily of elderly persons, fifty-five (55) years of age or older.

PERSONAL SERVICE ESTABLISHMENT: Establishments primarily engaged in providing services involving the care of a person or his or her apparel.

PLANNING COMMISSION. The Planning Commission of East Earl Township, Lancaster County, Pennsylvania.

PORCH. A covered area in excess of four (4) feet by five (5) feet or twenty (20) square feet in area at a front, side or rear door of a structure.

PREMISES. Any lot, parcel, or tract of land and any building constructed thereon.

PRIME AGRICULTURAL LAND/SOILS. Land used for agricultural purposes that contains soils of the first, second or third class as defined in the latest edition of the United States Department of Agriculture Natural Resource and Conservation Services Lancaster County Soil Survey.

PRIVATE. Not publicly owned, operated, or controlled.

PRIVATE DRIVE. Private access to a single lot and/or a vehicular drive necessary to the reasonable function of a lot.

PROFESSIONAL ENGINEER. A licensed professional engineer registered by the Commonwealth of Pennsylvania.

PROFESSIONAL OFFICE. A room or rooms used for conducting a profession and the practice of a profession by any professional, including, but not limited to, attorney, physician, surgeon, osteopath, chiropractor, dentist, optician, optometrist, chiroprapist, engineer, surveyor, architect, landscape architect, planner or similar type, entitled to practice under the laws of the Commonwealth of Pennsylvania.

PUBLIC. Owned, operated or controlled by a government agency (federal, state, or local), including a corporation and/or board created by law for the performance of certain specialized governmental functions.

PUBLIC HEARING. A formal meeting held pursuant to public notice by the Board of Supervisors or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance herein.

PUBLIC MEETING. A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act" and its subsequent amendments.

PUBLIC NOTICE. A notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days, and the second publication shall not be less than seven (7) days from the date of the hearing. Public notice for rezoning, special exception, and/or variance requests shall also include the posting of a sign(s) at a conspicuous location(s) along the perimeter of the subject property. The posting shall occur at least one (1) week prior to the hearing and shall exhibit the nature, date, time, and location of the hearing.

PUBLIC SEWERAGE SYSTEM. Any sanitary sewer collection and treatment system, whether publicly or privately owned, and approved for use by the Pennsylvania Department of Environmental Resources.

PUBLIC USE. Public and semi-public uses of a welfare and educational nature, including, but not limited to, hospitals, schools, parks, churches, cemeteries, day care centers, historical restorations, fire stations, municipal buildings, essential public utilities which require enclosure within a building, airports, fraternal clubs and homes, non-profit

recreational facilities, easements for alleys, streets, and public utility rights-of-way, and radio and television transmission facilities.

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

PUBLIC WATER SYSTEM. A potable supply of water subject to either the Pennsylvania Public Utility Commission jurisdiction or other appropriate regulating agency.

RECREATIONAL VEHICLE. A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which has its own motor power or is mounted or drawn by another vehicle; having a body width of no more than eight (8) feet and a body length of no more than thirty-five (35) feet when factory equipped for the road, and licensed as such by the Commonwealth to include, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes. The definition shall not include four-wheelers, off-road vehicles, motorbikes, motorcycles, and snowmobiles.

REFUSE. All combustible refuse and incombustible refuse, referred to collectively.

ROUND-ABOUT. A street configuration incorporated at an intersection of streets which contains a landscaped island surrounded by channelized one-way traffic.

RIGHT-OF-WAY. A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary or storm sewer and other similar uses; generally, the right of one to pass over the property of another.

RIGHT-OF-WAY, STREET. A public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley, or however designated.

RURAL ACCESSORY BUSINESS USE. A business permitted on farmsteads, as defined herein, or on a non-farm lot within the Agricultural district. The business shall be accessory to the principal use.

SATELLITE DISH. See definition ANTENNA, SATELLITE DISH.

SCHOOL. Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership, or corporation meeting the requirements of the Commonwealth of Pennsylvania.

SCHOOL, NURSERY. See definition DAY CARE CENTERS.

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

SHOPPING CENTER. A group of stores and other uses permitted within the respective zone, planned and designed for the site on which it is built, functioning as a unit, with shared off-street parking provided on the property as an integral part of the unit, as well as any single retail store in excess of ten thousand (10,000) square feet of gross floor area.

SIGHT DISTANCE. The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

SIGN. Any visual advertisement, announcement, communication or device produced in whole or in part by constructing, erecting, affixing or placing a structure on land or any other structure, or produced by painting, pasting or otherwise placing any printed, lettered, figured or colored material on any building, structure or surface. A sign also specifically includes any device intended or which has the result of bringing the subject matter or location thereof to the attention of the public. A sign does not include public traffic or directional signs, any flag, badge or insignia of any government or government agency, or of any civic, charitable or religious organization, or lettering which is an integral part of the architectural design of the building.

SINGLE AND SEPARATE OWNERSHIP. The ownership of a lot by one or more persons which ownership is separate and distinct from that of any adjoining property.

SMALL SOLAR ENERGY SYSTEM. A solar collection system consisting of one (1) or more roof and/or ground mounted solar collector devices and solar related equipment, and is intended to primarily reduce on-site consumption of utility power. A system is considered a small solar energy system only if it supplies electrical or thermal power solely for on-site use, except that when a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

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

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

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

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 excrement or hazardous waste materials as defined in the Code of Federal Regulations, Title 40, Chapter 1, Part 261, dated July 1, 1984, or as amended.

SOLID WASTE DISPOSAL FACILITY. A lot, parcel or tract of land including, but not limited to, a sanitary landfill where garbage, trash or junk is disposed of or is processed for disposal. Such use shall not include the disposal or processing of hazardous or radioactive materials. A solid waste processing/recycling facility or solid waste transfer facility may be collocated with a solid waste disposal facility.

SOLID WASTE PROCESSING/RECYCLING. The processing of solid waste to obtain materials or energy for re-use or recycling but not including disposal of solid waste.

SOLID WASTE TRANSFER FACILITY. A place where solid waste is brought, sorted, stored for less than four (4) days and transferred from one (1) vehicle to another vehicle or to a rail car for the purpose of transport to a permanent solid waste disposal facility. A solid waste transfer facility shall not include disposal of solid waste.

SPECIAL EXCEPTION. A land use that would not be appropriate generally or without restrictions throughout the district, but which, if controlled as to number, area, location, and/or relation to the neighborhood, would be a suitable use for the district. Special exceptions are permitted in a particular zoning district pursuant to the provisions of Articles XXII and XXV.

SQUARE. A spatially defined element of open space designed so that it directly abuts streets on two or more sides. Landscaping and lighting shall be provided to enhance its designed function.

STORAGE, OUTDOOR. The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours, excluding display areas as defined herein. Outdoor storage shall include that which is contained within trailers or similar vehicles.

STORY. That portion of a building located between the surface of any floor and the ceiling or roof above it.

STREET. A public or private right-of-way which includes avenue, boulevard, road, alley, lane, highway, freeway, parkway, and viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

STREET CENTERLINE. The center of the surveyed street right-of-way, or where not surveyed, the center of the traveled cartway.

STREET, CUL-DE-SAC. A street intersecting another street at one end and terminating at the other in a vehicular turnaround.

STREET GRADE. The officially established grade of the street upon which a lot fronts, or in its absence, the established grade of the other streets upon which the lot abuts, at the midpoint 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 street line is the right-of-way line of a public street or the cartway line of a private street.

STREET, LOCAL. A street used primarily for access to abutting properties.

STREET, MAJOR:

- A. Arterial Street - A major street or highway with fast or heavy traffic of considerable

continuity and used primarily as a traffic artery for intercommunications among large areas;

- B. Collector Street - A major street or highway which carries traffic from minor streets to arterial streets including the principal entrance streets of a residential development and streets for circulation within such a development.

STREET WIDTH. The shortest distance between street lines measured at right angles to the center line of the street.

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

STRUCTURE, TEMPORARY. A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

STRUCTURE, NONCONFORMING. See definition NONCONFORMING STRUCTURE.

STUDIO. A building or portion of a building used as a place of work by an artist, photographer, or artisan, or used for radio or television broadcasting.

STUDIO, DANCING OR MUSIC. The use of a premises by a teacher of music or dancing where students are taught these arts for a fee. This term is synonymous with "Dancing School" and "Music School," and other similar expressions.

SUBDIVISION. The division or re-division of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development, or as defined in the MPC.

SUBSTATION. An assemblage of equipment for purposes other than generation or utilization, through which bulk electric energy is passed for the purpose of switching or modifying its characteristics to meet the needs of the general public. This definition includes Transformer Substations.

SWIMMING POOL. A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18) inches below the level of the surrounding land, or an above-surface pool, having a depth of more than twenty-four (24) inches, designed, used, and maintained for swimming and bathing.

TEMPORARY. An arrangement established with no thought of continuance or permanency, and in no event to exceed 180 days in duration.

TIMBER HARVESTING (ALSO TREE HARVESTING/LOGGING). The cutting down and removal of five (5) or more trees from a single lot or tract of land within the Township. All timber harvesting activities are subject to the requirements of the East Earl Township Timber Harvesting Ordinance, No. 170 of 2011.

THEATER. A building or part of a building devoted to the showing of moving pictures or theatrical productions on a paid admission basis.

TREE LAWN. The space within the street right-of-way which is defined as being from back of the curb at the edge of the cartway to the nearest edge of street sidewalk. Said area shall be established with permanent turf grass and contain shade trees at

appropriate intervals.

TRUCK TERMINAL. An area and building where cargo is stored and where trucks load and unload cargo on a regular basis.

TURBINE HEIGHT. The distance measured from the highest point of the wind turbine rotor plane to the ground level.

UNIFORM CONSTRUCTION CODE (UCC). The statewide building code adopted by The Pennsylvania General Assembly and placed into service on April 9, 2004, applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, the Code adopted the International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the Common floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the MC and the IBC.

USE. The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

USE, NONCONFORMING. See definition NONCONFORMING USE.

USE, PRINCIPAL. The primary or predominant use of any lot.

USE, TEMPORARY. A use established for a fixed period of time, not exceeding one hundred eighty (180) consecutive days, with the intent to discontinue such use upon the expiration of the time period.

VACATION RENTAL HOUSE. A single-family detached dwelling in which lodging is designed and provided for transients for a specified time period in return for compensation to the owner. A vacation rental house is not owner-occupied during the same time period(s) as the transient occupancy.

VARIANCE. A modification granted by the Zoning Hearing Board, upon hearing, from the terms and conditions of this Zoning Ordinance, or some of them, where literal enforcement thereof would create unnecessary hardship as a result of peculiar or unique conditions or circumstances, not self-imposed, pertaining only to the lot which is the subject of the hearing.

VEGETATIVE COVER. Shall consist of trees, shrubs, flowers, grass, ground or bank cover or suitable pervious decorative substitute.

VEHICLE. Every device in or by which any person or property is or may be transported or drawn upon a highway.

VEHICULAR BODY SHOP. Any structure or any building or part thereof, that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers and/or accessories of automobiles and other vehicles of conveyance.

VEHICULAR SALES ESTABLISHMENT. The use of any building, land area or the premise for the display, sale and leasing of new or used automobiles, trucks or vans, trailers, or recreational vehicles, including boats, snowmobiles, off-road vehicles, four-wheelers, and motorcycles, and including any warranty repair work and other repair service conducted as an accessory use.

VEHICULAR GARAGE AND SERVICE ESTABLISHMENT. A building on a lot designed and/or used primarily for mechanical and/or body repairs, storage, rental, servicing, or retail supplying of gasoline or oil to automobiles, trucks, or similar motorized vehicles.

VEHICLE WASHING (CAR WASH). A building on a lot, designed and used primarily for the washing and polishing of vehicles and which may provide accessory services set forth herein for Vehicular Service Establishments.

VETERINARY FACILITY. An establishment offering on-site veterinary services.

WATERCOURSE, WATERWAY OR BODY OF WATER. A channel or conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow. For the purpose of this ordinance, wetlands are also considered as waterways and/or bodies of water.

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

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

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

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

WIND TURBINE TOWER. The vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground.

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

YARD, BUFFER. A strip of required yard space adjacent to the boundary of a property or district, not less than the width designated in this Ordinance, and on which is placed (planted) year-round shrubbery, hedges, evergreens, or other suitable plantings of sufficient height and density to constitute an effective screen and give maximum protection and immediate screening to an abutting property or district and may include a wall, as provided for in this Ordinance.

YARD, FRONT. A yard encompassing the entire width of the lot and situated between the front lot line and the building line nearest to the front lot line.

YARD, INTERIOR. An open, unoccupied space between the buildings of a dwelling group or its accessory buildings, not a front, side, or rear yard.



YARD, REAR. A yard encompassing the entire width of the lot and situated between the rear lot line and the building line nearest to the rear lot line.

YARD, SIDE. A yard lying between the side lot line and the building line nearest to the side lot line and extending from the front yard to the rear yard, or in the absence of either of such front or rear yards, to the front or rear lot lines. A side yard shall not be required for sides of structures on which the side lot line is congruent with a common party wall.

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

ZONING MAP. The map setting forth the boundaries of the Zoning Districts of the Township which shall be a part of this Ordinance.

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

ZONING PERMIT. Written permission issued by the East Earl Township zoning officer for building construction, building alterations, and/or change in use of land or structure certifying compliance with the East Earl Township Zoning Ordinance.

ARTICLE III

DESIGNATION OF DISTRICTS

Section 301. ZONING DISTRICTS

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

(AG)	Agricultural
(CO)	Conservation/Open Space
(WMWC)	Welsh Mountain Watershed Conservation
(RL)	Residential Low Density
(RM)	Residential Medium Density
(CN)	Commercial Neighborhood
(CG)	Commercial General
(IV)	Industrial Vehicular
(IL)	Industrial Light
(MR)	Mineral Recovery District

Section 302. ZONING MAP

- A. The boundaries of AG, CO, WMWC, RL, RM, CN, CG, IV, IL and MR Districts shall be as shown, upon the map attached to and made a part of this Ordinance which shall be designated "Zoning Map". The said map and all the notations, reference and other data shown thereon are hereby incorporated by reference into this Ordinance as if all were fully described herein.
- B. Those areas of the Township that are subject to the East Earl Township Floodplain Management Ordinance (No. 197-2016) shall be considered Overlay Districts to the underlying zoning district.

Section 303. DISTRICT BOUNDARIES

- A. The boundaries between these districts are, unless otherwise indicated, either the lot lines or the centerlines of streets.
- B. Where figures are shown on the Zoning Map between a street, alley, right-of-way, or lot line, and a district boundary line, such figures indicate that the district boundary line runs parallel to that line at a distance there from equivalent to the number of feet so indicated.
- C. Where district boundaries are not clearly fixed by the above methods, such boundaries shall be determined by the use of the scale of the Zoning Map.
- D. Should any other uncertainty exist, the Zoning Officer shall interpret the intent of the Zoning Ordinance and Map as to the exact location of district boundaries.
- E. In the event of dispute about the location of the boundary of any district, the Zoning Officer shall investigate and render a decision on the location of the line. Appeals from the determination of the Zoning Officer shall be made to the Zoning Hearing Board.

ARTICLE IV

AGRICULTURAL (AG) DISTRICT

Section 401. INTENDED PURPOSE

The Agricultural (AG) District seeks to promote the continuation and preservation of agricultural activities within the area of East Earl Township having the most productive agricultural soils. Areas contained within the zone have been specifically identified as possessing valuable and not-renewable natural and cultural resources. The provisions of the Agricultural (AG) District intend to limit the total number of new dwellings and subdivisions and the maximum lot sizes of non-agricultural uses so as to avoid the creation of farmettes, which reduce the productivity of the Township's agricultural economy. This zone also intends to protect and stabilize the Township's viable agricultural economy by prohibiting uses that are incompatible with farming, while permitting limited agricultural support businesses. As new non-agriculturally related residential uses will be limited, any future residents of this zone must be willing to accept the impacts associated with daily farming practices and related agricultural businesses.

Section 402. PERMITTED USES

A. Agricultural uses in accordance with Section 1703 herein, with the exception that earthen manure storage facilities are not permitted. In conjunction with any agricultural use in this zone on a lot of record in existence as of May 10, 1983, one principal single family dwelling "First Dwelling" occupied by the person conducting the agricultural use and his or her family shall be permitted as of right. In addition, a second principal single family dwelling "Second principal dwelling", which may be either an add-on to the First Dwelling or a separate structure shall be permitted on such a lot of record, provided the applicant demonstrates compliance with and agrees to abide by all of the conditions below. Permission for a second principal residence shall not affect potential approval for an accessory apartment or echo housing unit as otherwise provided herein.

1. The occupants of the second principal dwelling shall be members of the same family who occupy the first principal dwelling or a full time employee of the farm on which the first principal dwelling is situated.
2. The lot of record must be used for agricultural purposes.
3. Prior to construction of the second principal dwelling, approval shall be obtained from the Pennsylvania Department of Environmental Protection and/or the Township's Sewage Enforcement Officer for the type of sewage treatment method proposed.
4. A Sketch Plan shall be submitted with any application for a second principal dwelling depicting it and all relevant features necessary for the Zoning Officer to determine compliance with all applicable dimensional provisions of this Ordinance.
5. If the second principal dwelling is proposed to be a structure separate from the first principal dwelling, the second principal dwelling shall be located on the lot of record in such a way to permit, if allowed by this Ordinance, subdivision of the second principal dwelling from the lot of record in compliance with all provisions of this Ordinance relating to single family dwelling use.
6. The second principal dwelling shall be located at a location to comply with all governing floodplain requirements, whether stated in this Ordinance or elsewhere;
7. East Earl Township's Farm Housing Agreement, which is available at the Township Office, shall be executed by the property owners and East Earl

Township, and recorded at the Lancaster County Office of the Recorder of Deeds.

8. By filing an application for a second principal dwelling, the applicant and occupants of the first and second principal dwellings agree that the Township Zoning Officer and/or Township representatives shall be entitled to reasonably inspect the lot of record and all structures on it for the purpose of verifying compliance with this section, and shall agree upon request by the Township to annually provide information to the Township concerning the use and occupancy of the second principal dwelling to verify compliance with this Section.
9. Any subdivision sought for the lot of record (which would necessarily require compliance with Section 405 of this Ordinance) shall include a subdivision of the second principal dwelling.

(Note: The East Earl Sewer Authority does not permit a second dwelling hook-up for sewer on a single property or lot.)

B. Farm-related occupations.

C. The display and sale of farm products as an accessory use to the principal farm use, provided that:

1. At least one-half (1/2) of all farm and nursery products sold must be grown, raised, or harvested on the premises.
2. Any permanent structure used to display and sell such goods shall be located at least fifty (50) feet from any property line and the legal right-of-way line of any street. The sale of farm products from a portable stand shall be located a minimum of twenty-five (25) feet from the street right-of-way and shall be removed at the end of the growing season. Mobile stands (i.e. farm wagons, pick-up trucks, etc.) shall be located outside the street right-of-way.
3. The structure and necessary parking area shall together not occupy more than four thousand (4,000) square feet of area for each farm.
4. All customer parking spaces shall be located outside of the abutting street right-of-way.
5. If required, the applicant shall obtain a driveway permit prior to the issuance of a permit for the farm stand.
6. Farm stands not conforming to the above criteria shall require a special exception approval from the Zoning Hearing Board.

D. Single family detached dwellings.

E. Public park and recreational areas and facilities.

F. [Reserved.]

G. Public and private conservation areas and structures for the conservation of open land, water, soil and wildlife resources and historic preservation.

H. Uses and buildings customarily accessory and incidental to any permitted use.

I. No-impact home-based businesses.

J. Municipal buildings and facilities, including emergency services facilities, sewage and water pumping stations, reservoirs, and similar structures.

K. Signs, subject to all applicable provisions, procedures, and requirements of Article XVIII herein.

L. Outdoor solid fuel burning appliances.

M. Small manure digesters.

Section 403. SPECIAL EXCEPTIONS

The establishment and/or expansion of the following uses may be permitted by the Zoning Hearing Board pursuant to standards and criteria as set forth in Articles XXII and XXV herein.

- A. Kennels.
- B. Veterinary facilities.
- C. Home occupations.
- D. Accessory apartments.
- E. Bed and breakfast establishments.
- F. Churches and related uses.
- G. Cemeteries and monument sales.
- H. Public and private schools.
- I. Public utility and communication uses.
- J. Adaptive reuse of agricultural buildings for off-site storage purposes.
- K. Permanent sawmills.
- L. Rural accessory business uses.
- M. Intensive agricultural production facilities.
- N. The retail sale of nursery and garden materials.
- O. Riding school or horse boarding stable.
- P. Echo housing
- Q. Commercial antennas, towers, and equipment for commercial operation.
- R. Agri-tourism uses.
- S. Large manure digesters.
- T. Conversion apartments.
- U. Game refuges.
- V. Vacation rental houses.

Section 404. HEIGHT REGULATIONS

- A. No height restrictions shall be placed upon agricultural structures.
- B. The height of a principal residential building shall not exceed thirty-five (35) feet.
- C. The height of a principal non-residential building, except agricultural structures, shall not exceed thirty (30) feet.
- D. The height of a non-agricultural accessory structure shall not exceed twenty-four (24) feet.

Section 405. DIMENSIONAL AND IMPERVIOUS COVERAGE REGULATIONS

- A. Number of Dwelling Units and Lots Permitted.
  - 1. In order to preserve agricultural tracts, it is the expressed intent of this provision that the subdivision lots from farms or the development of nonagricultural uses and structures on existing farms shall be limited. In addition, it is the expressed intent of this provision that the maximum size of lots created for any use other than agriculture, be limited in order to provide for the retention of tracts of sufficient size to be used for agricultural purposes. It is the intent of the Board of Supervisors to implement the mandate of the Pennsylvania Municipalities Planning Code, as amended, to preserve prime agricultural land through the enactment of these regulations.
  - 2. The combined maximum number of dwelling units and lots shall be based on the acres of contiguous land held in single and separate ownership, the "parent tract", as defined herein) on May 10, 1983, or, if such land was not classified as Agricultural District on May 10, 1983, the date on which such land was first zoned

Agricultural District. The following scale shall be used to determine the permissible subdivision/land development:

Size of Parcel or Use	Permitted Number of Dwellings/Lots
0 - 4.99 acres	0
5 - 99.99 acres	1
100 - 199.99 acres	2
200 or more acres	3 plus one (1) additional dwelling/lot for each additional 100 acres.

3. Any land development, the purpose of which is to permit the erection of a permanent single-family dwelling on a parent tract which has been previously improved with a dwelling, which also will remain upon the tract, or to permit the erection of a structure for an additional principal use of the parent tract, including any and all other agricultural uses, shall be considered a subdivision for purposes of this section. In addition, an agricultural subdivision, as stated above, shall refer to the subdivision of any existing farm into two (2) or more separate farms. It is the purpose and intent of this section to limit the development of agricultural tracts regardless of whether such development is accomplished by subdivision or land development as those terms are defined herein.
4. No subdivision shall be permitted which shall increase the lot size as set forth for the uses listed in Subsections 405.B. below. Any lot that is three (3) acres or less in size shall be presumed to be used for residential or nonagricultural purposes and the size of such lot shall not be increased in acreage to a size less than ten (10) acres, except that the Zoning Hearing Board may approve by special exception an increase in the size of such lot to less than ten (10) acres, subject to the following:
  - a. Approval shall be subject to the approval and recording of a lot add-on plan.
  - b. The lot resulting from the lot add-on shall be used only for residential purposes and for the growing of vegetables for sale at wholesale or retail. No breeding, raising, keeping or boarding of cattle, horses, sheep or other animals; including without limitation, the breeding, raising, keeping or boarding of dogs or operation of a kennel; shall be permitted for any commercial or agricultural purpose; provided that a horse or horses may be kept on the premises where horses provide the sole means of transportation for the owner or tenant living on the premises.
  - c. No building shall be constructed or erected on the lot add-on portion of the premises, which restriction shall be specifically set forth on the lot add-on plan and set forth in a deed for the premises created by the lot add-on.
  - d. The lot add-on shall not adversely affect the agricultural use and production of any adjacent remaining lands used for agricultural purposes.
5. All subdivisions and land developments, including all lot add-on plans, shall be subject to the scale identified in Section 405.A.2 above. The only exemption from the requirements of Section 405.A.2 is a subdivision to create a lot which will be transferred to the Township, a municipal authority created by the Township or other governmental entity.
6. Any subdivision or land development plan hereafter filed with the applicable approving body for subdivision or land development of a parent tract shall specify which lot or lots shall carry with it a right of further subdivision or nonagricultural

land development, if any such right remains from the number allocated to the parent tract on May 10, 1983, or on the date when such land was first included within the Agricultural District, whichever is later. The right of further subdivision or nonagricultural land development or a note stating that no further subdivision or nonagricultural land development is permissible, shall also be included on the recorded subdivision/land development plan and in the deed to the newly created lot. In the event that a lot, which was not classified as part of the Agricultural District on May 10, 1983, is or was thereafter classified as part of the Agricultural District, the size and ownership of any such lot, on the effective date of the change in zoning classification, shall determine the number of lots which may be subdivided from or the number of single-family dwellings or other principal nonagricultural buildings which may be erected on such lot.

7. In no event shall any tract of land which is subdivided or resubdivided after the same becomes subject to the provisions of this Section 405, nor any of the lots which are created by such subdivision or resubdivision, result in an increase in the number of dwellings or lots permitted by Subsection A.2 of this Section.

B. Lot Area:

1. Agriculture: Minimum lot area shall be ten (10) acres.
2. Wholesale horticulture and floriculture uses: Minimum lot area shall be two (2) acres.
3. Churches or similar places of worship, parish house, convents, and public and private schools: Maximum lot area shall be ten (10) acres.
4. Single Family Detached Dwelling:
  - a. Minimum lot area: two (2) acres.
  - b. Maximum lot area: three (3) acres; provided, however, that the maximum lot area may be increased if, after completing any hydrogeologic studies required by the Township and/or DEP, a larger lot area is required to accommodate an individual on-lot sewage disposal system.
5. All Other Uses: Lot area shall be based upon required setbacks, impervious coverage, parking and loading/unloading area standards, but in no instance shall be less than one (1) acre nor greater than three (3) acres; provided, however, that the maximum lot area may be increased if, after completing any hydrogeologic studies required by the Township and/or DEP, a larger lot area is required to accommodate an individual on-lot sewage disposal.

C. Lot Width:

1. The minimum lot width shall be not less than:
  - a. One hundred fifty (150) feet at the minimum building setback line.
  - b. Fifty (50) feet at the dedicated right-of-way.

D. Impervious Coverage – All Uses:

Impervious coverage shall not exceed twenty-five percent (25%).

Section 406. SETBACK REGULATIONS

The following setback regulations shall apply to all uses permitted within this District unless otherwise specified herein:

A. Principal Uses

1. Front Yard: The minimum front yard required shall be that distance established between the right-of-way line of a public or private road and the building line as stated in Article XX of this Ordinance.
  2. Side Yards:
    - a. Single Family Residential Uses: Twenty (20) feet.
    - b. Agricultural Uses and Farm-related Occupations: Fifty (50) feet.
    - c. Other Uses: Fifty (50) feet.
  3. Rear Yard:
    - a. Single Family Residential Uses: Forty (40) feet.
    - b. Agricultural Uses and Farm-related Occupations: Fifty (50) feet.
    - c. Other Uses: Fifty (50) feet.
- B. Non-Agricultural Accessory Buildings and Structures: Shall provide setbacks in accordance with Article XVI herein.
- C. Where required, buffer yards/screening shall be provided in accordance with Section 1707 herein.
- D. For permitted yard reductions, refer to Article XX herein.
- E. When located adjacent to agricultural uses, shade trees shall not be planted closer than ten (10) feet to the affected property line.

Section 407. OFF-STREET PARKING/LOADING/ACCESS

Off-street parking/access and loading/unloading shall be provided in accordance with Article XIX and the applicable Subdivision and Land Development Ordinance, as amended.



ARTICLE V

CONSERVATION/OPEN SPACE (CO) DISTRICT

Section 501. INTENDED PURPOSE

The Conservation/Open Space (CO) District seeks to protect the rolling hills and wooded slopes of southern East Earl Township within the headwaters of the Mill Creek and Conestoga River watersheds from intensive development by limiting land uses and land use intensities to those which do not degrade the environmental quality of lands within the District. Existing soil and topographic characteristics severely limit development potential. As in the Agricultural (AG) District, lands within this District possess valuable and non-renewable natural and cultural resources, and the subdivision of lots and the development of any use and structure permitted within this district shall be limited to protect and preserve the natural environment and watershed areas of the District. It is the intent of the Board of Supervisors to implement the mandate of the Pennsylvania Municipalities Planning Code, as amended, to preserve lands within this district through the enactment of these regulations.

Section 502. PERMITTED USES

- A. Single-family detached dwellings.
- B. Agricultural uses in accordance with Section 1703 herein, with the exception that earthen manure storage facilities are not permitted.
- C. The display and sale of farm or nursery products as an accessory use to the principal farm use, provided that:
  - 1. At least one-half (1/2) of all farm and nursery products sold must be grown, raised, or harvested on the premises.
  - 2. Any permanent structure used to display and sell such goods shall be located at least fifty (50) feet from any property line and the legal right-of-way line of any street. The sale of farm products from a portable stand shall be located a minimum of twenty-five (25) feet from the street right-of-way and shall be removed at the end of the growing season. Mobile stands (i.e. farm wagons, pick-up trucks, etc.) shall be located outside the street right-of-way.
  - 3. The structure and necessary parking area shall together not occupy more than four thousand (4,000) square feet of area for each farm.
  - 4. All customer parking spaces shall be located outside of the abutting street right-of-way.
  - 5. If required, the applicant shall obtain a driveway permit prior to the issuance of a permit for the farm stand.
  - 6. Farm stands not conforming to the above criteria shall require a special exception approval from the Zoning Hearing Board.
- D. Public park and recreation areas and facilities and similar non-intensive uses.
- E. Public and private conservation areas and structures for the conservation of open land, water, soil and wildlife resources and historic preservation.
- F. Electric and telephone public utility transmission and distribution facilities, including substations.
- G. Municipal facilities, including, emergency services facilities, water pumping stations, reservoirs and similar structures.
- H. Uses and buildings customarily accessory and incidental to any permitted use.
- I. No-impact home-based businesses.
- J. Signs, subject to all applicable provisions, procedures, and requirements of Article XVIII herein.

- K. Outdoor solid fuel burning appliances.
- L. Small manure digesters.

Section 503. SPECIAL EXCEPTIONS

The establishment and/or expansion of the following uses may be permitted by the Zoning Hearing Board pursuant to standards and criteria as set forth in Articles XXII and XXV herein.

- A. Private park and recreation areas and facilities, game refuges and similar non-intensive uses.
- B. Public and private campgrounds and facilities. Including remote and outback camping.
- C. Farm-related occupations.
- D. Riding school or horse boarding stable.
- E. Echo housing.
- F. Commercial antennas, towers, and equipment for commercial operation.
- G. Agri-tourism uses.
- H. Conversion apartments.
- I. Accessory apartments.
- J. Event Facilities.

Section 503A. CONDITIONAL USES

The establishment and/or expansion of the following uses may be permitted by the Board of Supervisors, following the opportunity for review by the Planning Commission, pursuant to standards and criteria as set forth in Articles XXII and XXIII herein.

- A. Golf course.

Section 504. SPECIAL PROVISIONS

- A. All future development shall comply with applicable general provisions and floodplain management regulations as set forth in Articles XVII and XV herein.
- B. All future development shall comply with the provisions of the Welsh Mountain Official Street Map Ordinance, Ordinance No. 97 of 1999.

Section 505. HEIGHT REGULATIONS

- A. No height restrictions shall be placed upon agricultural structures.
- B. The height of a principal residential building shall not exceed thirty-five (35) feet.
- C. The height of a principal non-residential building, except agricultural structures, shall not exceed thirty (30) feet.
- D. The height of a non-agricultural accessory structure shall not exceed twenty-four (24) feet.

Section 506. LOT AREA, LOT WIDTH AND IMPERVIOUS COVERAGE REGULATIONS

- A. Lot Area:
  1. Agriculture: Minimum lot area shall be ten (10) acres.
  2. Wholesale horticulture and floriculture uses: Minimum lot area shall be ~~two~~five (25) acres.
  3. Single Family Detached Dwellings and all other permitted uses: The minimum lot area shall be ~~three~~five (35) acres.

B. Number of Dwelling Units and Lots Permitted:

1. The combined maximum number of dwelling units and lots shall be based on the acres of contiguous land held in single and separate ownership, ~~the "parent tract", as defined herein~~ as of the effective date of this zoning ordinance amendment, which date for purposes of this section is August 9, 2005, the date of enactment of Ordinance No. 132 of 2005. See also herein the definition of "Parent Tract." The following scale shall be used to determine the permissible subdivision/land development:

Size of Parcel or Use	Permitted Number of Dwellings/Lots
0 - 4.99 acres	0
5 - 99.99 acres	1
100 - 199.99 acres	2
200 or more acres	3 plus one (1) additional dwelling/lot for each additional 100 acres.

2. No subdivision shall be permitted which shall increase the lot size as set forth in Section 506.A. above. Any lot which is three (3) acres or less in size shall be presumed to be used for residential or nonagricultural purposes and the size of such lot shall not be increased.
3. All subdivisions and land developments, including all lot add-on plans, shall be subject to the scale identified in Section 506.B.1 above. The only exemption from the requirements of Section 506.B.1 is a subdivision to create a lot which will be transferred to the Township, a municipal authority created by the Township or other governmental entity.
4. Any subdivision or land development plan hereafter filed with the applicable approving body for subdivision or land development of a parent tract shall specify which lot or lots shall carry with it a right of further subdivision or land development, if any such right remains from the number allocated to the parent tract as of the effective date of this zoning ordinance amendment, or on the date when such land was first included within the Conservation/Open Space District
5. In no event shall any tract of land which is subdivided or resubdivided after the same becomes subject to the provisions of this Section 506, nor any of the lots which are created by such subdivision or resubdivision, result in an increase in the number of dwellings or lots permitted by Subsection 506.B.1 of this Section.

C. Lot Width:

1. The minimum lot width shall be not less than:
  - a. Two hundred (200) feet at the building line.
  - b. Fifty (50) feet at the dedicated right-of-way.

D. Impervious Coverage – All Uses:

Lot impervious coverage shall not exceed twenty (20%) percent.

Section 507. SETBACK REGULATIONS

The following setback regulations apply to all uses permitted within this District unless otherwise specified herein:

- A. Front yard: The minimum front yard required shall be that distance established between the right-of-way line of a public or private road and the building line as stated in Article XX of this Ordinance.
- B. Side yards: Thirty (30) feet).
- C. Rear yard: Fifty (50) feet.
- D. Where required, buffer yards/screening shall be provided for in accordance with Section 1707 herein.
- E. For permitted yard reductions, refer to Article XX herein.
- F. When located adjacent to agricultural uses, shade trees shall not be planted closer than ten (10) feet to the affected property line.

Section 508. OFF-STREET PARKING/LOADING/ACCESS

Off-street parking/access and loading/unloading shall be provided in accordance with Article XIX and the applicable Subdivision and Land Development Ordinance, as amended.

ARTICLE VI

WELSH MOUNTAIN WATERSHED CONSERVATION (WMWC) DISTRICT

Section 601. INTENDED PURPOSE

The Welsh Mountain Watershed Conservation (WMWC) District seeks to protect the watershed and drainage area contributing to the reservoir behind the existing dam in southern East Earl Township by limiting land uses and land use intensities to those which do not degrade the environmental quality of the watershed and the lands within the District. It is the further intent of this District to regulate development in such a manner that the public interest will be served by lessening the chance of pollution or other damage to the public water supply that is provided for by the reservoir. The requirements of this District intend to encourage the preservation of the natural environment and the retention of open land which is so located and designed to constitute a harmonious and appropriate part of the physical development of the Township as provided for in the Township's Comprehensive Plan. As in the Conservation/Open Space (CO) District set forth in Article V, existing soil and topographic characteristics severely limit development potential. It is the intent of the Board of Supervisors to implement the mandate of the Pennsylvania Municipalities Planning Code, as amended, to preserve lands within this WMWC District through the enactment of these regulations.

Section 602. PERMITTED USES

- A. Public and private conservation areas and structures for the conservation of open land, water, soil and wildlife resources and historic preservation that do not require restrooms.
- B. Passive public and private park and recreation areas and facilities, land preserves, and similar non-intensive uses that do not require restrooms.
- C. Electric and telephone public utility transmission and distribution facilities, including substations.
- D. Municipal facilities, including, emergency services facilities, water pumping stations, reservoirs and similar structures that do not require restrooms.

Section 603. SPECIAL EXCEPTIONS

- A. The following special exceptions may be permitted by the Zoning Hearing Board pursuant to standards and criteria as set forth in Article XXII and XXV herein:
  - 1. Single-family detached dwellings and any additions or buildings accessory to existing and proposed single-family dwellings provided, however, that such accessory uses shall not include:
    - a. the private or non-commercial keeping of livestock, except for horses that are used as the principal means of transportation for the residents of the dwelling, or
    - b. swimming pools.
  - 2. Public and private conservation areas and structures (Section 602.A. above) that require restrooms.
  - 3. Passive public and private park and recreation areas and facilities, land preserves, and similar non-intensive uses (Section 602.B. above) that require restrooms.

4. Municipal facilities (Section 602.D. above) that require restrooms.
  5. Game refuges.
- B. In considering the above special exception uses, the Zoning Hearing Board may deny or impose conditions on such special exception uses based on the following:
1. The location, permitting, approval, installation, maintenance, and upkeep of the property's wastewater disposal systems. In addition to setback requirements for wastewater disposal systems established by the PA department of Environmental Protection (PADEP), no portion of such system shall be located closer than one hundred (100) feet to the top embankment of a waterway or body of water.
  2. The extent to which the location, permitting, approval, installation, maintenance, and upkeep of ground-source and or geothermal heating/cooling systems will comply with Section 2205.BBB of this Ordinance.
  3. The location, type, and manner of storage of hazardous materials; home heating fuel; and gasoline, diesel fuel, and lubricants used in the operation and maintenance of motorized vehicles. In addition to any setback requirements for such hazardous materials; heating fuel; and gasoline, diesel fuel, and lubricants as may be mandated by authorities having jurisdiction, no such hazardous materials; heating fuel; and gasoline, diesel fuel and lubricants shall be located closer than one hundred fifty (150) feet to the top embankment of a waterway or body of water.
  4. The number and type of motorized vehicles that will be parked and/or stored on the property.
    - a. For residential uses, the maximum number of parked and stored motorized vehicles shall not exceed six (6).
    - b. For all other Special Exception Uses, the amount of required parking spaces and storage of motorized vehicles shall be in conformance with Section 1903 of this Ordinance.
  5. The extent to which the lot will be cleared and graded in order to establish the principal structure, accessory uses, access drives/driveways, parking facilities, and alternative/renewable energy systems including, but not limited to solar and wind-powered systems (if applicable). Such clearing and grading shall be as compact as is possible in order to avoid needless removal of wooded lands that are vital to the protection of the watershed. Where clearing is proposed, the clearing activity shall take place as close as is possible to a woodland edge so as to maintain the integrity of forest blocks. Further, no such clearing and grading shall occur within seventy-five (75) feet of the top embankment of a waterway or body of water.
  6. The extent to which the lot will be covered by impervious surfaces, as well as, the erosion and sediment control measures and storm water management controls that will be implemented.
  7. The extent to which the application conforms to the "Steep Slope Provisions" (Section 1706) of this Ordinance.

Section 604. SPECIAL PROVISIONS

- A. All future development shall comply with applicable general provisions of floodplain management regulations as set forth in Articles XV herein.

- B. All future development shall comply with the provisions of the Welsh Mountain Official Street Map Ordinance, Ordinance No. 97 of 1999.

Section 605. HEIGHT REGULATIONS

- A. The height of a principal structure shall not exceed thirty-five (35) feet.
- B. The height of an accessory structure shall not exceed twenty-four (24) feet.

Section 606. LOT AREA, LOT WIDTH, AND IMPERVIOUS COVERAGE REGULATIONS

- A. Lot Area: The minimum lot area for single-family detached dwellings and all other permitted principal uses shall be five (5) acres.
- B. Number of Dwelling Units and Lots Permitted:

- 1. The combined maximum number of dwelling units and lots shall be based on the acres of contiguous land held in single and separate ownership, ~~the~~ (see "parent tract", as defined herein) as of the effective date of this zoning ordinance. The following scale shall be used to determine the permissible subdivision/land development:

Size of Parcel or Use	Permitted Number of Dwellings/Lots
0 - 4.99 acres	0
5 - 99.99 acres	1
100 - 199.99 acres	2
200 or more acres	3 plus one (1) additional dwelling/lot for each additional 100 acres.

- 2. All subdivisions and land developments, including all lot add-on plans, shall be subject to the scale identified in Subsection 606.B.1 above. The only exemption from the requirements of Subsection 606.B.1 above is a subdivision to create a lot which will be transferred to the Township, a municipal authority created by the Township or other governmental entity.
- 3. Any subdivision or land development plan hereafter filed with the applicable approving body for subdivision or land development of a parent tract shall specify which lot or lots shall carry with it a right of further subdivision or land development, if any such right remains from the number allocated to the parent tract as of the effective date of this zoning ordinance, or on the date when such land was first included within the WMWC District.
- 4. In no event shall any tract of land which is subdivided or resubdivided after the same becomes subject to the provisions of this Section 606 nor any of the lots which are created by such subdivision or resubdivision, result in an increase in the number of dwellings or lots permitted by Subsection 606.B.1.

C. Lot Width:

- 1. The minimum lot width shall be not less than:
  - a. Three hundred (300) feet at the building line.
  - b. Fifty (50) feet at the dedicated right-of-way.

D. Impervious Coverage:

Lot impervious coverage shall not exceed:

Size of Parcel	Impervious Coverage
0 – 4.99 acres	10%
5 – 99.99 acres	7.5%
100 – 199.99 acres	5%
200 or more acres	2.5%

Section 607. SETBACK REGULATIONS

The following setback regulations apply to all principal and accessory buildings and structures permitted within the WMWC District.

- A. Front yard: One hundred (100) feet measured from the centerline of the right-of-way.
- B. Side yards: Seventy-five (75) feet.
- C. Rear yard: One hundred (100) feet.
- D. When located adjacent to agricultural uses, shade trees shall not be planted closer than ten (10) feet to the affected property line.

Section 608. OFF-STREET PARKING/ACCESS

Off-street parking/access and loading/unloading shall be provided in accordance with Article XIX herein and the East Earl Township Subdivision and Land Development Ordinance, as amended.



## ARTICLE VII

### RESIDENTIAL LOW DENSITY (RL) DISTRICT

#### Section 701. INTENDED PURPOSE

The regulations for this District are intended to provide low density residential areas within the Township, located primarily adjacent to higher density residential development, thereby limiting further encroachment into the existing agricultural areas.

#### Section 702. PERMITTED USES

- A. Single-family detached dwellings.
- B. Agriculture, horticulture, or floriculture, and any accessory uses or structures appurtenant thereto, including farm-related occupations with the exception that earthen manure storage facilities are not permitted.
- C. The display and sale of farm or nursery products as an accessory use to the principal farm use, provided that:
  - 1. At least one-half (1/2) of all farm and nursery products sold must be grown, raised, or harvested on the premises.
  - 2. Any permanent structure used to display and sell such goods shall be located at least fifty (50) feet from any property line and the legal right-of-way line of any street. The sale of farm products from a portable stand shall be located a minimum of twenty-five (25) feet from the street right-of-way and shall be removed at the end of the growing season. Mobile stands (i.e. farm wagons, pick-up trucks, etc.) shall be located outside the street right-of-way.
  - 3. The structure and necessary parking area shall together not occupy more than four thousand (4,000) square feet of area for each farm.
  - 4. All customer parking spaces shall be located outside of the abutting street right-of-way.
  - 5. If required, the applicant shall obtain a driveway permit prior to the issuance of a permit for the farm stand.
- D. Signs, subject to all applicable provisions, procedures, and requirements of Article XVIII herein.
- E. Uses and buildings customarily accessory and incidental to any permitted use.
- F. No-impact home-based businesses.

#### Section 703. SPECIAL EXCEPTIONS

The establishment and/or expansion of the following uses may be permitted by the Zoning Hearing Board pursuant to standards and criteria as set forth in Articles XXII and XXV, herein.

- A. Churches and related uses.
- B. Public and private schools.
- C. Accessory apartments.
- D. Group care homes, including halfway homes.
- E. Group day care homes.
- F. Adult day care facilities.
- G. Family day care homes.
- H. Home occupations.
- I. Cemeteries and monument sales.
- J. Municipal facilities, public libraries, and emergency services facilities.

- K. Public parks, playgrounds and municipal recreation areas.
- L. Public utility and communication uses where operation requirements necessitate locating within the District.
- M. Clubs and lodges.
- N. Commercial antennas, towers, and equipment for commercial operation.
- O. Bed and breakfast establishments.
- P. Riding school or horse boarding stable.
- Q. Echo housing.
- R. Conversion apartments.
- S. Vacation rental houses.

Section 703A. CONDITIONAL USES.

The establishment and/or expansion of the following uses may be permitted by the Board of Supervisors, following the opportunity for review by the Planning Commission, pursuant to standards and criteria as set forth in Articles XXII and XXIII herein.

- A. Age-restricted residential development, limited to single-family dwellings and customary accessory uses subject to Subsection 2205.D.

Section 704. HEIGHT REGULATIONS

- A. The height of a principal residential building, including buildings in an Age-restricted Residential Community, shall not exceed thirty-five (35) feet.
- B. The height of a principal non-residential building shall not exceed thirty-five (35) feet.
- C. The height of an accessory structure shall not exceed twenty-four (24) feet.

Section 705. LOT AREA, LOT WIDTH AND IMPERVIOUS COVERAGE REGULATIONS

Unless otherwise specified in Article XXII herein, lot area, lot width and impervious coverage requirements of not less than the following dimensions shall be provided for each structure or use hereafter erected, established or altered for any use permitted within this District.

A. Lot Area:

1. Single-family detached dwelling excluding dwellings within an Age-restricted Residential Community:
  - a. All lots for which a building permit has not been issued as of April 10, 2007 and for which a single-family dwelling is proposed shall connect to public water and public sewer as a condition of development or building permit approval for any use or structure requiring septic service.
  - b. Minimum lot size with public sewer: 15,000 square feet.
  - c. Water: Except where public water is provided, approval is subject to an on-lot water study showing sufficient capacity in accordance with East Earl Township Subdivision and Land Development Ordinance.
2. For all other permitted uses, the lot area shall be based upon required setbacks, impervious coverage, parking and loading/unloading standards, and on-lot well and septic system requirements, but in no instance shall be less than twenty thousand (20,000) square feet.

B. Lot Width:

1. Building Setback Line

- a. On-lot septic system: one-hundred-fifty (150) feet.
- b. Public sewer: ninety (90) feet.

C. Maximum Impervious Coverage – All Uses:

Thirty percent (30%).

Section 706. SETBACK REGULATIONS

The following setback regulations apply to all uses permitted within this District unless otherwise specified herein:

A. On-lot septic system:

- 1. Front yard: The minimum front yard required shall be that distance established between the right-of-way line of a public or private road and the building line as stated in Article XX of this Ordinance.
- 2. Side yards: Fifteen (15) feet.
- 3. Rear yard: Forty (40) feet.

B. Public sewer:

- 1. Front yard: The minimum front yard required shall be that distance established between the right-of-way line of a public or private road and the building line as stated in Article XX of this Ordinance.
- 2. Side yards: Ten (10) feet.
- 3. Rear yard: Twenty-five (25) feet.

C. Where required, buffer yards/screening shall be provided in accordance with Section 1707 herein.

D. Accessory Buildings and Structures: Shall provide front, side, and rear yards in accordance with Article XVI herein.

E. For permitted yard reductions, refer to Article XX herein.

F. When located adjacent to agricultural uses. Shade trees shall not be planted closer than ten (10) feet to the affected property line.

Section 707. OFF-STREET PARKING/ACCESS

Off-street parking/access and loading/unloading shall be provided in accordance with Article XIX and the applicable Subdivision and Land Development Ordinance, as amended.

ARTICLE VIII

RESIDENTIAL MEDIUM DENSITY (RM) DISTRICT

Section 801. INTENDED PURPOSE

The regulations for this District are intended to provide for various types of higher density residential development, in order to encourage a mix of housing types, in older residential areas of the Township. Emphasis is placed upon the accessibility to transportation, community facilities, and public facilities.

Section 802. PERMITTED USES

- A. Single-family detached dwelling.
- B. Single-family semi-detached dwelling.
- C. Two-family detached dwelling.
- D. Single-family attached dwelling.
- E. Multi-family dwellings.
- F. Non-commercial agricultural and horticultural uses and structures, such as greenhouses, when accessory to a residential use.
- G. Signs, subject to all applicable provisions, procedures, and requirements of Article XVIII herein.
- H. Uses and buildings customarily accessory and incidental to any permitted uses.
- I. No-impact home-based businesses.

Section 803. SPECIAL EXCEPTIONS

The establishment and/or expansion of the following uses may be permitted by the Zoning Hearing Board pursuant to standards and criteria as set forth in Articles XXII and XXV herein.

- A. Conversion apartments.
- B. Accessory apartments.
- C. Family day care home.
- D. Home occupations.
- E. Manufactured home parks.
- F. Public and private parks, playgrounds and municipal recreation areas.
- G. Municipal facilities, public libraries and emergency services facilities.
- H. Churches and related uses.
- I. Public and private schools.
- J. Group care homes, including halfway homes.
- K. Group day care homes.
- L. Adult day care facilities.
- M. Personal care boarding homes.
- N. Boarding homes.
- O. Nursing homes.
- P. Clubs and lodges.
- Q. Public utility and communication uses where operation requirements necessitate locating within the District.
- R. Commercial antennas, towers, and equipment for commercial operation.
- S. Family Care Facility
- T. Echo housing.
- U. Vacation rental houses.

Section 803A. CONDITIONAL USES.

The establishment and/or expansion of the following uses may be permitted by the Board of

Supervisors, following the opportunity for review by the Planning Commission, pursuant to standards and criteria as set forth in Articles XXII and XXIII herein.

- A. Open Space Neighborhood Option
- B. Age-restricted Residential Community or Continuing Care Retirement Community (CCRC), each with customary access uses.

Section 804 RESIDENTIAL DENSITY REQUIREMENTS

For an Age-restricted Residential Community or CCRC, a net density of between four (4) and eight (8) dwelling units per acre shall be established for all residential development, regardless of the mix of unit types.

Section 805. HEIGHT REGULATIONS

Unless otherwise specified in Article XXII herein, height regulations shall apply as follows:

- A. The height of a principal residential building, except for those in an Age-restricted Residential Community or Continuing Care Retirement Community, shall not exceed thirty-five (35) feet.
- B. The height of a principal non-residential building, or any building within an Age-Restricted Residential Community, shall not exceed thirty-five (35) feet.
- C. The height of an accessory structure shall not exceed twenty-four (24) feet.

Section 806. LOT AREA, LOT WIDTH AND MAXIMUM IMPERVIOUS COVERAGE REGULATIONS

A. Lot Area, Lot Width and Maximum Impervious Coverage for Residential Uses: For those residential uses provided on individual lots (not including Age-restricted Residential Communities or Continuing Care Retirement Communities), the following requirements shall apply:

1. Required service by public water and public sewer: All lots for which a building permit has not been issued as of April 10, 2007, shall connect to public water and public sewer as a condition of development or building permit approval for any use or structure requiring septic service.
2. All residential lots:

DWELLING TYPE	LOT AREA/ DWELLING UNIT (square foot)	LOT WIDTH AT SETBACK (feet)	MAX. IMPER. COVERAGE (%)
Single-family detached	10,000	80	40
Single-family semi-detached	5,000	50	50
Single-family attached	3,000	20	50
Two Family detached	5,000	100(1)	50
Apartment	2,000	---	50
Accessory apartment	2,500	100(1)	50
Conversion apartment	5,000	100(1)	50

(1): per building.

B. Lot Area, Lot Width, and Maximum Impervious Coverage for Age-Restricted Residential Communities and Continuing Care Retirement Communities:

1. All such uses shall require service by public water and public sewer. The lot area shall be based upon required setbacks, impervious cover, parking standards and loading/unloading standards.
2. Minimum lot width at building setback line: One hundred (100) feet.
3. Maximum Impervious Coverage: Fifty percent (50%).

C. Lot Area, Lot Width and Maximum Impervious Coverage for Nonresidential Uses:

Unless otherwise specified in Article XXII, the following requirements shall apply:

1. All such uses shall require service by public water and public sewer, except for permitted accessory uses not requiring septic service. The lot area shall be based upon required setbacks, impervious coverage, parking and loading/unloading standards, but in no case shall be less than ten thousand (10,000) square feet.
2. Minimum lot width at building setback line: One hundred (100) feet.
3. Maximum Impervious Coverage: Fifty percent (50%).

Section 807. SETBACK REGULATIONS

The following setback regulations apply to all uses permitted within this District unless otherwise specified herein:

A. On-lot septic systems:

1. Front yard: The minimum front yard required shall be that distance established between the right-of-way line of a public or private road and the building line as stated in Article XX of this Ordinance.
2. Side yards: Fifteen (15) feet.
3. Rear yards: Forty (40) feet.

B. Public sewer:

1. Front yard: The minimum front yard required shall be that distance established between the right-of-way line of a public or private road and the building line as stated in Article XX of this Ordinance.
2. Side yards: (Excluding apartments and/or attached dwellings.) Eight (8) feet.
3. Rear yard: (Excluding apartments and/or attached dwellings.) Twenty-five (25) feet.
4. Interior yards: (Open space between principal structures) Interior yards shall be provided in accordance the below requirements:
  - a. When front to front, rear to rear, or front to rear, parallel structures shall have fifty (50) feet between faces for one (1) story in height, plus five (5) feet for each additional story. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10) feet at one end if increased by similar or greater distances at the other end. Where service drives or bank grade changes or collector walks are introduced in this space, the distance between structures shall be at least fifty (50) feet.
  - b. End to end, a distance of twenty-five (25) feet between structures for a one (1) story structure plus five (5) feet additional for each story in excess of one.

- c. End to front, or end to rear, a distance of thirty (30) feet between structures for each one (1) story structure plus five (5) feet additional for each story in excess of one.
  - d. When adjacent structures differ in the number of stories, the required distance between structures shall be calculated on the taller of the structures.
- 5. For apartments and/or attached dwellings of one or two stories, there shall be two (2) side yards of fifteen (15) feet each and a rear yard of not less than thirty (30) feet.
- C. Where required, buffer yards/screening shall be provided in accordance with Section 1707 herein.
- D. Residential accessory buildings and structures shall provide front, side, and rear yards in accordance with Article XVI herein. Non-residential accessory buildings shall conform to the setbacks set forth for principal structures herein.
- E. For permitted yard reductions, refer to Article XX herein.
- F. When located adjacent to agricultural uses, shade trees shall not be planted closer than ten (10) feet to the affected property line.

Section 808. OFF-STREET PARKING/ACCESS

Off-street parking/access and loading/unloading shall be provided in accordance with Article XIX herein and the applicable Subdivision and Land Development Ordinance.

## ARTICLE IX

### COMMERCIAL NEIGHBORHOOD (CN) DISTRICT

#### Section 901. INTENDED PURPOSE

The regulations for this District are intended to serve commercial needs of the surrounding residences and residential areas providing a variety of goods and services to meet their needs within existing mixed use areas.

#### Section 902. PERMITTED USES

Any one of the following principal uses:

- A. Single-family detached dwelling.
- B. Single-family semi-detached dwelling.
- C. Single-family attached dwelling (townhouse, rowhouse).
- D. Home occupations.
- E. Agriculture, horticulture, or floriculture, and any accessory uses or structures appurtenant thereto, including farm-related businesses, with the exception that earthen manure storage facilities are not permitted.
- F. Bus passenger stations.
- G. Motels, hotels, and bed and breakfast establishments.
- H. Any retail business not separately listed below as a permitted use, special exception or conditional use whose principal activity is the sale of merchandise in an enclosed building, such as hardware, variety, clothing, personal service shops, appliance stores and similar retail activities, excluding drive-thrus.
- I. Convenience stores, including the sale of motor fuels.
- J. Business, financial, professional offices, including financial institutions, excluding drive-thrus.
- K. Personal service establishments, excluding drive-thrus.
- L. Repair establishments contained within an enclosed building.
- M. Eating and drinking establishments, excluding drive-thrus.
- N. Movie and performing arts theaters, studios for instruction in dance, music, arts and science.
- O. Indoor recreational facilities.
- P. Florists, greenhouses, or nurseries, provided that all incidental equipment and supplies, including fertilizers and empty cans, are kept within a building.
- Q. Group day care homes.
- R. Personal care boarding homes.
- S. Boarding homes.
- T. Nursing homes.
- U. Day care centers.
- V. Medical facilities.
- W. Veterinary facilities.
- X. Parking as a principal use.
- Y. Municipal facilities.
- Z. Churches and related uses.
- AA. Public utility and communication uses where operation requirements necessitate locating within the District.
- BB. Signs, subject to all applicable provisions, procedures, and requirements of Article XVIII herein.
- CC. Uses and buildings customarily accessory and incidental to any permitted use.
- DD. No-impact home-based businesses.
- EE. Vacation rental houses.



Section 903. SPECIAL EXCEPTIONS

The establishment and/or expansion of the following uses may be permitted by the Zoning Hearing Board pursuant to standards and criteria as set forth in Articles XXI and XXV herein.

- A. More than one principal use permitted by right pursuant to Section 902 above.
- B. Outside storage and display when accessory to a permitted use.
- C. Drive-thru establishments.
- D. Commercial communication towers and antennas for the purpose of facilitating communications services and attendant support structures.
- E. Conversion apartments.
- F. Accessory apartments.
- G. Echo housing.
- H. Any other use and its accessory uses or buildings which, in the opinion of the Zoning Hearing Board, are of the same general character as any of the above.
- I. Event facilities.

Section 903A. CONDITIONAL USES.

The establishment and/or expansion of the following uses may be permitted by the Board of Supervisors, following the opportunity for review by the Planning Commission, pursuant to standards and criteria as set forth in Articles XXII and XXIII herein.

- A. Age-restricted Residential Community or Continuing Care Retirement Community (CCRC), each with customary access uses, subject to Subsection 2205.D.
- B. Shopping centers and retail stores in excess of ten thousand (10,000) square feet of gross floor area subject to Section 2205.SS

Section 904. USE RESTRICTIONS

The above specified permitted, special exception and conditional uses shall be permitted only under the following conditions:

- A. Such stores, shops and businesses shall be conducted within an enclosed building, except as otherwise permitted in accordance with Article XXII herein.
- B. Except where permitted pursuant to Subsection 903A.C, commercial uses shall be limited to a maximum combined area of ten thousand (10,000) square feet of gross floor or land area utilized solely for the commercial use(s).
- C. Such uses shall be subject to the performance standards established in Section 1704. of this Zoning Ordinance.
- D. There shall be no manufacturing, compounding, processing or treatment of products other than that which is clearly incidental and essential to a retail store, and when all such products are sold on the premises.

Section 905. HEIGHT REGULATIONS

Unless otherwise specified in Article XXII herein, height regulations shall apply as follows:

- A. The height of a principal residential building, except for those in an Age-restricted Residential Community or Continuing Care Retirement Community, shall not exceed thirty-five (35) feet.

- B. The height of a principal non-residential building, or any building within an Age-restricted Residential Community or Continuing Care Retirement Community, shall not exceed forty (40) feet.
- C. The height of an accessory structure shall not exceed twenty-four (24) feet.

Section 906. LOT AREA, LOT WIDTH, AND MAXIMUM IMPERVIOUS COVERAGE REGULATIONS

A. Lot Area, Lot Width, and Maximum Impervious Coverage for Residential Uses: For those residential uses provided on individual lots (not including Age-Restricted Residential Communities and Continuing Care Retirement Communities), the following requirements shall apply:

1. Required service by public water and public sewer: All new lots for which a building permit has not been issued as of April 10, 2007 shall connect to public water and public sewer as a condition of development or building permit approval for any use or structure requiring septic service.

2. Public Water/Public Sewer:

DWELLING TYPE	LOT AREA/ DWELLING UNIT (square feet)	LOT WIDTH @ SETBACK (feet)	MAX. IMPERV. COVERAGE (%)
Single-family, detached	8,000	65	40
Single-family. semi-detached	5,000	40	50
Single-family, attached	3,000	10	50
Accessory apt.	2,500	65 (1)	50
Conversion apt.	5,000	65 (1)	50

(1) per building

B. Lot Area, Lot Width, and Maximum Impervious Coverage for Age-Restricted Residential Communities and Continuing Care Retirement Communities:

- 1. All such uses shall require service by public water and public sewer. The lot area shall be based upon required setbacks, impervious cover, parking standards and loading/unloading standards.
- 2. Minimum lot width at building setback line: One hundred (100) feet.
- 3. Maximum Impervious Coverage: Fifty percent (50%).

C. Lot Area, Lot Width, and Maximum Impervious Coverage for Nonresidential Uses: Unless otherwise specified in Article XXII, the following requirements shall apply:

- 1. All such uses shall require service by public water and public sewer, except for permitted accessory uses not requiring septic service. Minimum lot area and width shall be based upon required setbacks, maximum impervious coverage,

- parking, loading/unloading, and other applicable standards.
- 2. Maximum impervious coverage: No more than seventy-five (75) percent of the area of the lot, or portion of the lot dedicated to such uses, shall be covered by impervious surfaces including all buildings, parking facilities and pedestrian ways.
- D. All remaining pervious areas of the lot shall be maintained with a vegetative cover.

Section 907. SETBACK REGULATIONS

Unless otherwise specified, each lot shall have front, side and rear yards of not less than the depth or width indicated below:

- A. Front yard: Thirty-five (35) feet measured from the centerline of the right-of-way.  
  
Exception: Where buildings exist in the same block on either side of the street, the setback line of the building to be constructed shall be provided in accordance with Section 2002.A. herein.
- B. Side yards: Eight (8) feet. No side yard shall be required where structures abut one another.
- C. Rear yard: Twenty-five (25) feet.
- D. Interior yards (Open space between principal structures): Interior yards shall be provided in accordance the below requirements:
  - 1. When front to front, rear to rear, or front to rear, parallel structures shall have fifty (50) feet between faces for one (1) story in height, plus five (5) feet for each additional story. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10) feet at one end if increased by similar or greater distances at the other end. Where service drives or bank grade changes or collector walks are introduced in this space, the distance between structures shall be at least fifty (50) feet.
  - 2. End to end, a distance of twenty-five (25) feet between structures for a one (1) story structure plus five (5) feet additional for each story in excess of one.
  - 3. End to front, or end to rear, a distance of thirty (30) feet between structures for each one (1) story structure plus five (5) feet additional for each story in excess of one.
  - 4. When adjacent structures differ in the number of stories, the required distance between structures shall be calculated on the taller of the structures.
- E. Residential accessory buildings and structures shall provide front, side, and rear yards in accordance with Article XVI herein. Non-residential accessory buildings shall conform to the setbacks set forth for principal structures herein.
- F. Buffer yards/screen plantings shall be provided in accordance with Section 1707 herein.
- G. When located adjacent to agricultural uses, shade trees shall not be planted closer than ten (10) feet to the affected property line.

Section 908. OFF-STREET PARKING/ACCESS AND LOADING/UNLOADING

Off-street parking/access and loading/unloading shall be provided in accordance with Article XIX herein and the applicable Subdivision and Land Development Ordinance.

Section 909. SITE DESIGN STANDARDS

The following additional site design standards are applicable for any new construction within the Commercial Neighborhood District:

- A. Off-street parking:
  - 1. Off-street parking shall be provided only at the side or to the rear of buildings.
- B. Lighting:
  - 1. Lighting must be controlled in both height and intensity to maintain rural character.
  - 2. Light standards are restricted to a maximum of twenty (20) feet in height.
  - 3. All lighting (except for security purposes) shall be turned off between the hours of 11 p.m. and 6 a.m.
- C. Curbs and sidewalks:
  - 1. Curbs and sidewalks shall be required for all new construction and shall be installed in accordance with the applicable Subdivision and Land Development Ordinance, as amended

ARTICLE X

COMMERCIAL GENERAL (CG) DISTRICT

Section 1001. INTENDED PURPOSE

The purpose of the Commercial General District is to provide for the orderly development of a variety of highway-oriented commercial uses within certain areas of the Township along major roads and to minimize traffic congestion along such major roads through controlled ingress and egress.

Section 1002. PERMITTED USES

- A. Dwelling units when accessory and incidental to a permitted non-residential use.
- B. Financial institutions; business and professional offices.
- C. Eating establishments.
- D. Any retail business whose principal activity is the sale of merchandise in an enclosed building.
- E. Funeral homes.
- F. Retail sales in which both a workshop and repair shop and retail showroom are required.
- G. Motels, hotels, and bed and breakfast establishments.
- H. Studio or galleries for the display and/or instruction of dance, art, music or similar cultural pursuits.
- I. Movie and performing arts theaters.
- J. Indoor recreational facilities, excluding amusement arcades.
- K. Bakery, candy, pastry, confectionery or ice cream retail sales, with minor related processing permitted.
- L. Bus passenger stations.
- M. Vehicular service stations.
- N. Vehicular garages for the storage and repair of motor vehicles, including vehicular body shops.
- O. Vehicular wash.
- P. Vehicular sales and equipment, as a permitted outdoor use.
- Q. Florists, greenhouses, roadside produce markets, or nurseries, provided that all incidental equipment and supplies, including fertilizers and empty cans, are kept within a building.
- R. Self-service storage facilities.
- S. Fitness centers.
- T. Medical facilities.
- U. Municipal facilities.
- V. Public utility and communication uses where operation requirements necessitate locating within the District.
- W. Signs, subject to all applicable provisions, procedures, and requirements of Article XVIII herein.
- X. Uses and buildings customarily accessory and incidental to any permitted use.
- Y. No-impact home-based business, when proposed within existing non-conforming dwelling units.
- Z. Veterinary facilities.
- AA. Vacation rental houses.

Section 1003. SPECIAL EXCEPTIONS

The establishment and/or expansion of the following uses may be permitted by the Zoning Hearing Board pursuant to standards and criteria as set forth in Articles XXII and XXV herein.

- A. Outside storage and display when accessory to a permitted use.
- B. Amusement arcades.
- C. Outdoor recreation facilities.
- D. Adult related businesses, in accordance with the East Earl Township Adult Related Activities Ordinance No. 43.
- E. Commercial communication towers and antennas for the purpose of facilitating communications services and attendant support structures.
- F. Day care centers as accessory to a principal use.
- G. Large solar energy production facilities.
- H. Large wind energy production facilities.
- I. Event facilities.
- J. Any other use and its accessory uses or buildings which, in the opinion of the Zoning Hearing Board, are of the same general character as any of the above.

Section 1003A CONDITIONAL USES.

The establishment and/or expansion of the following uses may be permitted by the Board of Supervisors, following the opportunity for review by the Planning Commission, pursuant to standards and criteria as set forth in Articles XXII and XXIII herein.

- A. Shopping centers and retail stores in excess of ten thousand (10,000) square feet of gross floor area.

Section 1004. USE RESTRICTIONS

The above specified permitted, special exception and conditional uses shall be permitted only under the following conditions:

- A. Such stores, shops and businesses shall be conducted within an enclosed building, except as otherwise permitted in accordance with Article XXI herein.
- B. Such uses shall be subject to the performance standards established in Section 1704. of this Zoning Ordinance.
- C. There shall be no manufacturing, compounding, processing or treatment of products other than that which is clearly incidental and essential to a retail store, and when all such products are sold on the premises.
- D. Provisions for public sewer or a community system must be in place prior to the obtaining of a zoning permit.

Section 1005. HEIGHT REGULATIONS

- A. The height of a principal structure shall not exceed forty (40) feet.
- B. The height of an accessory structure shall not exceed twenty-four (24) feet.

Section 1006. LOT AREA, LOT WIDTH, AND MAXIMUM IMPERVIOUS COVERAGE REGULATIONS

- A. Unless otherwise specified herein, minimum lot area and width shall be based upon required setbacks, maximum impervious coverage, parking, loading/unloading, buffer yard/screening, on-lot well and septic system requirements, and other applicable standards.
- B. Lot area, lot width and maximum impervious coverage for nonresidential uses: Unless otherwise specified in Article XXII, no more than sixty-five percent (65%) of the area of the lot shall be covered by impervious surfaces including all buildings, parking facilities, and pedestrian ways.
- C. All remaining pervious areas of the lot shall be maintained with a vegetative cover.
- D. Lot area, lot width and impervious coverage requirements for any residential use

permitted in this District shall be in accordance with adjacent residential district standards. Should more than one residential district be adjacent to said use, the more restrictive district provisions shall apply.

#### Section 1007. SETBACK REGULATIONS

Unless otherwise specified, each lot shall have front, side and rear yards of not less than the depth or width indicated below:

- A. Front yard: Thirty-five (35) feet measured from the centerline of the right-of-way.

Exception: Where buildings exist in the same block on either side of the street, the setback line of the building to be constructed shall be provided in accordance with Section 2002.A. herein.

- B. Side yards: Eight (8) feet. No side yard shall be required where structures abut one another, provided that a written agreement is entered into by such property owners and submitted to the Zoning Officer. However, in no case shall common party walls be permitted between properties of separate ownership.

- C. Rear yard: Twenty-five (25) feet.

- D. Interior yards (Open space between principal structures): Interior yards shall be provided in accordance the below requirements:

1. When front to front, rear to rear, or front to rear, parallel structures shall have fifty (50) feet between faces for one (1) story in height, plus five (5) feet for each additional story. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10) feet at one end if increased by similar or greater distances at the other end. Where service drives or bank grade changes or collector walks are introduced in this space, the distance between structures shall be at least fifty (50) feet.
2. End to end, a distance of twenty-five (25) feet between structures for a one (1) story structure plus five (5) feet additional for each story in excess of one.
3. End to front, or end to rear, a distance of thirty (30) feet between structures for each one (1) story structure plus five (5) feet additional for each story in excess of one.
4. When adjacent structures differ in the number of stories, the required distance between structures shall be calculated on the taller of the structures.

- E. Accessory buildings and structures shall provide front, side, and rear yards in conformance with the setbacks set forth for principal structures herein.

- F. Buffer yards/screen plantings shall be provided in accordance with Section 1707 herein.

- G. When located adjacent to agricultural uses, shade trees shall not be planted closer than ten (10) feet to the affected property line.

#### Section 1008. OFF-STREET PARKING/ACCESS AND LOADING/UNLOADING

Off-street parking/access and loading/unloading shall be provided in accordance with Article XIX herein and the applicable Subdivision and Land Development Ordinance.

## ARTICLE XI

### INDUSTRIAL LIGHT (IL) DISTRICT

#### Section 1101. INTENDED PURPOSE

The purpose of the Industrial Light District is intended to maximize industrial potential while ensuring compatibility with surrounding Districts. New residential development is excluded from this District, both to protect residences from an undesirable environment and to ensure the reservation of adequate areas for industrial development.

#### Section 1102. PERMITTED USES

- A. Light manufacturing.
- B. Agriculture, horticulture or floriculture, and any accessory uses or structures, including farm-based businesses, with the exception that earthen manure storage facilities are not permitted.
- C. Municipal facilities.
- D. Public utility and communication uses where operation requirements necessitate locating within the District.
- E. Uses and buildings customarily accessory and incidental any permitted use.
- F. Signs, subject to all applicable provisions, procedures, and requirements of Article XVIII herein.
- G. No-impact home-based businesses, when proposed within existing non-conforming dwelling units.

#### Section 1103. SPECIAL EXCEPTIONS

The establishment and/or expansion of the following uses may be permitted by the Zoning Hearing Board pursuant to standards and criteria as set forth in Articles XXII and XXV herein.

- A. Any manufacturing, wholesaling or distributing use pursuant to Section 1704 herein.
- B. Lumber and coal yards, building material storage yards, contractor equipment and storage yards and wholesale and retail sales for each as an accessory use.
- C. Laundries, cleaning, dyeing, carpet and rug cleaning.
- D. Blacksmiths and machine shops.
- E. Self-service storage facilities.
- F. Vehicular body shops, painting, tire retreading or recapping and welding shops.
- G. Day care centers as accessory to a principal use.
- H. Crematoriums.
- I. Sawmill.
- J. Solid waste disposal facilities.
- K. Junkyard/salvage yard.
- L. Solid waste processing/recycling facilities.
- M. Outside storage and display when accessory to a permitted use.
- N. Commercial communication towers and antennas for the purpose of facilitating communications services and attendant support structures.
- O. Vehicular garage.
- P. Large solar energy production facilities.
- Q. Large wind energy production facilities.
- R. Any other use and its accessory uses or buildings which, in the opinion of the Zoning Hearing Board, are of the same general character as any of the above.

#### Section 1104. PERFORMANCE STANDARDS



- A. All uses shall be conducted in accordance with Performance Standards as set forth in Section 1704 herein and/or in Article XXII, as either may be applicable.

Section 1105. HEIGHT REGULATIONS

- A. The height of a principal structure shall not exceed forty (40) feet, except that height may be increased by special exception to fifty (50) feet provided that setback is at least equal to height.
- B. The height of an accessory structure shall not exceed twenty-five (25) feet in height.

Section 1106. LOT AREA, LOT WIDTH AND MAXIMUM IMPERVIOUS COVERAGE REGULATIONS

- A. Unless otherwise specified herein, minimum lot area and width shall be based upon required setbacks, maximum impervious coverage, parking, loading/unloading, buffer yard/screening, on-lot well and septic system requirements, and other applicable standards.
- B. Maximum impervious coverage:
  - 1. No more than sixty percent (60%) of the area of the lot shall be covered by impervious surfaces including all buildings, parking facilities, and pedestrian ways
- C. All remaining pervious areas of the lot shall be maintained with a vegetative cover.
- D. Lot area, lot width and impervious coverage requirements for any residential use permitted in this District shall be in accordance with adjacent residential district standards. Should more than one residential district be adjacent to said use, the more restrictive district provisions shall apply.

Section 1107. SETBACK REGULATIONS

Unless otherwise specified, each lot shall have front, side and rear yards of not less than the depth or width indicated below:

- A. Front yard: Forty-five (45) feet measured from the centerline of the right-of-way.  
  
Exception: Where buildings exist in the same block on either side of the street, the setback line of the building to be constructed shall be provided in accordance with Section 2002.A herein.
- B. Side yards: Fifteen (15) feet.
- C. Rear yard: Forty (40) feet.
- D. Interior yards (Open space between principal structures): Interior yards shall be provided in accordance the below requirements:
  - 1. When front to front, rear to rear, or front to rear, parallel structures shall have fifty (50) feet between faces for one (1) story in height, plus five (5) feet for each additional story. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10) feet at one end if increased by similar or greater distances at the other end. Where service drives or bank grade changes or collector walks are introduced in this space, the distance between structures shall be at least fifty (50) feet.
  - 2. End to end, a distance of twenty-five (25) feet between structures for a one (1) story structure plus five (5) feet additional for each story in excess of one.
  - 3. End to front, or end to rear, a distance of thirty (30) feet between structures for each one (1) story structure plus five (5) feet additional for each story in excess

- of one.
- 4. When adjacent structures differ in the number of stories, the required distance between structures shall be calculated on the taller of the structures.
- E. Accessory buildings and structures shall provide front, side, and rear yards in conformance with the setbacks set forth for principal structures herein.
- F. Buffer yards/screen plantings shall be provided in accordance with Section 1707 herein.
- G. When located adjacent to agricultural uses, shade trees shall not be planted closer than ten (10) feet to the affected property line.

Section 1108. OFF-STREET PARKING/ACCESS AND LOADING/UNLOADING

Off-street parking/access and loading/unloading shall be provided in accordance with Article XIX herein and the applicable Subdivision and Land Development Ordinance.

## ARTICLE XII

### INDUSTRIAL VEHICULAR (IV) DISTRICT

#### Section 1201. INTENDED PURPOSE

The purpose of the Industrial Vehicular District is to provide areas where freight and trucking facilities may be created under conditions not adverse to surrounding properties.

#### Section 1202. PERMITTED USES

- A. Municipal facilities.
- B. Public utility and communication uses where operation requirements necessitate locating within the District.
- C. Signs, subject to all applicable provisions, procedures, and requirements of Article XVIII herein.
- D. Uses and buildings customarily accessory and incidental to any permitted use.
- E. No-impact home-based businesses, when proposed within existing non-conforming dwelling units.

#### Section 1203. SPECIAL EXCEPTIONS

The establishment and/or expansion of the following uses may be permitted by the Zoning Hearing Board pursuant to standards and criteria as set forth in Articles XXII and XXV herein.

- A. Transportation industries.
- B. Motor freight and truck terminals, including office facilities accessory to such use.
- C. Vehicular sales and service establishments.
- D. Lumber and coal yards, building material storage yards, contractor equipment and storage yards and wholesale and retail sales for each as an accessory use.
- E. Storage, warehousing and wholesaling establishments.
- F. Bus passenger stations.
- G. Processing and assembling facilities associated with motor freight and truck terminals.
- H. Outside storage and display when accessory to a permitted use.
- I. Any other use and its accessory uses or buildings which, in the opinion of the Zoning Hearing Board, are of the same general character as any of the above.
- J. Large manure digesters.
- K. Large solar energy production facilities.
- L. Large wind energy production facilities.

#### Section 1204. PERFORMANCE STANDARDS

- A. All uses shall be conducted in accordance with Performance Standards as set forth in Section 1704 herein.

#### Section 1205. HEIGHT REGULATIONS

- A. The height of a principal structure shall not exceed forty (40) feet, except that height may be increased by special exception to fifty (50) feet, provided that setback is at least equal to height.
- B. The height of an accessory structure shall not exceed twenty-four (24) feet.

#### Section 1206. LOT AREA, LOT WIDTH AND MAXIMUM COVERAGE REGULATIONS

- A. Unless otherwise specified herein, minimum lot area and width shall be based upon required setbacks, maximum impervious coverage, parking, loading/unloading, buffer yard/screening, on-lot well and septic system requirements, and other applicable standards.
- B. Maximum impervious coverage: No more than sixty percent (60%) of the area of the lot shall be covered by impervious surfaces including all buildings, parking facilities, and pedestrian ways.
- C. All remaining pervious areas of the lot shall be maintained with a vegetative cover.
- D. Lot area, lot width and impervious coverage requirements for any residential use permitted in this District shall be in accordance with adjacent residential district standards. Should more than one residential district be adjacent to said use, the more restrictive district provisions shall apply.

Section 1207. SETBACK REGULATIONS

Unless otherwise specified, each lot shall have front, side and rear yards of not less than the depth or width indicated below:

- A. Front yard: Seventy-five (75) feet measured from the centerline of the right-of-way.
- B. Side yards: Twenty-five (25) feet.
- C. Rear yard: Twenty-five (25) feet.
- D. Interior yards (Open space between principal structures): Interior yards shall be provided in accordance the below requirements:
  1. When front to front, rear to rear, or front to rear, parallel structures shall have fifty (50) feet between faces for one (1) story in height, plus five (5) feet for each additional story. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10) feet at one end if increased by similar or greater distances at the other end. Where service drives or bank grade changes or collector walks are introduced in this space, the distance between structures shall be at least fifty (50) feet.
  2. End to end, a distance of twenty-five (25) feet between structures for a one (1) story structure plus five (5) feet additional for each story in excess of one.
  3. End to front, or end to rear, a distance of thirty (30) feet between structures for each one (1) story structure plus five (5) feet additional for each story in excess of one.
  4. When adjacent structures differ in the number of stories, the required distance between structures shall be calculated on the taller of the structures.
- E. Accessory buildings and structures shall provide front, side, and rear yards in conformance with the setbacks set forth for principal structures herein.
- F. Buffer yards/screen plantings shall be provided in accordance with Section 1707 herein.
- G. When located adjacent to agricultural uses, shade trees shall not be planted closer than ten (10) feet to the affected property line.

Section 1208. OFF-STREET PARKING/ACCESS AND LOADING/UNLOADING

Off-street parking/access and loading/unloading shall be provided in accordance with Article XIX herein and the applicable Subdivision and Land Development Ordinance.

ARTICLE XIII

MINERAL RECOVERY (MR) DISTRICT

Section 1301. INTENDED PURPOSE

The regulations for this District are intended to provide suitable areas for mineral recovery activities. This District is also suited for many of the uses which are permitted in the Agricultural District.

Section 1302. PERMITTED USES

Any use specifically listed as a "permitted use" in the Agricultural District with the exception of single family detached dwellings and "second dwellings" as defined in Section 402.A. Such uses shall be subject to all applicable conditions and requirements contained in this Ordinance.

Section 1303. SPECIAL EXCEPTIONS

The establishment and/or expansion of the following uses may be permitted by the Zoning Hearing Board pursuant to standards and criteria as set forth in Articles XXII and XXV, herein.

- A. Any use specifically listed as a "special exception" in the Agricultural District with the exception of accessory apartments, conversion apartments, echo housing, schools, bed and breakfast establishments, and churches or similar places of worship. Such uses shall be subject to all applicable conditions and requirements as contained in this Ordinance.
- B. Mineral recovery in accordance with the following.
  - 1. All gates shall be locked when the establishment is not in operation.
  - 2. All side walls of the excavated area shall slope at an angle not to exceed standards as set forth by the Pennsylvania Department of Environmental Resources.
  - 3. No materials or wastes shall be deposited upon a lot in such a form or manner that it may be transferred off the lot by natural forces, nor shall any potential water contaminating substance be allowed to enter any wetland, stream or watercourse.
  - 4. Operations shall be conducted in compliance with performance standards of Section 1704, and other applicable standards established herein.
  - 5. All activities and facilities shall be operated, maintained and restored in accordance with applicable State and Federal laws and regulations.

Section 1304. HEIGHT, DIMENSIONAL, IMPERVIOUS COVERAGE, AND SETBACK REGULATIONS

All uses shall be subject to the height, dimensional, impervious coverage, and setback regulations of the Agricultural District except that mineral recovery operations also shall be subject to the following.

- 1. The mineral recovery operation shall not be located within one hundred (100) feet of any public rights-of-way.
- 2. The operation shall not be located within three hundred (300) feet of any property currently occupied or zoned for residential uses, and shall be screened and buffered in accordance with Section 1707 herein.

3. The operation shall not be located within one hundred (100) feet of an existing watercourse, waterway, or body of water.

Section 1305. OFF-STREET PARKING/ACCESS

Off-street parking/access and loading/unloading shall be provided in accordance with Article XIX herein and the applicable Subdivision and Land Development Ordinance, as amended.

ARTICLE XIV

Reserved.



ARTICLE XV

FLOODPLAIN MANAGEMENT

Section 1501. All Uses and Structures to Comply with Floodplain Requirements.

All uses and structures throughout the Township shall comply with all applicable floodplain requirements, including without limitation those set for the in the East Earl Township Floodplain Ordinance, Ordinance No. 197 of 2016, as may be amended from time to time, the terms of which are incorporated herein by reference as if fully set forth.

ARTICLE XVI

RESIDENTIAL ACCESSORY USE REGULATIONS

Section 1601. INTENDED PURPOSE

It is the intent of these requirements that certain residential accessory uses be regulated for the purpose of protecting the public health, safety, and welfare.

Section 1602. DETACHED PRIVATE GARAGES AND OTHER ACCESSORY BUILDINGS

- A. General. When an existing or proposed dwelling in a non-agricultural zoning district is located within one hundred (100) feet or less from the street right-of-way line, no accessory building other than a detached private garage shall be permitted between the minimum building setback line and the front wall of the dwelling.
- B. Detached Private Garages. Detached private garages shall be permitted in any zoning district provided the following requirements are met:
  - 1. One (1) detached private garage may be constructed on any residential lot.
  - 2. No temporary structure shall be permitted.
  - 3. No structure shall be permitted between the building setback line and the street right-of-way line.
  - 4. No structure shall be located within the minimum side yard of the prevailing district.
  - 5. No structure shall be located within ten (10) feet of the rear property line.
  - 6. The lot coverage requirement of the respective zoning districts shall be met.
- C. Other Residential Accessory Buildings - In addition to the construction of one (1) detached private garage as indicated above, other residential accessory buildings shall be permitted in any zoning district on any residential lot in excess of fifteen thousand (15,000) square feet. The total floor area for all accessory buildings not used exclusively as a detached private garage or for a horse and carriage barn as permitted below shall not exceed one thousand, two hundred (1,200) square feet, provided that the lot coverage requirement of the underlying zoning district is met. The following additional requirements shall apply:
  - 1. Residential Accessory Buildings Exceeding Two Hundred and Eighty-Eight (288) Square Feet:
    - a. Minimum distance between buildings - fifteen (15) feet
    - b. Maximum height – twenty-four (24) feet.
    - c. No structure shall be within ten (10) feet of any property line.
    - d. No structure shall be permitted between the building setback line and the street right-of-way.
  - 2. Accessory storage sheds not exceeding twelve feet by twenty-four feet (12' X 24'), or two hundred and eighty-eight (288) square feet, or a height of fourteen (14) feet shall conform to the following:
    - a. No accessory storage shed shall be located between the front wall of the principal building and the street right-of-way of the subject parcel.
    - b. The shed shall be located at least four (4) feet from the side and rear property line.
    - c. A residential lot of ten thousand (10,000) square feet or less may have one (1) shed in accordance with the above size and area requirements.

No more than two (2) such sheds shall be permitted on any other residential lot. In addition, the total square footage of sheds on any lot shall not exceed six hundred (600) square feet, and the lot coverage requirements shall be maintained at all times.

3. Horse and carriage barns - Horse and carriage barns are subject to the below requirements and are permitted for the sole purpose of stabling horses and storing carriages used as a means of primary transportation:
  - a. The building footprint for a horse and carriage barn shall not exceed two thousand, four hundred (2,400) square feet.
  - b. Minimum distance between buildings - twenty (20) feet.
  - c. Maximum height - thirty (30) feet.
  - d. No horse and carriage barn shall be within twenty (20) feet of any property line.
  - e. No horse and carriage barn shall be permitted between the building setback line and the street right-of-way.
  - f. Any fence designed to contain carriage horses shall be no closer than ten (10) feet from the neighboring property line.
  - g. The owner of the large domestic animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, odor or insect infestation.
  - h. Commercial and/or industrial uses of the horse and carriage barn are not permitted.
4. Carports - A carport, open on at least three (3) sides, may be erected within one of the side yards when attached to a main building existing at the effective date of this Ordinance, provided the carport shall be not less than five (5) feet from the side lot line.
5. Detached residential accessory buildings having a maximum gross floor area of one hundred and twenty (120) square feet or less are permitted on lots containing semi-detached and multiple-family dwellings provided that:
  - a. They are located no closer to the front lot line than the rear wall of the principal building,
  - b. They are located a minimum of three (3) feet from any side property line formed by a building party wall, and
  - c. They are located four (4) feet from the rear property line.
- D. Agricultural Accessory Buildings. Agricultural accessory buildings located on a farm of ten (10) or more acres shall be subject to the setback and height requirements of the respective underlying zoning district.
- E. Detached Accessory Buildings On Non-Conforming Lots. On existing lots of record held in single and separate ownership where the existing lot width is less than the minimum lot width required in the prevailing zoning district, the required side yards of an accessory building shall either be met or be determined by the Zoning Hearing Board upon application for a variance.

#### Section 1603. ANIMALS AND ANIMAL SHELTERS

The following standards shall apply within all zoning districts for the keeping of animals on parcels of land containing less than ten (10) acres. However, these standards shall not be interpreted as applying to animal hospitals, kennels and veterinary clinics.

- A. It is permitted to maintain up to two (2) each of dogs and cats and litters of puppies or

kittens up to six (6) months in age as domestic animals provided the following conditions are met:

1. Maintaining dogs and cats shall be on a non-commercial basis.
2. The area within which a shelter and/or exercise pen is maintained must be suitably enclosed and located in the rear yard at least fifteen (15) feet from any lot line, and is not closer than fifty (50) feet to the nearest dwelling other than that of the owner.
3. The area within which a shelter and/or exercise pen is maintained shall be kept in suitable cover and shall not be allowed to degrade to an erodible condition.
4. The owner of the animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.

B. It is permitted to maintain small domestic animals up to a total of twelve (12). For every parcel greater than two (2) acres in area, this number may be increased in increments of four (4) animals per acre provided the following conditions are met:

1. Maintaining small domestic animals shall be within the rear yard area.
2. Maintaining small domestic animals shall be on a non-commercial basis and be strictly as an incidental use.
3. The area around which small domestic animals are kept shall be enclosed by a fence designed for containment.
4. Such fence shall be at least fifty (50) feet from any lot line and not closer than one hundred (100) feet to the nearest dwelling other than that of the owner.
5. The area within which small domestic animals are maintained shall be kept in a suitable cover and shall not be allowed to degrade to an erodible condition.
6. The owner of the small domestic animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.

For the purposes of this sub-section, small domestic animals shall include animals such as rabbits, and guinea pigs, and fowl such as chickens, turkeys, geese, ducks, pigeons, pheasants, and game birds.

C. The ownership of large domestic animals, with the exception of carriage horses, shall not exceed two (2) fully-grown animals per acre provided the following conditions are met:

1. Maintaining large domestic animals shall be within the rear yard area.
2. Maintaining large domestic animals shall be on a non-commercial basis and be strictly as an incidental use.
3. The area within which large domestic animals are kept shall be enclosed by a fence designed for containment.
4. No building, corral or stable shall be closer than one hundred (100) feet to the nearest dwelling other than that of the owner.
5. The area within which large domestic animals are maintained shall be kept in a suitable grass cover and shall not be allowed to degrade to an erodible condition.
6. The owner of the large domestic animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, odor or insect infestation.

For the purposes of this sub-section, large domestic animals shall include animals of the bovine, equine, swine, goat, and sheep families and deer.

D. Carriage horses are animals that are kept for the sole purpose of providing primary transportation for its owners via a carriage or "buggy". The owner of carriage horses

shall comply with the following:

1. The number of carriage horses permanently maintained shall not exceed two (2) per carriage.
2. Maintaining carriage horses shall be within a fully enclosed building located within the rear yard area of the lot. The fully enclosed building may be utilized for the sheltering of additional carriage horses of visitors and guests, provided that the total floor area of the proposed building not exceed one thousand, two hundred (1,200) square feet.
3. When a grazing area is provided, it shall be fully enclosed by a fence that shall be no closer than ten (10) feet from the neighboring property line.
4. The owner shall provide a suitable plan for the disposal of animal waste.
5. No building, corral or stable shall be closer than one hundred (100) feet to the nearest dwelling other than that of the owner.
6. The owner of the carriage horse(s) shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, odor or insect infestation.

Section 1604. FENCES AND WALLS

- A. Permits shall be required for all residential fences.
- B. No permanent fence or wall shall be erected which is over six (6) feet in height, and no closed fence or wall exceeding three and one-half feet (3 1/2') in height shall be erected between the front wall of any building and the abutting street unless higher screening or fencing is required by other provisions of this Zoning Ordinance.
- C. A fence may be located on the property line provided that the permit applicant provides a statement from all abutting property owners indicating that the fence location and design is acceptable. In the absence of such a statement, the fence shall be at least six (6) inches from the property line.
- D. Fences and walls shall meet clear sight triangle requirements for vehicles entering or exiting the property.
- E. No above-ground electrified or barbed wire fencing shall be permitted between two (2) non-farm properties.

Section 1605. Reserved.

Section 1606. PARKING AREA RESERVATION

- A. All off-street parking areas shall be reserved and used for automobile parking only, with no sales, storage or dismantling of any kind on residential dwelling lots.
- B. Automotive vehicles or recreational vehicles of any kind or type without current license plates shall not be parked or stored other than in completely enclosed accessory buildings.
- C. The parking of one (1) commercial vehicle with no more than two (2) axles is permitted by the property owner/operator for his livelihood for a business not conducted on the premises. This vehicle shall not be parked within any Township right-of-way. The commercial vehicle shall not be operable in any manner which creates noise, odor, dust, dirt, or glare perceptible at the property line.
- D. One (1) recreational vehicle only is permitted to be stored on a property and is not to be used for sleeping, recreational, or living purposes at any time.
- E. No boats, campers, recreational vehicles, trailers, and/or trucks with more than two (2) axles (except personal pickup trucks) shall be stored within any front yard area.
- F. The outdoor storage of any disabled vehicle on a residential lot is prohibited unless it is intended for use, restoration or removal within one (1) year/month from the date upon which the vehicle was deemed disabled. Any such vehicle shall not be located within the front yard area of any property.

Section 1607. ACCESSORY REPAIR OF PERSONAL MOTOR VEHICLES

The routine maintenance, repair and servicing of personal motor vehicles, owned and/or leased by the person performing such services, is permitted, subject to the following:

- A. All vehicles shall be maintained with proper licensure.
- B. All work shall be performed on the vehicle owner's (lessee's) property of residence.
- C. Work conducted outside of a wholly-enclosed building shall be completed within 48 hours and shall be limited to the following:
  - 1. Servicing and replacement of spark plugs, batteries, distributors and distributor parts.
  - 2. Repair and replacement of tires and wheels, excluding re-capping or regrooving.
  - 3. Replacement of water hoses, fan belts, brake fluids, transmission fluid, oil filters, air filters, oil, grease, light bulbs, fuses, floor mats and carpeting, seat covers, seat belts, windshield wipers, mirrors, and engine coolants.
  - 4. Repair and replacement of car radios, sound systems, amplifiers, and speakers.
  - 5. Cleaning and flushing of radiators only when flushed into a water-tight catch basin and properly disposed of.
  - 6. Repair and replacement of fuel pump, oil pump and line repairs.
  - 7. Minor servicing and adjustment of carburetors.
  - 8. Minor motor adjustments not involving the removal of the motor head or crank case, nor the revving of the motor.
  - 9. Minor body repairs, excluding the replacement of body parts, the complete repainting of the body and the application of undercoating.
  - 10. Cleaning of all exterior and interior surfaces, including washing, shampooing, vacuuming, rubbing, polishing, waxing, and the application of paint sealants.
- D. All by-product or waste fuels, lubricants, chemicals, and other products shall be properly disposed of.
- E. All such activities shall be conducted during daylight hours and so as not to disturb neighboring residents owing to noise.

Section 1608. LIGHTING REQUIREMENTS

All illumination on any residential lot or farm operating in a residential zoning district, including yard lighting and security lighting, shall be shielded so as not to produce light upon abutting properties.

Section 1609. SITE IMPROVEMENTS AND SURFACE WATER RUNOFF

Site improvements on any residential lot or farm operating in a residential zoning district, including accessory structures, driveways and off-street parking facilities, patios, paved terraces, open porches, swimming pools, and landscaping, shall be constructed and installed in a manner which does not obstruct, redirect, or intensify surface water runoff onto abutting properties.

All site improvements are subject to any and all applicable East Earl Township storm water management procedures and requirements.

Section 1610. SWIMMING POOLS - IN-GROUND AND ABOVE-GROUND

The requirements for swimming pools as accessory to a principal residential use are found Article XVII, Section 1717.

Section 1611. TENNIS COURTS

- A. All tennis courts shall be located within the side or rear yard area behind the front wall of the dwelling. Tennis courts shall be setback at least fifteen (15) feet from side and rear property lines.
- B. A permanent open mesh fence of no greater than ten (10) feet in height shall be provided behind each baseline. This fence shall be parallel to the baseline and at least ten (10) feet beyond the playing surface unless the entire court is enclosed.
- C. Lighting fixtures, if provided, shall not create objectionable glare on abutting properties.

Section 1612. SATELLITE DISH ANTENNAS

- A. Satellite dish antennas shall be located within the side and rear yard area, with the exception that an antenna may be located along the front wall of a dwelling, provided that it shall not extend beyond the edge of the roof.
- B. Satellite dish antennas shall not be located closer than ten (10) feet from side and rear property lines.
- C. No more than one (1) satellite dish antenna shall be permitted per dwelling unit.

Section 1613. ALTERNATIVE ENERGY SOURCES - WIND ASSISTED AND SOLAR ENERGY FACILITIES AND FUEL CELLS

In addition to those applicable provisions found in Sections 2205.BBB and 2205.CCC, the following requirements apply to Alternative Energy Sources when accessory to a principal residential use.

- A. Wind assisted energy conversion facilities, constructed for the purpose of pumping water and/or generating electricity, shall not be permitted in the front yard area of any property. Height regulations do not apply to these facilities provided the height of the structure is not greater than the shortest horizontal distance to any lot line or adjacent building.
- B. Solar energy units shall be permitted on any residential lot and are subject to the requirements of the respective zoning district.
- C. Alternative energy sources other than wind or solar assisted or fuel cells shall be subject to approval of a special exception by the Zoning Hearing Board.

Section 1614. GARAGE/YARD AND PRIVATE VEHICLE SALES

Within any zone, an owner and/or occupant of any dwelling may conduct no more than two (2) garage/yard sales within a twelve (12) month period subject to the below conditions and a permit obtained from the Zoning Officer.

- A. No garage or yard sale shall be conducted for a period longer than two (2) consecutive days.
- B. Garage/yard sales may offer for sale only the individual property owner's personal possessions. No import or stocking of inventory shall be permitted.
- C. Signs for garage/yard sales shall be limited to a four (4) square foot sign advertising such sale. The sign must be located upon the premises where the sale occurs and shall be removed promptly upon the completion of the sale.
- D. In no case shall any aspect of the garage/yard sale be conducted within any street right-of-way. Additionally, vehicular parking at any garage/yard sale shall not occur in a manner which obstructs or hinders vehicles passing the garage/yard sale site.
- E. Private vehicle sales shall include the sale of any vehicle requiring licensing by the Commonwealth of Pennsylvania, recreational vehicles or machinery. No more than one (1) private vehicle may be displayed at any given time on a residential lot and be offered for sale, and such vehicle offered for sale shall be owned by a resident of the residential lot.

ARTICLE XVII  
GENERAL REGULATIONS

Section 1701. INTENDED PURPOSE

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

Section 1702. RIGHT-TO-FARM PROVISIONS

- A. In order to protect and encourage the development and improvement of farmland within the Township for the production of food and other agricultural products, this Ordinance strives to protect and encourage a positive agricultural business climate by protecting commercial farms, operated in accordance with acceptable methods and techniques of agricultural production, from nuisance actions.
- B. Commercial farms or agricultural uses within the Agricultural District which conform to acceptable agricultural management practices and which do not pose a threat to public health and safety shall not constitute public or private nuisances.
- C. Any agricultural use or activity which conforms to acceptable agricultural management practices when reasonable and necessary for the operation of a commercial farm or agricultural use may occur on holidays, Sundays, and weekdays, at night or during the day, subject to the restrictions herein, state and Township health and sanitary codes, and state and federal environmental regulations.
- D. Agricultural activities and uses protected by these provisions include, but are not limited to, production, harvesting, marketing of crops, plants or animals; the use and application of techniques and methods of soil preparation and management; fertilization; weed, disease and pest control; disposal of farm waste; irrigation, drainage and water management; and grazing.
- E. Residents are hereby notified that there will be noise, dust, odors, and vectors which result from normal farming and agricultural practices and that these will be noticeable within the Agricultural District.
- F. In all Districts, when located adjacent to agricultural uses, shade trees shall not be planted closer than ten (10) feet to the affected property line.

Section 1703. AGRICULTURAL USES

Agricultural uses shall comply with the following provisions:

- A. No farm building or any other outbuilding other than a dwelling shall be constructed closer than fifty (50) feet to any property line.
- B. All grazing or pasture areas utilized for agricultural purposes shall be fenced.
- C. No slaughter area or manure storage pits shall be established closer than two hundred fifty (250) feet to any property line. Manure storage pits may be placed in a front yard by special exception. All designs of manure storage pits, tanks or related facilities and the application of manure on land is subject to the approval of the Department of Environmental Protection and adherence with its regulations concerning manure storage and management.
- D. Composting
  - 1. On-Site composting shall be limited for use on the premises on which the manure component for the compost is generated and produced. The compost process is strictly limited to manure which is generated on the farm excepting only that carbon material may be obtained from a source off the farm in a quantity limited to the least amount necessary to compost the manure produced on the farm;



provided no garbage or dead animals shall be a carbon material obtained from a source off the farm. In no instance shall earthen manure storage facilities be permitted.

2. Commercial composting is prohibited.
3. All organic materials to be used in on-site composting shall be stored under a roof and all on-site composting shall be performed having impervious flooring with drainage and suitable protection so as to insure that there is no runoff from said structure onto surrounding lands and all composting shall be performed in accordance with the procedures and safety standards established by all state and federal agencies, including the Pennsylvania Department of Agriculture and the Pennsylvania Department of Environmental Protection.

#### Section 1704. PERFORMANCE STANDARDS

All uses shall comply with the requirements of this Section. Compliance shall be determined by the Zoning Officer with respect to permitted uses, by the Zoning Hearing Board with respect to special exceptions. Applicant at all times retains the burden of proving compliance. In order to determine whether a proposed use will conform to the requirements of this Ordinance, the Township may obtain a qualified consultant's report, whose cost for services shall be borne by the applicant.

- A. Vibration: Vibrations detectable without instruments on neighboring properties in any district shall be prohibited, with the exception of temporary vibrations associated with new construction.
- B. Air Pollution: No pollution of air by flyash, dust, vapors, or other substance shall be permitted which is harmful to health, animals, vegetation or other property or can cause soiling of property.
- C. Fire and Explosives Protection: Fire protection and firefighting equipment, acceptable to the Board of Fire Underwriters, shall be readily available for any activity involving the handling or storage of flammable or explosive materials.
- D. Glare and Heat:
  1. Lighting devices which produce objectionable direct or indirect glare on adjoining properties or thoroughfares shall not be permitted.
    - a. Direct glare is defined for purposes of this Ordinance as illumination beyond property lines caused by direct or specularly reflected rays from incandescent, fluorescent, or arc lighting, or from such high temperature processes as welding, petroleum or metallurgical refining. No such direct glare shall be permitted with the exceptions that parking areas and walkways may be illuminated by luminaries so hooded or shielded that the maximum angle or the cone of direct illumination shall be sixty (60) degrees drawn perpendicular to the ground, with the exception that such angle may be increased to ninety (90) degrees if the luminary is less than four (4) feet above the ground. Such luminaries shall be placed not more than sixteen (16) feet above ground level.
    - b. Indirect glare is defined for the purposes of this Ordinance as illumination beyond property lines caused by diffuse reflection from a surface such as a wall or roof of a structure.
    - c. Parking, loading, ingress and egress areas of all non-residential uses intended to be utilized at night shall be provided with a minimum of 0.75 foot-candles at any point. For residential off-street parking facilities containing more than four (4) spaces, all parking, ingress and egress areas shall be provided with a minimum of 0.5 foot-candles at any point.
    - d. Deliberately induced sky-reflected glare, as by casting a beam upward for advertising purposes, is specifically prohibited.

2. There shall be no emission or transmission of heat or heated air that is discernible at the lot line.
- E. Non-Radioactive Liquid or Solid Wastes: There shall be no discharge at any point into any public or private sewage disposal system or stream, or into the ground of any liquid or solid materials except in accordance with the laws and regulations of the United States, Commonwealth of Pennsylvania, Lancaster County and Township of East Earl.
  - F. Radioactivity or Electrical Disturbances: No activity shall emit radioactivity at any point or cause electrical disturbance adversely affecting the operation of radio or other equipment in the vicinity.
  - G. Noise: Noise which is determined to be objectionable due to volume, frequency or beat shall be muffled or otherwise controlled, with the exception of fire sirens and related apparatus used solely for public purposes. Noise in excess of ninety (90) decibels, as measured on a decibel or sound level meter of standard quality and design operated on the A-weighted scale at a distance of twenty-five (25) feet from any property line of the property from which the noise source is located, shall not be permitted.
  - H. Odors: No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property with the exception of such odors associated with common farming practices.
  - I. Smoke: The maximum amount of smoke emission permitted shall be determined by the use of the Standard Ringlemann Chart issued by the U.S. Bureau of Mines. No smoke of a shade darker than No. 2 shall be permitted.
  - J. Erosion: No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties. Any earth disturbance activity shall be conducted in accordance with the East Earl Township Storm Water Management Ordinance, as amended, and the applicable Subdivision and Land Development Ordinance, as amended.
  - K. Water Pollution: Water pollution shall be subject to the standards established by the Pennsylvania Department of Environmental Resources.
  - L. Trash Service: Trash receptacles shall be provided appropriate to the scale and intensity of the use conducted on the premises. Removal of trash shall occur on a regular basis, but in no case shall the removal of trash from the premises exceed eight (8) calendar days in regularity.
  - M. Nuisances: All uses shall conform to the Township's prevailing Nuisance Ordinance (Ordinance #183-2013) as may be amended from time to time.

#### Section 1705. HEIGHT REGULATIONS

- A. The maximum permitted height for all principal and accessory buildings is indicated in the requirements for each individual zoning district.
- B. Height regulations shall not apply to spires, belfries, cupolas, or domes not used for human occupancy; not to chimneys, ventilators, skylights, water tanks, utility poles or towers, solar collectors, and ornamental or necessary appurtenances.

#### Section 1706. STEEP SLOPE PROVISIONS

In all districts, development or earth moving activities occurring on tracts of eight percent (8%) or greater slope shall be required to meet the following additional standards:

- A. A map showing slope intervals of 8% to 15%, 15% to 25%, and over 25% shall be submitted.
- B. Average Slope Exceeding:
  1. 8% to 15%: No more than forty percent (40%) of such tracts shall be altered, regraded, cleared, or built upon.

2. 15% to 25%: No more than thirty percent (30%) of such tracts shall be altered, regraded, cleared, or built upon.
3. Over 25%: No more than fifteen percent (15%) of such tracts shall be altered, regraded, cleared, or built upon.

C. Calculating Average Slope:

The following formula shall be used in conjunction with a contour map to determine the average slope of a tract:

$$S = \frac{.0023 \times I \times L}{A}$$

S = Average slope of subject parcel.

.0023 = Conversion factor of square feet to acres.

I = Contour interval (distance between contour lines on the map).

L = Total length of the contour lines within the subject parcel.

A = Area in acres of subject parcel (excluding areas with slopes greater than 25% or more).

Section 1707. BUFFER YARDS AND SCREEN PLANTINGS

A. Buffer Yards

1. Unless otherwise provided, where a commercial or industrial use adjoins a residential, conservation open space, and agricultural district and where a multi-family use adjoins a single-family residential use, a buffer yard of not less than twenty five (25) feet in width shall be provided along the lot lines in addition to the yard required for the district in which it is located.
2. If a front yard is provided, the buffer yard may coincide with the front yard.
3. All buffer yard areas shall be planted and maintained with a native vegetative material as set forth in Section 1707.B.6, below, and where required for multi-family, commercial and industrial uses, a screen planting shall be planted and maintained to the full length of side and rear lot lines which do not abut streets.
4. All buffer yards shall be planted with grass or ground cover, and where required, a dense screen planting. Buffer yards shall be maintained and kept free of all debris and rubbish.
5. No structure, manufacturing or processing activity, or storage of materials shall be permitted in buffer yards. However, access roads, service drives, and utility easements not more than thirty-five (35) feet in width are permitted to cross a buffer yard provided that the angle of the centerline of the road, drive, or easement crosses the buffer yard at an angle not less than sixty (60) degrees.
6. No parking shall be permitted in buffer yards.
7. Prior to the issuance of a building permit, plans for buffer yards shall be submitted for review and recommendation by the Zoning Officer as either part of the subdivision and land development plat approval process or site plan approval process. Said plans shall show the arrangements of all of the buffer yards and the placement, species, and size of all plant materials to be placed in such buffer yard. Said plan must be reviewed by the Planning Commission and approved by the Board of Supervisors before a building permit may be issued.

B. Screen Plantings

Where required, screen plantings shall be located in the exterior portion of the required buffer yards and shall be in accordance with the following requirements:

1. Plant materials used in screen planting shall be at least six (6) feet in height when planted, and be of suitable vegetation in order to produce, within three (3)

years, a complete year-round visual screen of at least six (6) feet in height and within fifteen (15) feet of the property line;

2. The screen planting shall be maintained permanently and any plant material which does not live shall be replaced within one (1) year;
3. The screen planting shall be so placed that at maturity, it will not be closer than three (3) feet from any ultimate right-of-way or property line;
4. A clear sight triangle shall be maintained at all street intersections and at all points where vehicular access ways intersect public streets;
5. The screen planting shall be broken only at points of vehicular or pedestrian access;
6. The Township encourages the use of native plant materials in the establishment of buffer yards and screen plantings. However, the following plant materials shall not be used in the establishment of buffer yards unless they are already existing as set forth in Section 1707.B.7 below:
  - a. Poplars - all varieties
  - b. Willows - all varieties
  - c. White or Silver Maple (Acer Saccharinum)
  - d. Aspen - all varieties
  - e. Common Black Locust
  - f. Ash – all varieties
7. Wherever possible, natural vegetation shall be maintained as the required screening material. Natural earth berming of at least six (6) feet in height may be included as part of the screening requirement.
8. Screen plantings shall be provided between the property line and any off-street parking area and any outdoor solid waste storage area for any multifamily, townhouse, commercial or manufacturing use where the parking or solid waste disposal area abuts a residential zoning district or a lot occupied by a residential use.
9. All outdoor storage of material, excluding display areas as defined herein, firewood, or materials primarily used for agricultural purposes, shall be completely screened from view from any public street right-of-way and any residential district which abuts the lot or tract.
10. Any existing multi-family, commercial or industrial use shall not be required to comply with the screening requirements except in case of enlargement or exterior alteration of same.

#### Section 1708. OBSTRUCTION TO VISION

- A. On any corner lot, no wall, fence, or other structure shall be erected or altered, and no hedge, tree, shrub, crops, or other growth shall be maintained which may cause danger to vehicles or pedestrians on a public road by obscuring the view.
- B. Visual obstructions shall be limited to a height of not more than three (3) feet or less than ten (10) feet above the street grade, excepting the trunks of street trees or other ornamental trees whose foliage is kept trimmed to a height of ten (10) feet above the street grade.
- C. The area to be kept free of encroachment shall form a triangle with a line of sight between points measuring one hundred (100) feet from the centerline intersection of the adjacent streets.

#### Section 1709. NON-RESIDENTIAL FENCES AND WALLS

- A. Fences and walls may be erected, altered and maintained within the yards, excluding required buffer yards, provided that any such fence or wall in the front yard shall not exceed three and one-half (3½) feet in height; and any fence or wall in the side or rear

yard may be a maximum of eight (8) feet in height. Furthermore, any fence or wall exceeding six (6) feet in height shall contain openings therein equal to fifty percent (50%) of the area of that portion of the wall or fence exceeding six (6) feet. Retaining walls, constructed to hold back or support an earthen berm, shall be exempted from said height standards.

- B. Fences and walls may be erected along established property lines only if a written agreement exists between affected property owners, addressing maintenance of the fence and location of actual property lines. If no agreement exists, a fence or wall may be erected no less than one foot (1') from the established property line.
- C. Fences and walls on farms as defined herein may be erected, altered and maintained at the established property line. A concrete or solid wooden wall must be setback twenty-five (25) feet from the centerline of the road.
- D. All yards used for the storage of any material needed for the operation or conduct of a manufacturing or commercial enterprise shall be enclosed by a solid wall, uniformly painted board fence, chain link fence in conjunction with a screen planting or screen planting on all sides which face upon a street or face upon a lot in any district, other than manufacturing or commercial districts.

#### Section 1710. OUTDOOR STORAGE

- A. Outdoor stockpiling. In all zoning districts, no outdoor stockpiling of any material or outdoor storage of trash is permitted in the front yard. In any residential zone, the outdoor stockpiling of materials, not considered "junk" as defined herein, (except firewood for personal use) for more than one (1) year, is prohibited.
- B. Trash, garbage, refuse or junk. Unless otherwise specifically permitted by other sections of this Zoning Ordinance, the outdoor accumulation of trash, garbage, refuse, or junk for a period exceeding fifteen (15) days is prohibited.
- C. The storage of any disabled vehicle on a residential lot is prohibited unless it is intended for use, restoration or removal within one (1) year from the date upon which the vehicle was deemed disabled. Any such vehicle shall not be located within the front yard area of any property.
- D. When outdoor storage is permitted it shall be provided with a dustless gravel or paved surface.
- E. The outdoor storage area shall be completely enclosed by fence and screened and buffered in compliance with Section 1707.
- F. The outdoor storage shall not be located within the required clear sight triangle in accordance with the East Earl Township Subdivision and Land Development Ordinance.
- G. The outdoor storage shall not block driveway access or parking areas.

#### Section 1711. ~~ERECTION OF MORE THAN ONE (1) PRINCIPAL STRUCTURE ON A LOT~~ Reserved.

- ~~A. Single family detached dwellings. In any district where single family detached dwellings are permitted by right or by special exception, one (1) additional single family detached dwelling is permitted in addition to the existing principal units subject to the following provisions:
  - 1. The yard and other requirements of the applicable zoning district shall be met for the additional dwelling as though it were on an individual lot, and the dwelling meets the requirements of all applicable ordinances.
  - 2. Water and sewage disposal facilities shall be approved by required Township and State sanitation officials and shall be completely separate from the principal dwelling facilities.~~

- ~~3. The building permit application shall be accompanied by either (1) evidence of the recording of a land development plan at the office of the Lancaster County Recorder of Deeds, or (2) notification from the applicable administrative body that a land development plan is not required for the additional principal structure.~~

Section 1712. PROHIBITED USE

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

Section 1713. ACCESS TO STRUCTURES

Every building hereafter erected or moved shall be on a lot adjacent to a public road or with guaranteed access to an improved private road. Driveways and access drives shall conform to the requirements of the East Earl Township Subdivision and Land Development Ordinance, and when applicable, the Welsh Mountain Official Street Map Ordinance.

Section 1714. STORAGE OF EXPLOSIVES

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

Section 1715 CLASSIFICATION OF ROADWAYS.

For purposes of this ordinance, the following roadway classifications shall govern:

Arterial Road:

U.S. Route 322

Minor Arterial Roads:

Route 23.

Major Collector Roads:

Route 897

Route 625

Minor Collector Roads:

Lancaster Avenue

Union Grove Road east of Terre Hill Borough

Vine Street/ Red Run Road

Local Collector Road:

East Earl Road.

Section 1716 PROJECTIONS IN YARDS.

Unenclosed ground-story terraces, patios, and porches may project into any required yard not more than one-half (1/2) its required dimension and not more than ten feet (10') in any case. Chimneys, flues, columns, sills and ornamental architectural features may project not more than two feet (2') into a required yard.

Section 1717: SWIMMING POOLS.

Swimming pools may be permitted as an accessory use in any district and shall comply with the following conditions and requirements.

- A. No swimming pool shall be permitted without a filtering system.
- B. No swimming pool shall be permitted unless it is enclosed by a permanent fence containing no vertical interspace of more than two (2) inches and having a self-closing gate which is at least four (4) feet in height and conforms to UCC regulations. This requirement shall not apply to above-ground pools having a wall measuring four (4) feet in height and having a retractable or removable ladder. A dwelling unit or an accessory building may be used as part of such enclosure. However, height requirements for a fence shall not apply to the building.
- C. No swimming pool, including any walks or paved areas or accessory structures, shall be closer than five feet (5') to any property line, nor shall it be nearer to any street line upon which any residence abuts than the existing setback line of the residence. In no case shall it be any closer than twenty feet (20') from any street line.
- D. No water from a pool shall be discharged onto any abutting property or any public street or alley.
- E. Any lights used in conjunction with the pool shall be shielded in such a manner to prevent glare on adjoining properties.
- F. All pool electricity must have a ground fault receptacle for protection.
- G. All pools shall conform to all applicable requirements of the Township's building code.
- H. Hot tubs, whirlpool baths and tubs and Jacuzzi-type tubs or baths shall not be considered swimming pools if located outdoors or designed to be located outdoors, and are provided with permanent outdoor water plumbing.
- I. Pools shall not be located over an on-lot septic system drain field.
- J. All materials used in the construction of pools shall be waterproof and so designed and constructed as to facilitate emptying and cleaning and shall be maintained and operating in such a manner as to be clean and sanitary at all times.

## ARTICLE XVIII

### SIGNS

#### Section 1801. GENERAL

Signs may be erected and maintained only when in compliance with the provisions of this Article and all other ordinances and regulations relating to the erection, alteration, or maintenance of signs and similar devices. Of particular importance, it should be noted that some signs are required to comply with the East Earl Township Scenic Byways Ordinance (No. 193-2015).

#### Section 1802. INTENDED PURPOSE

In expansion of the general purpose and community development objectives referenced in Article I of this Ordinance, the primary purposes of the sign regulations are as follows:

- A. To recognize that signs perform an important function in identifying properties, businesses, services, residences, events, and other matters of interest to the public.
- B. To set standards and provide controls that permit reasonable use of signs while restricting the potential adverse visual effects of signs on the character of the Township.
- C. To control the size, number, height, location, and illumination of signs to reduce potential hazards caused by glare or obstruction of visibility, and to reduce visual clutter that results from competition among signs.
- D. To encourage signs that are attractively designed in order to enhance the economic value as well as the visual character of the Township.
- E. To establish criteria to encourage signs that are compatible with their surroundings, appropriate to the type of activity to which they pertain, complementary to the architecture of the buildings involved, expressive of the identity of individual proprietors or of an integrated development's identity and easily readable in the circumstances in which they are seen.
- F. To not permit signs to become in any way a hazard to vehicular or pedestrian traffic either directly or indirectly by virtue of exposing a pedestrian to danger as a result of concealing the presence of a pedestrian to vehicular traffic.
- G. To regulate signs to minimize their negative impact on vehicular traffic. They must not cause excessive diversion of a driver's attention to the safe operation of his or her vehicle. They must not cause confusion on the part of the vehicle operator and they must not constitute any type of obstruction or distraction for the motoring public.
- H. To not allow signs to have a direct impact on property values. It is the intent of these regulations to insure that the impact is positive. A negative impact would not be in the best interest of the general welfare of the community.
- I. To encourage signs to convey the character of an area. It is the intent of these regulations to maintain signs that are appropriate to the various districts of the community, including but not limited to residential, commercial, industrial and recreational.
- J. To enhance the community aesthetics as a means to promote economic development. A positive visual environment will promote the economic health of a community which in turn serves the citizens of the community.
- K. To regulate signs so as not to cause an increase in traffic accidents.
- L. To regulate signs so as not to be so attention-getting that they result in drivers being distracted.

#### Section 1803. GENERAL REGULATIONS



- A. No sign shall be erected, enlarged or relocated until a permit for doing so has been issued by the Zoning Officer, unless said sign is specifically exempted from permitting requirements as indicated elsewhere in this Article.
- B. Permit applications shall be on forms prescribed by the Township. At a minimum, all permit applications shall include a scale drawing specifying dimensions, materials, illumination, letter sizes, specific content, colors, support systems, and location on land or buildings, with all relevant measurements, and when applicable be of sufficient detail to conform to the requirements of the building code.
- C. All signs shall reflect the general character of the neighborhood.
- D. The areas surrounding all signs shall be maintained in a neat, clean, and attractive condition.
- E. In addition to the other requirements of this Article, every sign must be constructed of durable materials, kept in good repair, and remain in compliance with other applicable State and local codes and ordinances.
- F. In addition to any other signs permitted by this Section, each commercial or industrial property may display one (1) corporate identity flag not to exceed thirty-five (35) square feet with a company or corporate identification logo on premise on an approved standard flagpole.
- G. Prohibited types of signs.
  - 1. Any sign advertising or identifying a business or organization which is either defunct or no longer located on the premises is not permitted. Exceptions are granted to Landmark or Historic Signs which may be preserved and maintained even if they no longer pertain to the present use of the premises.
  - 2. Temporary signs unless authorized elsewhere in this Article.
  - 3. Street banners, except in the case of civic or charitable nonprofit organizations.
  - 4. Any sign, except for traffic, regulatory or informational signs, that use the words "stop," "caution," or "danger," or shall incorporate red, amber, or green lights resembling traffic signals, or shall resemble "stop," or "yield" signs in shape or color.
  - 5. Signs which include statements, words or pictures that are considered to be vulgar, obscene or pornographic.
  - 6. Animated, flashing, rotating or oscillating signs, with the exception of public service information signs to promote items of general interest in the community, such as time, temperature, date, "Amber" alerts, and atmospheric conditions, and provided that they are proposed in commercial and industrial districts only.
  - 7. Streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons or similar materials displayed outside a building.
  - 8. Festoon lighting or beacon lights.
  - 9. Signs which emit smoke, visible vapors, particles, sound or odor.
  - 10. Signs placed on an automobile, truck or other vehicle if that vehicle is being used primarily for displaying such sign. The prohibition does not apply if said vehicle is used in the normal day-to-day operations of the business. In addition, no vehicle shall be placed in a location that would be for the purpose of attracting attention to a business or product on a commercial or industrial property.
  - 11. Inflatable signs and signs utilizing open flames or other animation designed to attract attention.
  - 12. Signs illuminated with red, green or yellow lights or neon tubing located within three hundred (300) feet of any traffic light.
- H. Other signs forfeited. Any sign installed or placed on public property, except in conformance with the requirements of this Article, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the Township shall have

the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

Section 1804. PLACEMENT STANDARDS

- A. No sign shall be affixed to a fence, utility pole or structure, or tree, shrub, rock, or natural object.
- B. No sign shall be located within a street right-of-way, with the exception of official traffic signs and other official federal, state, county, or township government signs
- C. Signs shall not be mounted on roofs or extend above the roof line, unless mounted on an extended wall above the roof line, in which case the sign may not extend above the top of said wall.
- D. No sign shall be placed in such a position at any location that it will cause danger on a street by obscuring view.
- E. No sign shall be located within the clear sight triangle of any street intersection.

Section 1805. SAFETY STANDARDS

- A. No sign may be erected which is:
  - 1. Structurally unsafe.
  - 2. Constitutes a hazard to public safety and health by reason of inadequate maintenance, dilapidation or abandonment.
  - 3. Obstructs free entrance or exit from a required door, window, or fire escape.
  - 4. Obstructs light or air or interferes with proper functioning of the building.
- B. If the Zoning Officer finds that any sign is unsafe, insecure, is a menace to the public or had been constructed, erected or is being maintained in violation of the provisions of this Ordinance, he shall give written notice to the owner thereof in accordance with Article XXVI herein.

Section 1806. EXCEPTIONS

- A. For purposes of this Ordinance, the term "sign" shall not include:
  - 1. Official traffic signs and signs erected or posted and maintained for public safety and welfare or pursuant to any federal, state, county or township government function, law, bylaw, or other regulation;
  - 2. Signs displaying the name and address of the occupant or historic significance of the dwelling, provided that the area of any such sign shall not exceed two (2) square feet and not more than one (1) such sign shall be erected for each dwelling unit, unless such property fronts on more than one (1) street, in which case one (1) such sign may be erected on each street frontage. Signs shall not be erected closer than ten (10) feet of the street right-of-way.
  - 3. A bulletin board or similar sign not exceeding twenty (20) square feet in display area, in connection with any church, museum, library, school, or similar public or semi-public structure, provided that the top of such sign shall not be more than eight (8) feet above ground level, and provided that it complies with all other provisions of this Ordinance.
  - 4. Directional signs solely indicating ingress and egress placed at driveway locations, containing no advertising material, and where display area does not exceed three (3) square feet or extend higher than four (4) feet above ground level. Such sign will comply with all other provisions of this Ordinance.
  - 5. Signs relating to trespassing and hunting, not exceeding two (2) square feet in

area.

6. Holiday decorations displayed for recognized holidays except as they may interfere with traffic safety or in any other way become a public safety hazard.

#### Section 1807. MEASUREMENT OF SIGN AREA AND HEIGHT

- A. The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing incidental to the display itself.
- B. Where the sign consists of individual letters or symbols attached to a building, wall or window, the area shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols.
- C. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area, except where two (2) faces are placed back to back and are at no point more than two (2) feet from each other. In this case, the sign area shall be taken as the area of either face, and if the faces are unequal, the larger shall determine the area.
- D. The height of a sign shall be measured from the average ground level beneath the sign to the highest point of the sign. The ground level shall be the lower of the ground level existing at the time of construction or the ground level existing prior to construction and prior to any earth disturbance at the site. This prior ground level may be established by any reliable source, including, without limitation, existing topographic maps, aerial photographs, photographs of the site or affidavits of people who are personally familiar with the site. No person(s) shall artificially increase the maximum height of a sign by altering the grade at the base of the sign by any means.
- E. No sign together with any supporting framework shall extend to a height above the maximum building height allowed in a district, unless there is a height limitation identified for a specific sign cited elsewhere in this Article.

#### Section 1808. ILLUMINATION STANDARDS

- A. All electrically illuminated signs shall be designed and constructed to the standards of the National Board of Fire Underwriters and shall comply with the requirements of the applicable building code.
- B. Internally illuminated signs are permitted.
- C. Messages or announcements displayed on an LED or equivalent/ similar message board sign or a sign of similar technology shall be changed no more frequently than once every ten (10) seconds. Elapsed time between such changes shall be no longer than one (1) second.
- D. The light from any illuminated sign shall not adversely affect the vision of operators of vehicles moving on public or private streets or parking areas, any residential district, or any part of a building or property used for residential purposes.
- E. Externally lit signs shall be illuminated only with steady, stationary, shielded light sources directed solely onto the sign without causing glare.
- F. Illuminated signs shall not be permitted to shine onto residential properties and public rights-of-way.
- G. Business signs in other than commercial and industrial districts shall not be illuminated when the business is closed, unless the illumination is for security purposes.
- H. Neon window signs may be permitted in cases where they are custom designed to be compatible with the building's historic and/or architectural character and exterior color.
- I. No lighting shall be permitted to outline buildings or structures or parts thereof through the use of exposed neon tubing, strings of lights or other means with the exception of customary holiday decorations which may be installed thirty (30) days prior to and removed not later than twenty-one (21) days after the holiday.

Section 1809. GENERAL STANDARDS FOR SPECIFIC SIGN TYPES

A. Home Occupation Sign

1. Definition: One sign indicating that a home occupation is being conducted on the premises.
2. Such sign may be attached to the building projecting not more than six (6) inches from a wall or may be on a post not more than four (4) feet high and setback at least three (3) feet from the street right-of-way.
3. Such sign shall not exceed two (2) square feet in area and shall not be illuminated.

B. Awning

1. Definition: A sign painted on or attached to the cover of a movable metallic hinged, roll or folding frame.
2. Such sign shall be limited to establishment name, logo, and street number.
3. Such sign must be painted on or attached flat against the surface of the awning, but not extend beyond the valance or be attached to the underside.
4. Letters shall not exceed ten (10) inches in height.
5. A minimum of eight (8) feet above sidewalk level must be allowed for pedestrian clearance.

C. Billboard Signs

1. Definition: A sign that identifies or communicates a commercial or non-commercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.
2. Billboards may be erected and maintained in the Commercial General, Industrial Light, and Industrial Vehicular Districts subject to approval of a special exception.
3. Billboards shall be spaced at intervals of not less than five hundred (500) feet along the same side of any street or highway. No such structure shall contain more than two (2) advertising sign faces, either back-to-back or side-by-side.
4. Billboards shall not exceed a total of three hundred (300) square feet in surface area per face.
5. No billboard shall exceed twelve (12) feet in vertical measurement, nor exceed twenty-five (25) feet in horizontal measurement.
6. No billboard shall be located closer than thirty-five (35) feet from the adjacent street right of way.
7. No billboard shall be located closer than fifty (50) feet from the side and rear property lines of the parcel upon which it is located.
8. No billboard sign shall be permitted to be erected within fifty (50) feet of an adjoining Residential District if visible from and designed to face into such a District.
9. No billboard shall be placed in such a position that it will cause danger to traffic on a street by obscuring the view, but in no event shall a billboard be located within five hundred (500) feet of any street intersection.
10. No more than one (1) billboard structure shall be permitted at any location, and no more than two (2) advertising surfaces shall be permitted at that location. The surfaces shall be back-to-back or at an angle less than or equal to forty-five (45) degrees.
11. Nothing contained herein shall be construed to abrogate or affect the provisions of any lawful state or federal statute or regulation controlling outdoor advertising

which are more restrictive than the provisions of this Ordinance.

12. Billboards utilizing LED or equivalent/similar messaging shall comply with the provisions in Section 1808.

D. Temporary Construction Sign

1. Definition: An on-premise sign identifying the contractor(s), architect, landscape architect, and/or engineer's name, address and other pertinent information.
2. Such signs shall not exceed four (4) square feet in area and shall be setback at least ten (10) feet from the legal right-of-way. There shall be no more than one (1) sign per contractor, architect, etc. for each building or property.
3. Such a sign may be maintained on the building or property for the interim of construction, and not more than thirty (30) days following the completion of said construction.
4. If any such sign remains on the site beyond the allowable time frame, the Township shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.
5. Such a sign shall not require a permit.

E. Freestanding

1. Definition: A self-supporting, permanent sign not attached to any building, wall or fence, but in a fixed location. This does not include portable or trailer-type signs.
2. Freestanding signs are not permitted in the Welsh Mountain Watershed Conservation District or the Conservation/Open Space District.
3. Freestanding sign areas
  - a. The maximum permitted area of freestanding pole signs in all other districts shall conform to the following requirements:
    - (1) The Agricultural District - four (4) square feet.
    - (2) The Residential Low and Residential Medium Districts - two (2) square feet.
    - (3) The Commercial Neighborhood District - ten (10) square feet.
    - (4) The Commercial General, Industrial Light, Industrial Vehicular, and the Mineral Recovery Districts - sixteen (16) square feet.
  - b. The maximum permitted area of all other freestanding signs in all other districts shall conform to the following requirements:
    - (1) The Agricultural District - six (6) square feet.
    - (2) The Residential Low and Residential Medium Districts - four (4) square feet.
    - (3) The Commercial Neighborhood District - sixteen (16) square feet.
    - (4) The Commercial General, Industrial Light, Industrial Vehicular, and the Mineral Recovery Districts - twenty-four (24) square feet.
4. Freestanding sign heights.
  - a. The maximum permitted height of freestanding pole signs in all other districts shall conform to the following requirements:
    - (1) The Agricultural District - ten (10) feet.

- (2) The Residential Low and Residential Medium Districts - eight (8) feet.
  - (3) The Commercial Neighborhood District - ten (10) feet.
  - (4) The Commercial General, Industrial Light, Industrial Vehicular, and the Mineral Recovery Districts - sixteen (16) feet.
- b. The maximum permitted height of all other freestanding signs in all other districts shall conform to the following requirements:
- (1) The Agricultural District - six (6) feet.
  - (2) The Residential Low and Residential Medium Districts - four (4) feet.
  - (3) The Commercial Neighborhood District - sixteen (16) feet.
  - (4) The Commercial General, Industrial Light, Industrial Vehicular, and the Mineral Recovery Districts - twenty-four (24) feet.
- 5. Freestanding signs shall be setback ten (10) feet from all property lines.
  - 6. Freestanding signs over six (6) feet in height may have no more than two (2) sides; those less than six (6) feet in height may have up to four (4) sides.
  - 7. No more than one (1) freestanding sign per lot shall be permitted.

F. LED Message Board Signs (or signs of similar technologies).

- 1. Such signs shall be permitted by right in the Commercial General (CG) District, the Industrial Light (IL) District, and the Industrial Vehicular (IV) District. Signs located in all other zoning districts shall be permitted by special exception.
- 2. Such signs shall not contain animated, sequential, intermittent, flashing, rotating or oscillating displays unless said sign is a public information sign promoting items of general interest in the community, such as time, temperature, date, "Amber" alerts, and atmospheric conditions..
- 3. The size of such signs shall be as provided for by the applicable size regulations.
- 4. Illumination standards shall conform to the requirements of Section 1808.

G. Moveable (Sandwich Board) Signs

- 1. Moveable signs are permitted only in the Commercial Neighborhood and Commercial General Districts and shall not exceed a height in excess of four (4) feet.
- 2. Moveable signs shall not be located within a street or obstruct public sidewalk areas.
- 3. Moveable signs shall be permitted only during hours of operation for said business.
- 4. Moveable signs shall require a permit.

H. Multiple Signs

- 1. Definition: A group of signs clustered together in a single structure or compositional unit. Multiple signs are used to advertise several occupants of the same building or building complex.
- 2. The display board shall be of an integrated and uniform design.
- 3. Multiple signs are not permitted in the Welsh Mountain Watershed Conservation District or the Conservation/Open Space District.
- 4. Multiple sign areas:

- a. The maximum permitted area for multiple signs in all other zoning districts shall conform to the following requirements:
  - (1) The Agricultural, Residential Low, Residential Medium, and Commercial Neighborhood Districts – twenty (20) square feet.
  - (2) The Commercial General, Industrial Light, Industrial Vehicular, and the Mineral Recovery Districts - seventy-two (72) square feet.
5. The maximum permitted height for multiple signs in all other districts shall conform to the following requirements:
  - (1) The Agricultural, Residential Low, Residential Medium, and Commercial Neighborhood Districts - six (6) feet.
  - (2) The Commercial General, Industrial Light, Industrial Vehicular, and the Mineral Recovery Districts – twenty (20) feet.
6. Multiple signs shall be setback ten (10) feet from all property lines.
7. No more than one (1) multiple sign shall be permitted per building\building complex, subject to the requirements for wall signs provided later within this Section.

I. Off-Premise Signs

1. Definition: Signs which direct patrons, members, or audiences to temporary exhibits, shows, or events and signs erected in conjunction with a political election.
2. Off-premise signs shall not exceed four (4) square feet in area.
3. Off-premise signs shall not exceed four (4) feet in height.
4. Off-premise signs shall be setback three (3) feet from all property lines.
5. Signs shall be removed within seventy-two (72) hours after the date of the exhibit, show, event, or election. If any such signs remain after the time allowable, the Township shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.
6. No such sign shall be posted earlier than forty-five (45) days before the occurrence of the event, show, exhibition, or election.
7. Off-premise signs shall require a permit.

J. Political Signs

1. Definition: A sign designed to influence the action of voters for the passage or defeat of a measure, or the election of a candidate to a public office at a national, state, or other local election.
2. Such signs shall be stationary, unlighted and temporary in nature.
3. Such signs shall be removed within five (5) days after elections.
4. Such signs shall not exceed six (6) square feet in area.
5. Political signs shall not exceed six (6) feet in height.
6. Political signs shall be setback ten (10) feet from all property lines.
7. A maximum of two (2) signs per lot shall be permitted.
8. Such signs shall not require a permit.
9. Political signs which remain beyond the allowable time frame may be impounded by the Township. The Township shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

K. Portable Signs

1. Definition: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T- frames; and umbrellas used for advertising.
2. Portable signs shall not exceed ten (10) square feet in area.
3. Portable signs shall not exceed six (6) feet in height.
4. Portable signs shall be setback ten (10) feet from all property lines.
5. Portable signs shall be permitted as a temporary sign with a display period not to exceed seven (7) continuous days and an annual cumulative total of fifty-six (56) days.
6. Portable signs require a permit. Any permit fee shall be determined by the Board of Supervisors.

L. Projecting Signs

1. Definition: A wall-mounted sign perpendicular to the building surface.
2. Projecting signs shall not exceed ten (10) square feet in area.
3. Projecting signs shall not exceed eight (8) feet in height.
4. Portable signs shall be setback ten (10) feet from all property lines.
5. The total area of a three dimensional sign shall be determined by enclosing the largest cross-section of the sign in an easily recognizable geometric shape and computing its area.
6. The supporting framework shall be in proportion to the size of such sign.
7. No sign shall project over a street or alley.
8. Projecting signs shall have a minimum clearance of eight (8) feet above grade when located adjacent to or projecting over a sidewalk.

M. Sale/Rent/Lease

1. Definition: An on-premise sign advertising the property being sold, auctioned or rented/leased.
2. Such signs shall advertise only the property on which the sign is located.
3. Such signs shall not exceed six (6) square feet; however, for sites exceeding one (1) acre, such signs shall be permitted up to sixteen (16) square feet in total sign area. No off-premise directional signs shall be permitted, except as regulated by open house signs described later in this Section.
4. No more than two (2) signs may be maintained on any property being sold or rented/leased.
5. All signs shall be removed by the owner/agent within thirty (30) days of sale, or rent/lease.
6. Such a sign shall not require a permit.
7. Open house signs.
  - a. One (1) on-site open house sign shall be permitted associated with a scheduled open house. Such sign shall be limited to six (6) square feet in total sign area, and shall be erected no more than three (3) and removed no more than twenty-four (24) hours following a scheduled open house.
  - b. Up to four (4) off-site open house signs shall be permitted associated with a scheduled open house.



- c. Off-site open house signs shall be limited to six (6) square feet each of total sign area, and shall be erected no more than three (3) days before, and removed within one (1) day after a scheduled open house.
- d. No off-site open house signs shall be located within any street right-of-way.
- e. Should any of the above-described open house signs remain beyond the allowable time frame, the Township shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.
- f. The Township in no way implies or provides consent for the placement of open house signs on any personal property.

N. Subdivision Signs

- 1. Definition: A sign devoted to the display of the name and logo of a particular residential development.
- 2. Such signs shall be limited one (1) per street access to the development, provided that no such signs advertising the same development shall be located within five hundred (500) of one another.
- 3. No such sign shall contain more than twenty (20) feet of display area, nor extend above five (5) feet in height.
- 4. All signs shall comply with principal setback requirements imposed within the underlying zoning district.

O. Temporary Signs and Banners

- 1. Definition: A sign for the purpose of promoting a specific special event and located upon the property where the special event is to occur.
- 2. Such sign or banner shall not exceed forty (40) square feet in size.
- 3. No more than one (1) such sign shall be permitted per property.
- 4. Such sign or banner shall be displayed for no more than twenty-one (21) days prior to the event and be removed no later than three (3) days following the event.

P. Wall Signs

- 1. Definition: A sign which is attached parallel to or painted on the exterior surface of a building or structure.
- 2. Such sign shall not project more than fifteen (15) inches from the building surface.
- 3. Such sign shall not extend above the lowest point of the roof, nor beyond the ends of the wall to which it is attached.
- 4. Such signs shall have an aggregate area not exceeding one and one-half (1½) square feet for each linear foot of building face parallel to front building setback line, or ten percent (10%) of the wall area to which it is attached or painted, whichever is less. Where a lot fronts on more than one street, the aggregate sign area facing each street frontage shall be calculated separately.
- 5. Where two (2) or more wall signs are affixed to or painted on one wall, the gross display area shall be the sum total area of all signs.
- 6. The size of wall signs may be increased in area (over allowable size) by twenty-five percent (25%) for every one hundred (100) feet of additional building setback. This increase may be prorated in accordance to the actual setback distance.

Q. Window Signs

1. Definition: Any sign which is painted or mounted onto a window pane, or which is hung directly inside the window with the purpose or effect of identifying any premises from the sidewalk or street.
2. Window signs shall not exceed more than thirty percent (30%) of the window area in which they are displayed.

Section 1810. SPECIAL DISTRICT REGULATIONS

In addition to the above regulations by sign type, the following special provisions for certain districts shall apply:

A. Commercial Neighborhood District. The goal in this district is to ensure visual compatibility with existing scale and character of the surrounding area. The signage must also be readable by pedestrians and people in slow-moving vehicles.

1. Number: There shall be no more than three (3) types of signs employed per building, regardless of number of occupancies per building. (e.g., wall, awning, window). Each ground floor occupant may display two (2) signs. Each occupant in an upper floor may display one (1) sign.
2. Location: Signs shall be concentrated near the pedestrian level, and not obscure important architecture features, such as transoms, windows, moldings and cornices. Wall signs shall be placed as a band immediately above the storefront and should be no more than two (2) feet in height. Signs on adjacent storefronts within the same building shall be coordinated in height and proportion and should be encouraged to use the same signing format.
3. Colors: Colors shall be chosen to complement the facade color of the structure. Signs must have a dark background with light-colored lettering. "Day-glow" colors are prohibited.
4. Size: Not more than one and one-half (1½) square feet of total signage area will be permitted per linear foot of storefront.
5. Allowable Sign Types: Wall, window, projecting, awning, moveable, and neon signs are allowed in this district.

B. Other Commercial and Industrial Districts. The goal of these districts is to provide legible signage for auto-oriented commercial and industrial facilities, while moderating visual competition.

1. Business and advertising signs shall be permitted in commercial and industrial districts provided that such signs do not exceed three-hundred (300) square feet in area. No one sign shall be larger than seventy-five (75) square feet. Further, the total signage on a lot shall not exceed three (3) times the length of the lot frontage.
2. Colors: The number of colors shall be limited to three (3). Since these signs must be legible from a distance, the degree of contrast between the background and letter color is important. Signs must have a dark background with light-colored lettering. "Day-glow" colors are prohibited.
3. Allowable Sign Types: Wall and freestanding signs are allowed in such districts.

C. Agricultural and Residential Districts. The most important goal of these districts is to maintain their character and scenic open space. Special care must be taken in the style, location, design and use of materials for signs.

1. Business Signs for Permitted Uses:
  - a. Number: Each business may display not more than two (2) unlighted signs. Each structure or complex may only display one (1) free-standing sign.
  - b. Size: Each business sign shall be no more than thirty-two (32) square feet in area.
  - c. Colors: The number of colors used in a sign shall be limited to three (3) unless used in an illustration. To ensure their legibility, signs must have a high degree of contrast between the background and letters. "Day-glow" colors are prohibited. Signs must use dark backgrounds with light-colored lettering.
  - d. Allowable Sign Types: Freestanding, wall and awning sign types are allowed.
  
2. Farm Product Signs.
  - a. Signs advertising the sale of farm products shall not exceed more than two (2) in number, each having a total area of not more than sixteen (16) square feet.
  
- D. Conservation/Open Space Districts.
  1. Farm Product Signs.
    - a. Signs advertising the sale of farm products shall not exceed more than two (2) in number, each having a total area of not more than sixteen (16) square feet.

Section 1811. NON-CONFORMING SIGN STANDARDS

- A. Any sign lawfully existing at the time of the passage of this Ordinance that does not conform with the regulations of the district in which such sign is located shall be considered nonconforming and may continue in their present location until replacement or rebuilding becomes necessary, at which time a zoning permit will be required and the sign brought into conformity with the Ordinance.
- B. Notwithstanding any of the provisions of this Ordinance to the contrary, no expansion of a non-conforming sign shall be permitted.
- C. No non-conforming sign may be reestablished after it has been discontinued for ninety (90) days.
- D. A non-conforming sign which is partially or entirely damaged or destroyed may be rebuilt, provided that the reconstructed sign shall not be larger than the prior sign and that the reconstruction shall begin within ninety (90) days from the time of damage to the sign.
- E. A sign may be erected to advertise a non-conforming building or use, provided a special exception is granted by the Zoning Hearing Board, and provided the application conforms to the applicable conditions and requirements for special exceptions pursuant to this Ordinance, any other conditions or requirements imposed by the Zoning Hearing Board and the requirements listed below:
  1. The number of signs and the size of the sign shall not be greater than the permitted number of signs and the area of signs in the district in which the non-conforming building or use is located or the permitted number of signs and area of signs in the district in which such building or use is a permitted use, whichever is the more restrictive.

2. The sign must be erected on the premises upon which the non-conforming building or use is erected or upon a private right-of-way leading to the premises, and shall not be used to advertise a product not sold on the premises
3. The sign shall not be located within the side yard setback required for the district in which the non-conforming building or use is located, but the same may be erected within the limits of a private right-of-way servicing the subject premises.

Section 1812. ABANDONED SIGNS

- A. A sign shall be considered abandoned:
  1. When the sign is associated with an abandoned use.
  2. When the sign remains after the termination of a business. A business is considered to have ceased operations if it is closed to the public for at least ninety (90) consecutive days. Seasonal business are exempt from this determination.
- B. After one hundred eighty (180) days, any sign which advertises business or service no longer in existence on the premises shall be considered to be abandoned. Signs that are abandoned shall be removed by the persons responsible for the erection and/or maintenance thereof within thirty (30) days after notice of the abandonment to such persons by the Zoning Officer. For political signs that are abandoned, the county political organizations for the party to which the candidate belongs shall be responsible for the cost of removal of signs by the township. If such persons fail or refuse to remove such abandoned signs after the notice aforesaid, the Zoning Officer may remove the signs at the expense of the property owner or the persons responsible for the erection and/or maintenance thereof.
- C. In addition, any sign installed or placed on public property or within any public right-of-way that is not in conformance with the requirements of this Section shall be forfeited to the public and subject to removal. In addition to other remedies hereunder, the Township shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

## ARTICLE XIX

### OFF-STREET PARKING AND LOADING REQUIREMENTS

#### Section 1901. GENERAL PARKING REGULATIONS

- A. Off-street parking facilities shall be provided to lessen on-street congestion. The facilities required herein shall be available to patrons throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking space located off the public right-of-way.
- B. All parking spaces shall be ample in size for the vehicles for which use is intended. The net parking space per vehicle shall be not less than the dimensions identified in Section 1906.A.1. of the Zoning Ordinance. Parking spaces and the approaches thereto shall be paved surfaces or stabilized surface. For purposes of this Ordinance, stabilized surface is hereby defined as an approved all-weather, dustless surface.
- C. A garage or carport may be located wholly or partly inside the walls of the principal building, or attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements. A garage may be constructed under a yard provided that the level of such yard shall conform to the general level of the other yards on the lot. The space above such an underground garage shall be deemed to be part of the open space of the lot on which it is located.

#### Section 1902. HANDICAPPED ACCESSIBLE PARKING

- A. Design Standards for Handicapped Parking Spaces. Handicapped accessible parking shall be designed and provided in accordance with the requirements of the applicable Township building code and the requirements of the Americans with Disabilities Act.

#### Section 1903. OFF-STREET PARKING FACILITIES REQUIREMENTS

Any of the following facilities erected or enlarged, any facility converted into one (1) of the following facilities, and any open area used shall be provided with not less than the minimum parking spaces and loading/unloading areas as set forth below, together with adequate access ways, driveways or other means of circulation and access to and from a street.

- A. Specific Parking Space Requirements
  - 1. Banks/financial institutions – one (1) per three hundred (300) square feet gross floor area (GFA). Each drive-up window shall have sufficient stacking room for four (4) cars and a bypass lane shall be provided.
  - 2. Bowling centers – four (4) per lane plus additional parking for other uses located within the center.
  - 3. Convenience stores – four (4) per 1,000 s.f. GFA.
  - 4. Campground – one (1) dust-free 10' X 30' space per campsite.
  - 5. Dance halls, swimming pools, roller rinks, clubs, lodges and other similar uses – one (1) per 100 s.f. GFA or of surface water area in a swimming pool.
  - 6. Day care centers – one (1) per employee, plus one (1) safe passenger off-street loading/unloading space per five (5) children.
  - 7. Family care and group care facilities – one (1) per four (4) residents, plus one (1) per employee in the maximum working shift.

8. Family day care and group day care homes – one (1) per non-resident employee plus safe passenger off-street loading/unloading space per four (4) resident children.
9. Funeral homes/mortuaries – one (1) per 100 s.f. GFA used for memorial services, view area, business office, and products display.
10. Furniture or appliance stores – one (1) per 1,000 s.f. GFA.
11. Home/farm occupations – one (1) per 300 s.f. GFA utilized for the home/farm occupation, plus one (1) per non-resident employee, in addition to the requirement for the dwelling unit.
12. Home occupation/trucking operator – one (1) space of sufficient size for truck and/or tractor and trailer, in addition to the requirement for the dwelling unit.
13. Hospitals – one (1) per four (4) beds, plus one (1) per two (2) employees of the maximum working shift, plus one (1) per staff doctor.
14. Laundries – one (1) per (2) washing machines, plus one (1) per employee on the maximum working shift.
15. Hotels, motels, boarding and lodging/rooming houses, bed and breakfast establishments – one (1) per sleeping room, plus one (1) per 200 s.f. GFA in non-room areas.
16. Industrial uses – one (1) per each employee in the largest working shift.
17. Junkyard/salvage yard – one (1) per employee, plus one (1) per 5,000 s.f. of lot area, excluding required buffer areas.
18. Lumber yard – one (1) per 500 s.f. GFA, plus one (1) per 1,000s.f. of indoor/outdoor storage area.
19. Medical facilities – one (1) per 250 s.f. GFA.
20. Nursery/greenhouse – one (1) per 1,000 s.f. of GFA, plus one (1) per 2,000 s.f. lot area, excluding buffer areas.
21. Nursing and convalescent homes – one (1) per three (3) beds, plus one (1) per two (2) employees in the maximum working shift, plus one (1) per staff doctor.
22. Office – one (1) per 1,000 s.f. GFA.
23. Places of public assembly (churches, community centers, theaters, or similar meeting and assembly uses – one (1) per five (5) seats or one (1) per 100 s.f. where no seats are provided.
24. Residential uses
  - a. Single-family dwelling – two (2) per dwelling unit.
  - b. Multiple-family dwellings (including conversion apartments & excluding accessory apartments)
    - (1) Elderly apartments – one-half (0.5) per dwelling unit.
    - (2) Efficiency/studio apartment – one (1) per dwelling unit.
    - (3) One (1) bedroom apartment – one and one-half (1.5) per dwelling unit
    - (4) Two (2) bedrooms or more per apartment – two (2) per dwelling unit.
    - (5) Visitor parking – one (1) per three (3) dwelling units.
25. Restaurants, tea rooms, nightclubs, bars, and taverns – one (1) per three (3) seats. Fast food establishments (including Drive-Thru Establishments) – one (1) per 20 s.f.GFA.
26. Retail stores and shops – one (1) per 200 s.f. GFA.
27. Roadside stands – three (3) per 200 s.f. GFA.

28. Schools
    - a. Elementary – two (2) per classroom, but not less than one (1) per teacher and staff.
    - b. Intermediate – one and one-half (1.5) per classroom, but not less than one (1) per teacher and staff.
    - c. Secondary – two and one-half (2.5) per classroom, but not less than one (1) per teacher and staff.
  29. Shopping centers – four and one-half (4.5) per 1,000 GFA.
  30. Utility or communication station – one (1) per vehicle normally required to service such facility.
  31. Vehicular parts sales/service garages – three (3) per bay, plus one (1) for every 300 s.f. of retail parts sales area.
  32. Vehicular sales – one (1) per 500 s.f. of indoor GFA, plus one (1) per 2,500 s.f. of outdoor sales/rental area, plus two (2) per service bay, plus one (1) per employee, but never fewer than five (5) spaces.
  33. Vehicular wash – five (5) per washing lane.
  34. Warehousing/distribution – one (1) per 5,000 s.f. GFA, plus required spaces for any office or sales area.
- B. All Other Uses Not Provided For Herein. For all other uses not provided for herein, required parking spaces shall be determined by a study to be prepared by the developer and approved by the Zoning Officer for any permitted use, by the Zoning Hearing Board for any special exception or variance use, or Board of Supervisors for conditional use. The study shall include the following:
1. Type of use and estimated number of total trips generated during peak conditions (inbound and outbound).
  2. Estimated parking duration per vehicle trip (turnover rate).
  3. Based on estimated number of trips generated and average parking duration per trip, calculate number of spaces required; and
  4. Estimated number of employees; one space to be provided for every two employees working maximum shift.

#### Section 1904. BICYCLE PARKING FACILITIES

Bicycle parking facilities for nonresidential uses shall be provided in accordance with the following provisions:

- A. Five percent (5%) of the first fifty (50) vehicular spaces shall be for bicycle use. If more than fifty (50) spaces are to be provided, at least three percent (3%) of the number of spaces over fifty (50) shall be for bicycle use.
- B. Each bicycle space shall be equipped with a device to which a bicycle frame and one (1) wheel can be attached using a chain or cable. There shall be adequate separation between adjacent devices to allow bicycles to be attached or removed without moving other bicycles. The devices shall also be suitable for use by bicycles not equipped with kickstands, and the appearance of the device shall be generally consistent with nearby design.
- C. Bicycle parking spaces shall be convenient to the structure or use for which it is accessory. Such spaces shall be visible from at least one (1) entrance to the structure or use and shall be lighted in accordance with parking facility lighting standards herein.
- D. Bicycle parking devices shall permit at least two (2) feet of free space between any bicycle attached to the device and the edge of the curb or sidewalk. For roads having no

curb or sidewalk, the minimum clearance shall be three (3) feet between any bicycle attached to a parking device and the outside edge of the roadway shoulder.

Section 1905. LOCATION AND MANAGEMENT REQUIREMENTS

- A. Existing Parking. Structures and uses existing on the effective date of this Ordinance shall not be subject to the requirements of this Article so long as the type or extent of use is not changed, provided that any parking facility now serving such structures or uses shall not in the future be reduced below such requirements.
- B. Changes in Requirements. Whenever there is an alteration of a structure, a change or extension of a use which increases the parking requirements according to the standards contained herein, the total parking required for the existing structure and use, as well as the alteration, change or extension shall be provided in accordance with the requirements of that section.
- C. Conflict with Other Uses. No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve.
- D. Continuing Obligation. All required parking facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total extent after their provision. Reasonable precautions are to be taken by the owner or sponsor of particular uses to assure the availability of required facilities for the employees or other persons whom the facilities are designed to serve. Facilities shall at no time constitute a nuisance, hazard or unreasonable impediment to traffic.
- E. Drainage, Surfacing And Maintenance. Drainage, surfacing and maintenance of off-street parking areas, including driveways and access drives, shall be completed in accordance with the East Earl Township Storm Water Management Ordinance, as amended, and the applicable Subdivision and Land Development Ordinance, as amended.
- F. Shared Parking. Two or more uses may provide for required parking in a common parking lot, if the total space provided is not less than the sum of the spaces required for each use individually. The number of spaces required in a common parking facility may be reduced below this total only as a Special Exception, if it can be demonstrated to the Zoning Hearing Board that the hours or days of peak parking needed for the uses are so different that a lower total will adequately provide for all uses served by the facility.
- G. Computation of Spaces. Where the computation of required parking space results in a fractional number, any fraction shall be counted as one.
- H. Location of Spaces.
  - 1. Single and two-family residential off-street parking spaces shall be provided on the same lot or premises with the use served.
  - 2. Parking spaces for multiple dwelling buildings and nonresidential uses shall be readily accessible to the buildings served thereby. Such spaces shall be in the same zoning district, as the principal building, or open area, and conform to the following regulations:
    - a. The required parking spaces shall be located within six hundred (600) feet of the principal building or open space in question measured from the edge of structure or open space to edge of parking lot closest to structure or open space.
    - b. The applicant for a use or building permit shall submit, with his application, an instrument duly executed and acknowledged which subjects such parcels of land to parking uses in connection with the principal use to which it is accessory. Upon issuance of a permit, the Zoning Officer shall cause such instrument to be recorded in the Office of



the Recorder of Deeds.

I. Lighting.

1. All public parking areas shall be adequately lighted during after dark operating hours. All newly-installed light standards shall be located on raised parking islands and not on the parking surface.
2. Any lighting used to illuminate off-street parking or loading areas shall be shielded from any street or residential use.

Section 1906. DESIGN STANDARDS

A. Parking Facilities

1. The minimum stall size shall be nine feet (9') by eighteen feet (18'), except for parallel for parallel stalls. The minimum dimensions of parking facilities to be provided shall be as follows:

Angle of Parking	Parking		Aisle-Width	
	Stall Width	Stall Depth*	One-Way	Two-Way
90 degrees	9'	18'	24'	24'
60 degrees	9'	20'	18'	20'
45 degrees	9'	18'	15'	20'
30 degrees	9'	18'	12'	20'
Parallel	8'	24'	12'	20'

\*Neither the depth (length) nor width of any parking stall shall be measured to include any part of the required dimensions of the aisle width or of any streets or access drives.

- a. All dead end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking area.
  - b. Parking areas shall be designed so that each motor vehicle may proceed to and from the respective parking space without requiring the moving of any other motor vehicle.
  - c. The application shall also comply with all requirements of the Township Subdivision and Land Development Ordinance.
2. Setbacks for parking areas shall be provided for multiple dwelling buildings and nonresidential uses as follows:
    - a. All parking spaces and access drives shall be at least ten (10) feet from any multiple dwelling building, or nonresidential building on the lot.
    - b. All parking spaces and access drives shall be at least five (5) feet from any exterior lot line, except where buffer yards are required, in which case such parking spaces and access drives may not encroach on the buffer yard area.
    - c. No parking area shall be located within a public right-of-way.

3. Separation requirements for multiple dwelling buildings and nonresidential uses
  - a. Except at entrance and exit drives, the parking area shall be physically separated from any public and/or private streets with a minimum six (6) foot wide planting strip.
  - b. In no case shall parking areas be designed to require or encourage cars to back into a public or private street in order to leave the parking areas. When adjacent to a public or private street, a grassed buffer yard of at least ten (10) feet shall be provided and maintained.
  - c. All paved off-street parking spaces shall be marked so as to indicate their location.
4. Landscaping requirements for multiple dwelling buildings and nonresidential uses.
  - a. Buffer yards and screening shall be required for parking lots containing ten (10) or more parking spaces. Said buffer yard and screening shall be in accordance with buffer yard standards set forth in Section 1707 herein.
  - b. Five percent (5%) of the off-street parking and access area, exclusive of other required landscaped areas, shall be landscaped.
  - c. Parking lots containing ten (10) or more parking spaces shall be planted with a minimum of one (1) tree for every eight (8) parking spaces. Each tree shall be surrounded by a planting island consisting of no less than fifty (50) square feet of permeable and unpaved surface. Plantings may be placed individually or collectively.
  - d. Planting islands shall be bounded by a concrete curb having a minimum height of six (6) inches.
  - e. All plantings shall be properly maintained with dead plantings replaced in spring and fall planting seasons as needed.
5. Curb radius requirements for multiple dwelling buildings and nonresidential uses.
  - a. No less than a five (5) foot radius of curvature shall be permitted for all curb lines in all parking lots.
6. Parking lots shall be graded to a minimum slope of one percent (1%) to provide for drainage. Adequately sized inlets, storm sewers, and or swales shall be provided to discharge storm water in accordance with a storm water management plan approved under the governing Subdivision and Land Development Ordinance.

#### Section 1907. MARKING OF PARKING SPACES AND INTERIOR DRIVES.

All parking lots shall be adequately marked and maintained for the purpose of defining parking spaces and interior drives. At a minimum, the lines of all parking spaces and interior drives (including directional arrows, etc.) shall be solid white and four (4) inches in width. White paint for these lines shall comply with Township requirements. In the event parking lots are constructed of gravel or other dust-free, unpaved surface, the Township may allow, at its option, parking spaces marked with precast concrete bumpers or similar devices.

#### Section 1908. SITE PLAN APPROVAL

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

Section 1909. PROHIBITED USES OF A PARKING LOT

Automobile parking lots are for the sole purposes of accommodating the passenger vehicles of persons associated with the use that requires them. Parking lots shall not be used for the following purposes:

- A. The sale, display or storage of automobiles or other merchandise.
- B. Performing services (including services to vehicles).

Section 1910. OFF-STREET LOADING AND UNLOADING

A. Required Spaces.

- 1. For all nonresidential uses requiring delivery or pick up of materials, a minimum number of off-street loading and unloading spaces shall be provided as follows:

<u>Gross Floor Area</u>	<u>Required # of Loading Spaces</u>
6,000 sq. ft. or less	One (1) <u>loading/unloading</u> space.
6,001 – 20,000 sq. ft.	Two (2) <u>loading/unloading</u> spaces.
Above 20,000 sq. ft.	Two (2) loading/unloading spaces, plus 1 Additional space for each additional 50,000 s.f. GFA.

- 2. Hotels shall have at least one loading space, with an additional loading berth when the floor area exceeds fifty thousand (50,000) square feet.
- 3. All off-street loading spaces shall be provided and maintained so long as the use exists which the facilities were designed to serve.

B. Design Standards. Off-street loading facilities shall be designed in accordance with the following specifications:

- 1. Each required space shall be not less than twelve (12) feet in width, forty-five (45) feet in length and fourteen and one-half (14.5) feet in height, exclusive of drives and maneuvering space and located entirely on the lot being served.
- 2. There shall be appropriate means of access to a street or alley, as well as adequate maneuvering space.
- 3. The maximum width of driveway openings, measured at the street lot line, shall be forty (40) feet; the minimum width shall be twenty (20) feet.
- 4. All accessory driveways and entrance ways shall be graded, surfaced and drained in accordance with applicable ordinances and codes.

Section 1911 MOTOR VEHICLE ACCESS

Motor vehicle access to lots shall be provided as follows:

A. Driveways. Driveways shall have the following characteristics:

1. Driveways shall be located as to provide sight distance at intersections with streets and shall not be located within any required clear sight triangle in accordance with the applicable Section of the East Earl Township Subdivision and Land Development Ordinance, as may be amended from time to time.
2. Driveways which intersect other than a minor street shall provide adequate turnaround within the lot so egress to the street is in a forward direction.
3. Only one (1) driveway connection per one hundred (100) feet of lot frontage is permitted; no more than one (1) driveway connection per lot shall be permitted.
4. The Board of Supervisors may limit the number of driveways providing access to collector or arterial streets. The Board may also require the use of shared driveways to provide ingress and egress to two (2) residential units.
5. Driveways shall not connect with a public street within forty (40) feet of the right-of-way lines of any intersecting streets, nor within five (5) feet of a fire hydrant.
6. Driveway access shall be provided to the street of lesser classification when there is more than one street classification involved.
7. All driveways shall be set back at least five (5) feet from any adjacent side or rear lot lines unless a common or joint driveway location is proposed.
8. Driveway location shall be delineated on all land development plans; however, subdivision and land development plans may delineate location or provide a notice of conformity to this Ordinance.
9. A driveway shall not exceed a slope of eight percent (8%) within twenty (20) feet of the street right-of-way lines.
10. Driveways shall be paved with bituminous concrete or an equivalent stabilized material from the edge of the street cartway to the right-of-way line for the lot, or ten (10) feet, whichever is greater, and be provided in a manner consistent with the design, construction, and storm water drainage of the street.
11. Driveways shall have a minimum width of ten (10) feet for single family dwellings and sixteen (16) feet for shared driveways.
12. Driveways shall be constructed in accordance with the applicable Appendix of the East Earl Township Subdivision and Land Development Ordinance, as may be amended from time to time.

B. Access Drives. Access drives shall conform with the applicable Section of the East Earl Township Subdivision and Land Development Ordinance, as may be amended from time to time.

## ARTICLE XX

### BUILDING LINES AND YARD REQUIREMENTS

#### Section 2001. BUILDING LINES ALONG PUBLIC AND PRIVATE STREETS ESTABLISHED

Building lines are hereby established on all existing and proposed public and private roads within East Earl Township. Except as provided in other sections of this Zoning Ordinance, no buildings or structures shall be placed between the building line and the right-of-way line of a public or private road. In the case of a proposed public or private street, the building line and the street classification shall be shown on the subdivision plan.

Where the right-of-way for the street or streets upon which any lot abuts is less than fifty (50) feet in width, the front yard depth and the width of the side yard abutting the street shall be measured from a line parallel to twenty-five (25) feet from the center line of the street.

#### A. Building Lines on Existing and Any New Arterial Roads

1. Distance. The building line on all arterial roads shall be established as the greater of:
  - a. Eighty (80) feet from the centerline of the existing or proposed road; or
  - b. Forty (40) feet from the edge of the existing or proposed right-of-way.
2. Arterial Roads Named. See Section 1715 for the list of arterial and minor arterial roads.

#### B. Building Lines on Existing and Any New Collector Roads

1. Distance. The building line on all collector roads shall be established as the greater of:
  - a. Sixty (60) feet from the centerline of the existing or proposed road; or
  - b. Thirty (30) feet from the edge of the existing or proposed right-of-way.
3. Collector Roads Named. See Section 1715 for a list of major, minor and local collector roads.

#### C. Building Lines on Existing and Any New Local Roads

1. Distance. The building line on all local roads shall be established as:
  - a. Fifty (50) feet from the centerline of the existing or proposed road if the road is intended to accommodate through traffic; or
  - b. Twenty-five (25) feet from the edge of the cartway if the road is internal to a neighborhood or development and is not intended to accommodate access beyond the immediate neighborhood or development.
2. For the purposes of applying the standards, all public and private roads not considered arterial or collector roads shall be considered local roads.

## Section 2002. ADDITIONAL SETBACK MODIFICATIONS AND REQUIREMENTS

- A. Front Yard Requirements Along Developed Road Frontages. When two adjacent principal buildings within one hundred (100) feet of a property are located at less than the required setback, the following requirements shall apply:
  - 1. The average of the setbacks on the abutting lots shall become the required minimum front setback for the property, provided, however, the setback be no less than thirty (30) feet from the abutting street right-of-way line.
  - 2. In no instance shall the setback for the proposed building be greater than thirty (30) feet behind the front wall of the principal building on the adjacent lot.
  
- B. Additional Front Yard Requirements
  - 1. The front yard setback requirement for a flag lot shall not be located and measured within the "flag pole" portion of the lot, but shall be measured from the property line which initially angles away from the "flag pole" portion of the lot.
  - 2. An accessory structure shall not be erected within any front yard, nor shall an existing accessory structure be substantially altered within any required front yard.
  - 3. Parking shall not be permitted in front yards in residential and neighborhood commercial districts except on paved driveways. Turnarounds shall be considered as part of a driveway.
  
- C. Additional Side Yard Setback Requirements
  - 1. On corner lots, two (2) front yards shall be required for such sides facing the street rights-of-way.
  - 2. No side yard setback shall be required where two (2) garages are designed to abut in semi-detached dwellings. Side yard setbacks shall not apply for detached garages that provide off-street parking for semi-detached and townhouse dwellings where access to said garages is via an alley.
  - 3. Buildings and/or structures accessory to a non-residential use shall not be located within the required front yard and shall be located no less than fifteen (15) feet to any lot line.
  
- D. Interior Yards - Open Space Between Principal Structures
  - 1. When front to front, rear to rear, or front to rear, parallel principal structures shall have fifty (50) feet between faces for one (1) story in height, plus five (5) feet for each additional story. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10) feet at one end if increased by similar or greater distances at the other end. Where service drives or bank grade changes or collector walks are introduced in this space, the distance between structures shall be at least fifty (50) feet.
  - 2. End to end, a distance of twenty-five (25) feet between principal structures for a one (1) story structure plus five (5) additional feet for each story in excess of one.
  - 3. End to front, or end to rear, a distance of thirty (30) feet between principal structures for each one (1) story structure plus five (5) feet additional for each story in excess of one.

4. When adjacent principal structures differ in the number of stories, the required distance between structures shall be calculated on the taller of the structures.

Section 2003. STRUCTURES EXEMPTED FROM ALL SETBACK REQUIREMENTS.

The setback regulations do not apply to:

- A. School bus shelters, cornices, eaves, chimneys, steps, canopies, and similar extensions, and uncovered ground level patios and decks immediately abutting the building, provided that the patios or decks do not extend more than eight (8) feet from the front wall of the building, but do apply to covered porches and patios.
- B. Open fire escapes.
- C. Minor utility structures, articles of ornamentation, or decoration.
- D. Fences, hedges, and retaining walls.
- E. Fireplace and Chimney components extending beyond the wall of the structure.

The above exemptions shall not encroach upon any applicable clear sight triangle requirement.

## ARTICLE XXI

### NON-CONFORMING USES, BUILDINGS, STRUCTURES, AND LOTS

#### Section 2101. GENERAL

From the effective date of this Zoning Ordinance, a non-conforming use, building or structure may be continued, maintained, and repaired except as otherwise provided for in this Zoning Ordinance.

#### Section 2102. NON-CONFORMING USES OF BUILDINGS AND LAND

- A. Alteration, Extension, and Expansion of Non-Conforming Uses. A non-conforming use shall not be altered, extended, or expanded unless an appeal has been filed with the Zoning Hearing Board and approved as a special exception. The Board shall apply the following criteria:
1. Such alteration, extension, or expansion of a non-conforming use shall be permitted only upon the same lot as in existence at the date the use became non-conforming.
  2. Such alteration, extension, or expansion of a non-conforming use shall comply with all provisions of this Zoning Ordinance with respect to height, area, width, yard, and coverage requirements.
  3. The proposed expansion of the non-conforming use shall not exceed fifty percent (50%) of the square foot area of the usable floor space of any building or any unenclosed area or fifty percent (50%) of the cubic footage of any building or any unenclosed area in use at the time the lot, building, or use became non-conforming.
  4. The expansion of a non-conforming use of open land shall be limited to a distance of two hundred fifty (250) feet in any direction from the existing non-conforming use or to an area equal to one hundred percent (100%) of the existing non-conforming use, whichever is the lesser.
  5. The expansion of a non-conforming use shall be limited to the lot limits which existed for the property in question at the time that the use became non-conforming.
  6. The proposed expansion of a non-conforming use shall not cause an increased detrimental effect on surrounding properties.
- B. Continuance of a Non-Conforming Use. The lawful use of any building, structure or land existing at the effective date of this Zoning Ordinance may be continued, although such use does not conform with the provisions of the Zoning Ordinance except as otherwise provided in this Article. To avoid undue hardship, nothing in this Zoning Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Zoning Ordinance and on which actual building construction has been diligently carried on. No non-conforming use may be re-established after it has been discontinued for twelve (12) months. Vacation of land or buildings or the non-operative status of the use normally carried on upon the property shall be evidence of discontinuance.
- C. Substitution of Non-Conforming Use. No non-conforming use may be changed to any other non-conforming use unless the Zoning Hearing Board grants a special exception. In granting such a special exception, the applicant shall demonstrate the following:
1. The applicant shall show that the non-conforming use cannot reasonably be changed to a use permitted in the district where such non-conforming use is located.
  2. The proposed substitution will be less objectionable in external effects than the existing non-conforming uses with respect to (1) traffic generation and congestion, including truck, passenger car, and pedestrian traffic, (2) noise, smoke dust, noxious matter, heat, glare, and vibration, (3) storage and waste disposal, and (4) appearance.



3. The proposed use shall not have longer hours of operation than the existing non-conforming use.
  4. The proposed use shall be permitted in a zoning district in which the existing non-conforming use would be permitted or in a more restrictive zoning district.
  5. The proposed use cannot increase the number of existing non-conforming uses.
  6. The proposed substitution does not increase any dimensional non-conformities.
  7. The proposed substitution shall comply with all off-street parking design and performance requirements.
- D. Displacement. No non-conforming use shall be enlarged or extended to displace a conforming use.
- E. A Certificate of Use and Occupancy for changing or extending a non- conforming use, existing at the time of the passage of this Ordinance or of an amendment thereto, shall be applied for and issued before any such non-conforming use shall be changed or extended. Such Certificate shall be issued within fifteen (15) days after a final inspection and approval by the Zoning Officer.

### Section 2103. NON-CONFORMING BUILDINGS AND STRUCTURES

- A. Continuation. Any lawful non-conforming building or structure may remain as it existed prior to the effective date of this Zoning Ordinance or any amendment thereto by which such building or structure became non-conforming, provided, however, that any such building or structure shall otherwise be and remain in compliance with any other applicable laws or regulations.
- B. Non-Conforming Building or Structure Changed to Become Conforming. Whenever any non-conforming building or structure shall have been changed or altered to conform to the provisions of this Zoning Ordinance or its amendments in effect at the time of such change or alteration, or whenever any amendment to this Zoning Ordinance shall make such building or structure conforming with the provisions of this Zoning Ordinance or its amendments, then thereafter such building shall remain in conformance with the applicable provisions of this Zoning Ordinance or its amendments.
- C. Repairs, Renovation, and Modernization Of Non-Conforming Buildings And Structures. Repairs, renovation, and modernization of non-conforming buildings or structures such as renewal or replacement of outer surfaces or windows, or addition of soundproofing or fireproofing materials, air conditioning, and repair or replacement of structural parts or members of the building or structure, shall be permitted notwithstanding other provisions of this Zoning Ordinance. Such repairs, renovations or modernization shall not change or alter substantially the physical configuration of the non-conforming building or structure or change its position on the ground, provided that no increase in the size of or area covered by the said non-conforming building or structure, nor any extension or expansion of the non-conforming use or area of such use within the building or structure in or on the lot where such non-conforming use is located shall be permitted or authorized by this section. Areas of non-conforming use within a building or structure may be rearranged in connection with such repairs, renovation or modernization if there is not an enlargement or expansion of the non-conforming use within said building or structure.
- D. Rebuilding of a Non-Conforming Building When the Building is Destroyed. A non-conforming building may be rebuilt if said building is damaged or destroyed by any means, provided that a zoning permit is obtained and the reconstruction is diligently initiated within one (1) year. However, the new building shall conform as closely as is possible with the provisions of this Zoning Ordinance and the non-conformity of the new building with respect to height, area, and yard requirements as established by other provisions of this Zoning Ordinance shall not exceed that of the original building.

### Section 2104. NON-CONFORMING LOTS

Any lot held in single and separate ownership at the effective date of this Ordinance which does not conform to one or more of the applicable area regulations in the district in which it is located shall be considered non-conforming. Any development on a non-conforming lot shall comply with the following provisions:

- A. The proposed use is permitted within the district in which it is located.
- B. The proposed construction shall comply with all applicable district regulations.

Section 2105. INCREASE OF NON-CONFORMITY

- A. A non-conforming building or structure may not be enlarged or altered in a way which increases its non-conformity with respect to height, area, and yard requirements as established by other provisions of this Zoning Ordinance with the exception of the following:
  - a. Expansion of dimensionally non-conforming residential and agricultural buildings and structures - front yard. A building or structure which is located within the required front yard setback area of the district in which it is located is permitted to expand, provided that the expanded part of the building or structure will not extend nearer to the street than that part of the existing building or structure which is nearest to the street, the minimum side yard and rear yard setbacks areas of the district are complied with, there is no driveway access between the front of the proposed addition and the abutting street, and the use of the building or structure is a permitted use in the district in which it is located.
  - b. Expansion of dimensionally non-conforming residential and agricultural buildings and structures - side yard. A building or structure which is located within the required side yard setback area of the district in which it is located is permitted to expand, provided that the expanded part of the building or structure is limited to one (1) story and having a maximum height of sixteen (16) feet, the square footage of said expansion shall be no greater than twenty-five percent (25%) of the first floor area of said original building or structure, said expansion shall not extend nearer to the side yard property line, and the required rear yard setback shall be maintained.

Section 2106. NON-CONFORMING SIGNS

Signs in existence at the effective date of this Ordinance or amendments thereto, may be continued subject to the regulations contained in Section 1811 herein.

Section 2107. UNSAFE OR UNLAWFUL STRUCTURES OR BUILDINGS

If a non-conforming structure or building, or portions thereof, containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by a duly authorized official to be unsafe or unlawful by reason of physical condition, such structure or building shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the zoning district in which it is located, and with any building or construction ordinance in effect in the Township.

Section 2108. DISTRICT CHANGE

Whenever the boundaries of a district shall be changed so as to transfer a structure, building, or lot from one district to another district of a different classification creating a non-conforming use, the foregoing provisions shall apply to it and to any other non-conforming uses or structures existing therein.

Section 2109. REGISTRATION OF NON-CONFORMING USES AND STRUCTURES

To facilitate the administration of this Zoning Ordinance, the Zoning Officer may prepare and maintain an accurate listing of uses and structures in all districts not permitted by right in that district, and for which no special exception or variance has been issued, and which does not otherwise comply with all sections of this Zoning Ordinance. Such a listing shall be a matter of public record and shall constitute sufficient notice of the non-conforming status of said use and the limitations therein expressed and implied to any transferee acquiring any right to use or own such property.

Section 2110. CERTIFICATE OF NON-CONFORMANCE

A Certificate of Non-Conformance may be issued by the Zoning Officer to the owner of any property which, at the time of the effective date of this Ordinance, is identified as containing a non-conforming use or structure. The owner's property and the issuance date of such certificate shall be registered in the records of the Township as follows:

- A. The Certificate of Non-Conformance shall set forth in detail all of the non-conforming conditions of said property.
- B. A copy of the Certificate of Non-Conformance shall be retained and filed by the Zoning Officer.
- C. The Certificate shall be for the purposes of insuring the owner the right to continue a non-conforming use in accordance with the regulations of this Ordinance.

## ARTICLE XXII

### CRITERIA FOR SPECIFIC LAND USES, INCLUDING SPECIAL EXCEPTIONS AND CONDITIONAL USES

#### Section 2201. GENERAL DESCRIPTION

The specific uses set forth herein are deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth in this Article, in addition to all other requirements of this Zoning Ordinance. The specific uses in this Article are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case. Some of the uses specified in this article are permitted pursuant to special exception approval and some may be permitted subject to conditional use approval.

The Zoning Hearing Board may grant approval of a special exception provided that the applicant complies with the standards for special exceptions set forth in this Article and demonstrates that the proposed special exception use contained herein shall not be detrimental to the health, safety, and welfare of the neighborhood. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards in addition to those expressed in the Zoning Ordinance as it may deem necessary to implement the purposes of this Zoning Ordinance. Similarly, in the case of conditional uses, the Board of Supervisors may grant approval subject to compliance with the standards set forth herein and pursuant to the procedures set forth in Section 2312.

The Zoning Officer may also approve a permit application for a specific use listed herein when permitted as of right provided that the applicant complies with the standards set forth herein.

In all instances, the burden of proof shall rest with the applicant.

#### Section 2202. PROCEDURE

The procedures for consideration of special exceptions shall follow the procedure for hearings as stated in Section 2506 and the procedures for consideration of conditional uses as set forth in Section 2312.

#### Section 2203. PLAN REQUIREMENTS

Any application for any use set forth in Subsection 2205 and any other special exception or conditional use as may be designated by the Township shall be accompanied by a scaled drawing of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Zoning Ordinance and shall include the below information and any additional information as may be required by the appropriate application form or the applicable subsection in Subsection 2205:

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

Section 2204. GENERAL STANDARDS FOR ALL SPECIAL EXCEPTION OR CONDITIONAL USE APPLICATIONS

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

- A. The proposed use is consistent with the purpose and intent of the Zoning Ordinance.
- B. The proposed use does not detract from the use and enjoyment of adjoining or nearby properties.
- C. The application complies with all criteria established for the respective land use proposal addressed in Section 2205.
- D. The proposed use does not substantially impair the integrity of the Township's Comprehensive Plan.
- E. The required front yard, side yards, open space areas, and height limitations for the applicable zoning district have been met.
- F. The off-street parking provisions are in conformance with those specified in Article XIX of this Zoning Ordinance.
- G. Points of vehicular access to the lot are provided at a distance from intersections and other points of access and in number sufficient to prevent undue traffic hazards and obstruction to the movement traffic.
- H. The location of the site with respect to the existing roads giving access to it is such that the safe capacity of those roads is not exceeded by the estimated traffic generated or attracted is not out of character with the normal traffic using said public road.
- I. The pedestrian access from the off-street parking facilities is separated from vehicular access and sufficient to meet the anticipated demand.
- J. The proposed use is not incompatible with the existing traffic conditions and adjacent uses and will not substantially change the character of the immediate neighborhood.
- K. Facilities are available to adequately service the proposed use (e.g. schools, fire, police, and ambulance protection, sewer, water, and other utilities, etc.).
- L. Screening of the proposed use from adjacent uses is sufficient to prevent the deleterious impact of the uses upon each other.
- M. The use of the site complies with the requirements of any other public agency having jurisdiction over the proposed use.
- N. Operations in connection with a special exception use will not be more objectionable to nearby properties by reason of noise, odor, fumes, vibration, glare, or smoke than would be the operations of any permitted use.

Section 2205. SPECIFIC USE STANDARDS

Each of the following land uses contains criteria which shall be addressed by the applicant and, as the case may apply, reviewed by either by (1) the Zoning Hearing Board in its consideration of a special exception, (2) by the Board of Supervisors in its consideration of a conditional use, or (3) by the Zoning Officer when an applicant seeks a permit for any of the below listed land uses that are permitted by right in a particular zoning district.

- A. Adaptive Reuse of Agriculture Buildings For Off-Site Storage Purposes
  - 1. The original function and purpose of the building was used for agricultural purposes.
  - 2. No more than two storage uses shall be allowed on the farm parcel.
  - 3. No mini storage units shall be permitted.
  - 4. The building façade shall give no outward appearance of being utilized for purposes other than a dwelling or accessory farm building.
  - 5. Building improvements shall comply with all applicable building code requirements.

B. Adult Related Business

1. Any such business shall be set back at least 250 feet from any school, day care center, park or church. For purposes of this subsection, such setback shall be measured from the closed point on the lot where the Adult Related Business is located to the closest point on the lot where the school, day care center, park or church is located.
2. The proposal shall comply with all and violate none of the requirements of the East Earl Township Adult Related Activities Ordinance No. 43.

C. Adult Day Care Facilities, Including Family Care Facilities

1. Off-street parking shall be provided in accordance with Article XIX herein. In addition, at least two (2) parking spaces, or five percent (5%) of all parking spaces shall be designated as handicapped parking.
2. The facility shall be conducted and operated in accordance with applicable Commonwealth laws and regulations in addition to other applicable provisions herein.

D. Age-restricted Residential Community and Continuing Care Retirement Community (CCRC):

1. Standards for all Age-restricted Residential Communities and CCRC's in addition to otherwise applicable provisions herein:
  - a. Minimum Lot Area: ten (10) acres.
  - b. A minimum of thirty percent (30%) of the Lot Area shall comprise permanent open space. Design, ownership and maintenance of open space shall comply with the provisions of Subsection 2205.UU.14.
  - c. Net Density shall be as follows:
    - i. Maximum Net Density for Age-restricted Residential Communities in the RL Zoning District: three (3) dwelling units per net acre (defined pursuant to the definition of "Net Density"). Assisted Living and Nursing beds shall be counted as 0.5 dwelling units each. Independent residences shall be limited to single-family dwellings with a minimum individual lot size of 6,000 (6,000) square feet shall be established for all residential development, regardless of the mix of dwelling unit types.
    - ii. Net Density for Age-restricted Residential Communities and Continuing Care Retirement Communities in the RM Zoning District: See Section 804.A, noting that Assisted Living and Nursing beds shall be counted as 0.5 dwelling units each.
    - iii. Net Density for Age-restricted Residential Communities and Continuing Care Retirement Communities in the CN Zoning District: a net density of between four (4) and eight (8) dwelling units per net acre (defined pursuant to the definition of "Net Density") shall be established for the development, regardless of the mix of dwelling unit types. Assisted Living and Nursing beds shall be counted as 0.5 dwelling units each.
  - d. Minimum tract perimeter setback: fifty (50) feet.
  - e. Building setbacks from internal access drives may be reduced to twenty-five (25) feet, and from parking lots fifteen (15) feet, measured from the cartway edge or curbline.
  - f. Maximum length of individual residential structure, excluding enclosed breezeways no more than one and a half (1½) stories in height: one hundred fifty (150) feet. The maximum building length may be increased where an off-set in the facade visually breaks the building into component less than one hundred fifty (150) feet to the satisfaction of the Board of Supervisors.

- g. The community may include customary accessory uses intended principally to serve residents and staff or to facilitate the operation and management of the community, including administrative offices and operational facilities, child or adult day care, personal service shops such as barber shop, beauty salon or commissary, branch bank and/or automated teller machine, dining facilities, community center, library, cultural, educational, social, religious and recreational facilities, wellness center, or other similar uses.
  - h. A coordinated system of non-motorized access means shall be provided throughout the community, including sidewalks bicycle routes, and trails as necessary to connect all buildings and parking areas and to interconnect with pedestrian and bicycle circulation means outside the development, where recommended by the Township.
  - i. The architectural design of any buildings larger than conventional single-family detached dwellings shall mitigate the visual impact(s) of larger buildings as viewed from any public road. The applicant shall demonstrate that the overall design, in terms of the locations, form, massing, height, and architecture of all structures and facilities, as applicable, taken as a whole, shall minimize impacts to surrounding residences, neighborhoods and public roads. The applicant shall submit typical architectural elevations and landscaping cross-sections as necessary to demonstrate compliance with this provision.
2. Special Provisions for CCRC (in such zones where CCRCs are allowed under this Ordinance):
- a. A CCRC may include Independent Living Residences, Assisted Living Residences and skilled nursing beds.
  - b. The total number of skilled nursing beds shall equal no more than thirty-five percent (35%) of the total number of Independent Living Residences and Assisted Living Residences provided, except where applicant demonstrates actuarial information satisfactory to the adjudicating Board justifying a higher number.
  - c. In addition to customary accessory uses set forth in Subparagraph 2205.D.1.g above, a CCRC may include customary accessory uses intended principally to serve residents physical and mental health needs, including therapy facilities, physicians' offices, patient hostel, rehabilitative services center, specialized facilities for "memory care," or Alzheimer's and/or dementia care and other medical facilities, or other similar uses.
  - d. If at any time, the number of nursing beds or Assisted Living Residences exceeds actual demand from within the CCRC, persons from outside the CCRC may be permitted to occupy such nursing beds or residences on a temporary basis.

E. Agri-Tourism Uses

- 1. Agri-tourism activities shall avoid undue impact to any prime agricultural soils.
- 2. No new buildings shall be permitted.
- 3. Proposed activities shall be located so that the amount of land capable of being used for agricultural production that is proposed to be converted is minimized.
- 4. The development of an agri-tourism use must be principally oriented around a farm (dwelling, barns, other buildings, and land) that existed as of the effective date of this Ordinance.
- 5. Any areas used for farming and/or the keeping of farm animals shall be subject to all the applicable regulations of the Agricultural (AG) District and the Conservation/Open Space (CO) District.
- 6. The subject property shall front along and provide vehicular access to a collector or arterial road as identified in Section 1715. In the alternative to the foregoing, an applicant

may present evidence to otherwise demonstrate that vehicular access to and from the agri-tourism use shall be efficient, safe and effective with no material impacts on the Township road system, and/or with any negative impacts minimized by employment of specific steps and actions.

7. All buildings, structures, off-street parking and loading areas shall be set back at least one hundred (100) feet from any adjoining property lines and three hundred (300) feet from any adjoining residences or residentially-zoned property.
8. The applicant shall furnish evidence of an approved means of potable water supply and sewage disposal to serve all proposed uses.
9. The applicant must provide for sufficient off-street parking spaces and off-street loading spaces for all of those uses proposed according to the off-street parking and loading provisions of this Ordinance. All off-street parking and/or loading areas shall be screened from adjoining residences and from adjoining roads. If, at any time after the opening of the facility, the Board of Supervisors determines that parking, loading or traffic back-ups are occurring on adjoining roads, and such are directly related to inadequate on-site facilities on the subject property, the Board of Supervisors can require the agri-tourism operator to revise and/or provide additional on-site parking and/or loading space. In addition, the Board of Supervisors may require an unimproved grassed overflow parking area to be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.
10. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle back-ups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle back-ups on adjoining roads. If, at any time after the opening of the agri-tourism use, the Board of Supervisors determines that traffic back-ups are occurring on adjoining roads, and such back-ups are directly related to the means of access to the subject property, the Board of Supervisors can require the agri-tourism operator to revise the means of access to relieve traffic back-ups.
11. The applicant shall furnish evidence of the provision of adequate public safety services including trained volunteers and paid professionals, whether public or private.
12. Any outside pedestrian waiting lines shall be provided with a means of shade.
13. The total retail display and sales area shall not exceed two thousand (2,000) square feet.
14. The applicant shall submit and continuously implement a working plan for the clean-up of litter and other debris.
15. The Zoning Hearing Board will approve the proposed use(s) only upon finding that the site and buildings provide for a logical location for such use(s).
16. The use shall be approved only if the applicant demonstrates that it can be effectively accommodated without adverse impact to adjoining uses due to hours of operation, noise, light, litter, dust, and pollution.
17. For any such activities planned or anticipated to have attendance of more than two-hundred (200) persons at any one time during a day, and event plan addressing parking, proposed days of operation, ingress and egress, sanitation, and other public safety issues shall be filed annually with the Zoning Officer, servicing fire company, emergency medical service provider, and any local law enforcement agency at least thirty (30) days prior to the start of any agri-tourism activity in the calendar year.

F. Amusement Arcades (See Indoor Recreational Facilities)

G. Apartment, Accessory

1. The apartment will be a complete and separate housekeeping unit to include separate cooking and bathroom facilities that can be isolated from the original unit.
2. Only one (1) apartment will be created within a single-family detached dwelling unit.
3. The owner(s) of the residence in which the accessory unit is created shall occupy at least



- one (1) of the dwelling units on the premises, except for bona fide temporary absences.
4. The accessory apartment shall be designed so that, to the degree feasible, the appearance of the building remains that of a single-family detached building. In general, any new entrances shall be located on the side or in the rear of the building, and any additions shall not increase the square footage of the original structure by more than twenty percent (20%).
  5. The design and size of the apartment conforms to all applicable State and Township standards/codes including, but not limited to, the Township's building code.
  6. Additions and alterations carried out in the last three (3) years prior to application, which add more than the permissible ten percent (10%) to the previous floor area of the existing single-family detached dwelling, shall not be considered in determining adequate space.
  7. Under no circumstances shall the apartment be greater than thirty percent (30%) of the structure's total floor area nor greater than eight hundred (800) square feet.
  8. A minimum of five hundred (500) square feet of floor area shall be required.
  9. Off-street parking shall be provided in accordance with Article XIX herein.
  10. All accessory apartments shall be provided with a street number for emergency management purposes.

H. Apartment, Conversion

1. The proposed conversion shall conform to the regulations for the district in which it is located.
2. There shall be no exterior evidence of change in the building except as required by State or Township building or housing codes or regulations.
3. Fire escapes, where required, shall be in the rear of the building and shall not be located on any wall facing a street.
4. Off-street parking shall be provided in accordance with the provisions of Article XIX.
5. The plans for the conversion of said building shall be submitted to the Zoning Officer/Planning Commission for review as a permitted use, if considered a land development plan and shall be acted upon in accordance with the applicable Subdivision and Land Development Ordinance; otherwise, it shall be considered a special exception and the plans forwarded to the Zoning Hearing Board for review.

I. Bed and Breakfast Establishments—The following provisions shall apply to all Bed and Breakfast Establishments.

1. No external modifications which would alter the residential character of the neighborhood, with the exception of fire escapes, are permitted.
2. All floors utilized by guests of the Bed and Breakfast Establishment shall have an emergency escape access to ground level.
3. One off-street parking space shall be provided for each proposed rental unit or room, in addition to the required spaces for the existing dwelling.
4. One (1) sign may be erected which shall be no larger than twelve (12) square feet in size and which shall be no less than ten (10) feet from any property lines.
5. A Bed and Breakfast Establishment shall not include more than five (5) rooms for rent; and breakfast, if offered, shall be available only for registered overnight guests. No meals other than breakfast shall be served.
6. Not more than ten (10) adult guests may be accommodated at any one time. The length of stay per guest shall be limited to fifteen (15) days.
7. In the absence of public sewer facilities, the applicant shall provide written notice from the Township Sewage Enforcement Officer that the existing sanitary sewage facilities are adequate to treat the anticipated sewage or that a permit for a new or modified sub-surface sewage disposal system has been issued.
8. The Bed and Breakfast Establishment shall demonstrate adequate potable water supply for the intended use.
9. Where there is a Bed and Breakfast Establishment on a lot, no Boarding Home shall be

permitted.

J. Boarding Home (Including Rooming/Lodging Houses).

1. Accommodations shall be limited to no more than ten (10) guest rooms for rent.
2. Not more than twenty (20) guests may be accommodated at any one time.
3. Meals for compensation shall be provided only to boarding home guests. No cooking facilities shall be provided or permitted in the individual guest rooms.
4. Guest rooms shall contain a minimum of two hundred (200) square feet of habitable floor area per unit.
5. The minimum front, side, and rear yard setbacks shall be no less than twenty-five (25) feet.
6. Off-street parking shall be provided in accordance with Article XIX herein, and shall be at least twenty-five (25) feet from all property lines.
7. The applicant shall furnish evidence that systems for sanitary sewage disposal and water supply have been approved by the appropriate authorities.
8. No external modifications which would alter the residential character of the dwelling, with the exception of fire escapes or other building code requirements, are permitted.
9. Where there is a Boarding Home on a lot, no Bed and Breakfast Establishment shall be permitted.

K. Cemeteries and Monument Sales.

1. No monuments or other merchandise shall be placed in the front yard of a monument sales use.
2. Sufficient off-street parking shall be provided to prevent the blockage of traffic on adjacent streets
3. The internal access drives within a cemetery shall provide for the safe movement of vehicles and shall provide safe points of ingress and egress.
4. All burial plots and facilities shall be located no closer than ten (10) feet from any abutting property. Burial plots shall not be located within the required front yard setback of the underlying zoning district.

L. Churches and Related Uses.

1. A buffer yard/screen planting of no less than ten (10) feet in depth shall be maintained along all property lines and shall be placed in accordance with Section 1707 herein.
2. Off-street parking shall be provided in accordance with the provisions of Article XIX herein and shall be at least twenty-five (25) feet from all property lines and the street right-of-way line.
3. The maximum lot area for any church in the Agricultural (AG) District shall be ten (10) acres. All activities of the church shall be limited to the subject parcel.
4. A side yard setback of fifty (50) feet shall be maintained on each side.
5. Church-related residences which are located on the same parcel as the church shall be subject to the same standards for detached single-family dwellings in the underlying district.
6. Church-related educational or day care facilities shall conform to the following:
  - a. If educational facilities are offered below the college level, the applicant shall provide an outdoor plan for recreation which shall be acceptable to the Zoning Hearing Board, or when permitted by right, the Zoning Officer. Appropriate screening and buffering from adjacent residential properties shall be provided.
  - b. The application shall be accompanied by a plan which demonstrates that adequate outdoor recreational facilities are being provided.
  - c. Student and child drop-off areas shall be designed to eliminate the need to cross traffic lanes within or adjacent to the site.

- d. The applicant shall provide a parking plan which justifies that the proposed parking facilities are sufficient for the intended use.
- 7. Any other use not specified above shall be considered and reviewed as a principal use subject to all applicable related requirements.

M. Clubs and Lodges.

- 1. The chief activity of such use shall not be one which is customarily carried on as a business, and the building and services shall be primarily for the use of members and their guests only. A dining room may be operated for the benefit of club members provided that no permanent sign advertising the sale of food or beverages will be permitted.
- 2. A buffer yard/screen planting of no less than five (5) feet in depth shall be maintained along all property lines abutting a residential use or district.
- 3. Off-street parking shall be provided at least twenty-five (25) feet from all street rights-of-way and adjoining residential properties.
- 4. Any outdoor recreational facilities shall be located at least fifty (50) feet from any property line.

N. Commercial Antennas, Towers, and Equipment For Commercial Operation.

1. Satellite Dish Antennas

Satellite dish antennas shall be permitted by special exception as accessory structures provided that:

- a. No such antenna shall be located in any front yard.
- b. No more than one (1) antenna shall be located on any one (1) unit in the Commercial Neighborhood District.
- c. The absolute minimum diameter satellite dish antenna shall be employed. In no case shall any antenna be larger than eight (8) feet in diameter.
- d. The maximum height of any freestanding antenna shall be fifteen (15) feet.
- e. No part of any freestanding antenna shall be located any closer than ten (10) feet to any property line.
- f. No such antenna shall be located on the roof of any accessory building such as detached garages or sheds.
- g. Roof-mounted antennas shall not be permitted in the Commercial Neighborhood District, nor located on the front roof line, unless a variance is granted by the Zoning Hearing Board upon presentation of evidence that a roof-mounted antenna is the only feasible method of obtaining reception due to physical characteristics of the property and the location of existing structures. Roof-mounted antennas shall be constructed of a wire mesh material or its equivalent and shall not exceed twelve (12) feet in height.

2. Communication Antennas.

Other radio and television antennas, subject to licensing and/or regulation by the Federal Communications Commission, shall be permitted by special exception as accessory structures provided that:

- a. Any freestanding antenna shall be located at least fifteen (15) feet from any dwelling unit or principal structure on the lot.
- b. Antennas and associated structures which do not exceed thirty (30) feet in height shall be located at least fifteen (15) feet from any property line. Antennas which

- exceed thirty (30) feet in height shall provide an additional one (1) foot of clearance for every one (1) foot of height in excess of thirty (30) feet.
- c. Antennas shall not be permitted in any front yard.
  - d. The antenna and associated structures shall be securely anchored in a fixed position on the ground and the applicant shall provide qualified evidence that the proposed structure will withstand wind and other forces.
  - e. The antenna and its associated supports, such as guy wires, or the yard area containing the structure, shall be protected and secured to guarantee the safety of the general public. Associated supports and guy wires shall not be located any closer than five (5) feet to any property line.
  - f. In granting the use, the Zoning Hearing Board may attach reasonable conditions warranted to protect the public health, safety and welfare, including, but not limited to, fencing, screening and increased setbacks.
  - g. All Antennas are subject to the following provisions:
    - (1) The applicant must demonstrate that the proposed location is necessary for the efficient operation of the system by identifying that the system cannot operate with equal effectiveness if it were to co-locate with similar existing facilities and if located elsewhere in the zoning district where permitted by special exception.
    - (2) The applicant shall provide engineering drawings of the proposed facility sealed by a registered professional engineer. Said drawings and accompanying material shall demonstrate that the structure is so designed to withstand excessive winds and to fall in on itself if a structural collapse should occur.
    - (3) The applicant shall provide evidence of the required approval from the Federal Aviation Administration and the Federal Communications Commission.
    - (4) All structures shall contain a setback from all property lines a distance equal to the height of the facility. Additionally, the setback from any street right-of-way shall be equal to the height of the facility unless the existing building setback line is greater than the structure height.
    - (5) All facilities shall be completely enclosed by an eight (8) foot high chain link fence with self-locking gate.
    - (6) When lighting is provided for towers, such light feet shall shielded so as not to produce light on abutting properties.
    - (7) The antenna guy wires, supporting structures and accessory equipment shall be located and designed so as to minimize the visual impact on surrounding properties and from public streets. Antennas shall be screened through the addition of architectural features and/or landscaping that harmonize with the elements and characteristics of the property. Screening material shall be of a height necessary to conceal the antenna without reception being obstructed. Screening shall not exceed six (6) feet in height. The materials used in construction of the antenna shall not be unnecessarily bright, shiny, garish or reflective.
    - (8) All antennas shall conform to the requirements of the applicable building construction code.
    - (9) A zoning permit and building permit shall be required for the installation of an antenna in excess of twelve (12) feet in height and in accordance with the applicable building construction code, as amended.
    - (10) All antennas shall be maintained in good condition and in accordance with all requirements of this Section.
    - (11) All antennas shall be subject to periodic reinspection. No addition, changes or modifications shall be made to an antenna, unless the addition, change or modification is in conformity with Township codes and the zoning permit.

- O. Day Care Centers (Including Day Care Centers as An Accessory Use To a Principal Use)
1. Operators are responsible for compliance with all Pennsylvania Department of Public Welfare licensing/registration requirements and any other local, state or federal regulations.
  2. An outdoor play area shall be located in the rear yard and be surrounded by a safety fence or natural barrier.
  3. Outside play shall be limited to the hours between 8:00 a.m. and 7:00 p.m.
  4. A buffer yard of no less than ten (10) feet in depth shall be established along rear and side lot lines in accordance with Section 1707 herein. Said buffer yard shall be provided, in addition to required side and rear yards, and shall not be included in determining usable outdoor play area.
  5. Off-street parking/loading and unloading areas shall be provided in accordance with Article XIX herein.
- P. Drive-Thru Establishments (See Vehicular Sales/Vehicular Service Establishments and Other Drive-Thru Type Uses)
- Q. Echo Housing
1. The total building coverage for the principal dwelling, the accessory structures, and the proposed dwelling together shall not exceed the maximum requirement of the prevailing zoning district.
  2. The proposed dwelling shall be occupied by either an elderly, handicapped, or disabled individual related to the occupants of the principal dwelling by blood, marriage, or adoption, or by the caregiver for any of the above mentioned individuals.
  3. The proposed dwelling shall not be occupied by more than two (2) people.
  4. The applicant shall provide evidence that the proposed method of sewage disposal and water supply comply with Department of Environmental Protection requirements.
  5. One (1) off-street parking space shall be required for the proposed dwelling unit.
  6. The proposed dwelling shall be located to the side or rear of the principal dwelling and shall be subject to all side and rear yard requirements of the prevailing zoning district.
  7. If the proposed dwelling is a manufactured home, it shall be placed on the lot in accordance with the foundation and anchoring requirements of the Township Building Code.
  8. The proposed dwelling unit shall be provided with properly designed utility connections.
  9. The applicant shall furnish proof of the filing of either a land development plan or an agreement with the East Earl Township Board of Supervisors for the proposed dwelling unit.
  10. The proposed dwelling unit shall be removed within ninety (90) days after it is no longer occupied by the individual who qualifies for the use.
  11. Upon the proper installation of the proposed dwelling, the Zoning Officer shall issue a temporary zoning permit. This permit shall be reviewed during the month of January of each year until such time that the dwelling is to be removed. A fee, in an amount established by the Board of Supervisors, shall be paid by the landowner upon each renewal of the temporary building permit.
- Q1. Event Facilities.
1. Where permitted, event facilities are encouraged, but not limited, to adaptively reuse existing structures.
  2. When conducted as a principal use, event facilities may include such accessory uses and temporary structures as are required for the conducting of events. In such cases, accessory uses may include a single-family residence on the property, which is occupied

by the owner/operator of the event facility or a caretaker employed by the facility owner/operator.

3. The event facility shall be provided with safe and efficient vehicular ingress and egress. A traffic management plan shall be prepared, submitted to the Zoning Hearing Board, and implemented as required by the Zoning Hearing Board. The Board may also require that parking and traffic attendants be provided by which to implement the traffic management plan.
4. At a minimum, parking shall be provided in accordance with Section 1903.23. However, the Zoning Hearing Board may require additional parking above this standard; if so, the Zoning Hearing Board may, at its discretion, allow the additional parking to be provided as overflow, grass-surfaced parking.
5. The event facility shall be operated in conformance with all of the provisions of Section 1704 as they relate to the conduct of events. In particular, the Zoning Hearing Board shall consider and, at its discretion, may limit the impact of noise on surrounding properties (pursuant to Section 1704.G).
6. Evidence must be provided to the Zoning Hearing Board that the event facility is or will be served by adequate water and sewer facilities as well as trash collection.
7. All event facilities must comply with applicable building codes and requirements.
8. The serving of food and beverages (including alcoholic beverages) is permitted, subject to the permitting and licensing requirements of governmental agencies having jurisdiction.
9. All event facilities shall comply with the lot area, lot width, setback, impervious coverage, and building height requirements as set forth in the underlying zoning district.
10. In considering an application for an event facility, the Board may consider and place limitations on:
  - a. The hours of operation.
  - b. Maximum number of attendees.
  - c. Lighting.
  - d. Signage.
  - e. Screening.

R. Family Care Facilities (See Adult Day Care Facilities)

S. Family Day Care Homes/Group Day Care Homes

1. A minimum of one hundred (100) square feet of usable outdoor play space and forty (40) square feet of usable indoor space must be provided for each child present at the facility, including resident children.
2. Outside play shall be limited to the rear yard of such facility, during the hours of 8:00 a.m. and 7:00 p.m.
3. A buffer yard of no less than ten (10) feet in depth shall be established along rear and side lot lines in accordance with Section 1707 herein. Said buffer yard shall be provided, in addition to required side and rear yards, and shall not be including in determining usable outdoor play area.
4. Operators are responsible for compliance with all Pennsylvania Department of Public Welfare licensing/registration requirements and any other local, state or federal regulations.
5. Off-street parking/loading and unloading areas shall be provided in accordance with Article XIX herein.

T. Farm-Related Occupations

1. Where permitted, farm-related occupations may include the following accessory uses when operated on a farm and where the farm uses continue to operate:

- a. Facilities for the processing, storage and wholesale distribution of goods produced on the farm.
- b. Facilities for the service and repair of agricultural equipment and incidental sales of parts and services.
- c. Blacksmith and tool sharpening service.
- d. Custom carriage, buggy, wagon and related appurtenances, construction, sales and service.
- e. Carpentry.
- f. Woodworking, furniture, upholstery and cabinet making.
- g. Butchering.
- h. Clothesmaking.
- i. Baking.
- j. See also the definition of farm-related occupation in the definitions section of this ordinance.

2. All farm-related occupations shall comply with the following requirements:

- a. Not more than ~~one~~two (42) farm-related ~~occupation~~occupations, rural accessory business ~~use~~uses, or nonconforming ~~use~~uses per lot shall be permitted.
- b. Not more than a total of ~~three~~four thousand (~~3,000~~4,000) square feet of structure floor area shall be utilized for all farm-related occupations, rural accessory business uses, and nonconforming uses. Such space shall be physically partitioned from the principal use or other accessory uses
- c. Not more than six hundred (600) square feet of total outdoor display space for all farm-related businesses shall be permitted. Outdoor display shall be limited to daylight hours and must be removed after dusk.
- d. The owner of the farm-related occupation shall be a full-time resident of the principal farm dwelling on the property. Not more than two (2) full-time or full-time equivalent employees not residing on the subject property or not family members of residents of the property shall be employed in the total of all farm-related occupations, rural accessory business uses, and nonconforming uses on the lot.
- e. Signs shall be placed in accordance with Article XVIII herein.
- f. Off-street parking, off-street loading, and on-site access drives shall comply with the following:
  - (1) Off-street parking and loading shall be provided in accordance with Article XIX.
  - (2) Deliveries shall not restrict traffic circulation.
  - (3) 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 a least fifty (50) feet from the street right-of-way. In addition another fifty (50) feet of gravel section shall be located just beyond the paved apron.
- g. When necessary, outside storage shall be provided in accordance with Section 1710. In any event, outside storage shall not exceed the permitted impervious coverage or 10,000 square feet, whichever is less.
- h. Farm-related occupations shall be conducted within the designated farmstead area of the farm parcel and within the dwelling and/or accessory building on the same lot as the dwelling.
- i. The building face, whether new or existing, shall give no outward appearance of being utilized for purposes other than a dwelling or accessory farm building.
- j. Farm-related occupations shall meet the performance standards in accordance with Section 1704.
- k. Buffer yards and screening shall be provided in accordance with Section 1707, if the structure which houses the proposed farm-related occupation abuts a

- property line of a non-farm residential lot.
- I. Accessory storage and warehousing of goods produced by the farm-related occupation shall be subject to the provisions below.
- (1) All storage and warehousing of goods shall be within enclosed buildings or when not in a building, shall be screened from view at the property line or from the roadway in accordance with Section 1707.
  - (2) The reuse of vacant buildings on the farmstead or non-farm lot shall be given first priority. The applicant shall provide evidence that the use of existing vacant buildings is not feasible for storage or warehousing before storage or warehousing is permitted in new building or screened areas.
  - (3) Additional inside storage and warehousing shall be permitted in the amount of fifty percent (50%) of the area devoted to the business. More than fifty percent (50%) of the area devoted to the business may be used for storage by special exception. The maximum storage area shall be two thousand (2,000) square feet.
  - (4) Outside storage shall not exceed the permitted impervious coverage or ten thousand (10,000) square feet, whichever is less.
- m. Spacing between new and existing structures within the farmstead shall be in accordance with the below requirements:
- (1) When front to front, rear to rear, or front to rear, parallel structures shall have fifty (50) feet between faces for one (1) story in height, plus five (5) feet for each additional story. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10) feet at one end if increased by similar or greater distances at the other end. Where service drives or bank grade changes or collector walks are introduced in this space, the distance between structures shall be at least fifty (50) feet.
  - (2) End to end, a distance of twenty-five (25) feet between structures for a one (1) story structure plus five (5) additional feet for each story in excess of one.
  - (3) End to front, or end to rear, a distance of thirty (30) feet between structures for each one (1) story structure plus five (5) feet additional for each story in excess of one.
  - (4) When adjacent structures differ in the number of stories, the required distance between structures shall be calculated on the taller of the structures.
- n. The proposed use shall comply with the following Township environmental requirements.
- (1) An approved Pennsylvania Department of Environmental Protection (PADEP) sewage facilities planning module and/or permit, as required, for on-lot sewage disposal for the expansion of an existing, or development of a new on-lot system, shall be provided by the owner.
  - (2) The proposed activity and/or required building and site improvements shall conform with the East Earl Township Storm Water Management Ordinance.
  - (3) No new construction or site improvements shall be permitted on soils on the property classified as having severe limitations on building site development as defined in the United States Department of Agriculture's (USDA) Soil Survey of Lancaster County, most recent addition.
  - (4) No new construction or site improvements shall be located within areas of slope greater than twenty-five percent (25%).
  - (5) No new construction shall be located within one hundred (100) feet of surface waters, (pond, stream, etc.).



- (6) No new construction shall be located within an area of wetlands.
- (7) Uses that will use more water than a single family housing unit in areas with limited groundwater quantity supplies (as identified and mapped by the County) shall not be approved until aquifer testing has been completed in accordance and compliance with the Township's Subdivision and Land Development Ordinance.

U. Floodplain Uses

All uses within the floodplain shall conform to the requirements of East Earl Township Ordinance No. 197-2016, the provisions of which are incorporated herein as if fully set forth at length.

V. Forestry Activities/Woodland Preservation

- 1. Forestry Activities. In accordance with the requirements of Section 603(f) of the MPC, forestry activities including the harvesting of timber, are hereby declared to be permitted as of right in all zoning districts within the Township subject to: (1) the provisions generally applicable to all uses in the district in which such land is located; (2) the provisions of this section; and (3) the provisions of East Earl Township Timber Harvesting Ordinance, Ordinance No. 170 of 2011.
- 2. The cutting down and removal of five (5) or more trees from a single lot or tract of land within the Township shall be subject to the requirements and procedures of the East Earl Township Timber Harvesting Ordinance, Ordinance No. 170 of 2011.
- 3. Forestry activities shall be conducted in accordance with an erosion and sedimentation pollution control plan that is consistent with current acceptable practices to control runoff, erosion, stream siltation and soil stabilization.
- 4. The erosion and sedimentation pollution control plan shall be submitted to the Lancaster County Conservation District for their review and approval prior to initiating any earth moving or timber harvesting activities.
- 5. The erosion and sedimentation control plan, along with evidence of the review and approval of same by the Lancaster County Conservation District, shall be submitted to the Township prior to initiating any earth moving or timber harvesting activities.
- 6. All roads and trails developed as part of a timbering activity shall be dust stabilized when within one hundred (100) feet of any lot or street line.
- 7. Woodland Preservation. The following provisions shall apply to woodlands, which for purposes of this Section and this ordinance shall be defined as a lot that is a half-acre or more in size containing five (5) or more trees with trunk diameter three (3) inches or more at the height of three (3) feet above the ground on level:
  - a. No more than twenty percent (20%) of woodlands located in environmentally sensitive areas shall be altered, regraded, cleared or built upon. Environmentally sensitive areas shall include floodplains, hydric soils, slopes in excess of fifteen percent (15%), and wetlands.
  - b. No more than fifty percent (50%) of woodlands not located within environmentally sensitive areas (as defined in a. above) shall be altered, regraded, cleared or built upon.
  - c. Construction, development, grading, or clearing operations shall not increase the amount of storm water which runs off of the lot to levels which exceed the storm water run-off which flowed from the lot prior to such activities.
  - d. Storm water management facilities and sedimentation and erosion control facilities shall be provided on lots where construction, development, grading, or clearing has increased the rate of the storm water runoff above the rate that flowed from the lots prior to such activities.
  - e. If a subdivision or land development plan is not required to be approved by the Board of Supervisors, a plan showing all proposed development, construction, or alteration of the land shall be required to be submitted by the landowner to the Board of Supervisors, to be processed and reviewed as a stormwater

management plan, prior to the issuance of a building permit for such activities which affect more than 3 acres, which shall be calculated cumulatively from the effective date of this section of the Ordinance. The Township may also require storm water calculations, performed by an individual registered in the Commonwealth of Pennsylvania to perform such calculations, to be submitted with the plan. The Zoning Officer may request the Township Engineer to review the plan and storm water calculations and to make recommendations within thirty (30) days on the content and accuracy of said plan and calculations. Any landowner whose property is so studied shall pay all costs for the review of these studies by the Township Engineer.

- f. The clearing of trees should only be conducted in those areas necessary for the construction of structures for which a building permit has been issued or as a method of forestry, when conducted in accordance with accepted silvicultural principles and as set forth herein.

V1. Funeral Homes

Where permitted or permitted as a special exception, funeral homes may be established subject to the following conditions:

- A. A buffer yard/screen planting of no less than ten (10') feet in depth shall be maintained along rear and side lot lines abutting a residential use.
- B. Off-street parking shall be provided in accordance with Article XIX herein.

V2. Game Refuges.

- 1. Where permitted, game refuges shall provide for the protection, care, and feeding of animals while safeguarding the welfare of the Township and surrounding properties.
- 2. The entire refuge shall be surrounded by a fence of sufficient height by which to limit the movement of animals and prevent trespassing.
- 3. The owner/operator of the game refuge must demonstrate to the Zoning Hearing Board that he/she has the training, experience, and knowledge necessary to safely conduct the operations of the refuge and handle the animals therein.
- 4. The owner/operator shall also provide evidence that he/she has obtained all required federal, state, and local permits and licenses pertinent to the refuge and to the keeping of the animals therein.

V3. Golf Courses and Driving Ranges.

Golf courses (not including miniature golf courses) and driving ranges and their accessory uses shall comply with the following:

- A. Minimum Lot Areas:
  - Golf Course – 25 acres
  - Driving Range – 15 acres
- B. No building shall be closer than one-hundred (100') feet to any lot line.
- C. Adequate off-street parking shall be provided.
- D. The course shall not be designed to require a golf ball to be driven across any building, road, or parking lot.
- E. All lighting facilities for night play shall be designed and located so as to not produce a glare or direct illumination onto abutting properties.
- F. There shall be a minimum setback of one hundred (100') feet from the field of play to any adjacent residential structure.
- G. Any points where the golf course crosses a road shall be signed warning motorists and pedestrians.
- H. No outdoor storage of maintenance equipment or golf carts shall be permitted.

W. Group Care Facility (Including Halfway Homes).

1. The minimum front, side, and rear yard setbacks shall be no less than twenty-five (25) feet.
2. Off-street parking shall be provided in accordance with Article XIX herein.

X. Group Day Care Homes (See Family Day Care Homes).

Y. Home Occupations.

Where permitted, home occupations may be established subject to the following conditions:

1. The home occupation shall be carried on completely within the dwelling unit. Attached structures, including, but not limited to garages, outbuildings, sheds, carports and enclosed or unenclosed walkways; or detached accessory structures, shall not be used for the home occupation.
2. No more than two (2) home occupations shall be permitted per lot, or one (1) home occupation where any Farm-Related Occupation(s) or Rural Accessory Business Use(s) is also being undertaken.
3. Not more than (1) person other than the occupants of the dwelling unit shall be employed.
4. Not more than twenty-five (25%) percent of the floor area of the principal dwelling unit shall be utilized for all home occupations. Additional space available in existing accessory structures may be utilized subject to approval in the applicable special exception approval.
5. Articles sold or offered for sale shall be limited to those produced on the premises, sold as part of a home party sales operation, bed and breakfast establishment or for a licensed distributorship conducted by the resident.
6. No more than one article offered for sale in accordance with subsection 5 immediately above, shall be permitted to be displayed outside of the structure. Outdoor display shall be restricted to daylight hours and must be removed after dusk.
7. No traffic level shall be generated by any home occupation in greater volumes than would normally be expected in a residential neighborhood.
8. Deliveries from commercial suppliers may not be made more than once each week and the deliveries shall not restrict traffic circulation.
9. There shall be no other exterior indications of the home occupation or variation of the residential character of the main building.
10. The home occupation shall not cause any external effect associated with the home occupation, such as increased noise, excessive lighting, or offensive odor, which is incompatible with the characteristics of the residential district, or in violation of the provisions of any applicable code or ordinance.
11. A home occupation shall, under no circumstances, be interpreted to include a commercial stable or a kennel.
12. Off-street parking shall be provided in accordance with the provisions of Article XIX herein.

Z. Indoor Recreational Facilities.

1. The facility, if accessory to a principal use, shall be located in a separate room, separate from other uses on the premises and from pedestrian circulation to and from such other uses.
2. Readily visible signs shall be installed, with their location, size and text shown in plans submitted as part of the application for special exception, prohibiting the use of amusement devices by persons under sixteen (16) years of age during normal school hours, and, where the premises are used primarily for the serving or consumption of alcohol, prohibiting the use of such amusements by persons under twenty-one (21) years of age at all times.
3. Off-street parking shall be provided in accordance with Article XIX herein.

AA. Intensive Agricultural Facilities.

1. All properties for such use shall have a minimum size of ten (10) acres.
2. Any intensive agricultural facility shall comply with East Earl Township's Intensive Agricultural Use Ordinance (No. 129-2005) to the extent applicable and all of the regulations and requirements of the Pennsylvania Nutrient Management Act, 3 P.S. Section 1707 et seq., as amended, and the regulations adopted pursuant thereto, 25 PA Code Sections 83.201 through 83.491, as may be amended (the "Nutrient Management Act"). An applicant for a special exception to utilize an intensive agricultural production facility shall provide the Zoning Hearing Board a copy of the completed nutrient management plan as required by the Nutrient Management Act at the time of his or her application. An applicant must provide the nutrient management plan of any farm or other facility upon which manure from the facility will be placed or utilized, in accordance with the Nutrient Management Act with his or her application.
3. Animal confinement areas, poultry houses, horse stalls, free stall barns or bedded pack animal housing systems shall meet the setback regulations as may be applicable and may not be within two hundred fifty (250) feet of any lot line or adjoining property that is not owned by the owner of the Intensive Agricultural Production Facility, or within five hundred (500) feet of any other zoning district.
4. Manure storage facilities shall meet the setback requirements of the Nutrient Management Act. Earthen manure storage facilities are not permitted.
5. The intensive agricultural production facility, which shall include any animal confinement area, poultry house, horse stall, free stall barn, or bedded pack animal housing system or other animal concentration area, and any area that is used for parking or storage of vehicles used in the treatment, transport or application of manure, shall be screened from existing adjacent residential lots that are less than one-thousand (1,000) feet away from the intensive agricultural production facility in accordance with Section 1707 of this ordinance.
6. The applicant shall comply with Pennsylvania Domestic Animal Law concerning the disposal of dead domestic animals.
7. Any farm or other facility receiving manure or other waste from any intensive agricultural production facility may be required to provide a nutrient balance sheet to the Zoning Officer.
8. No animal concentration area, animal confinement area or any poultry house, horse stall, free stall barn or bedded pack animal housing system may be located in any area defined as a flood plain by the governing East Earl Township Floodplain Ordinance.
9. Agricultural Nuisance Disclaimer. The following disclaimer must be included in all recorded subdivision plans and the deeds for all lots created out of any real property that is or has been used as an intensive agricultural production facility, and shall be attached to all building permits for any structure created on these properties.

"Lands within the Agricultural District are located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers and soil amendments. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1983, 'The Right to Farm Law,' may bar them from obtaining a legal judgment against such normal agricultural operations used in a prudent manner."

10. Intensive agricultural production facilities must comply with, in addition to the Nutrient Management Act, all other applicable state and federal laws and regulations including, but not limited to, the Pennsylvania Clean Streams Law and the Pennsylvania Solid Waste Management Act.
11. Notwithstanding any provision to the contrary, no intensive agricultural production facility may be maintained or operated in such a way as to endanger the health or safety of the community.
12. A fence shall be maintained around all areas in which animals are kept outside of buildings.

BB. Junkyards.

1. The minimum lot area requirement shall be two (2) acres.
2. The outdoor junk storage area shall be completely enclosed by an eight (8) foot high, sight-prohibitive fence which shall be setback at least fifty (50) feet from all property lines.
3. All buildings used to store junk shall be wholly-enclosed and setback at least fifty (50) feet from all property lines.
4. No material shall be stored or stacked in a manner that it is visible from adjoining properties and roads.
5. All additional Federal and State laws shall be satisfied.
6. The setback area between the fence and property line shall be kept free of weeds and all scrub growth.
7. All junk shall be stored or arranged to permit access by firefighting equipment and to prevent the accumulation of water. Storm water shall be drained in a manner which does not result in chemical residues being discharged from the site.
8. No oil, grease, tires, gasoline, or other similar material shall be burned at any time.
9. No garbage or organic waste shall be permitted to be stored in any junkyard.
10. No junkyard shall be located on lands with an average slope of greater than five percent (5%).
11. All operations shall be screened from all rights-of-way and adjoining properties by a buffer yard and screen planting of no less than twenty (20') feet in depth established along the perimeter lot line in accordance with applicable District regulations and Section 1707 herein.
12. The applicant shall be subject to the performance standards established in Section 1704 of this Zoning Ordinance.

CC. Kennels, (Including Commercial Animal Breeding Operations).

1. All kennels shall be licensed by the Commonwealth of Pennsylvania, as applicable, and shall be constructed and maintained in accordance with the Pennsylvania Code, Title 7, Part II, Chapter 21 entitled, General Provisions; Kennels; Licensure; Dog-Caused Damages, as amended.
2. All buildings in which animals are housed and all runs shall be located at least two hundred (200) feet from all lot lines. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot be perceived at the lot line.
3. Outdoor runs may be provided if screening is provided in accordance with Section 1707 herein. No animal shall be permitted to use the outdoor runs from 8:00 p.m. to 8:00 a.m.
4. All buildings with outdoor runs shall be setback at least two hundred (200) feet from all lot lines.
5. Buildings shall be adequately soundproofed so that sound generated within the building cannot be perceived at the lot line.
6. Buildings that are fully enclosed without outdoor runs shall be setback a minimum of fifty (50) feet; buildings adjoining a non-farm parcel shall be setback two hundred (200) feet from the property line.
7. The Pennsylvania Department of Agriculture is responsible for inspecting kennels and licensing of kennels and the health and welfare of the animals.

- DD. Lumber and Coal Yards, Building Material Storage Yards, Contractor Equipment and Storage Yards, and Wholesale and Retail Sales for Each as an Accessory Use.
1. The use shall be located on and, if allowed by PennDOT, gain direct access from major collector, minor arterial, or principal arterial streets/roadways, as defined in the section 1715 of this Ordinance or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.
  2. The proposal shall conform to all applicable commercial and industrial performance standards listed in Section 1704 of the Zoning Ordinance.
  3. In addition to the above requirements, outdoor storage areas shall comply with Section 1710 herein.
- EE. Manufactured Home Parks/Subdivisions.
1. A manufactured home park shall be developed and approved in accordance with regulations as set forth herein and other applicable Township regulations.
  2. Manufactured home lots shall be not less than sixty-five (65) feet wide, measured at the minimum required setback line, nor less than seventy-two hundred (7,200) square feet in area, per manufactured home unit exclusive of streets and other public areas.
  3. The minimum building setback line from the cartway line of a private street shall be twenty (20) feet.
  4. Detached accessory structures shall be located on the lot no closer than five (5) feet from a manufactured home and shall comply with the required front, side and rear setback lines.
  5. Lots shall be served by both DEP-approved community or public water supply and sanitary sewerage collection systems.
  6. Not less than ten percent (10%) of the total land area shall be provided for usable open space. Such space shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located and easily accessible to all park residents
    - (a) Such open space shall be maintained with a durable vegetative cover that is capable of preventing soil erosion and the emanation of dust during dry weather.
    - (b) Sanitary sewer treatment facilities shall not be considered as open space.
  7. The minimum tract area for a manufactured home park shall be ten (10) acres.
  8. The minimum side yard shall be five (5) feet provided that no manufactured home shall be within twenty (20) feet of any other manufactured home or building on an adjacent lot.
  9. The minimum rear yard shall be fifteen (15) feet.
  10. The total area of all impervious surfaces shall not exceed sixty percent (60%) of the gross area of the manufactured home park.
  11. Every manufactured home park shall have a structure designed and clearly identified as the office of the manufactured home park manager.
  12. A parking area for recreational vehicles, boats, and other resident-owned accessory vehicles shall be provided. The parking area shall be paved, fenced, and shall be adequately lighted. Occupants of each manufactured home park shall also be provided with at least one hundred and fifty (150) cubic feet of

- enclosed storage space which shall be provided in a common storage building located in the manufactured home park.
13. Service and accessory buildings located in a manufactured home park shall be used only by the occupants of the park or their guests.
  14. A clear sight triangle of seventy-five (75) feet measured from the point of the centerline intersections shall be kept free of all obstructions except at the intersection of a manufactured home park road with a public road where the clear sight triangle shall be one hundred (100) feet.
  15. There shall be a minimum grade of 0 .75 percent (.75%) and a maximum grade of ten percent (10%) on all manufactured home park streets.
  16. Lighting shall be provided along all access drives and in front of each manufactured home unit where a pedestal-type or similar lighting fixture shall be provided. The location and type of lighting shall be indicated on the land development plan.
  17. Manufactured home spaces shall have access for ingress and egress only to private access drives and shall not exit onto public streets.
  18. Additional parking shall be provided for visitors and for overflow situations at a rate of four (4) parking spaces for every ten (10) manufactured home units.
  19. All manufactured home parks shall provide pedestrian walks on both sides of the street which allow pedestrian access between individual homes, service and accessory buildings, and public rights-of-way.
  20. All pedestrian walks shall have a minimum width of four (4) feet except where a walk will provide access only to a group of homes not exceeding four (4) in number, where they need be no more than three (3) feet in width.
  21. All pedestrian walks shall be constructed of hard surfaced material and shall be maintained in their original condition at all times.
  22. All pedestrian walks not located along access drives shall be provided with lighting units so spaced, equipped, and installed that will allow safe movement of pedestrians at night.
  23. Screening, such as fences or natural growth, shall be provided along the property boundary line separating the manufactured home park from adjacent properties.
  24. One (1) street tree, containing a minimum trunk caliper of two (2) inches measured three (3) feet above the finished grade, shall be planted on each manufactured home space.

FF. Motor Freight and Truck Terminals.

1. No terminal or part thereof shall be located within two hundred (200) feet of a floodplain or wetland, or within three hundred (300) feet of a residential use or district.
2. The terminal shall be located on and, if allowed by PennDOT, gain direct access from major collector, minor arterial, or principal arterial streets/roadways, as set forth in section 1715 of this Ordinance, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements. No direct point of access shall be provided from an arterial road. Point of access shall be designed in accordance with the applicable Subdivision and Land Development Ordinance.
3. Buffer yard/screen plantings shall be required in accordance with Section 1707. herein.
4. All parking, loading, maneuvering and storage areas shall be paved and site drainage provided in accordance with design and improvement standards of the applicable Subdivision and Land Development Ordinance.

GG. Nursing Homes.

1. The facility shall be constructed and operated in accordance with applicable Commonwealth laws and regulations.
2. The minimum front, side, and rear yard setbacks shall be no less than twenty-five (25) feet.
3. A buffer yard/screen planting shall be provided in accordance with Section 1707 herein.

GG1. Open Space Neighborhood Option.

In subdivisions where thirty percent (30%) of the site (exclusive of perimeter road right-of-way) is reserved for privately maintained common open space, single family detached dwellings may be developed with the following requirements:

1. Minimum Requirements for Development under the Open Space Neighborhood Option – Each Open Space Neighborhood shall meet the following minimum requirements.
  - a. The Open Space Neighborhood Tract shall not be less than ten (10) acres in area.
  - b. The Open Space Neighborhood Tract shall be developed according to a single plan that depicts complete build-out of the Open Space Neighborhood Tract with common authority and responsibility. If more than one person has an interest in all or a portion of the Open Space Neighborhood Tract, all persons with interests in any portion of the Open Space Neighborhood Tract shall join as applicants and shall present an agreement in a form acceptable to the Township Solicitor, guaranteeing that the Open Space Neighborhood Tract as a whole shall be developed in accordance with the approval granted under this Section 2205.GG1 as a single Open Space Neighborhood with common authority and governing documents.
  - c. All dwelling units and nonresidential structures shall be provided with public water and public sewer service.
  - d. The Open Space Neighborhood shall be provided with common open space in accordance with Section 2205.GG1.5.
  - e. No more than fifty percent (50%) of the open Space Neighborhood Tract may be covered with impervious surface.
2. Lot Area:
  - a. Single-family detached dwelling: Minimum lot area: six thousand (6,000) square feet.
3. Lot Width:
  - a. The minimum lot width shall be:
    - i. Sixty (60) feet at the minimum building setback line, and
    - ii. Fifty (50) feet at the dedicated right-of-way.



4. Setback Regulations:
  - a. Front Yard: Twenty (20) feet measured from the right-of-way line. Additionally, a minimum driveway length of twenty-four (24) feet from the sidewalk edge to the garage door (or building face) shall apply to driveways which provide access to the front of dwelling units from streets where sidewalks exist or are proposed and said driveway is being considered for off-street parking.
  - b. Side Yard: Six (6) feet, except when located adjacent to the overall tract boundary. In such case the setback shall be twenty (20) feet.
  - c. Rear Yard: Twenty (20) feet, except when located adjacent to the overall tract boundary. In such case the setback shall be forty (40) feet.
  
5. Open Space Requirements: A minimum of thirty percent (30%) of the Open Space Neighborhood Tract shall be devoted to common open space. Through the use of incentives offered in Section 2205.GG1.6, the amount of common open space may be reduced. However, every Open Space Neighborhood shall be designed to provide a minimum of twenty percent (20%) of the Open Space Neighborhood Tract as open space.
  - a. Common open space shall be designed and arranged to achieve as many of the following objective as possible:
    - i. Protection of important natural, historic and cultural resources.
    - ii. Preservation of scenic views from public roads and neighboring residential properties.
    - iii. Provisions of new and/or connection with existing trails, greenways, linear parks, or common open space on adjoining parcels.
    - iv. Provision of useable play or recreation areas, or equipment that are conveniently accessible to residents throughout the Open Space Neighborhood.
    - v. Provision of public space as the focal point of the Open Space Neighborhood when coordinated with greens, squares, and public commons that are dispersed throughout the Open Space Neighborhood.
    - vi. Interconnection of areas of proposed open space within the Open Space Neighborhood with existing or planned open space or recreational facilities on lands adjoining the Open Space Neighborhood Tract.
  
  - b. In all Open Space Neighborhoods, regardless of the total amount of common open space provided and regardless of the design incentives utilized, the applicant shall provide common open space in the amount of at least twenty percent (20%) of the area of the Open Space Neighborhood Tract. No less than fifty percent (50%) of the required common open space shall meet all of the criteria set forth in Section 2205.GG1.5.b.i-iv, below.
    - i. The land shall be useable in that it is sloped no more than eight percent (8%).
    - ii. The land shall not contain storm water management facilities.

- iii. The land shall not contain floodplains, wetlands, steep slopes (greater than 8%) or other natural features that would render the land unbuildable under applicable ordinances and regulations.
    - iv. The configuration of land shall be regular in shape. Strips of land less than twenty-five (25) feet in width running around the perimeter of the Open Space Neighborhood or separating proposed lots within the Open Space Neighborhood shall not be counted as common open space to meet the required minimum unless such land is improved with walking trails, fitness stations, or other improvements acceptable to the Board of Supervisors. In no case will a strip of land less than twenty (20) feet wide count toward the required common open space.
  - c. At least ten percent (10%) of the required common open space located within the Open Space Neighborhood shall not exceed slope of three percent (3%).
  - d. All common open space shall be left in a natural vegetated state or landscaped or otherwise improved in accordance with approved plans prior to fifty percent (50%) of the dwelling units within the development being occupied.
- 6. Common Open Space Design Incentives - Designs that incorporate one or more of the following elements shall qualify for reductions in the percentage of common open space required.
  - a. Provision for the installation of trails, trail surfacing and benches: There will be a two percent (2%) reduction for each length of trail equal to one half of the total rear lot width of all of the lots backing on to the common open space. Trails must also include the installation of a bench for every one thousand (1,000') feet of trail length. The total reduction of common open space, for this provision, shall not exceed four percent (4%).
  - b. Provisions for the installation of tot lots and or playground areas: There will be a one percent (1%) reduction for one tot lot per 100 homes. The total reduction of common open space, for this provision, shall not exceed two percent (2%).
  - c. Provisions for the installation of exercise or fitness stations: There will be a one percent (1%) reduction for the installation of a minimum of six (6) exercise stations. The total reduction of common open space for this provision shall not exceed one percent (1%).
  - d. Provisions for the installation of site amenities such as gazebos, pavilions, picnic areas, etc.: There will be a one percent (1%) reduction for each amenity. The total reduction of common open space, for this provision, shall not exceed two percent (2%).
  - e. Provisions for the installation of additional landscaping within the common space areas: There will be a two percent (2%) reduction for providing additional trees, over and above that which is required by this Ordinance, equal in number to the number of dwelling units within the development. The placement of additional landscaping shall be indicated on a plan that is reviewed and approved by the Board of Supervisors. The Board of Supervisors may require placement of the additional landscaping in areas that will not hinder the use of open space areas for active recreational purposes (i.e. ball fields). The reduction of

common open space, for this provision, shall not exceed two percent (2%).

HH. Outdoor Recreation Facilities

All outdoor recreation facilities shall comply with the following provisions:

1. All vehicles and animals which are a part of the use or service being provided shall not be parked or otherwise left idle within the front yard.
2. The minimum lot area shall be two (2) acres for any use which involves horses or any other form of livestock.
3. Adequate shelter shall be provided on the premises for all horses and any other form of livestock.
4. Any applicant proposing the use of livestock shall be required to prepare and implement a plan for the disposal of animal waste.
5. The required number of parking spaces shall be determined based upon a combination of the activities being proposed and the parking requirements of this Ordinance.
6. Those uses involving extensive outdoor activities shall provide sufficient screening and/or buffer plantings to mitigate visual and/or audible impacts on adjoining properties.
7. The Applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to the hours of operation, noise, litter, dust, and pollution.

II. Outside Storage and Display When Accessory to a Permitted Use

1. Outside storage or display shall not occupy any part of the street right-of-way and no other area intended or designed for pedestrian use, required parking areas, nor required front yard.
2. Outside storage areas, excluding display areas, shall be screened from view from public streets pursuant to Section 1707, unless the applicant persuades the zoning hearing board or zoning officer, as the case may be, that a different method of screening will achieve equal or better results under governing conditions.
3. Roadside produce stands and nurseries shall be exempted from outside storage limitations

JJ. Personal Care Boarding Home

1. The facility shall be constructed, licensed and operated in accordance with applicable Commonwealth laws and regulations. A copy of the Commonwealth license shall be submitted to the Township prior to the Township's issuance of a use and occupancy permit.
2. No more than two (2) persons at a time shall reside in any room designated for overnight visits.
3. The minimum front, side and rear yard setbacks shall be not less than twenty-five (25) feet.
4. A buffer yard of no less than ten (10) feet in width shall be established along rear and side yards abutting residential uses.
5. Off-street parking shall be provided in accordance with Article XIX herein.

KK. Public and Private Campgrounds and Facilities, Including Remote and Outback Camping

#### Not Located in Specifically Designated Campsites

1. The minimum lot area for a campground shall be ten (10) acres.
2. All campsites, shall have a setback of fifty (50) feet from any side or rear property line and a minimum of one hundred (100) feet from any street right-of-way line. Remote and outback camping not located in specifically designated campsites shall not occur within one hundred (100) feet from and property line and street right-of-way line.
3. The maximum number of campsites within each campground shall not exceed twelve (12) per acre, provided that a minimum of three thousand (3,000) square feet is reserved for each site.
4. A minimum of one (1) automobile parking space shall be provided for each site, and such parking space shall not interfere with the vehicular movement along the internal access drives of the campground. Equivalent parking may be provided by a common parking compound. On-drive parallel parking shall not be permitted.
5. The internal access drive system shall have a minimum cartway width of ten (10) feet for each driving lane and shall be improved with any hard surface material acceptable to the Zoning Hearing Board. The Zoning Hearing Board may require additional cartway improvements for campgrounds proposing more than fifty (50) sites when, in the judgment of the Zoning Hearing Board, such improvements are beneficial to the vehicular circulation and safety of the campground.
6. All playground and recreation areas shall be at least one hundred (100) feet from adjoining residential properties with the usage of these areas being limited to registered campers and their guests.
7. All campgrounds shall furnish centralized sanitary and garbage collection systems which shall be located at least one hundred (100) feet from adjoining residential properties and be appropriately screened.
8. Any accessory commercial and/or service facilities shall be located at least one hundred (100) feet from adjoining residential properties and shall be limited to serve only the needs of the registered campers and their guests. Direct access to these facilities from the public street is prohibited. Appropriate screening shall be provided for these facilities when they adjoin adjacent residential properties.
9. Campground identification signs shall not exceed thirty two (32) square feet in area and shall be at least ten (10) feet from any street right-of-way line and twenty-five (25) feet from any adjacent property lines.
10. Active or passive recreation areas shall comprise at least twenty percent (20%) of the gross area of the campground.
11. All sanitary sewer and water supply facilities shall be subject to the approval of the appropriate authorities.
12. All lighting facilities shall be designed and located so as to not produce a glare or direct illumination onto abutting properties.

#### LL. Public and Private Schools.

1. A buffer yard/screen planting of no less than ten (10) feet in depth shall be maintained along all property lines and shall be placed in accordance with Section 1707 herein.
2. Off-street parking shall be provided in accordance with the provisions of Article XIX herein.
3. All height, area, setback, and coverage standards within the applicable zoning district shall apply.

4. All off-street parking facilities shall be setback twenty-five (25) feet and screened from adjoining property lines.
5. All structures shall be setback at least one hundred (100) feet from any adjoining land within a residential zone.
6. Recreational areas shall be provided for all educational facilities below the college level at a scale of one hundred (100) square feet per individual enrolled. Off-street parking areas shall not be utilized as recreational areas, and such recreation areas shall not be located within the front yard and must be setback at least twenty-five (25) feet from all property lines. Outdoor recreation areas shall be screened from adjoining residentially-zoned properties by means of fences, plantings, or decorative enclosures sufficient to screen activities from adjacent lots. Fencing shall be provided at all locations where public safety is at issue. Any vegetative materials located within the recreation area shall be non-harmful (i.e. thorny, poisonous, allergenic, etc.). All outdoor recreation areas shall provide a means of shade either by the planting of shade trees or the construction of pavilions. Enrollment, for the purposes of this section, shall be defined as the largest number of students on the site at any one time during a seven (7) day time period.
7. Passenger drop-off and pick-up areas shall be provided and designed so that there is no cross-traffic pedestrian circulation.

MM. Public Utility Facilities.

Public utility facilities shall be permitted in any district without regard to the use and area regulations; provided, however, that buildings or structures erected for these utilities shall be subject to the following regulations:

1. Front yards shall be provided in accordance with the regulations of the district in which the facility is located. Side yards shall be a minimum of ten (10) feet.
2. Height restrictions shall be as required by the district regulations.
3. Unhoused equipment shall be enclosed within a chain link fence six (6) feet in height topped with barbed wire.
4. When equipment is totally enclosed within a building, no fence or screen planting shall be required and the yards shall be maintained in accordance with the district in which the facility is located.
5. If adjacent to a residential district, screen plantings shall be required within side and rear yards in accordance with Section 1707 herein.
6. The external design of the building shall be in character with existing buildings in the respective district.

NN. Retail Sale of Nursery and Garden Materials.

1. All access drives, parking areas, and loading zones shall conform to the requirements of Article XIX of the Zoning Ordinance.
2. The display and sale of items not grown on the premises shall be incidental to the nursery operation. The display area for these items shall not exceed twenty-five percent (25%) of the total gross display and sales area on the subject property. The display, sale, or repair of motorized nursery or garden equipment shall not be permitted.
3. All outdoor display areas shall be setback at least twenty-five (25) feet from the street right-of-way line.
4. All structures and parking and loading facilities shall be screened from residentially-zoned properties.

5. Commercial greenhouses and nurseries may be established as a part of this use, subject to the following:

For Commercial Greenhouses and Nurseries that are part of the above use, the following shall:

Where permitted, commercial greenhouses and nurseries may be established subject to the following:

6. A minimum lot area of 20,000 square feet shall be provided in addition to the lot area required for other uses located on the same property. However, in no case shall the lot be less than the minimum lot area permitted in the District in which it is located and in no case shall the yards be less than the minimum yard requirements permitted in the District in which it is located.
7. A buffer yard/screen planting shall be provided in accordance with Section 1707 herein.
8. Greenhouse heating plants as or within an accessory structure shall not be located within the required front yard.
9. A greenhouse operated for noncommercial purposes shall be considered as an accessory structure and shall comply with Article XX herein.

OO. Riding School or Horse Boarding Stable.

1. The maximum animal density for any riding school or horse boarding stable shall be two (2) animals per acre.
2. Any structure used for the boarding of horses shall be setback at least two hundred (200) feet from all dwellings on adjoining properties.
3. All stables shall be maintained in a manner which minimizes odors perceptible at the property line.
4. All outdoor training, show, riding, and boarding areas shall be enclosed by a minimum four (4) foot-high fence, which is located at least twenty-five (25) feet from all property lines.
5. All parking compounds and unimproved overflow parking areas shall be setback at least ten (10) feet from adjoining lot lines. Unimproved overflow parking areas shall also provide a fence delineating such occasional parking facilities and preventing the parking and/or movement of vehicles across neighboring properties.

PP. Rural Accessory Business Uses.

1. The following Rural Accessory Business Uses shall be permitted only by special exception, with the exception of those listed under farm-related occupations in the Agricultural District, in which case shall be permitted by right and in accordance with Subsection PP.1.c. below.
  - a. Production of goods for resale at retail or wholesale, excluding the manufacture of tobacco products, chemicals, papers, petroleum or coal products, and primary metal.
  - b. Repair services, including, but not limited to, farm machinery service and repair, shoe repair shops, welding shops, carpenter shops, plumbing shops, electrical shops and appliance repair shops.
  - c. Accessory retail and wholesale sales - Retail and wholesale sales of accessory goods relating to the permitted Farm-Related Occupation or

Rural Accessory Business Use shall be limited to no more than twenty-five percent (25%) of the total building floor area devoted to business activities excluding storage.

d. Accessory storage and warehousing of goods produced by the Rural Accessory Business Use shall be subject to the provisions below.

(1) All storage and warehousing of goods shall be within enclosed buildings or when not in a building shall be screened from view at the property line or from the roadway in accordance with Section 1710 herein.

(2) The reuse of vacant building on the farmstead or non-farm lot shall be given first priority. The applicant shall provide evidence that the use of existing vacant buildings is not feasible for accessory storage or warehousing use before the accessory use shall be permitted in new building or screened areas.

(3) Additional inside storage and warehousing shall be permitted in the amount of fifty percent (50%) of the area devoted to the business may be used for storage by special exception. The maximum storage area shall be two thousand (2,000) square feet.

(4) Outside storage shall be in accordance with the Section 1710 herein. Outside storage shall not exceed the permitted impervious coverage or ten thousand (10,000) square feet, whichever is less.

2. Not more than two (2) Rural Accessory Business Uses, Farm-Related Occupations or Nonconforming Uses per lot shall be permitted. The total number of employees and square footage limitations herein applies to the total for all businesses on the parcel, not to each business.

3. The Rural Accessory Business Use shall meet the following standards and conditions: All properties containing a Rural Accessory Business shall comply with the following:

a. The owner of the Rural Accessory Business shall be a full-time resident of the dwelling on the property.

b. No more than two (2) full-time or full-time equivalent employees not residing on the subject property, or not family members of residents of the property, shall be employed in each Rural Accessory Business Use, Farm Related Occupation, and Nonconforming Use on the lot.

c. The Rural Accessory Business Use shall be located within the designated farmstead area of the farm parcel or within the rural non-farm lot.

d. The Rural Accessory Business Use shall be conducted entirely within the dwelling and/or accessory building on the same lot as the dwelling.

e. The total floor area of all Rural Accessory Business Uses, Farm-related Occupations, and Nonconforming Uses on the parcel shall not exceed ~~seven~~four thousand (~~7,000~~4,000) square feet, except that where permissible under applicable area and bulk regulations, additional floor area may be utilized subject to section 2205.PP.1.d(3).

f. Rural Accessory Business Uses shall not be located on a lot that is less than two (2) acres in size.

g. Rural Accessory Business Uses shall be setback fifty (50) feet from all front, side, and rear property and/or right-of-way lines. Structures shall

not be permitted in the front yard unless the applicant provides evidence that it is not possible for the structure to be constructed in the side or rear yards.

- h. The building façade, whether new or existing, shall give no outward appearance of being utilized for purposes other than a dwelling or accessory farm building.
4. Rural Accessory Business Use signs shall be in accordance with Article XVIII, Signs, herein.
5. To prevent on-street parking, the owner responsible for the Rural Accessory Business Use shall provide off-street parking in accordance with Article XIX.
6. Off-street loading facilities shall be in accordance with Article XIX. Deliveries shall not restrict traffic circulation.
7. 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) feet gravel section shall be located just beyond the paved apron.
8. Rural Accessory Business Uses shall meet the performance standards in accordance with Section 1704.
9. If the structure which houses the proposed Rural Accessory Business Use abuts a property line of a non-farm residential lot, buffer yards and screening shall be provided in accordance with Section 1707.
10. Spacing between new and existing structures within the farmstead or non-farm lot shall be in accordance with the below requirements:
  - a. When front to front, rear to rear, or front to rear, parallel structures shall have fifty (50) feet between faces for one (1) story in height, plus five (5) feet for each additional story. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10) feet at one end if increased by similar or greater distances at the other end. Where service drives or bank grade changes or collector walks are introduced in this space, the distance between structures shall be at least fifty (50) feet.
  - b. End to end, a distance of twenty-five (25) feet between structures for a one (1) story structure plus five (5) feet additional for each story in excess of one.
  - c. End to front, or end to rear, a distance of thirty (30) feet between structures for each one (1) story structure plus five (5) feet additional for each story in excess of one.
  - d. When adjacent structures differ in the number of stories, the required distance between structures shall be calculated on the taller of the structures.
11. The proposed use shall comply with the following Township environmental requirements.
  - a. An approved Pennsylvania Department of Environmental Protection (PADEP) sewage facilities planning module and/or permit, as required, for on-lot sewage disposal for the expansion of an existing or development of a new on-lot system shall be provided by the Owner.



- b. The proposed activity and/or required building and site improvements shall conform with the East Earl Township Storm Water Management Ordinance.
- c. No new construction or site improvements shall be permitted on soils on the property classified as having severe limitations on building site development as defined in the United States Department of Agriculture (USDA) Soil Survey of Lancaster County, most recent edition.
- d. No new construction or site improvements shall be located within areas of slope greater than twenty-five percent (25%).
- e. No new construction shall be located within one hundred (100) feet of surface waters (pond, stream, etc.)
- f. No new construction shall be located within an area of wetlands.
- g. Uses that will use more water than a single family housing unit in areas with limited groundwater quantity supplies (as identified and mapped by the County) shall not be approved until aquifer testing has been completed in accordance and compliance with the Township's Subdivision and Land Development Ordinance.

QQ. Sawmill.

- 1. A minimum lot area of five (5) acres shall be required.
- 2. All power saws and machinery shall be secured against tampering and locked when not in use.
- 3. All machinery shall be located at least two hundred (200) feet from any adjacent property line with the exception that a minimum five hundred (500) foot setback shall be required in locations where the property line abuts a non-farm parcel or a public road.
- 4. All materials temporarily or permanently stored on the property shall be in accordance with Section 1710 herein.

RR. Self-Service Storage Facilities, Including Adaptive Reuse of Agricultural Buildings.

- 1. One (1) off-street parking space shall be provided for each twenty-five (25) storage units, plus one (1) space per two hundred and fifty (250) square feet of office space.
- 2. Parking shall also be provided along the driving lanes adjacent to the building(s). These lanes shall be at least twenty-six (26) feet wide when storage units open onto one (1) side of the lane only, and at least thirty (30) feet wide when storage units open onto both sides of the lane.
- 3. Additional external storage area may be provided for the storage of privately-owned travel trailers and/or boats, so long as such external storage area is screened from adjoining residential and/or residentially-zoned property and adjoining roads and is located behind the minimum front yard setback line. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, inoperative or unlicensed/unregistered vehicles.
- 4. All storage shall be kept within an enclosed building, except that the storage of flammable, highly combustible, explosive or hazardous chemicals shall be prohibited. Any fuel tanks and/or machinery or other apparatus relying upon such fuels shall only be stored in an external storage area as described above.
- 5. The repair, construction or reconstruction of any boat, engine, motor vehicle or furniture is prohibited.

6. The applicant shall demonstrate how any door openings for any self-service unit facing any residential and/or residentially-zoned property shall not have an adverse effect upon that property.
  7. Self-service storage facilities shall not be used for any of the following:
    - a. Auctions, commercial wholesale or retail sales or garage sales.
    - b. The servicing, repair or fabrication of motor vehicles boats, trailers, lawn mowers, appliances or other similar equipment.
    - c. The operation of power tools, spray-painting equipment, table saws, lathes, compressors welding equipment, kilns or other similar equipment.
    - d. The establishment of a transfer and storage business.
    - e. Any use that is noxious or offensive because of odors, dust, noise, fumes or vibrations.
    - f. Storage of perishable items, animals or animal products, chemicals, any hazardous substances and the like—rather, such facilities shall be only for so-called “dead” storage.
  8. The applicant shall adequately demonstrate that all self-service storage rental and/or use contracts specifically prohibit these uses.
  9. A proposal to utilize an agricultural building for such use shall also conform with the following:
    - a. The original function and purpose of the building shall have been used for agricultural purposes
    - b. The applicant shall demonstrate to the satisfaction of the Board that the existing building intended for the storage units is not suitable as an agricultural building. New buildings or additions to existing buildings shall not be permitted.
    - c. The building façade shall give no outward appearance of being utilized for purposes other than a dwelling or accessory farm building.
    - d. The conversion of the agricultural building for such use shall conform to all applicable building code requirements.
- SS. Shopping Centers and Retail Stores in Excess of Ten Thousand (10,000) Square Feet of Gross Floor Area.
1. General Requirements. Shopping Centers and single retail stores in excess of ten thousand (10,000) square feet of gross floor area are authorized as uses by Conditional Use approval in the Commercial Neighborhood (CN) or Commercial General (CG), subject to the following criteria. These uses present community-wide or regional impacts and must be carefully evaluated to insure that transportation systems, utilities and other public services are available to serve the proposed use. Design of such facilities must insure safe and convenient access and must minimize impact upon surrounding uses. Such facilities shall comply with the following requirements.
  2. Permitted principal and accessory uses.
    - a. Stores for retail sale of goods otherwise permitted within the Commercial Neighborhood Zone (CN) or General Commercial Zone (GC).
    - b. Stores for the performance of customary personal services otherwise permitted within the Commercial Neighborhood or Commercial General.

- c. Business, professional or banking offices.
  - d. Restaurant, cafes or similar places serving food and/or beverages as otherwise permitted within the Commercial Neighborhood Zone.
  - e. Parking areas for motor vehicles, including vehicles of customers and park-and-ride facilities for persons using public transportation but excluding the storage or sale of new and/or used vehicles.
  - f. Customary accessory uses associated with permitted principal uses, provided that such uses are clearly incidental and further provided that they shall be limited to the same lot upon which the principal use is conducted.
  - g. Drive-thru establishments may be allowed provided they are integrated into the overall shopping center design.
  - h. Prohibited principal and accessory uses.
    - (1) Any residential use.
    - (2) Any industrial use.
  - i. Area and bulk regulations.
    - (1) Minimum lot size: Three (3) acres.
    - (2) Minimum lot width: Two hundred (200) feet.
    - (3) Maximum lot coverage: Sixty-Five percent (65%).
    - (4) Maximum building height: Two (2) stories not to exceed thirty-five (35) feet.
    - (5) Minimum front yard: Two hundred (200) feet.
    - (6) Minimum side yard: One hundred (100) feet.
    - (7) Minimum rear yard: One hundred (100) feet.
3. A minimum of 5.5 off-street parking spaces shall be provided for each one thousand (1,000) square feet of gross leasable floor area in a shopping center and for each one thousand (1,000) square feet of gross floor area in a store containing fifty thousand (50,000) or greater square feet of gross floor area. Off-street parking spaces shall not be located closer than eighty (80) feet to any property line or street right-of-way line abutting land within a residential or mixed use zone.
  4. Screening and landscaping of parking compounds shall comply with all requirements of the Subdivision and Land Development Ordinance.
  5. Standard straight curbs and pedestrian walkways shall be installed surrounding the perimeter of the parking areas and within all public rights-of-way abutting the parking areas according to the specifications of curbs and walkways in the Township Subdivision and Land Development Ordinance.
  6. A landscape buffer yard shall be provided along all side and rear property lines (except for necessary access drives) which shall be at least eighty (80) feet in depth and along all street lines (except for necessary access drives) which shall be at least fifty (50) feet in depth. The buffer yard shall be planted in ground cover, trees and shrubs and shall contain a landscape screen. The landscape screen shall consist of one (1) row, staggered, of mixed evergreen and deciduous trees which shall be at least eight (8) feet in height when planted and shall be spaced not more than ten (10) feet apart on center and two rows, staggered, or mixed broadleaf and needle evergreen shrubs which shall be at least three (3) feet in height when planted and shall be spaced not more than five (5) feet apart on center. The trees shall be of such species so as to attain a

height at maturity of not less than twenty (20) feet. The shrubs shall be of such species as to provide continuous screening from the ground to a height of six (6) feet at maturity. Deciduous plant materials shall comprise no more than thirty percent (30%) of the number of plants in the buffer. Trees shall be planted so that at maturity they shall not be closer than ten (10) feet to any property line. Drainage swales or easements shall not be placed in the buffers or screens shall be placed further toward the interior of the lot to accomplish the intent of this Section.

7. All buffer areas and landscape screens shall be maintained and kept free of all structures, rubbish, and debris. Required plant material located in these areas which become diseased or dies shall be replaced by the property owner in order to maintain the requirements of this Section.
8. Traffic control and access requirements.
  - a. At least two separate points of ingress and egress shall be provided.
  - b. The subject property shall be located on and, if allowed by PennDOT, gain direct access from major collector, minor arterial, or principal arterial streets/roadways, as defined in section 1715 of this Ordinance, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements. All access drives shall be located at least two hundred (200) feet from the intersection of any street right-of-way lines.
  - c. The applicant shall prepare and submit a traffic impact study.
  - d. The applicant shall demonstrate that the road network included in the Traffic Impact Study Area (TISA) providing access to the site can accommodate the volume of traffic reasonably expected to be generated by the proposed use in a safe and convenient manner or that applicant will make all improvements necessary to the road network to provide for safe and convenient access to the site.
  - e. The applicant shall demonstrate that the horizontal and vertical alignments and grades of the existing road network included within the TISA and the proposed streets or access ways to the site permit safe and convenient access to the site or that the applicant will make all modifications to the horizontal or vertical alignment or grade to eliminate any unsafe condition.
  - f. The applicant shall demonstrate that the proposed use will not create unusual traffic patterns or movements which will jeopardize the traveling public.
    - (1) Stacking and/or turn lanes of sufficient length shall be provided on the site or shall be added to existing streets providing access to the site to insure that there shall be no blockage of through traffic. The design and length of the stacking lanes shall be justified and supported by the computer queuing analyses required as part of the traffic impact study.
    - (2) Access ways to and within the site shall be located in a manner that blockage of through traffic by vehicles attempting to enter or exit an access way will not occur.
    - (3) Acceleration, deceleration and turning lanes shall be of sufficient lengths to accomplish their intended purpose.

- (4) The applicant shall demonstrate using standards and models accepted by the Institute of Transportation Engineers or PennDOT that all of these criteria are satisfied and that no such unusual traffic patterns or movements will result.
  - g. The applicant shall demonstrate that the proposed use will maintain current levels or service if they are C or D, not allow levels of service to deteriorate to worse than C if they are currently A or B, and improve levels of service to D if they are currently E or F on the streets abutting the site or at any of the intersections.
  - h. The applicant shall demonstrate that the proposed streets or access ways to the site are designed and located in a manner that will provide the least detrimental impact with regard to traffic capacity, level of service and safety upon abutting roads. The applicant shall install all traffic control devices necessary to mitigate detrimental impact.
  - i. The applicant shall make all improvements necessary to maintain the level of service set forth above and to eliminate any unsafe conditions on all abutting intersections and streets within the TISA and shall make all improvements required by the Township Subdivision and Land Development Ordinance, any other applicable Township ordinance, and all applicable PennDOT regulations. Such improvements shall at a minimum provide an estimated delay which shall be no worse than the delay for the horizon year without the proposed development.
  - j. If reduction of the speed limit, installation of traffic control devices, limitation of parking or turning movements or similar measures are required to mitigate traffic impacts upon Township or state highways, the applicant shall present traffic studies performed in accordance with PennDOT regulations and Publication No. 201, Engineering and Traffic Study Regulations. The erection or the installation of such traffic control devices shall be in accordance with Title 67, Chapter 211, Official Traffic Control Devices of PennDOT regulations. If the enactment of an ordinance is necessary to effectuate the traffic regulations or the installation of the traffic control device, the applicant shall reimburse the Township for all expenses in the preparation and enactment of the necessary ordinance.
  - k. If any traffic signals are to be installed, the distance between any new and/or existing traffic signals shall be at least one thousand (1,000) feet.
  - l. The applicant shall demonstrate that access to neighboring properties shall not be made unsafe or inconvenient or shall propose improvements, acceptable to the affected property owners, to insure that access to all neighboring properties shall be maintained at a level of convenience and safety which is at least equal to that without the proposed use or development.
  - m. Areas provided for loading or unloading of trucks and/or other vehicles or for servicing of stores or for trash or recyclables collection or other services shall be adequate in size and shall be so arranged that they may be used without blocking or interfering with internal circulation.
9. The store or shopping center shall be connected to and use public water and public sewer. The applicant shall present evidence that sewer and water capacity have been obtained or reserved from the applicable provider.
  10. Signage.

- a. A shopping center shall be permitted to erect one (1) planned center sign along each of the center's frontages. At least fifty percent (50%) of the total sign area shall not exceed one (1) square foot for each four (4) feet of street frontage. In no case shall a planned center sign for a shopping center exceed a maximum size of one hundred (100) square feet nor an overall height of twenty (20) feet. Individual uses within the shopping center may have signs; however, such signs shall be flat wall signs, wall projecting signs, or roof signs as described in Sections 1804 and 1809 of this Ordinance.
  - b. Single stores in excess of fifty-thousand (50,000) square feet of gross floor area shall be permitted to install signs as provided in Article XVIII of this Ordinance.
- 11. Lighting facilities for buildings, signs, access ways, and parking areas shall be provided and arranged in a manner which shall protect the highway and neighboring properties from glare or hazardous interference of any kind.
  - 12. Establishments furnishing shopping carts or mobile baskets shall provide a definite area or areas on the site for the storage of said carts. Storage areas shall be clearly marked and designated for the storage of shopping carts. If such spaces are located within the parking areas, they shall not be counted toward the required minimum off-street parking.
  - 13. 13. The applicant shall submit storm water management calculations and plans to demonstrate compliance with all applicable laws and regulations governing storm water management.
  - 14. 14. If there is a change of tenant within a shopping center and no footprint change, an applicant need not obtain a special exception under this section; rather, such an applicant shall comply with requirements otherwise applicable in the underlying zoning district.

UU. Reserved.

VV. Solid Waste Disposal Facilities

- 1. The solid waste disposal facility must be owned and operated by East Earl Township or an authority created by East Earl Township.
- 2. Not more than one (1) active solid waste disposal facility shall be permitted within the Township at any one time.
- 3. The minimum lot area shall be fifty (50) acres. Additionally, no facility shall be permitted to be located within the Flood Hazard Overlay, and no facility shall be permitted to be located on Class I or Class II agricultural soils or within an area designated as an essential watershed by the Township, or by any other municipal, state, or federal agency.
- 4. The maximum permitted height of any portion of the solid waste disposal operation, including any associated processing of solid waste, shall not exceed thirty-five (35) feet above the ground level as it existed before development of the facility.
- 5. All solid waste processing operations within any solid waste disposal facility shall be conducted within a wholly-enclosed building.
- 6. The minimum setback for all solid waste disposal areas shall be five hundred (500) feet from all property lines and zoning lines, or one thousand, five hundred (1,500) feet from any existing dwelling unit not served by public water, whichever is greater. No building or structure shall be located within two hundred (200) feet

of any property line and five hundred (500) feet of any land within a residential zone.

7. Any area used for the unloading, transfer, storage, processing, incineration, or deposition of refuse must be completely screened from ground-level view at the property line. The use of an earthen berm is recommended whenever possible. In addition, such areas must also be completely enclosed by an eight (8) foot high security fence, with no openings greater than two (2) inches in any direction. Said fence shall be set back a minimum of one hundred (100) feet from all property lines and from all waste disposal areas. The security fence shall be visually hidden from view along its entire length by a planting screen of the kind and type meeting the requirements of Section 1707 pertaining to Buffer Yards.
8. The applicant must demonstrate compliance through a written statement and continue to comply with all applicable State and Federal standards and regulations.
9. The developer of the proposed facility shall submit a traffic study, prepared by a registered professional engineer experienced in traffic engineering, for approval by the Township. Said study shall indicate the effect the facility and all vehicular traffic generated by the facility will have on the street system within the Township and shall include information on the current traffic flows on this road system and projections of traffic generated by the proposed use. Where either the traffic study or the Comprehensive Plan of the Township indicates that a street, bridge, underpass or other street facility is deficient in any manner to adequately provide for the intended traffic, it shall be the responsibility of the developer to provide for the upgrading of such street, bridge, underpass, or other street facility as is necessary to alleviate the deficiency.
10. The facility shall be provided with access drives which shall originate from a public street and shall provide vehicular access to all unloading areas, treatment facilities, and on-site lagoon areas. Sufficiently-long stacking lanes into the facility shall be provided so that vehicles waiting to be weighed will not back-up onto public roads. Improvements to the existing roads shall be provided by the applicant to insure safe turning movements to and from the site and safe through-movements on the existing road. Additionally, all access drives shall meet the following design standards:
  - a. The drive shall have ten (10) inches of 3A Modified Aggregate Base Course, two (2) inches of ID-2 Binder Course, and one and one-half (1-1/2) inches of ID-2 Wearing Course. All materials, equipment, and construction methods shall conform to PennDOT Form 408, as amended.
  - b. Access drives shall have a minimum width of twenty-four (24) feet unless the drives are designed for one-way traffic only, in which case the access drive shall have a minimum width of twelve (12) feet.
  - c. Access drives shall have a maximum gradient of ten percent (10%) and a minimum gradient of three-quarters percent (0.75%).
11. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against the indiscriminate and unauthorized dumping, all areas of the site shall be protected by locked barricades, fences, gates, or other means to prohibit access to the area at unauthorized times or locations.
12. Hazardous waste as identified by the Pennsylvania Department of Environmental Protection shall not be disposed of within the subject property.
13. The size of the working face of the facility shall be confined to an area no greater than can be easily compacted and covered daily with available equipment. The

working face shall be completely compacted and covered prior to the ending of daily operations on each day.

14. The final soil cover shall be revegetated as soon as weather permits and seasonal conditions are suitable for establishment of the type of vegetation to be used. All disturbed areas within the facility shall be revegetated to the satisfaction of the Township. Revegetation procedures as published in the current "Agronomy Guide" of the College of Agriculture, Pennsylvania State University, may be utilized.
15. The final contours and landforms of the facility shall be similar to and compatible with the contours and landforms of adjacent land areas.
16. The application for a special exception shall be accompanied by a working plan to prevent the scattering of debris and litter as well as the clean-up of the same. This plan shall indicate that portable litter control fences be located in the immediate operating area, approximately fifty (50) feet to seventy-five (75) feet downwind from the working face of the facility. The portable fencing shall be constructed of wire mesh, snow-fencing, or other suitable material for the control of blowing litter. Excessive winds or the nature of the solid waste may require additional litter control measures which shall be provided to the satisfaction of the Township. The entire facility shall be adequately policed and litter shall be collected routinely at no greater than weekly intervals from all fences, access drives, and planting screens. Litter shall not be permitted to be blown or otherwise deposited outside the property lines of the sanitary landfill.
17. The facility shall employ qualified facility operators responsible for supervising all unloading, processing, transfer, and deposition activities of solid waste.
18. Leak and vector proof containers shall be provided for the storage of any waste that cannot be used in any disposal process or material that is to be recycled. Such containers shall be designed to prevent their being carried by wind and/or water and shall be stored within a wholly-enclosed building.
19. No more solid waste shall be stored on the property than what is necessary to keep the facility in constant operation; but in no circumstance shall such waste be stored for greater than seventy-two (72) hours. The storage of solid waste as a result of a recycling facility administered in conjunction with a landfill operation shall be conducted in accordance with the provisions of Section 2205.WW of this Ordinance.
20. A contingency plan for the disposal of solid waste shall be submitted to the Township in the event of a facility shutdown.
21. Leachate from the solid waste shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the Department of Environmental Protection regulations.
22. All structures shall be setback at least a distance equal to their height.
23. Except for minor water uses such as for office and administrative activities, the applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed. In addition, a water feasibility study will be provided to enable the municipality to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the



new development on existing wells in the vicinity. The water feasibility shall be reviewed by the municipal engineer. A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate groundwater recharge considering the water withdrawn by the proposed development shall not be approved by the municipality.

A water feasibility study shall include the following information:

- a. calculations of the projected water needs.
  - b. a geologic map of the area with a radius of at least one (1) mile from the site.
  - c. the location of all existing and proposed wells within one thousand (1,000) feet of the site with a notation of the capacity of all high yield wells.
  - d. the location of all existing on-lot sewage disposal systems within one thousand (1,000) feet of the site.
  - e. the location of all streams within one thousand (1,000) feet of the site and all known point sources of pollution.
  - f. based on the geologic formation(s) underlying the site, a determination of the long-term safe yield.
  - g. a determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table.
  - h. a statement of the qualifications and the signature(s) of the person(s) preparing the study.
24. A minimum one hundred (100) foot wide landscape strip shall be located along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this landscape strip. Any fences or other screening erected on the site must not be located within this landscape strip.

WW. Solid Waste Processing/Transfer Facilities/ Recycling Facilities.

1. All facilities shall be operated and licensed in accordance with Pennsylvania Department of Environmental Resources rules and regulations.
2. All operations shall be screened from all rights-of-way and adjoining properties by a buffer yard and screen planting of no less than ten (10) feet in depth, established along lot lines in accordance with Section 1707 herein.
3. The site shall be maintained free of litter and other undesirable materials and cleaned of loose debris daily.
4. Outside storage of materials shall be in sturdy containers or enclosures that are covered, secured, and maintained in good condition. Storage containers for flammable material shall be constructed of nonflammable material. Outside storage, excluding truck trailers, shall not be visible above the height of the screen planting.
5. Front, side and rear yards shall be provided in accordance with the regulations of the district in which the facility is located.
6. Off-street loading spaces or berths shall be provided on site for three (3) vehicles or the anticipated peak customer load, whichever is greater, to circulate and to deposit recyclable materials. All loading spaces and berths shall be designed in accordance with Article XIX herein.
7. Power driven processing, including aluminum foil and can compacting, baling,

plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of material, may be permitted in accordance with the performance standards of Section 1704 and other applicable standards established herein.

8. Containers provided for after-hours donation of recyclable materials shall be located at least fifty (50) feet from any property zoned, occupied or planned for residential use; shall be of sturdy, rustproof construction; shall have sufficient capacity to accommodate materials collected; be secure from unauthorized entry or removal of materials; and be clearly marked to identify the type of materials that may be deposited within them.

XX. Vacation Rental Houses

1. All vacation rental house uses shall be conducted in single-family detached dwellings legally existing as of the effective date of this chapter.
2. Permit required. Where a vacation rental house use is allowed by permitted use, the property owner shall file an application with the Zoning Officer that shall contain the address of the house, phone number of the owner, and the following information. Where a vacation rental house use is allowed by special exception, the property owner shall file an application to the Zoning Hearing Board that contains, at a minimum, the same information and the following information:
  - a. Number of bedrooms.
  - b. Maximum number of occupants, with young children excluded.
  - c. Plan for controlling noise, smoke, odor and trash.
  - d. Water and sewer facilities.
  - e. Sign plan conforming to sign regulations.
  - f. Off-street parking plan.
3. The maximum duration of stay of any one renter shall be thirty (30) days.
4. The owner shall notify the Township in writing that the use is discontinued.
5. Any additions, structural changes or renovations will require bringing the structure into compliance with UCC and ADA regulations.
6. The property owner shall be the primary enforcer of these regulations.
7. A first violation or complaint will result in a notice from the Zoning Officer. Further violations and/or complaints may cause the permit to be revoked.

YY. Vehicular Body Shops, Painting, Tire Retreading or Recapping and Welding Shops

1. All repair and paint work shall be performed within a structure.
2. Buffer yard/screen plantings shall be provided in accordance with Section 1707.herein.
3. No outdoor storage of parts, equipment, lubricants, fuel or other materials used or discarded as part of the operation shall be permitted. Materials discarded as part of the service operation shall be contained within wholly-enclosed dumpster equipment.
4. All exterior vehicle and material storage areas shall be screened from adjoining residential and residentially-zoned property.
5. The storage of unlicensed vehicles on the property is prohibited.
6. All ventilation equipment associated with fuel storage tanks shall be at least one hundred (100) feet and oriented away from any adjoining residential property or residentially-zoned property.

7. All vehicles shall be repaired and removed from the premises as promptly as possible. Any vehicle not receiving repair work within the preceding seven (7) days shall be removed.
8. The demolition or storage of unlicensed or junked vehicles and any salvage activities are prohibited.

ZZ. Vehicular Garages, Vehicular Sales/Vehicular Service Establishments and Other Drive-Thru Uses

1. Vehicular garages shall be located on and, if allowed by PennDOT, gain direct access from major collector, minor arterial, or principal arterial streets/roadways, as defined Section 1715 of this ordinance, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.
2. The vehicular garage use shall not include a convenience store.
3. All repair work shall be performed within a structure.
4. No outdoor storage of parts, equipment, lubricants, fuel, or other materials used or discarded as part of the service operation shall be permitted. Materials discarded as part of the service operation shall be contained within wholly-enclosed dumpster equipment.
5. All exterior vehicle storage areas shall be screened from adjoining residential and residentially-zoned property.
6. Stored and/or repaired vehicles shall remain no longer than sixty (60) days from the date of arrival and shall be parked in side or rear yards. In case of a corner lot, parking may be permitted in the front yard of the side or lesser street.
7. All vehicles shall be repaired and removed from the premises as promptly as possible. Any vehicle not receiving repair work within the preceding seven (7) days shall be removed. If a vehicle is stored at a service station due to an accident, it shall remain no longer than sixty (60) days from the date of arrival unless respective parts are documented to be unavailable within such time period. Said documentation shall be provided to the Zoning Officer for approval.
8. The demolition or storage of unlicensed or junked vehicles and any salvage activities are prohibited.
9. No equipment above ground for the service of motor vehicles shall be closer than twenty-five (25) feet to any side or rear property line.
10. Canopies shall be located no less than ten (10) feet from the right-of-way.
11. Fuel pumps shall be located at least twenty-five (25) feet from any public right-of-way or fifty (50) feet from the street centerline, whichever is greater.
12. All ventilation equipment associated with fuel storage tanks shall be at least one hundred (100) feet and oriented away from any adjoining residential property or residentially-zoned property.
13. No two (2) driveways leading from a public street to such garage use shall be within fifteen (15) feet of each other at their intersection with the curb or street line.
14. All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads.
15. Parking and vehicle access shall be so arranged that there will be no need for the motorists to back over sidewalks or into streets.

AAA. Veterinary Facilities

1. Animal boarding buildings that are not wholly-enclosed and any outdoor animal

- pens, stalls, or runways shall be located within the rear yard.
2. Outdoor running areas shall be fenced in a manner which restricts access and provides for a full enclosure.
  3. The owner/operator of the veterinary office shall be responsible to exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.
  4. The applicant shall provide the Zoning Hearing Board or the Zoning Officer, as applicable, with a plan for the disposal of deceased animals by either controlled incinerator or to remove them from the premises in a sanitary manner within twenty-four (24) hours of their death.
  5. All animals shall be housed in an enclosed all-weather protective structure between the hours of 8:00 p.m. and 7:00 a.m. each day.

BBB. Wind and Other Alternative Energy Systems Permitted By Right

1. Geothermal Energy Systems

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

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

2. Small Solar Energy System

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

- a. The design and installation of small solar energy system shall conform to applicable industry standards, including those of the ANSI, Underwriters Laboratories (UL), the ASTM, or other similar certifying organizations, and shall comply with the Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
- b. All small solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent lots as well as adjacent street rights-of-way.
- c. All on-site utility and transmission lines extending to and from the small solar energy system shall be placed underground.

- d. No part of any small solar energy system shall be located within or above any front yard, along any street frontage, nor within any required setback of any lot.
- e. Small solar energy systems mounted on the roof of any building shall be subject to the maximum height regulations specified within each zoning district. The owner shall provide evidence in the form of stamped plans certified by a professional engineer that the roof is capable of holding the load.
- f. Small solar energy systems which are ground mounted or detached from the principal or accessory structure shall not exceed fifteen (15) feet in height.
- g. The owner shall provide a copy of the letter from the electric utility company indicating that it has received and processed an application for interconnection of renewable generation equipment with the application for a zoning permit. The owner shall provide a copy of the final inspection report or other final approval from the electric utility company to the Township prior to the issuance of a certificate of use and occupancy for the small solar energy system. Off-grid systems shall be exempt from this requirement.

### 3. Small Wind Energy System

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

- a. The design and installation of all small wind energy systems shall conform to applicable industry standards, including those of the ANSI, Underwriters Laboratories (UL), Det Norske Veritas, Germanischer Lloyd Wind Energies, the ASTM, or other similar certifying organizations, and shall comply with the Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
- b. No more than one (1) small wind energy system shall be permitted per lot.
- c. Small wind energy systems shall not generate noise which exceeds fifty-five (55) decibels measured at any property line.
- d. Small wind energy systems shall not be artificially lighted, except to the extent required by the FAA.
- e. All on-site utility and transmission lines extending to and from the small wind energy system shall be placed underground.
- f. No part of any small wind energy system shall be located within or above any front yard, along any street frontage, nor within any required setback of any lot.
- g. All small wind energy systems shall be independent of any other structure and shall be located a minimum distance of one and one tenth (1.1) times the turbine height from any inhabited structure, property line, street right-of-way, or overhead utility line.
- h. The maximum height of any small wind energy system shall not exceed fifty (50) feet, except that the maximum height shall be increased to eighty-five (85) feet in the Agricultural (AG) District.
- i. No portion of any small wind energy system shall extend over parking areas, access drives, driveways or sidewalks.
- j. The minimum height of the lowest position of the wind turbine shall be

- fifteen (15) feet above the ground.
- k. All small wind energy systems shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, or the wind turbine's climbing apparatus shall be limited to no lower than fifteen (15) feet from the ground, or the wind turbine's climbing apparatus shall be fully contained and locked within the tower structure.
  - l. Small wind energy systems shall not display advertising, except for reasonable identification of the small wind energy system's manufacturer. Such sign shall have an area of less than four (4) square feet.
  - m. When an accessory building is necessary for storage cells or related mechanical equipment, the accessory building shall not have a floor area exceeding two hundred (200) square feet, and shall comply with the accessory building requirements specified within each zoning district. Accessory buildings shall not be located within any front yard or along any street frontage, nor within any required setback of any lot.
  - n. The owner shall provide a copy of the letter from the electric utility company indicating that it has received and processed an application for interconnection of renewable generation equipment with the application for a zoning permit. The owner shall provide a copy of the final inspection report or other final approval from the electric utility company to the Township prior to the issuance of a certificate of use and occupancy for the small wind energy system. Off-grid systems shall be exempt from this requirement.
  - o. The owner of the small wind energy system shall, at the owner's expense, complete decommissioning within twelve (12) months after the end of the useful life of the small wind energy system. It shall be presumed that the wind turbine is at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.
  - p. The owner of the small wind energy system shall provide evidence that the owner's insurance policy has been endorsed to cover damage or injury that might result from the installation and operation of the small wind energy system.

4. Small Manure Digesters

- a. Small manure digesters shall be permitted as accessory uses and/or accessory structures to agricultural and farm uses and shall be located no closer than seventy-five (75) feet to any property line.
- b. The owner shall provide a copy of the letter from the electric utility company indicating that it has received and processed an application for interconnection of renewable generation equipment with the application for a zoning permit. The owner shall provide a copy of the final inspection report or other final approval from the electric utility company to the Township prior to the issuance of a certificate of use and occupancy for the small manure digester. Off-grid systems shall be exempt from this requirement.

5. Outdoor Solid Fuel Burning Appliances

- a. Outdoor solid fuel burning appliances are permitted in the Agricultural (AG) District, the Conservation/Open Space (CO) District, and the Welsh Mountain Watershed Conservation (WMWC) District. The below criteria

applies to all outdoor wood burning furnaces, boilers, and appliances within East Earl Township (hereinafter "furnaces").

b. Applicability.

- (1) The below criteria shall not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- (2) The below criteria shall not apply to burning in a stove, furnace, fireplace or other heating device within a building or structure used for human or animal habitation.
- (3) The below criteria shall not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

c. Materials that may not be burned.

(1) Unless specific written approval has been obtained from the PA Department of Environmental Protection (DEP), the following materials may not be burned in the Township under any circumstances:

- (a) Rubbish or garbage, including but not limited to, food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, demolition debris or other household or business wastes.
- (b) Waste oil or other oil wastes except used oil burned in a heating device for energy recovery subject to DEP regulations.
- (c) Asphalt and products containing asphalt.
- (d) Treated or painted wood, including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
- (e) Any plastic material, including, but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, films, and containers.
- (f) Rubber, including tires and synthetic rubber-like products.
- (g) Any material that is not recommended for burning by the manufacturer of the furnace.

d. Regulations for existing outdoor furnaces.

- (1) All owners/operators of existing outdoor furnaces shall apply for a permit for the furnace in accordance with the permit requirements contained in Section 2305 herein, within sixty (60) days from the effective date of this Zoning Ordinance.
- (2) Any and all existing furnaces that do not comply with any of the herein provisions shall be registered as a non-conforming furnace.

e. Specific requirements for furnaces.

- (1) A furnace shall not be used to burn any of the prohibited materials listed in Section c. above.
- (2) Furnaces shall be located on lots of no less than five (5) acres and shall not be less than two hundred (200) feet from any lot line.
- (3) All furnaces shall have a minimum chimney height of twenty (20) feet or the maximum height allowable by the manufacturer. If the chimney height is less than twenty (20) feet, the applicant shall provide the Township with documentation from the manufacturer confirming the restriction.
- (4) All furnaces shall comply with the emissions standards as promulgated by the Environmental Protection Agency (EPA). All emission standards currently required by the EPA are adopted by reference, and as may be subsequently amended.
- (5) All furnaces shall be installed, operated, and maintained in strict compliance with the manufacturer's instructions and guidelines for the furnace. In the event that a conflict arises between the manufacturer's instructions and regulations and the regulations contained herein, the stricter instructions or regulations shall apply.
- (6) All ashes or waste may be disbursed on the property where the appliance is located. Any large accumulation of ashes or waste must be disposed of in a manner approved by East Earl Township and/or the DEP.
- (7) All furnaces shall be used for the sole purpose of furnishing heat and/or hot water to a dwelling or other structure pursuant to a permit issued hereunder, including residential swimming pools on the site parcel.
- (8) In the event that the furnace is damaged more than fifty percent (50%), or it is physically deteriorated or decayed, the furnace must be removed and/or replaced with a new unit within sixty (60) days of the date that notice is received from East Earl Township. In such event, all provisions contained herein, including, but not limited to, permitting procedures shall be complied with.
- (9) Furnaces on lots of less than twenty (20) acres shall not be operated between the dates of May 15 to September 15. Any furnace on lots of twenty (20) acres or more may be operated throughout the year.

f. Permits.

- (1) No person shall install, start or maintain any furnace without first obtaining a zoning permit pursuant to the requirements of this Zoning Ordinance, and a building permit issued pursuant to the requirements of the East Earl Township Building Code.
- (2) Before permits can be issued hereunder, an inspection of the proposed installation shall be required. In addition, a site plan is required, drawn to scale, showing the location of the proposed appliance on the property, the location and height of all existing structures on the property, and the distances from the furnace to existing structures on the property and to all property lines. The



manufacturer's specifications and instructions shall also be furnished as part of the permit application packet.

- (3) A permit shall be issued only upon the applicant's demonstration of compliance with all procedures and requirements stated herein
  - (4) Any violation of any of the provisions contained herein shall be subject to the enforcement remedies stated in Article XXVI of this Zoning Ordinance.
  - (5) Permit and inspection fees shall be based upon the fee schedule as adopted by the East Earl Township Board of Supervisors.
- g. Liability. Any person utilizing or maintaining a furnace shall be responsible for all fire suppression costs, clean-up costs, repair and remediation costs, and any other liability resulting from damaged caused by fire or emissions from the unit.
- h. Right of Entry. Any authorized officer, agent, employee or representative of the East Earl Township zoning and codes office who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of the aforesaid requirements. If access is denied, access shall be obtained pursuant to applicable laws of the Commonwealth of Pennsylvania.

#### CCC. Wind and Alternative Energy Systems Permitted By Special Exception

##### 1. Large Manure Digesters

Large manure digesters shall be subject to the following regulations:

- a. The applicant shall provide a detailed description of the proposed use in each of the following topics and a complete land development application shall be submitted to the Township once the special exception application has been approved.
  - (1) The nature of the on-site activities and operations, the types of materials stored and used, the frequency and duration period of storage of materials and the methods for use and disposal of materials. In addition the applicant shall furnish evidence that the use, handling, and disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
  - (2) The general scale of operation in terms of its market area, specific space and area requirements for each activity, the total number of employees of each shift, and an overall needed site size.
  - (3) The proposed use shall be subject to the Industrial Performance Standards of Section 1704. of this Ordinance.
- b. The proposed use shall comply with all the requirements of the applicable district, except that all buildings, structures and facilities used as part of the manure digesting operations shall be setback two hundred (200) feet of from any property line. Additionally, no building, structures, or facility shall be located nearer than three hundred (300) feet to an existing residential building unless the owner of such residence waives this restriction in writing to the Township.

- c. For industrial or commercial special exceptions, the applicant shall demonstrate through the use of traffic studies or other applicable data that the grant of the special exception shall not materially increase traffic congestion in the roads and highways of the Township.

2. Large Solar Energy Production Facilities

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

- a. The layout, design, and installation of large solar energy production facilities shall conform to applicable industry standards, including those of the ANSI, Underwriters Laboratories (UL), the ASTM, or other similar certifying organizations, and shall comply with the Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
- b. All on-site utility and transmission lines extending to and from the large solar energy production facility shall be placed underground.
- c. All large solar energy production facilities shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street rights-of-way.
- d. Large solar energy production facilities mounted on the roof of any building shall be subject to the maximum height regulations specified within each zoning district.
- e. The owner shall provide evidence in the form of stamped plans certified by a professional engineer that the roof is capable of holding the load.
- f. All ground-mounted and free standing solar collectors of large solar energy production facilities shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.
- g. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fence.
- h. The large solar energy production facility owner is required to notify the Township immediately upon cessation or abandonment of the operation. The large solar energy production facility owner shall then have twelve (12) months in which to dismantle and remove the large solar energy production facility from the property. At the time of issuance of the permit for the construction of the large solar energy production facility, the owner shall provide financial security in form and amount acceptable to the Township to secure the expense of dismantling and removing said structures.

3. Large Wind Energy Production Facility

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

- a. The layout, design, and installation of large wind energy production facilities shall conform to applicable industry standards, including those of the ANSI, Underwriters Laboratories (UL), Det Norske Veritas, Germanischer Lloyd Wind Energies, the ASTM, or other similar certifying organizations, and shall comply with the Building Code and with all other applicable fire and life safety requirements. The manufacturer

- specifications shall be submitted as part of the application.
- b. Large wind energy production facilities shall not generate noise which exceeds fifty-five (55) decibels measured at any property line.
  - c. All on-site utility and transmission lines extending to and from the large wind energy production facility shall be placed underground.
  - d. All large wind energy production facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Staff regulation shall not be considered a sufficient braking system for overspeed protection.
  - e. Large wind energy production facilities shall not be artificially lighted, except to the extent required by the FAA.
  - f. Wind turbines and towers shall not display advertising, except for reasonable identification of the large wind energy production facility's manufacturer. Such sign shall have an area of less than four (4) square feet.
  - g. Wind turbines and towers shall be a non-obtrusive color such as white, off-white or gray.
  - h. All large wind energy production facilities shall, to the extent feasible, be sited to prevent shadow flicker on any occupied building on adjacent lot.
  - i. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fence.
  - j. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
  - k. No portion of any large wind energy production system shall extend over parking areas, access drives, driveways or sidewalks.
  - l. All large wind energy production facilities shall be independent of any other structure and shall be located a minimum distance of one and one tenth (1.1) times the turbine height from any inhabited structure, property line, street right-of-way, or overhead utility line.
  - m. The minimum height of the lowest position of the wind turbine shall be thirty (30) feet above the ground.
  - n. All large wind energy production facilities shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, or the wind turbines' climbing apparatus shall be limited to no lower than twelve (12) feet from the ground, or the wind turbines' climbing apparatus shall be fully contained and locked within the tower structure.
  - o. The large wind energy production facility owner is required to notify the Township immediately upon cessation or abandonment of the operation. The large wind energy production facility owner shall then have twelve (12) months in which to dismantle and remove the large wind energy production facility from the lot. At the time of issuance of the permit for the construction of the large wind energy production facility, the owner shall provide financial security in form and amount acceptable to the Township to secure the expense of dismantling and removing said structures.

## ARTICLE XXIII

### ADMINISTRATION AND ENFORCEMENT

#### Section 2301. INTERPRETATION AND APPLICATION

The provisions of the Zoning Ordinance, in its interpretation and application, shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, and general welfare of the Township. Every use, structure, building, or sign shall conform with all provisions of the Zoning Ordinance except those exempted by or under the Ordinance. Nothing in the Zoning Ordinance shall require any change in plans or construction of a building for which a building permit has been issued by the Township prior to the effective date of the Zoning Ordinance, and which is completed within one (1) year of the effective date of the Zoning Ordinance.

#### Section 2302. THE ZONING OFFICER

The provisions of the Zoning Ordinance shall be administered and enforced by the Zoning Officer who shall be appointed by, and serve at the pleasure of the Board of Supervisors. The Zoning Officer shall meet qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms, and shall not have the power to waive or modify any term or condition of the Ordinance or permit any construction or any use or change of use which does not conform to the Zoning Ordinance. The Zoning Officer may be provided with assistance of such persons as the Board of Supervisors may direct and may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of their employment.

#### Section 2303. ZONING OFFICER - DUTIES AND POWERS

The Zoning Officer shall be charged with the duty and shall have the power to enforce literally the provisions of this Zoning Ordinance and its amendments. The Zoning Officer shall have such duties and powers as are conferred upon him by this Zoning Ordinance and as reasonably implied for the purposes of enforcement. The Zoning Officer's duties shall include but are not limited to, the following:

- A. Receive and examine all applications for zoning permits and issue permits only in conformity with the provisions of this Ordinance and with other Township ordinances, provided, however, the issuance of a zoning permit shall not be deemed a waiver of the requirements of any Township ordinance.
- B. Keep an official record of all business and activities, including complaints of a violation of any of the provisions of this Ordinance, and of the action taken consequent to each such complaint. All such records shall be open to public inspection. File copies of all applications received, permits issued, reports and inspections made in connection with any structure, building, sign, and/or land shall be retained as long as they remain in existence.
- C. Receive applications to the Zoning Hearing Board and forward these applications to the Zoning Hearing Board for action thereon.
- D. Following refusal of a permit, when a permit is submitted and denied, to receive applications for appeals from alleged error of the Zoning Officer and variances and forward these applications to the Zoning Hearing Board for action thereon.

- E. Before issuing any permit, the Zoning Officer may, at his discretion, examine or cause to be examined all building, structures, signs or land and portions thereof for which an application has been filed for the erection, construction, alteration, repair, extension, replacement, relocation, conversion and/or use. Thereafter he may make such inspections during the completion of work for which a permit has been issued. Any violations of approved plans or permit shall be noted, and the holder of the permit shall be notified of the discrepancies.
- F. Issue stop, cease and desist orders, and order in writing correction of all conditions found to be in violation of the provisions of this Ordinance. Such written orders shall be served personally, by general mailing, or by certified mail upon persons, firms, or corporations deemed by the Zoning Officer to be violating the terms of this Ordinance. It shall be unlawful for any person to violate any such order lawfully issued by the Zoning Officer, and any person violating any such order shall be guilty of a violation of this Ordinance.
- G. Issue permits for special exception uses or for variances only after such uses and/or buildings have been approved by the Zoning Hearing Board.
- H. Issue permits for conditional uses only after such uses and/or buildings have been approved by the Board of Supervisors.
- I. With the approval of the Board of Supervisors, or when directed by them, institute in the name of the Township any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation so as to prevent the occupancy of or use of any building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.
- J. Revoke by order a zoning permit issued under a mistake of fact or contrary to the law or the provisions of this Ordinance.
- K. Maintain a map showing the current zoning classification of all land.
- L. Upon the request of the Board of Supervisors, the Planning Commission, or the Zoning Hearing Board present to such bodies facts, records, or reports which they may request to assist them in making decisions.
- M. Identify and register non-conforming uses and non-conforming structures, pursuant to Section 2109. of the Zoning Ordinance.

Section 2304. ZONING PERMITS

No building or structure shall be erected, constructed, reconstructed, structurally altered, or moved, and no land or building changed in use or any new use commenced until a zoning permit has been secured from the Zoning Officer. A zoning permit shall not be required in case of normal maintenance activities, minor repairs, and alterations which do not structurally change a building or structure.

Zoning permits shall be issued with a one (1) year life, provided, however, that if work is not commenced or a change in use of building or land is not commenced within ninety (90) days after issuance of the zoning permit, the permit shall automatically expire and a new permit shall be required before such work or change in use commences. In addition, the Zoning Officer is authorized to consider a request for an extension of time for a zoning permit when such request is filed with the Zoning Officer at least thirty (30) days prior to the permit expiration date. In no case shall an extension of time be approved for a period of more than one (1) year. However, the permit approval may be extended for one (1) additional year upon submission of a request in accordance with the above stated procedure, and provided that just cause is demonstrated. If an extension of time for a permit is denied, a new permit shall be required for those improvements not completed.

Section 2305. APPLICATION REQUIREMENTS FOR ZONING PERMITS

- A. All applications for zoning permits shall be made in writing by the owner, tenant, vendee under contract of sale, or authorized agent on a form supplied by the Township and shall be filed with the Zoning Officer. The application shall include:
1. Two (2) sets of site plans, drawn to scale showing the location, dimensions, and height of proposed buildings, structures, or uses and any buildings in relation to property, street right-of-way lines, and street centerlines.
  2. A statement as to the existing and proposed use of the building or land.
  3. The following additional information, if applicable to the particular proposal:
    - a. The number, location, and design of parking spaces and loading spaces.
    - b. An approved driveway permit from East Earl Township or a highway occupancy permit from the Pennsylvania Department of Transportation.
    - c. The size, dimensions, location, material, content, and methods of illumination of all signs.
    - d. Building construction plans and applications as may be required for approval under the East Earl Township Building Code.
    - e. Documentation that a subdivision and/or land development plan has been recorded in the office of the Lancaster County Recorder of Deeds.
    - f. Documentation that an erosion and sedimentation control plan has been developed when the proposal involves earth moving activities in excess of five thousand (5,000) square feet.
    - g. Documentation that an NPDES permit has been issued when the proposal involves earth moving activities in excess of one (1) acre.
    - h. Documentation that a permit has been approved for the installation or modification of an on-lot sewage disposal system.
    - i. Documentation that a permit has been approved for connection to a centralized sewer and/or water service.
    - j. Documentation that approval has been granted in accordance with the procedures and requirements for stormwater management, as may be applicable.
  4. Any additional plans and information reasonably necessary for the Zoning Officer to ascertain whether the proposed use, change in use, erection, alteration, or addition complies with the provisions of this Ordinance.

Section 2306. ISSUANCE OF ZONING PERMITS

Zoning permits shall be granted or refused within thirty (30) days after a complete written application has been filed with the Zoning Officer, except for applications to the Zoning Hearing Board or conditional use applications to the Board of Supervisors. The zoning permit shall be authorization under this Ordinance to proceed with the work described in the application, provided a building permit is secured, if necessary. Upon completion of the activity authorized by any zoning permit, the holder of such permit shall notify the Zoning Officer of such completion. All applications with accompanying plans and documents shall become and be preserved as a public record, subject to the disposition by the Board of Supervisors.

- A. One (1) copy of the plans shall be returned to the applicant by the Zoning Officer after he shall have marked such copies either as approved or disapproved.
- B. One (1) copy of all such plans shall be retained by the Zoning Officer for the Township's

permanent records.

- C. If the request is not approved, the Zoning Officer shall, within thirty (30) days of receipt of a complete and reviewable application as aforesaid, send to the applicant by regular mail a written statement explaining the reason or reasons why the permit cannot be issued. In addition, the Zoning Officer shall advise the applicant if a special exception is an available remedy, or if not, that the applicant may have the right to request a variance and that the applicant may appeal the refusal within thirty (30) days of issuance of the same.

#### Section 2307. CONDITIONS OF PERMIT

- A. **Payment of Fees.** No permit shall be issued until the fees prescribed by the Board of Supervisors pursuant to Resolution are paid in full. The payment of fees under this Section shall not relieve the applicant or holder of said permit from payment of other fees that may be required by the Zoning Ordinance or by any other ordinances or law.
- B. **Compliance with Ordinance.** The permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel or set aside any of the provisions of this Zoning Ordinance.
- C. **Posting of Permit.** A true copy of the permit shall be kept on the site of operations and be open to inspection by the Zoning Officer during the entire time of work as specified in the permit and until completion of same.
- D. **Compliance with Permit and Plot Plan.** All work or use shall conform to the approved application and plans for which the permit has been issued as well as the approved plot plan.

#### Section 2308. REVOCATION OF PERMIT

The Zoning Officer may revoke a permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based, or if it found that the work performed or the use to which the property is put is not in conformance with the application, approved plans, provisions of all pertinent laws, or for any other cause set forth in the Zoning Ordinance.

#### Section 2309. TEMPORARY ZONING AND USE PERMIT

The Zoning Officer shall issue a temporary Zoning and Use Permit for such temporary uses as tents, trailers, and temporary buildings on construction sites, and the use of land for religious or other public or semi-public purposes, or other such temporary uses, if the request is permitted by the Zoning Ordinance or upon order of the Zoning Hearing Board. Such temporary permit shall be for a time period deemed necessary and proper by the Zoning Officer, but in no event for a period of time in excess of six (6) months.

#### Section 2310. ZONING AND USE PERMIT FOR NO-IMPACT HOME-BASED BUSINESSES, HOME OCCUPATIONS, FARM-RELATED OCCUPATIONS, AND RURAL ACCESSORY BUSINESS USES

- A. **Application Requirements.**
  - 1. In addition to the applicable requests of Section 2305, any application for a No-impact home-based business, home occupation, farm related occupations, and rural accessory business uses shall be submitted in such a form as the Zoning Officer may prescribe and shall be accompanied by the required filing fee as

adopted by resolution of the Board of Supervisors. The form shall include, but not be limited to, the following information:

- a. Name, mailing address and phone number of applicant.
- b. Street address of the property.
- c. Description of all activities involved in the proposed business activity and how the activity will operate.
- d. Documentation that the proposal conforms to the requirements of the Township building code as may be applicable.

2. The Zoning Officer shall review the permit application for compliance with the Zoning Ordinance, and visit the dwelling or farm if deemed necessary to determine compliance with all provisions of the Zoning Ordinance and any conditions attached to the approval by the Zoning Hearing Board, when applicable. Upon approval, the Zoning Officer shall issue the Zoning and Use Permit. If the application does not conform to the provisions of this Part, the Zoning Officer shall so notify the applicant in writing. Such notification shall include findings in support of the decision and the applicant's right of appeal to the Zoning Hearing Board.

B. No-impact Home-Based Business, Home Occupation, Farm-Related Occupations, and Rural Accessory Business Uses

1. In the event an application is approved, then a Zoning and Use Permit shall be issued to the applicant. Said permit shall apply only to the applicant, occupation or business activity, and premises stated in the application. The permit is non-assignable and non-transferable. Said permit shall also be deemed to be automatically revoked upon the earliest of the following:
  - a. The applicant dies;
  - b. The applicant moves from the premises where the permit was granted; or
  - c. The applicant otherwise ceases engaging in the home occupation, rural accessory business use or on-farm occupation.

C. Inspections of No-impact Home-Based Businesses, Home Occupations, Farm-Related Occupations, and Rural Accessory Business Uses.

There may be one (1) inspection each year by the Zoning Officer, or a person designated by the Zoning Officer, of such occupations or businesses issued a permit. In addition, the Zoning Officer, or designee, shall have the right to enter and inspect the premises covered by said permit for compliance purposes following notification of the property owner forty-eight (48) hours in advance of the inspection. Any costs associated with said inspection shall be the responsibility of the owner/operator of the occupation or business based upon a fee schedule to be determined by the Board of Supervisors by resolution.

Section 2311. CERTIFICATE OF USE AND OCCUPANCY

- A. A Certificate of Use and Occupancy shall be a statement issued by the Zoning Officer setting forth that a building, structure, parcel, or use of land complies with the provisions of this Ordinance.
- B. No vacant land shall be occupied or used, and no structure or part of a structure



hereafter erected, substantially altered or changed in use shall be occupied or used until a Certificate of Use and Occupancy shall have been issued by the Zoning Officer.

- C. A Certificate of Use and Occupancy for the use or occupancy of vacant land or for a change in the use of land, or for a change in the use of an existing building, either for whole or part of a new building or for the alteration of an existing building, shall be applied for coincident with the application for a building or zoning permit, and shall be issued or denied within fifteen (15) days after a final inspection by the Zoning Officer.
- D. A record of all Certificates of Use and Occupancy shall be kept on file in the office of the Zoning Officer.

#### Section 2312. CONDITIONAL USES

##### A. Filing of Conditional Use Application

For any use permitted by conditional use, a conditional use approval must be obtained from the Board of Supervisors. In addition to the information required on the conditional use application form, the conditional use application must include:

1. Ground floor plans and elevations of proposed structures.
2. Names and addresses of adjoining property owners including properties directly across a public right-of-way.
3. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance.
4. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance.

##### B. General Criteria - Each Applicant must demonstrate compliance with the following:

1. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance.
2. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties.
3. The proposed use will not affect a change in the character of the subject property's neighborhood.
4. Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water, and other utilities, vehicular access and etc.).
5. For development within the Floodplain Zone, that the application complies with those requirements listed in Article XIV of this Ordinance.
6. The proposed use shall comply with those criteria specifically listed in Article XXI of this Ordinance. In addition, the proposed use must comply with all other applicable regulations of this Ordinance.
7. The proposed use will not substantially impair the integrity of the Township's Comprehensive Plan.

##### C. Conditions - The Board of Supervisors in approving conditional use applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same Zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in this Article.

##### D. Site Plan Approval - Any site plan presented in support of the conditional use shall

become an official part of the record for said conditional use. Approval of any conditional use will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the Applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan shall require the obtainment of another conditional use approval.

E. Hearing Procedures

1. Before voting on the approval of a conditional use, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. The Board of Supervisors submits each such application to the Planning Commission to provide the Planning Commission with an opportunity to submit recommendations.
2. Public notice as defined herein, and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Board of Supervisors shall designate by Ordinance, and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by Ordinance or, in the absence of Ordinance provision, by rules of the Board of Supervisors.
3. The Board of Supervisors may prescribe reasonable fees with respect to hearings.
4. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board of Supervisors, and any other person, including civic or community organizations permitted to appear by the Board of Supervisors. The Board of Supervisors shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board of Supervisors for that purpose.
5. The Chairman or Acting Chairman of the Board of Supervisors shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
6. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
7. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
8. The Board of Supervisors may keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be paid by the applicant. The cost of the original transcript shall be paid by the Board of Supervisors if the transcript is ordered by the Board of Supervisors, or shall be paid by the person appealing the decision of the Board of Supervisors if such appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

- F. Unless otherwise specified by the Board of Supervisors or by law, a conditional use approval shall expire if the applicant fails to obtain a zoning permit within one (1) year of the date of authorization thereof by the Board of Supervisors or by the court if such conditional use has been granted after an appeal. A conditional use shall also expire if the applicant fails to complete any erection, construction, reconstruction, alteration or

change in use authorized by the conditional use approval within two (2) years from the date of authorization thereof by the Board of Supervisors or by the court if such conditional use has been granted after an appeal. The Board of Supervisors for reasonable cause shown may extend the approval for an additional period for one (1) year, provided that said request is submitted in writing no later than thirty (30) days prior to the expiration of said approval.

## ARTICLE XXIV

### AMENDMENTS

#### Section 2401. AMENDMENTS

The East Earl Township Board of Supervisors may from time to time as hereinafter provided, amend, supplement, change, or repeal the Zoning Ordinance or the Official Zoning Map of the Township. Any amendment, supplement, change, or repeal may be initiated by the Board of Supervisors, the Township Planning Commission, or by a petition to the Board of Supervisors by an interested party.

#### Section 2402. PROCEDURE FOR PETITION TO THE BOARD OF SUPERVISORS BY AN INTERESTED PARTY

- A. **Petition Requirements.** The petition for amendment, supplement, change, or repeal shall be submitted in duplicate to the Board of Supervisors and contain information to identify the petitioner, the amendment, supplement, change, or repeal, and the petitioner's interest in the amendment, supplement, change, or repeal. In instances where the petition requests a change in the boundaries of a Zoning District on the Official Zoning Map, an accurate legal description and surveyed plan of any land to be rezoned shall be provided and shall be signed by at least one (1) record owner of the property in question whose signature shall be notarized attesting to the truth and correctness of all the facts and information presented in the petition. A fee to be established by the Board of Supervisors shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings.
- B. **Procedure for Petition Consideration.** After receipt of the petition by the Board of Supervisors, it shall forward said petition to the Zoning Officer who shall simultaneously transmit said petition to the East Earl Township and Lancaster County Planning Commissions for their review and recommendations. A report of the review of the Township Planning Commission, together with any recommendations, shall be given to the Board of Supervisors in writing within thirty (30) days from the date of said referral. The recommendation of the Township Planning Commission shall include a specific statement as to whether or not the proposed action is in accordance with the intent of the ELANCO Regional Comprehensive Plan, dated August, 2008. The submission of the proposed amendment to the Lancaster County Planning Commission shall occur at least thirty (30) days prior to any Township public hearing that is to be held on the amendment.
- C. **Petition Exempted from Standard Procedure.** When the Zoning Officer determines that the petition for change is substantially the same as a petition submitted within six (6) months previous, he shall transmit the petition to the Board of Supervisors who shall instruct the Zoning Officer to process the petition as specified in this Article or, stating their reasons, refuse to take further action on the petition.

#### Section 2403. AMENDMENT INITIATED BY THE TOWNSHIP PLANNING COMMISSION

When an amendment, supplement, change, or repeal is initiated by the Township Planning Commission, a report of the proposed amendment, supplement, change, or repeal shall be presented to the Zoning Officer. Said proposal shall be processed in the same manner as a petition filed under Section 2402 with the exception that no review of the petition is required by the Township Planning Commission.

Section 2404. AMENDMENT INITIATED BY THE BOARD OF SUPERVISORS

When an amendment, supplement, change, or repeal is initiated by the Board of Supervisors, said proposal shall be processed in the same manner as a petition filed under Section 2402 of this Zoning Ordinance.

Section 2405. CURATIVE AMENDMENT BY A LANDOWNER

A. Procedure

1. A landowner who desires to challenge on substantive grounds, the validity of the Zoning Ordinance or the Official Zoning Map of the Township or any provision thereof which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the MPC. The Board of Supervisors shall commence a hearing thereon within sixty (60) days of the request. The curative amendment shall be processed in accordance with Section 2402 of this Zoning Ordinance, and public notice of the hearing shall be as provided for in Section 2408 of this Ordinance.
2. If the Township does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire zoning ordinance and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge, and only to the extent of relief granted by the Court.
3. When the Board of Supervisors has determined that a validity challenge has merit, it may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans, and explanatory material submitted by the landowner and shall also consider:
  - a. The impact of the proposal upon roads, sewer facilities, water supplies, schools, and other public service facilities;
  - b. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map;
  - c. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources, and other natural features;
  - d. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development, and any adverse environmental impacts; and
  - e. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

Section 2406. CURATIVE AMENDMENT BY THE BOARD OF SUPERVISORS

A. Procedure

1. If Board of Supervisors determines that this Ordinance or a portion of it is substantively invalid, the Board of Supervisors shall declare by formal action its Zoning Ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration, the Board of Supervisors shall:
  - a. By resolution, make specific findings setting forth the declared invalidity of the Zoning Ordinance or portions thereof which may include:
    - (1) References to specific uses which are either not permitted or not permitted in sufficient quantity;
    - (2) Reference to a class of use or uses which require revision; or
    - (3) Reference to the entire Zoning Ordinance which requires revisions.
  - b. Begin to prepare and consider a curative amendment to the Zoning Ordinance to correct the declared invalidity.
2. Within one hundred and eighty (180) days from the date of the declaration and proposal, the Board of Supervisors shall enact a curative amendment to, or reaffirm the validity of, this Zoning Ordinance pursuant to the provisions required by Section 2402. to cure the declared invalidity of the Zoning Ordinance.
3. Upon the date of the declaration and proposal, the Board of Supervisors shall not be required to entertain or consider any curative amendment filed by a landowner. Nor shall the Zoning Hearing Board be required to give a report, upon request, for a challenge to the validity of the Ordinance under Section 2510. subsequent to the declaration and proposal, based upon the grounds identical to or substantially similar to those specified in the resolution required by this Section. Upon the enactment of a curative amendment to, or the reaffirmation of the validity of this Ordinance, no rights to a cure by amendment or challenge shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which the Board of Supervisors propose to prepare a curative amendment.
4. The Board of Supervisors, having utilized the procedures as set forth in this Section, may not again utilize said procedures for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of the Ordinance; provided however, that if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a Pennsylvania Appellate Court decision, the Board of Supervisors may utilize the provisions of this Section to prepare a curative amendment to the Ordinance to fulfill this duty or obligation.

Section 2407. AUTHENTICATION OF THE ZONING MAP

Whenever there has been a change in the boundary of a Zoning District or a reclassification of the Zoning District adopted in accordance with the above, the change on the Zoning Map shall be made, and shall be duly certified by the Township Secretary and shall thereafter be refiled as part of the permanent records of the Township.

Section 2408. PUBLIC NOTICE

When any amendment, supplement, change, or repeal which changes the boundaries of any Zoning District, changes the uses and structures permitted in a Zoning District, or changes the Height and Area Regulations applicable in a Zoning District, a public hearing in relation thereto shall be held by the Board of Supervisors at which parties in interest and citizens shall have an opportunity to be heard.

A. Publication, Advertisement, and Availability of Ordinances

1. Proposed zoning ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the municipality where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The governing body shall publish the proposed ordinance or amendment once in one (1) newspaper of general circulation in the Township not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

- a. A copy thereof shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published.
- b. An attested copy of the proposed ordinance shall be filed in the county law library or other county office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.

B. If the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.

C. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the Board of Supervisors shall at least ten (10) days prior to enactment readvertise, in one (1) newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

D. Zoning ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

E. Within thirty (30) days after enactment, a copy of the amendment to the Zoning Ordinance shall be forwarded to the county planning agency.

ARTICLE XXV

ZONING HEARING BOARD AND OTHER ADMINISTRATIVE PROCEEDINGS

Section 2501. CREATION AND MEMBERSHIP

- A. There is hereby created and continued the East Earl Township Zoning Hearing Board. As used in the Zoning Ordinance, unless the text clearly indicates otherwise, the term "Board" shall refer to such Zoning Hearing Board.
- B. Zoning Hearing Board Membership. The membership of the Board shall, upon determination of the governing body, consist of either three (3) or five (5) residents of the Township appointed by resolution by the Board of Supervisors.
- C. Terms of Membership. The terms of office of a three (3) member board shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The terms of office of a five (5) member board shall be five (5) years and shall be so fixed that the term of office of one (1) member of a five (5) member board shall expire each year. If a three (3) member board is changed to a five (5) member board, the members of the existing three (3) member board shall continue in office until their term of office would expire under prior law. The Board of Supervisors shall appoint two (2) additional members to the Board with terms scheduled to expire in accordance with the provisions of this section. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township.
- D. Alternate Membership. The Board of Supervisors may appoint by resolution at least one (1) but no more than three (3) residents of the Township to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) three years. The powers and duties of alternate members shall be as provided for in Section 903 of the MPC.

Section 2502. GENERAL PROCEDURES

The Zoning Hearing Board shall adopt such rules and regulations to govern its procedures as it may deem necessary, and as provided for by Section 906 of the MPC. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence, the acting chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep full public records of its business, which records shall be the property of the municipality, and shall submit a report of its activities to the governing body as requested by the governing body.

Section 2503. EXPENDITURES FOR SERVICES

Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors. Alternate members of the Board may receive compensation, as may be fixed by the governing body, for the performance of their duties when designated as alternate members, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members by the governing body.



Section 2504. JURISDICTION

- A. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
1. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any non-conforming use, structure, or lot.
  2. Applications for variances from the terms of the Zoning Ordinance pursuant to Section 2507 of this Zoning Ordinance.
  3. Applications for special exceptions under the Zoning Ordinance pursuant to Section 2507 of this Zoning Ordinance.
  4. Appeals from the Zoning Officer's determination under Section 2511 of this Zoning Ordinance.
  5. All other matters authorized by the MPC. In addition to the powers set forth in this section, the Zoning Hearing Board shall have all powers and jurisdiction set forth in the MPC.

Section 2505. APPLICATION PROCEDURES AND LIMITATIONS

- A. An application, including an appeal, to the Zoning Hearing Board shall be submitted to the Zoning Officer. All applications shall be made on the form supplied by the Township and shall contain all information requested on such form. All applications shall contain the following information:
1. Name and address of the applicant and, if different, the name and address of the landowner. If the applicant is not the landowner of record, information demonstrating that the applicant has the legal right to make the application shall accompany the application.
  2. Dimensions and shape of the lot to be developed, and the exact location and dimensions of any structures existing or to be erected.
  3. The height any proposed buildings or structures.
  4. Existing and proposed uses of all existing and proposed structures.
  5. Existing and proposed off-street parking and loading spaces.
  6. Names and addresses of adjoining property owners, including properties directly across a public right-of-way.
  7. A site plan with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance.
  8. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance (i) if requesting a special exception, or (ii) demonstrating unnecessary hardship if requesting a variance, or (iii) explaining how the Zoning Officer erred in an appeal from a determination of the Zoning Officer.
  9. A reference to all sections of this Ordinance which are relevant to the application or appeal.
  10. A listing of all special exceptions and/or variances which the applicant is requesting.
- B. Applications shall include the appropriate fee established by resolution or ordinance by the Board of Supervisors. Failure to pay the required filing fee shall render the application incomplete.
- C. Neither the Zoning Officer nor any other Township employee may advise the applicant on completion of the application. The Zoning Officer shall review the application to determine if the pending request to the Board is clearly indicated and supportive

information is complete to the extent that the application can be properly advertised. If within ten (10) days from the date of submission the Zoning Officer determines that the application is incomplete, the Zoning Officer may return the application to the applicant and inform the applicant that his application is incomplete. If the Zoning Officer fails to return an application to the applicant within the ten (10) day period, it shall not be deemed an acknowledgment by the Township that the application meets the requirements of this Ordinance, as such determination shall then be under the jurisdiction of the Zoning Hearing Board. Notwithstanding the foregoing, the Zoning Officer shall not be authorized to return appeals from a determination of the Zoning Officer.

- D. After the Zoning Officer has reviewed the application for completeness, including any supplemental information submitted before the hearing has been advertised, the application shall be considered closed. The Zoning Hearing Board shall not reform any application and shall not be required to grant parts of an application. If an applicant desires to change an application after it has been submitted, the applicant may withdraw the application by filing a request to withdraw and shall submit another application in the form provided by the Township which will be considered filed on the date it is submitted to the Zoning Officer and a new application fee is paid. Pursuant to the foregoing, the Board, in its discretion, may allow permitted amendments at the time of the hearing in the interest of administrative economy which are not prejudicial to other parties or may continue the hearing subject to the applicant paying any fee established by the Township for continuances.

#### Section 2506. HEARINGS

- A. Appeals to the Zoning Hearing Board may be taken by any person or Township official aggrieved or affected by any provision of the Zoning Ordinance or by any decision, including any order to stop, cease and desist issued by the Zoning Officer. The hearing for such appeal shall be taken within sixty (60) days from the date of the applicant's request and as provided by the rules of the Board by filing with the Zoning Officer and with the Board a notice of appeal specifying the grounds thereof, unless the applicant has agreed in writing to an extension of time. Upon payment of any fees established by resolution of the Board of Supervisors, the Zoning Officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- B. The Board shall conduct hearings and make decisions in accordance with the following requirements:
  - 1. The Board shall fix a reasonable time and place for a public hearing of the appeal, and shall give notice thereof as follows:
    - a. Public Notice - Public notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.
  - 2. Written Notice - Written notice shall be provided as follows:
    - a. By mailing due notice at least seven (7) days prior to the date of the hearing to the parties in interest and to those persons whose properties within East Earl Township adjoin or across public roads from the property in question.

- b. By providing notice of said hearing conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
- C. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs, and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural, or other technical consultants or expert witness costs. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or the hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
- D. The hearings shall be conducted by the Board, or the Board may appoint any member as a hearing officer. The decision or, where no decision is called for, the findings shall be made by the Board. However, the appellant, or the applicant, as the case may be, in addition to the Township, may prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- E. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- F. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- G. 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.
- H. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- I. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings.
- J. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed, and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- K. 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. Each decision shall be accompanied by findings of fact and conclusions based on any provisions of this Ordinance or of any act, rules, or regulation and shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decisions or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the decision of the hearing officer. Where the Board fails to render the decision

within the period required by this paragraph, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Section 2406.A. of this Zoning Ordinance. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this paragraph shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

- L. A copy of the final decision, or where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the 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.
- M. Parties to proceedings authorized by this Article may utilize mediation as an aid in completing such proceedings. In exercising such an option, the Township, the Board, and the mediating parties shall meet the stipulations and follow the procedures set forth in Section 2513 of this Zoning Ordinance and Section 908.1 of the MPC.

#### Section 2507. ZONING HEARING BOARD FUNCTIONS - VARIANCES AND SPECIAL EXCEPTIONS

- A. Variances. The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Zoning Ordinance. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:
  - 1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.
  - 2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
  - 3. That such unnecessary hardship has not been created by the applicant.
  - 4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
  - 5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- B. Special Exceptions. Where the Board of Supervisors, in the Zoning Ordinance, has stated special exceptions to be granted or denied by the Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria as provided in Article XXII of

this Zoning Ordinance. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Zoning Ordinance, as it may deem necessary to implement the purposes of this Zoning Ordinance.

- C. Planning Commission Review Of A Special Exception. On the Township's receipt of any application to the Zoning Hearing Board or any Conditional Use filing to the Board of Supervisors, the Township shall forward a copy of such filing to the Township Planning Commission.
  - 1. The Planning Commission may thereafter review the application with respect to the location of such use in relation to the needs and growth pattern of East Earl Township, where appropriate, with reference to the adequacy of the site area and the arrangement of buildings, driveways, parking areas, off-street loading and unloading spaces, and other pertinent features of the proposal.
  - 2. The Planning Commission shall have thirty (30) days from the date of its receipt of the application within which to file, with the body conducting the hearing, any report it may wish to file as to the application. The Planning Commission may seek to become a party as to any such hearing.
- D. Expiration Of Approval. Unless otherwise specified by the Board or by law, a variance or special exception shall expire if the applicant fails to obtain a zoning permit within one (1) year of the date of authorization thereof by the Board or by the court if such special exception or variance has been granted after an appeal. A variance or special exception shall also expire if the applicant fails to complete any erection, construction, reconstruction, alteration or change in use authorized by the special exception or variance approval within two (2) years from the date of authorization thereof by the Board or by the court if such variance or special exception has been subject to an appeal. The Board for reasonable cause shown may extend the approval for an additional period for one (1) year, provided that said request is submitted in writing no later than thirty (30) days prior to the expiration of said approval.

#### Section 2508. TIME LIMITATIONS

- A. No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate municipal officer, agency, or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan pursuant to Section 709 of the MPC or from an adverse decision by the Zoning Officer on a challenge to the validity of an ordinance or map pursuant to Section 2510 of this Zoning Ordinance shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
- B. All appeals from determinations adverse to the landowners shall be filed by the landowner within thirty (30) days after notice of determination is issued.

#### Section 2509. STAY OF PROCEEDINGS

- A. Upon filing of any proceeding referred to in Section 2504, and during its pendency before the Board, all land development pursuant to any challenged ordinance, order, or approval of the Zoning Officer, or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in

which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board.

- B. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous and is for the purpose of delay. At the hearing, evidence may be presented on the merits of the case. After consideration of all evidence presented, if the court determines that the appeal is frivolous and is for the purpose of delay, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.
- C. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
- D. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses, and attorney fees incurred by the petitioner.

#### Section 2510. VALIDITY OF ORDINANCE: SUBSTANTIVE QUESTIONS

- A. A landowner who, on substantive grounds, desires to challenge the validity of an ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest shall submit the challenge either:
  - 1. To the Zoning Hearing Board under Section 2506 of this Zoning Ordinance, or
  - 2. To the Board of Supervisors under the applicable provisions of the MPC.
- B. Persons aggrieved by a use or development permitted on the land of another by an ordinance or map, or any provision thereof, who desires to challenge its validity on substantive grounds shall first submit their challenge to the Zoning Hearing Board for a decision thereon under Section 2506 of this Zoning Ordinance.

#### Section 2511. PROCEDURE TO OBTAIN PRELIMINARY OPINION

In order to not to unreasonably delay the time when a landowner may secure assurance that the ordinance or map under which he proposed to build is free from challenge, and recognizing that the procedure for preliminary approval of his development may be too cumbersome or may be unavailable, the landowner may advance the date from which time for any challenge to the ordinance or map will run by the following procedure:

- A. The landowner may submit plans and other materials describing his proposed use or development to the Zoning Officer for a preliminary opinion as to their compliance with the applicable ordinances and maps. Such plans and other materials shall not be required to meet the standards prescribed for preliminary, tentative, or final approval or for the issuance of a building permit so long as they provide reasonable notice of the proposed use or development and a sufficient basis for a preliminary opinion as to its compliance.

- B. If the Zoning Officer's preliminary opinion is that the use or development complies with the ordinance or map, notice thereof shall be published in a newspaper of general circulation in the Township. Such notice shall include a general description of the proposed use or development and its location, by some readily identifiable directive, and the place and times where the plans and other materials may be examined by the public. The favorable preliminary approval and the time therein specified for commencing a proceeding with the Board shall run from the time when the second notice thereof has been published.

#### Section 2512. APPEAL TO COURT

Any person, taxpayer, or the Township aggrieved by any decision of the Board may within thirty (30) days after such decision of the Board seek review by the Court of Common Pleas of such decision in the manner provided by the laws of the Commonwealth of Pennsylvania and Article X-A of the Pennsylvania Municipalities Planning Code, as amended.

#### Section 2513. MEDIATION OPTION

- A. Parties to proceedings authorized in this Zoning Ordinance may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Zoning Ordinance once they have been formally initiated. Nothing in this section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.
- B. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Township shall assure that, in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
  - 1. Funding mediation.
  - 2. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
  - 3. Completing mediation, including time limits for such completion.
  - 4. Suspending time limits otherwise authorized in this Zoning Ordinance and the MPC, provided there is written consent by the mediating parties, and by an applicant or municipal decision-making body if either is not a party to the mediation.
  - 5. Identifying all parties and affording them the opportunity to participate.
  - 6. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
  - 7. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in the other sections of this Zoning Ordinance.
- C. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

## ARTICLE XXVI

### VIOLATIONS

#### Section 2601. VIOLATIONS

A violation of the Zoning Ordinance shall occur when:

- A. Construction, excavation, alteration, maintenance or use of any structure, building, sign, land, or landscaping or the change of use, area of use, percentage of use or displacement of use of any structure, building, sign, land, or required landscaping/screen planting occurs without first obtaining a zoning permit.
- B. The use or maintenance of any building, structure, sign, or land for a use or in a manner which is not in accordance with the provisions of this Ordinance.
- C. The use of property occurs for a use different from that set forth in any building permit or certificate of use and occupancy which have been granted for the property without applying for and being granted a building permit and certificate of occupancy for such new or different use.
- D. There is a failure to comply with any other provisions of this Ordinance; or there is a violation of any condition imposed upon the grant of a special exception or variance by the Zoning Hearing Board or of a conditional use by the Board of Supervisors, or by a court of competent jurisdiction, if such special exception, variance or conditional use is granted by such court.

#### Section 2602. COMPLAINTS REGARDING VIOLATIONS

The Zoning Officer may, and when in receipt of a signed written complaint stating fully the cause and basis thereof, shall investigate alleged violations of the Zoning Ordinance. If a signed written complaint is received, said investigation shall be completed within fifteen (15) days of said complaint. A written report of all investigations of the Zoning Ordinance shall be prepared and filed by the Zoning Officer and a copy sent to the Board of Supervisors. If, after the investigation, the Zoning Officer determines that a violation has occurred, he shall take action as provided by the Zoning Ordinance.

#### Section 2603. ENFORCEMENT

If it appears that a violation of any of the provisions of this Zoning Ordinance has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided below:

- A. The enforcement notice shall be sent by first class mail and certified mail to the owner of the record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
- B. An enforcement notice shall state at least the following:
  - 1. The name of the owner of record and any other person against whom East Earl Township intends to take action.
  - 2. The location of the property in question.
  - 3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Zoning Ordinance.
  - 4. The date before which the steps for compliance must be commenced, and the date before which the steps must be completed.



5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board in accordance with the terms and procedures stated in Article XXV of this Zoning Ordinance.
6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, clearly constitutes a violation, with possible sanctions clearly described.

#### Section 2604. CAUSES OF ACTION

In case any building, structure, landscaping of 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 affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping of land, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Township Board of Supervisors. No such action may be maintained until such notice has been given.

#### Section 2605. ENFORCEMENT REMEDIES

- A. Following the issuance of any notice of violation by the Zoning Officer, and should said notice not be complied with within the time period specified in the notice of violation, the Zoning Officer shall notify the Board of Supervisors and the Township Solicitor may be asked to initiate in the name of the Township any appropriate action or proceedings at law or in equity to prevent such actions as specified in said notice.
- B. Any person, partnership or corporation, who or which has violated or permitted the violation of the provisions of this Ordinance, shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500.00) 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 payable until the date of the determination of a violation by the District Magisterial Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation shall be paid over to East Earl Township.

ARTICLE XXVII

VALIDITY

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

ARTICLE XXVIII

REPEALER

All ordinances or parts of ordinances inconsistent with the provisions of this Zoning Ordinance are hereby expressly repealed.

ARTICLE XXIX

EFFECTIVE DATE

The Zoning Ordinance shall become effective five (5) days after its adoption by the Board of Supervisors of the Township of East Earl, Lancaster County, Pennsylvania.

ENACTED AND ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, ~~2016~~2017, at a meeting of the Board of Supervisors of the Township of East Earl, Lancaster County, Pennsylvania.

BOARD OF SUPERVISORS  
TOWNSHIP OF EAST EARL  
LANCASTER COUNTY, PENNSYLVANIA

ATTEST:

\_\_\_\_\_  
Secretary-Treasurer

BY: \_\_\_\_\_  
Chairman

BY: \_\_\_\_\_  
Vice Chairman

BY: \_\_\_\_\_  
Supervisor

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<b>Summary report:</b>	
<b>Litéra® Change-Pro 7.5.0.60 Document comparison done on 4/19/2017 4:30:23 PM</b>	
<b>Style name:</b> Default Style	
<b>Intelligent Table Comparison:</b> Active	
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<b>Modified filename:</b> 00754405.DOCX	
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Table Insert	0
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Table moves to	0
<del>Table moves from</del>	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format Changes	0
<b>Total Changes:</b>	<b>50</b>