

## SECTION 206 LIGHT BUSINESS (LB)

1. **PURPOSE AND INTENT:** The purpose of the Light Business District is to provide for commercial, office, light manufacturing, and light industrial uses. The uses permitted in this District may or may not need public water and public sewer, depending on the activity.
2. **PERMITTED USES:**
  1. Agricultural Uses/Structures
  2. Agricultural Operation
  3. Animal Hospital
  4. Automobile Sales
  5. Automobile Filling/Service Station
  6. Church/House of Worship and Related Uses, Subject to Section 406
  7. Contractor's Office or Shop
  8. Convenience Store
  9. Day Care
  10. Eating Establishment
  11. Emergency Services Structure
  12. Financial Institution
  13. Forestry, subject to Section 414
  14. Garage
  15. Health and Recreation Facility
  16. Hotel/Motel
  17. Industry, subject to Section 420
  18. Laundry Facility
  19. Manufacturing, subject to Section 420
  20. Massage Salon
  21. Medical Center
  22. No-Impact Home Based Business
  23. Office
  24. Personal Services
  25. Professional Occupation
  26. Public Uses
  27. Commercial Recreational Facility
  28. Repair Services
  29. Restaurant
  30. Retail
  31. Vocational-Mechanical Trade School
  32. Self Storage Units
  33. Solar Energy Units
  34. Tavern & Outdoor Café, subject to Section 429
  35. Vehicular Body/Painting Shop
  36. Vehicular Wash Facility (car wash)
  37. Veterinarian's Office.

3. SPECIAL EXCEPTION USES: The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board subject to Section 604.3:
  1. Adaptive Reuse of Existing Agricultural Buildings, subject to Section 401
  2. Drive Through Establishments or Fast Food Restaurants, subject to Section 410
  2. Farmers Market and/or Produce Auction, subject to Section 413
  3. Research and Development Laboratory, subject to Section 420.

4. Design Standards – See Table Below

Utilized Public Utilities	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage
None	43,560 sq. ft. <sup>(1)</sup>	150 ft.	25%
Public Water	32,000 sq. ft. <sup>(1)</sup>	135 ft.	35%
Public Sewer	20,000 sq. ft.	125 ft.	45%
Both Public Water & Public Sewer	15,000 sq. ft.	100 ft.	80%

1. In areas not served by public sewer, the minimum required lot size may be increased to ensure an acceptable level of nitrate-nitrogen in the adjoining groundwaters; such determination will be made by the Pennsylvania Department of Environmental Protection through its sewer module review process.

5. Outdoor storage is permitted for retail purposes only in the front of the building. All other long-term outdoor storage is only permitted to the side and rear of the building.

6. Minimum Setback Requirements – (Principle and accessory uses.)

1. Front yard setback – All buildings, structures (except permitted signs), and outdoor loading areas shall be set back at least thirty-five (35) feet from the street right-of-way; off street parking lots, and outdoor storage areas shall be set back a minimum of twenty (20) feet from the street Right-of-Way.
2. Side yard setbacks – All buildings and structures shall be set back at least twenty-five (25) feet from the side lot lines. Off-street parking lots, loading areas, and outdoor storage areas shall be set back at least fifteen (15) feet from the side lot lines, unless joint parking or loading facilities are shared by adjoining uses. In such instances, one of the side yard setbacks can be waived solely for parking and/or loading facilities.
3. Rear yard setback – All buildings, structures, off-street parking lots, loading areas, and outdoor storage areas shall be set back at least twenty (20) feet from the rear lot lines.
4. Residential buffer strip – Any lot adjoining land within a residential zone shall maintain a fifty (50) foot setback for nonresidential buildings,

structures, off-street parking lots, loading area and outdoor storage areas, from the residentially zoned parcels. Such areas shall be used for a landscape strip.

7. Maximum Permitted Height – The lesser of fifty (50) feet or four (4) stories. However, for portions of a building that are over thirty-five (35) feet in height, the applicant shall demonstrate to the Township that adequate fire protection shall be provided.
8. Off-Street Loading – Off-street loading shall be provided as specified in Section 312 of this Ordinance. In addition, no off-street loading area shall be permitted on any side of a building facing adjoining lands within a residential zone, nor any side of a building facing an adjoining street.
9. Off-street Parking – Off-street parking shall be provided as specified in Section 311 of this Ordinance.
10. Utilities – Each principal use shall be served by public water and public sewage service. In the event that public water and/or sewage service is not available, the developer will provide an agreement to the Township to tie into the utility/utilities when they become available and to include a covenant in each deed requiring the owner of the lot or unit to connect to the public utilities.
11. Signs – Signs shall be permitted as specified in Section 314 of this Ordinance.
12. Access Drive Requirements – All access (drives) shall be in accordance with Section 308 of this Ordinance.
13. Screening – A visual screen must be provided along any adjoining lands with a residential zone, regardless of whether or not the residentially zoned parcel is developed. (See Section 313 of this Ordinance.)
14. Landscaping – Any portion of the site not used for buildings, structures, parking compounds, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. (See Section 313 of this Ordinance.)
15. Waste Products - Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be set back a minimum of fifty (50) feet from any adjoining residentially zoned properties. All waste receptacles shall be completely enclosed.
16. All uses permitted within this zone shall comply with the General Provisions in Article 3 of this Ordinance.

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

## SECTION 207 HEAVY BUSINESS (HB)

1. **PURPOSE AND INTENT:** The purpose of the Heavy Business District is to provide for high intensity commercial and industrial activities that have the greatest potential for community and environmental impacts. This District requires public water and sewer and direct access onto a major route. Low intensity uses and residential uses are not encouraged. This District serves more of a regional function.
2. **PERMITTED USES:**
  1. Agriculture Use/Structure
  2. Agricultural Operation
  3. Automobile Sales
  4. Automobile Filling /Service Station
  5. Communications Antennas, Towers, Equipment & Buildings, subject to Section 408
  6. Contractor's Office or Shop
  7. Convenience Store
  8. Forestry, subject to Section 414
  9. Garage
  10. Industry, Subject to Section 420
  11. Manufacturing, Subject to Section 420
  12. No-Impact Home Based Business
  13. Recycling Center
  14. Research and Development Laboratory, subject to Section 420
  15. Solar Energy Units.
3. **SPECIAL EXCEPTION USES:** The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board subject to Section 604.3:
  1. Adaptive Reuse of Existing Agricultural Buildings, subject to Section 401
  2. Billboards, subject to Section 404
  3. Manure Storage Facilities, Subject to Section 424
  4. Public Utilities, subject to Section 425.
4. **CONDITIONAL USES:** The following use is permitted when Conditional Uses are granted by the Board of Supervisors subject to Section 704:
  1. Adult Uses, subject to Section 402.
5. Design Standards- See Table Below

<u>Lot Area</u>	<u>Minimum Lot Width</u>	<u>Maximum Lot Coverage</u>
Five (5) Acres (1)	300 feet	60% (2)

- (1) In areas not covered by public sewer, the minimum required lot size may be increased to ensure an acceptable level of nitrate-nitrogen in the adjoining groundwaters; such determination will be made by the Pennsylvania Department of Environmental Protection through its sewer module review process.

- (2) An increase of the Maximum Lot Coverage may be increased to eighty (80%) percent by Special Exception with conditions provided all yard or setback requirements are met.

6. Minimum Setback Requirements – Principle and Accessory Uses

1. Front yard setback – All buildings, structures (except permitted signs), and outdoor loading areas shall be set back at least thirty-five (35) feet from the street Right-of-Way; off-street parking lots and retail outdoor storage areas shall be set back a minimum of twenty (20) feet from the Right-of-Way.
  2. Side yard setback – All buildings and structures shall be set back at least twenty-five (25) feet from the side lot lines. Off-street parking lots, loading areas, and long term outdoor storage areas shall be set back at least fifteen (15) feet from the side lot lines, unless joint parking
  3. Rear yard setback – All buildings, structures, off-street parking lots, loading areas, and long term outdoor storage areas shall be set back at least twenty (20) feet from the rear lot line.
  4. Residential buffer strip – Any lot adjoining land within a residential zone shall maintain a fifty (50) foot setback for nonresidential buildings, structures, off-street parking lots, loading areas and outdoor storage areas, from the residentially zoned parcels. Such area shall be used for a landscape strip.
  5. Accessory recreation uses – These facilities can be developed in any side or rear yard to within fifty (50) feet of any property line.
7. Maximum Permitted Height – The lesser of fifty feet or four stories, provided that an additional one (1) foot setback shall be required for each additional one (1) foot of height over thirty-five (35) feet. However, for portions of a building that are over thirty-five (35) feet in height the applicant shall demonstrate to the Township that adequate fire protection shall be provided.
8. Off-Street Loading – Off-street loading shall be provided as specified in Section 312 of this Ordinance. In addition, no off-street loading area shall be permitted on any side of a building facing adjoining lands within a residential zone, nor any side of a building facing an adjoining street.
10. Off-Street Parking – Off-street parking shall be provided as specified in Section 311 of this Ordinance.
10. Signs – Signs shall be permitted as specified in Section 314 of this Ordinance.
11. Access Drive Requirements – All driveways shall be in accordance with Section 308 of this Ordinance.

12. Screening – A visual screen must be provided along any adjoining lands within a residential zone, regardless of whether or not the residentially zoned parcel is developed. (See Section 313 of this Ordinance.)
13. Landscaping – Any portion of the site not used for buildings, structures, parking compounds, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. (See Section 313 of this Ordinance).
14. Waste Products – Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be set back a minimum of fifty (50) feet from any adjoining residentially zoned properties. All waste receptacles shall be completely enclosed.
15. Industrial Operations Standards – All industrial operations shall be in compliance with any Commonwealth of Pennsylvania and/or federal Government regulations, as required by the most recent regulations made available from these governmental bodies.
16. Outdoor Storage – Within the HB Zone, outdoor storage is permitted provided all outdoor storage areas are screened from adjoining roads and properties, and they comply with all of the setbacks specifically imposed thereon as listed in this section.
17. Utilities – Each principal use shall be served by public water and public sewage service. In the event that public water and/or sewage service is not available, the developer will provide an agreement to the Township to tie into the utility/utilities when they become available and to include a covenant in each deed requiring the owner of the lot or unit to connect to the public utilities.
18. All uses permitted within this zone shall also comply with the General Provision in Article 3 of this Ordinance.

## SECTION 208 MIXED USE (MU)

1. PURPOSE AND INTENT: The purpose of the Mixed Use District is to provide for a mixture of residential and business uses within an area served by public sewer and water. A broad range of residential uses is intended for this District. Mixed Use Districts are located in areas where there are appropriate roadway systems to support development. The Master Development Plan for the mixed use developments shall be designed to be compatible with existing and neighborhood land uses. The development shall not result in or cause substantial adverse impacts on existing access, light, noise, traffic, vibrations, etc.
2. PERMITTED USES:
  1. Agricultural Use/Structure
  2. Agricultural Operations
  3. Bed and Breakfast Inns, subject to Section 403
  4. Church/House of Worship and Related Uses, subject to Section 406
  5. Cluster, subject to Section 407
  6. Commercial School
  7. Community Center
  8. Dawdy House
  9. Day Care
  10. Drive-Through Establishment
  11. Apartment Dwelling
  12. Conversion Apartment
  13. Single Family Detached Dwelling
  14. Duplex
  15. Manufactured Home Dwelling
  16. Eating Establishment
  17. Financial Institution
  18. Forestry, subject to Section 414
  19. Health and Recreation Facility
  20. Hotel/Motel
  21. Massage Salon
  22. Medical Center
  23. No-Impact Home Based Business
  24. Nursing Facility
  25. Office
  26. Park
  27. Personal Care Home
  28. Personal Services
  29. Professional Occupation
  30. Commercial Recreational Facility
  31. Recreation Facility or Club
  32. Restaurant
  33. Retail



34. Retirement and Convalescent Home
35. School
36. Solar Energy Units
37. Veterinarian's Office.

3. **SPECIAL EXCEPTION USES:** The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board subject to Section 604.3:

1. Adaptive Reuse of Existing Agricultural Buildings, subject to Section 401
2. Echo Housing, subject to Section 411
3. Home Occupation, subject to Section 417
4. Manufacturing, subject to Section 420
5. Tavern & Outdoor Café, subject to Section 429.

4. **CONDITIONAL USES:** The following uses are permitted when Conditional Uses are granted by the Sadsbury Township Board of Supervisors subject to Section 704:

1. Farmers Market and/or Produce Auction, subject to Section 413.

5. Design Standards – See Table Below

Use	Utilized Public Utilities	Minimum Lot Area (sq. ft.)	Maximum Net Density (du/ac)	Minimum Lot Width <sup>(1)</sup>	Maximum Lot Coverage	Minimum Yards			
						Front Yard	One Side	Both (Sides)	Rear Yard
SFD	Both public water & public sewer	10,000	4.35	80 ft.	50%	30'	15'	30'	30'
Apartment Complex	(2), (3), (4), (5) Both public water & public sewer	82,120	8	200 ft.	60%	50'	30'	(60)	50'
Duplexes	Both public water & public sewer	7,260 per unit	6	50' per unit	50%	30'	25'	N/A	30'
Other Use	Both public water & public sewer	43,560	N/A	200 ft.	80%	40'	30'	(60)	50'

1. Minimum lot width shall be measured at the building set back line; in no case shall a lot's width, as measured along its frontage, be less than seventy (70%) percent of that required at the building set back line. Lot widths required at the frontage shall be measured along a line paralleling the street line, even if it is curvilinear.
2. In those instances where several apartment dwelling buildings are located on the same lot, the following separation distances will be provided between each building:
3. Front to front, rear to rear, or front to rear, parallel buildings shall have at least seventy (70) feet between faces of the building. 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 distance at the other end.
4. A minimum yard space of thirty (30) feet is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of twenty (20) feet.
5. A minimum yard space of thirty (30) feet is required between end walls and front or rear faces of buildings.

6. The minimum area of a tract intended for Mixed Use Development shall be one half (1/2) acre. For those tracts intended to be developed by further subdivision as illustrated in a Master Development Plan (prepared in accordance with Section 208.21), there shall be a minimum lot area of two (2) acres or as

required by special exception for individual lots developed within the Mixed Use Development. Each lot shall meet the standards for setbacks and coverage as established in this section. Each lot developed as a special exception shall meet the minimum standards established for said special exception.

Said Master Development Plan shall have an informal review before the Township and Lancaster County Planning Commission.

7. Mixture of Uses – Within the Master Development Plan of the uses permitted, no more than forty (40) percent of any one shall be comprised of either office, commercial or residential uses. If development phasing is proposed to be accomplished over a period of years, each phase of the Master Development Plan shall be comprised of no more than forty (40) percent of office, commercial or residential use.
8. Minimum Yard Requirements – All buildings, structures (except permitted signs) and off-street parking loading area shall be set back at least fifty (50) feet from each adjoining property line at the perimeter of the Mixed Use Tract. Off-street parking shall be set back at least twenty-five (25) feet from each adjoining property line at the perimeter of the Mixed Use Tract, except that this distance is increased to fifty (50) feet from an adjoining property that is within the LDR Zone

For individual lots proposed within the Master Development Plan (as described in Section 208.21, the following minimum setbacks shall apply:

1. For residential uses: The setbacks are prescribed in Section 208.5.
2. For all other permitted uses:
  - a. Front yard setback – All buildings, structures (except permitted signs), and outdoor loading areas shall be set back at least thirty-five (35) feet from the street right-of-way, and off-street parking lots shall be set back a minimum of twenty (20) feet from the street Right-of-Way.
  - b. Side yard setback – All buildings and structures shall be set back at least twenty-five (25) feet from the side lot lines. Off-street parking lots and loading areas shall be set back at least fifteen (15) feet from the side lot lines, unless joint parking facilities are shared by adjoining uses. In such instances, one of the side yard setbacks can be waived solely for parking and/or loading facilities.
  - c. Rear yard setback – All buildings, structures, off-street parking lots and loading areas shall be set back at least twenty (20) feet from the rear lot line.
3. For all special exceptions: The setbacks shall be those prescribed for each specific use or, in the absence of same, shall be the setbacks established above for all other permitted uses.

9. Maximum Permitted Height – The lesser of fifty (50) feet or four (4) stories. However, for portions of a building which are over thirty-five (35) feet in height the applicant shall demonstrate to the Township that adequate fire protection shall be provided.
10. Off-Street Loading – Off-street loading shall be provided as specified in Section 312 of this Ordinance. In addition, no off-street loading area shall be permitted on any side of a building facing adjoining lands within a residential zone, nor any side of a building facing an adjoining street.
11. Off-Street Parking – Off-street parking shall be provided as specified in Section 311 of this Ordinance.
12. Signs – Signs shall be permitted as specified in Section 314 of this Ordinance.
13. Driveway and Access Drive Requirements – All driveways serving single-family dwellings shall be in accordance with Section 309 of this Ordinance. All access drives serving other uses shall be in accordance with Section 310 of this Ordinance.
14. Screening – A visual screen must be provided along any adjoining lands within a residential zone, regardless of whether or not the residentially zoned parcel is developed. (See Section 313 of this Ordinance).
15. Landscaping – Any portion of the site not used for buildings, structures, parking lots, loading areas and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. A minimum twenty-five (25) foot wide landscape strip shall be provided along all property lines at the perimeter of tracts intended for Mixed Use Development. On individual lots to be developed within Mixed Use Developments, landscape strips may be reduced to ten (10) feet in width. (See Section 313 of this Ordinance.)
16. Waste Products – Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be set back a minimum of fifty (50) feet from any adjoining roads or properties. All waste receptacles shall be completely enclosed.
17. All uses permitted within this Zone shall also comply with the General Provisions contained in Article 3 of this Ordinance.
18. Commercial Operations Standards – All commercial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies.
19. Outdoor Storage – No outdoor storage is permitted within this zone.

20. Utilities – Each principal use shall be served by public water and public sewage service. In the event that public water and/or sewage service is not available, the developer will provide an agreement to the Township to tie into the utility/utilities when they become available and to include a covenant in each deed requiring the owner of the lot or unit to connect to the public utilities.
21. Master Development Plan for Mixed Use Developments – In order to inform the Township regarding development plans and to assure the Township that such plans are compatible with development of an integrated Mixed Use Development, the applicant shall prepare and submit a Master Development Plan to the Township Planning Commission and the Township Board of Supervisors prior to submission of any subdivision or land development plans regarding the Mixed Use Zone. The applicant shall submit an update of the Master Development Plan every five (5) years, at a minimum, unless the applicant indicates that there are no changes from the most recent previously submitted Master Development Plan. No subdivision or land development plan or zoning permit for any new construction or substantial rehabilitation shall be issued, unless it is consistent with the Master Development Plan, as amended by the Applicant from time to time.

All Master Development Plans shall be prepared, signed, sealed and dated by a professional who is either registered or licensed in Pennsylvania to prepare such plans. Such plans shall be legible in every detail and shall include:

1. Name of applicant and the professional responsible for preparing the plan.
2. The sheet size to be no smaller than eighteen (18) by twenty-two (22) inches and no larger than twenty-four (24) by thirty-six (36) inches. If the plan is prepared in two or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the plan (e.g. Sheet 1 of 3).
3. North arrow, written scale and graphic scale.
4. A statement describing the proposed uses.
5. The blocks containing the subject properties, drawn to scale of no more than two thousand (2,000) feet to the inch.
6. The total acreage of the entire existing properties.
7. Existing subject tracts' contours at two-foot intervals.
8. Existing boundaries of the subject tracts accurately labeled with the names of adjacent landowners, adjacent zones, and adjacent municipal boundaries.
9. The locations of all existing significant natural and topographical features on and within fifty (50) feet of the existing subject tracts (e.g., bodies of water, watercourses, floodplains, trees, shrubs, wetlands, areas of subsidence, sinkholes, rock outcrops and highly erosive soils).

11. The locations of all existing significant man-made improvements and right-of-ways on and within fifty (50) feet of the properties (e.g., quarries, solid waste disposal areas, historic features, cemetery or burial sites, archaeological sites, structures, bridges, culverts, railroads, wastewater mains, water supply mains, fire hydrants, storm water management facilities, easements, electric transmission lines, and fiber optic lines).
12. The locations and names of all roadways, streets, alleys, driveways, drives, and cartways bordering and within one hundred (100) feet of the properties.
13. Proposed roadway, alleys, driveways, drives, cartways, pedestrian ways, parking compounds and spaces, loading areas, buildings, structures, and lot widths, arrangement, layout, and capacity. All other significant planned facilities shall be shown.
14. The location of each land use on the subject properties.
15. Size and intensity of use data, including the type and number of units of occupancy, density, lot size, type and number of dwelling units, and the floor area ratio.
15. Identification of buildings and historic features proposed to be demolished.
16. Building setback lines.
17. The location and arrangement of all open spaces, yards, landscaping and buffer yards.
18. Identification of any lands to be dedicated or reserved for public, semi-public, or community use.
19. The methods of water supply and wastewater treatment, conveyance, and disposal to be used.
20. If development phasing is proposed to be accomplished over a period of years, each phase of the Master Development Plan shall be comprised of no more than forty (40) percent of offices, commercial or residential.

## SECTION 209 RURAL RESIDENTIAL (RR)

1. **PURPOSE AND INTENT:** The purpose of the Rural Residential District is to allow existing areas of low density residential development with on-lot utilities to retain their pattern of development through infill development. Minor expansion could occur in areas where expansion does not adversely impact adjacent agricultural activities. No public utilities are planned for this District.
2. **PERMITTED USES:**
  1. Agricultural Use/Structure
  2. Agricultural Operation
  3. Bed and Breakfast Inns, subject to Section 403
  4. Boarding House
  5. Dawdy House
  6. Day Care
  7. Single Family Detached Dwelling
  8. Manufactured Home Dwelling
  9. Echo Housing, subject to Section 411
  10. Forestry, subject to Section 414
  11. No-Impact Home Based Business
  12. Solar Energy Units.
3. **SPECIAL EXCEPTION USES:** The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board subject to Section 604.3:
  1. Adaptive Reuse of Existing Agricultural Building, subject to Section 401
  2. Home Occupation, subject to Section 417.
4. Design Standards – See Table Below:

Utilized Public Utilities	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage	Front Yard Setback	Minimum Side Yard		Rear Yard
					One Side	Both (Sides)	
None ft.	43,560 sq. ft. <sup>(1)</sup>	150 ft.	30%	40 ft.	30 ft.	(60 ft.)	50

1. In areas not served by public sewer, the minimum required lot size may be increased to ensure an acceptable level of nitrate-nitrogen in the adjoining groundwaters; such determination will be made by the Pennsylvania Department of Environmental Protection, through its sewer module review process.
5. Maximum Permitted Height
  1. Principal buildings and structures – Thirty-five (35) feet.
  2. Accessory buildings and structures – Twenty-eight (28) feet.
6. Minimum Accessory Structure Setbacks
  1. Front yard – Fifteen (15) feet behind principal building line.

2. Side and rear yard – Ten (10) feet.
7. Driveways and Access Drives – All drives serving single-family dwellings shall be in accordance with Section 309 of this Ordinance. All access drives serving other uses shall be in accordance with Section 310 of this Ordinance.
8. Within this zone, the use of flag lots is permitted, subject to the requirements of Section 316 of this Ordinance.
9. All uses permitted within this zone shall comply with the General Provisions contained in Article 3 of this Ordinance

## SECTION 210 CONSERVATION (CN)

1. PURPOSE AND INTENT: The purpose of the Conservation District is to preserve and protect sensitive environmental features, as well as to protect life and property by limiting development in areas with severe development constraints.
2. PERMITTED USES:
  1. Agricultural Use/Structure
  2. Agricultural Operation
  3. Bed and Breakfast Inns, subject to Section 403
  4. Boarding Home
  5. Conservation Area
  6. Dawdy House
  7. Day Care
  8. Single Family Detached Dwelling
  9. Manufactured Home Dwelling
  10. Echo Housing, subject to Section 411
  11. Forestry, subject to Section 414
  12. Horse Boarding Stable and/or Riding Stable, subject to Section 418
  13. No-Impact Home Based Business
  14. Solar Energy Units.
3. SPECIAL EXCEPTION USES: The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board subject to Section 604.3:
  1. Adaptive Reuse of Existing Agricultural Buildings, subject to Section 401
  2. Cottage Industry, subject to Section 409
  3. Farm Occupation, Subject to Section 412
  4. Home Occupation, Subject to Section 417
  5. Roadside Stands, Subject to Section 426.
4. Minimum Lot Area – Ten (10) Acres.
5. Minimum Lot Width – Three hundred and fifty (350) feet at the building setback line and two hundred and fifty (250) feet at the lot frontage.
6. Minimum Lot Depth – Three hundred and fifty (350) feet.
7. Minimum Setback Requirements – All uses shall be set back at least fifty (50) feet from all property lines.
8. Maximum Permitted Height -
  1. Principal building and structures – Thirty-five (35) feet.
  2. Accessory buildings and structures – Twenty-eight (28) feet.



9. Maximum Lot Coverage – Ten (10%) percent.
10. All uses shall be subject to the following requirements:
  - A. The applicant shall demonstrate that measures are being taken to:
    1. Avoid clearing of vegetation in areas that have a high potential for soil erosion.
    2. Prevent the construction of structures and other site improvements on areas with slopes exceeding fifteen (15%) percent.
    3. Minimize grading throughout the site.
    4. Protect and preserve any natural wildlife and/or plant habitats that coincide with steep slopes, woodlands, wetlands, floodplains or other environmentally sensitive areas both during and after construction. A Protected Natural Diversity Inventory (PNDI) is required to address this concern.
11. Within this zone, the use of flag lots is permitted, subject to the requirements of Section 316 of this Ordinance.
12. All uses shall comply with the General Provisions listed in Article 3 of this Ordinance.

## SECTION 211 FLOODPLAIN (FP)

### 1. Purpose and Intent:

1. The FP – Floodplain Zone includes the areas of Sadsbury Township which are subject to periodic inundation by floodwaters. This inundation results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extra-ordinary public expenditures for flood protection and relief, impairment of the tax base, and other adverse effects on the public health, safety, and general welfare.
2. In the interest of public health, safety, and welfare the regulations of the FP – Floodplain Zone are designed and intended to protect floodplain areas subject to and necessary for floodwaters, to permit and encourage the retention of open land uses so located and utilized as to constitute a harmonious and appropriate part of the physical development of Sadsbury Township as provided for in the Octoraro Regional Comprehensive Plan, and to guide incompatible development into more appropriate zones.
3. In advancing these principles and the general purposes of this Zoning Ordinance and the Octoraro Regional Comprehensive Plan, and as a supplement to Section 111 of this Zoning Ordinance, the specific intent of this district includes the following:
  - a) To combine with present regulations, certain restrictions necessary for the control of floodplains for the general health, safety, and welfare of the community.
  - b) To prevent the erection of structures in areas unfit for human usage by reason of danger from flooding.
  - c) To minimize danger to public health by protecting water quality and promoting safe and sanitary drainage.
  - d) To control development which, acting alone or in combination with similar development, will create and impose additional unjustified burdens on the community, its governmental units, and its individuals for the costs of flood control works, rescue, relief, emergency preparedness measures, sandbagging, pumping and temporary dikes or levees, as well as with utility services, as well as other factors that result on loss of wages, sales, and production and generally affect the economic well being of the community.
  - e) To maintain a stable tax base through the preservation of enhancement of property values adjacent to the floodplain, as well as by preventing the creation of future flood lighted areas on floodplains.
  - f) To permit certain uses which can appropriately be located in the floodplain as herein defined without impeding the flow of floodwaters or otherwise causing danger or damage to life or property at, above, or below their locations in the floodplain.

- g) To permit certain uses in the floodplain in ways that preserve natural conditions conducive to the maintenance of ecological balance, wildlife and productive wildlife habitat, marine life and productive marine habitat, other healthy biotic systems, scenic and natural values, constant rates of water flow throughout the year, and for groundwater absorption for sustaining the subsurface water supply.
- h) To provide sufficient unimpeded drainage courses and prohibit the restriction of their carrying capacities so as to safely carry abnormal flows of storm water from periods of heavy precipitation.
- i) To encourage the utilization of appropriate construction practices which will minimize flood damage in the future.
- j) To prevent the placement of materials which might be swept by floods onto other lands or downstream to the injury of others.
- k) To provide for public awareness of flooding potential and to discourage and protect unwary individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.
- l) To regulate uses, activities, development, and structures which, acting alone or in combination with existing or future uses, activities, development, or structures, will cause increase in flood heights, velocities and frequencies.
- m) To provide areas for the deposition of sediment.
- n) To protect people and property in other municipalities within the same watershed from the impact of improper development in floodplains and the consequent increased potential for flooding.

2. Lands in Zone Defined:

- 1. The FP – Floodplain Zone is hereby defined to include all of the following lands within Sadsbury Township:
  - a) The identified floodplain area shall be those areas of Sadsbury Township, Lancaster County, which are subject to the one hundred (100) year flood, as identified in the Flood Insurance Study (FIS) dated April 19, 2005 and the accompanying maps as prepared for by the Federal Emergency Management Agency (FEMA), or the most recent version thereof.
    - 1) In addition, all those areas identified by FEMA as floodplain areas having special flood hazards.
  - b) All land within the 100-year flood boundaries of all watercourses, including but not limited to all land which is so identified by the United States Geological Survey or the United States Army Corps. of Engineers.
  - c) All soils as indicated by the United States Department of Agriculture's Soil Conservation Service in maps and data comprising the latest version

of the Soil Survey of Lancaster County, Pennsylvania. These soils include the following:

Bo – Bowmansville silt loam  
Cm – Comus silt loam  
Hg – Holly silt loam  
Lg – Linden silt loam  
Ln – Lindside silt loam  
Nc – Newark silt loam  
Nd – Newark silt loam  
Ne – Nollin silt loam  
Rd – Rowland silt loam.

- d) All land which has been flooded by floods of record.
- e) All additional land delineated as follows in section 211.2.2.

- 2) Where the complete and definitive information necessary to delineate the boundary of the FP – Floodplain Zone is not available to the Zoning Officer in his consideration of an application for a permit, he shall require such on-site studies and/or surveys to be made as are necessary to fix the precise boundaries of the FP – Floodplain Zone as defined above. Such studies and surveys shall be signed, sealed, and certified by a licensed professional registered by the Commonwealth of Pennsylvania to perform such studies and surveys. Such certification shall acknowledge the accuracy of the study or survey and the qualification of the individual to perform such study or survey. Copies of such studies and surveys shall be submitted by the Zoning Officer to the Sadsbury Township Engineer and the United States Department of Agriculture's Soil Conservation Service, who shall have 30 days to comment. Any property owner whose property is studied and/or surveyed to justify an application for a permit shall pay all costs of these studies and surveys, except for work done under retainer or on behalf of Sadsbury Township.

3. Boundary Disputes:

- 1. Should a dispute concerning any boundary of the FP – Floodplain Zone arise, the initial determination of the Zoning Officer may be appealed to the Zoning Hearing Board in accordance with Section 604.6 of this Ordinance. The burden of proof in such an appeal shall be on the property owner and all hearings and procedures shall follow the requirements of Section 603 of this Ordinance.
13. All changes to the boundaries of the FP – Floodplain Zone which affect areas identified in Section 211.3.1 of this Ordinance are subject to the review and approval of FEMA for compliance with the Rules and Regulations of the National Flood Insurance Program.

4. Relationship to Other Sections:

1. The provisions of this Section create an overlay zoning district which is applicable within floodplains in all other zoning districts established by this Zoning Ordinance. To the extent the provisions of this Section are applicable and more restrictive, they shall supercede conflicting provisions within all other Sections of this Zoning Ordinance and all other Ordinances of Sadsbury Township. However, all non-conflicting provisions of all other Sections of this Zoning Ordinance and all other Ordinances of Sadsbury Township shall remain in full force.

5. Permitted Uses:

1. The following uses are permitted only if done and in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 394 of 1937, as amended; the Rules and Regulations of the Pennsylvania Department of Environmental Protection; Sections 211.8 and 211.10 of this Article; and all other applicable provisions of this Zoning Ordinance:
  - a) Agriculture, horticulture, and forestry, all excluding any structures, and excluding any grading or filling which would cause any increase in flood heights or frequency.
  - b) Erosion and sedimentation control measures, facilities, and structures, provided no increase in flood heights or frequency, unhealthful ponding, or other unsanitary conditions shall occur.
  - c) Public and private recreational uses such as parks, play areas, picnic groves, lawns, gardens, golf courses, driving ranges, archery ranges, game farms, paved bicycle paths, and hiking and horseback trails, all excluding any structures, and excluding any grading or filling which would cause any increase in flood heights or frequency.
  - d) Harvesting of any wild crop, such as marsh hay, ferns, moss, berries, tree fruits and seeds, or wild rice, excluding any plants appearing on the latest edition of the United States List of Endangered and Threatened Plant Species maintained by the United States Fish and Wildlife Service.
  - e) Activities related to the preservation of natural amenities, including wildlife sanctuaries, nature preserves, woodland preserves, botanical gardens, or arboreturns, excluding any structures, and excluding any grading or filling which would cause any increase in flood heights or frequency.
  - f) Open space and front, side, or rear yards required by other Articles of this Zoning Ordinance. Floodplain land may be used to meet minimum open spaces yard, and lot area requirements, provided that the purpose and intent of this Article as set forth in Section 211.1, together with the requirements of any other pertinent municipal regulations, is complied with; if such compliance cannot be shown, the land area within the FP –

Floodplain Zone shall not be used or calculated for purposes of meeting lot open space, area, or yard requirements.

- g) Stream improvements whose sole purpose is to improve aquatic life habitat, and which are approved by the Pennsylvania Fish Commission and reviewed by the Lancaster County Conservation District, and subject to the provisions of Section 211.10.2.c of this Article.
- h) One or two-strand fences.
- i) Picnic tables, park benches, fireplaces and grills, and playground equipment, all if anchored to prevent flotation.
- j) Blinds for the shooting or observation of wildlife, provided that such blinds may only be placed, erected, and maintained during the open season established by the Pennsylvania Game Commission for the taking of migratory waterfowl and the three weeks immediately preceding and three weeks immediately following the open season. Blinds must be removed during all other time of the year.
- k) Circuses, carnivals, and similar transient enterprises, provided that natural vegetative ground cover is not destroyed, removed, or covered in such a way as to create erosion or sedimentation.
- l) Farm ponds which are constructed in accordance with a conservation plan reviewed by the Lancaster County Conservation District and which do not create any increase in flood heights and frequency, and subject to the provisions of Section 211.10.2.c of this Article.
- m) Floodproofing and flood hazard reduction structures to protect only lawfully existing and registered nonconforming uses within structures.
- n) Public utility facilities (except buildings) under the exclusive jurisdiction of the Pennsylvania Public Utility Commission and specifically exempted from control by municipal zoning ordinance, subject to the provisions of Section 211.11.
- o) Marker buoys.

6. Special Exception Uses:

- 1. The following uses are permitted in the FP – Floodplain Zone only when special exceptions are granted by the Zoning Hearing Board as provided for herein and in Article 6, when permitted by the underlying zone as permitted uses or special exception uses, and when done under and in accordance with the provisions of the Clean Stream Law of Pennsylvania Act 394 of 1937, as amended, the rules and Regulations of the Pennsylvania Department of Environmental Protection, and all other provisions of this Zoning Ordinance:
  - a) Parking lots, loading areas, driveways, and aircraft landing strips and taxiways, if they are water-permeably surfaced, and if they are consistent with the provisions of Section 211.8.18 of this Article, except that parking lots designed or used for storage and parking lots for hotels, motels, and other transient lodgings are prohibited.

- b) Public utility facilities not under the exclusive jurisdiction of the Pennsylvania Public Utility Commission, subject to the following conditions:
  - 1) Facilities such as pipelines, gas lines, storm sewers, sanitary sewers, water lines, outlet installations for sewage treatment plants, sealed public and private water supply wells, pumping stations, and underground communications facilities, shall, together with associated structures, but excepting necessary vents, be designed and installed underground so as to be at or below the existing natural surface grade within the floodplain, and in such a manner as will prevent flotation, minimize or eliminate flood damage, and not alter the cross-sectional area of the floodplain. All new or replacement water supply facilities and/or sanitary sewage facilities shall be designed to minimize or eliminate infiltration of floodwaters into the facilities and discharges from the facilities into floodwaters. All gas lines shall have system shut-off valves for service to the FP – Floodplain Zone to allow positive control during flood emergencies.
  - 2) Electrical distribution lines and supporting structures shall be installed so as to minimize or eliminate flood damage, and all lines of less than 15 kilovolts shall be installed underground, below the existing natural surface grade within the floodplain. Electrical distribution and transmission line of 15 kilovolts or more may be allowed above ground as a special exception, provided they are certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania as meeting all of the following standards:
    - a) Above ground lines and supporting structures shall enter the FP – Floodplain Zone only to cross a watercourse, shall cross the watercourse and Floodplain Zone using the most direct and shortest route possible consistent with the goals, objectives, purpose, and intents of this Zoning Ordinance, shall be designed and installed so as to minimize or eliminate flood damage.
    - b) Above ground lines shall be elevated so that their lowest portions are a minimum of ten feet above the maximum flood elevation.
    - c) Supporting structures for above ground lines within the FP – Floodplain Zone shall be the minimum number necessary to carry the lines across the Floodplain Zone. Supporting structures shall be designed and installed so as to be able to withstand the maximum volume, velocity, and force of floodwaters which can be expected at the point where they are located.
    - d) Facilities and services in the FP – Floodplain Zone shall be designated so that flood damage within the Zone does not disrupt service outside the Zone.

- c) Fish hatcheries, including uncovered ponds and raceways, which are approved by the Pennsylvania fish Commission, but excluding other structures.
- d) Culverts, bridges, and approaches to private culverts and bridges which meet all the following conditions:
  - 1. Review and/or approval by the Lancaster County Planning Commission, if required.
  - 2. Approval by the Susquehanna River Basin Commission, if required.
  - 3. Approval by the Pennsylvania Department of Environmental Protection, if required.
  - 4. Approval by the United States Army Corps. Of Engineers, if required.
  - 5. Approval by the Pennsylvania Department of Transportation (PennDOT), if required.
  - 6. If approval by PennDOT is not required, the proposed use must still meet all of the appropriate minimum design standards of PennDOT.
  - 7. The proposed structure must be designed in such a way as to have the capacity to allow the unrestricted passage of waters of maximum flood elevation below and through it without any upstream or downstream increase in water surface elevation.

## 2. Standards and Criteria for Special Exceptions

In addition to the provisions of Article 6, in hearing and deciding upon special exceptions to be granted or denied under the provisions of this Article, the Zoning Hearing Board shall also determine that the following standards and criteria have been compiled with:

- a) That danger to life and property due to increased flood heights, velocities, or frequencies caused by encroachments is minimized.
- b) That the danger that floodwaters or materials may be swept onto other lands or downstream to cause injury to others is minimized.
- c) That the possibility of disease, contaminations, and unsanitary conditions, is minimized and especially that any proposed water supply or sanitation systems are able to prevent these problems.
- d) That the susceptibility of the proposed facility and its contents to flood damage, the effect of such damage on the individual owners, and the need for and effect of floodproofing are minimized.
- e) That the proposed use is compatible with existing and anticipated development.
- f) That the proposed use is consistent with the Octoraro Regional Comprehensive Plan and any floodplain management program for the area.



- g) That the safety of access to the property in times of flooding for ordinary and emergency vehicles is assured.
  - h) That the expected area, height, depth, velocity, pressure, frequency, duration, rate of rise, seasonality, and sediment, debris, and pollutant load of floodwaters expected at the site is not inconsistent with the proposed use.
  - i) That the proposed activity will not unduly alter natural water flow or water temperature.
  - j) That archaeological or historic sites or structures, endangered or threatened species of animals or plants, high quality wildlife habitats, scarce vegetation types, and other irreplaceable land uses will not be degraded or destroyed.
  - k) That the natural, scenic, and aesthetic values at the proposed site will be conserved.
  - l) That the danger, damage, and injury to all adjoining properties on both sides of any watercourse, regardless of municipality, is minimized. In this regard, any proposal affecting an adjacent municipality shall be submitted to that municipality's planning commission and governing body for review and comment.
  - m) That the granting of the special exception will not result in any of the following:
    - 1) Increase in flood heights.
    - 2) Additional threats to public safety.
    - 3) Extraordinary public expenses.
    - 4) Creation of nuisances.
    - 5) Fraud or victimization of the public.
    - 6) Conflict with local laws or ordinances.
3. In hearing and deciding upon special exceptions to be granted or denied under the provisions of this Section, the burden of proof shall be on the applicant. The Zoning Hearing Board may require the applicant to submit such plans, specifications, and other information as it may deem necessary to assist it in arriving at a fair and impartial determination. Such required information may include, but is not limited to, the following:
- a) Plans drawn to scale showing the nature, location, dimensions, and elevations of the lot existing or proposed structures, fill, storage of materials, floodproofing measures, and the relationship of the above to the location of the channel.
  - b) A typical valley cross-section showing the channel of the watercourse, elevations of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
  - c) A plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on site; location and

elevations of streets, water supply facilities, and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types; and other pertinent information.

- d) A profile showing the slope of the bottom of the channel of flow line of the watercourse.
  - e) Specifications for building construction and materials, floodproofing, filling, dredging, grading channel improvement, storage of materials, water supply facilities and sanitary facilities.
14. In granting any special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Zoning Ordinance, as it may deem necessary to assist it in arriving at a fair and impartial determination.
15. In hearing and deciding upon special exceptions and in accordance with Section 603.8 of this Ordinance, the Zoning Hearing Board may solicit the comments and recommendations of the Sadsbury Township Planning Commission, and any other experts or authorities it may deem necessary to implement the purposes of this Zoning Ordinance.

7. Variances:

Variances from the provisions of this Section are discouraged. Where, however, a variance is essential, the following requirements of the National Flood Insurance Program must be complied with in addition to all other variance provisions of this Zoning Ordinance and the Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended. In all variance proceedings the burden of proof shall be on the applicant.

- 1. No variance shall be granted for any development, structure, use or activity within the Floodplain Zone which would cause any increase in flood levels during the 100-year flood as defined by Section 211.2.1.a of this section.
- 2. Variances shall only be granted upon:
  - a) A showing of good and sufficient cause.
  - b) A determination that failure to grant the variance would result in exceptional hardship to the applicant.
  - c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, or conflict with any other applicable laws, ordinances, or regulations.
  - d) A determination that the granting of a variance will not jeopardize Sadsbury Township's participation in the National Flood Insurance Program.

3. Variances shall only be granted upon determination that the variance is the minimum necessary considering flood hazard, to afford relief.
4. Whenever a variance is granted, the Board shall notify the applicant in writing that:
  - a) The granting of the variance may result in increased premium rates for flood insurance.
  - b) Such variance may increase the risks to life and property.
5. The applicant shall be required to submit that information necessary to demonstrate the need for an appropriateness of any variances. Such information may include any of those items listed in Section 211.6.3.
6. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this Zoning Ordinance.
7. A complete record of all variance requests and actions, including justifications for granted variances, shall be maintained by the Board.
8. Prohibited Uses:

The following uses are prohibited in the FP – Floodplain Zone:

1. All uses prohibited either expressly or implicitly in the underlying zoning district for the land in question.
2. All structures, with the exceptions of those specifically allowed in Sections 211.5 and 211.6 of this Section.
3. Sanitary landfills, dumps, junk and salvage yards, and outdoor storage of vehicles and/or materials.
4. Placing, depositing, or dumping any spoil, fill, or solid waste, except such grading or filling necessary to accomplish and carry out those uses permitted in Section 211.5 and 211.6 of this Article; provided, however that no grading or filling is permitted which would cause any increase in flood heights or frequency.
5. Removal of topsoil, excluding sod production and nursery activities as allowed in Sections 211.5 and 211.6 of this Section, and excluding such grading or filling necessary to accomplish and carry out those uses which are permitted in Sections 211.5 and 211.6 of this Section; provided, however, that no grading or filling is permitted which should cause any increase in flood heights or frequency.

6. Damming or relocation of any watercourse, except as provided for in Section 211.5 and 211.6 of this Section.
7. Any parts of on-site sewage disposal system.
8. Swimming pools.
9. Fences, except one or two strand fences.
10. Stockpiling, storage or disposal of buoyant materials, logging slash, herbicides, pesticides, domestic or industrial waste, radioactive materials, petroleum or other flammable materials, explosive, poisonous materials, hazardous materials or other material which, if flooded, would pollute the watercourse or be injurious to human, animal or plant life.
11. Cemeteries for humans or animals.
12. Any new or substantially improved structure which will be used for the production or storage of any of the following materials or substances, or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or in any amount of radioactive substances) of any of the following hazardous materials or substances on the premises: acetone, ammonia, benzene, calcium carbide, carbon disulfide, celluloid, chlorine, hydrochloric acid, hydrocyanic acid, magnesium, nitric acid, and oxides of nitrogen, petroleum products, (gasoline, fuel oil, etc.) phosphorus, potassium, sodium, sulphur and sulphur products, pesticides (including insecticides, fungicides and rodenticides) radioactive substances, insofar as such substances are not otherwise regulated, and other substances defined as hazardous waste under 75.261, Chapter 75 Title 23 of the Pennsylvania Code (D.E.P.'s Hazardous Waste Management Regulations).
13. Manufactured Home Parks
14. Hospitals, nursing homes and jails
15. Feedlots
16. Zoo, menagerie, wild animal farm or domestic or farm animal enclosures which will not allow all animals to escape floodwaters of maximum flood elevation without human intervention while remaining safely confined.
17. The floodproofing of new residential structures, as an exception from the elevation requirement.

18. Any development, structure, or use which may, whether alone or in combination with others and except where specifically authorized elsewhere in this Article:

- a) Endanger human life.
- b) Obstruct, impede, retard, change or increase the velocity, direction, or flow of floodwaters.
- c) Increase the surface elevations of floods, or frequency of floods.
- d) Catch or collect debris carried by floodwaters.
- e) Be placed where the natural flow of the stream of floodwaters would carry it downstream to the damage or detriment of property within or adjacent to the Floodplain Zone.
- f) Degrade the water carrying capacity of any watercourse, channel, or floodplain.
- g) Increase the rate of local runoff, erosion, or sedimentation.
- h) Degrade the quality of surface water or the quality or quantity of ground water.
- i) Be susceptible to flotation and subsequent movement which would cause damage to other property.
- j) Not be in harmony with the intent and purpose of this Section as set forth in Section 211.1.

19. Use of space below the lowest floor.

- 1. Fully enclosed space below the lowest floor (including basement) is prohibited.
- 2. Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl spaces.

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

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

9. Nonconforming Uses and Structures:

1. Continuation: All uses or structures lawfully existing in the FP – Floodplain Zone on the effective date of this Section which are not in conformity with the provisions of this Section shall be deemed nonconforming uses or structures. Such nonconforming uses or structures may be continued, maintained, repaired, and floodproofed, except as otherwise provided for in this Section. However, such nonconforming uses or structures may at any time be improved to comply with existing Pennsylvania or Sadsbury Township health, sanitary, or safety code specifications which are necessary solely to assure safe living conditions.
2. Abandonment: Nonconforming uses or structures which have been discontinued or vacated for twelve (12) consecutive months shall be considered abandoned. Vacation of land or structures or the non-operative status of the use normally carried on by the property shall be evidence of discontinuance. No abandoned use or structure may be reestablished, repaired, or reoccupied. The supervisors may require the removal of any abandoned nonconforming use or structure upon prior notice to the owner of the property on which an abandoned nonconforming use or structure exists. If the owner has not completely removed the abandoned use or structure within a reasonable amount of time, not to exceed nine months, the Supervisors shall have the authority to cause the removal to be accomplished, the costs of such removal to be paid by the property owner.
3. Expansion and Modification: A nonconforming use or structure may not be expanded or modified in any manner which would increase or aggravate flooding or flood hazards. Nothing shall be done which would otherwise violate any of the provisions of this Section. No nonconforming use or structure shall be expanded, enlarged, or altered in any way which increases its nonconformity with respect to height, area, yard, and other requirements established in other Sections of this Zoning Ordinance, not in any way which causes it to occupy more space within the Floodplain Zone than was occupied by it on the effective date of this Section.
4. Replacement and Rebuilding:
  - a) A nonconforming use or structure may be replaced, repaired or rebuilt if it is damaged or destroyed by any means, including floods, to the extent of less than fifty (50%) percent of its fair market value at the time of its damage or destruction. In such case, however, the nonconformity of the new use or structure with respect to the requirements as expressed in provisions of this Zoning Ordinance shall not exceed that of the original use or structure which was damaged or destroyed. Nothing shall be done which would otherwise violate any of the provisions of this Section.

- b) A nonconforming use or structure which has been damaged or destroyed by any means, including floods, to the extent of fifty (50%) percent or more of its fair market value at the time of its damage or destruction may not be replaced, restored, repaired, reconstructed, improved, or rebuilt in any way other than in complete conformity and full compliance with the provisions of this Section, all other Sections of this Zoning Ordinance, and all other ordinances of Sadsbury Township. The Zoning Hearing Board may waive as a special exception, the requirements of this paragraph where it is shown that such requirements could not be met on land owned by the appellant or where such requirements would impose undue hardship to the appellant in the efficient operation of the premises. In such a case, the Zoning Hearing Board shall be authorized to grant only the minimum relief necessary, and the least modification possible of the provisions of this Section, while respecting and maintaining the purposes and intent of this Section.
- c) The Zoning Officer shall have the initial responsibility of determining the percent of damage or destruction and the fair market value of the damaged or destroyed use or structure at the time of its damage or destruction, and may call on any experts or authorities he may deem necessary to assist him in arriving at a fair and impartial determination. Appeals of the decision of the Zoning Officer may be made to the Zoning hearing Board.
- d) Site location including address.
- e) Brief description of proposed work and estimated cost, including a breakout of the flood-related cost and the market value of the building before the flood damage occurred.

- 5. Historic Structures: The Zoning Hearing Board shall have the right to waive, as a special exception, any of the requirements of this Section and Section 211.10 for any structure listed on the Nation Register of Historic Places or the Pennsylvania Register of Historic Sites and Landmarks, and the provisions of Section 211.6.2, 211.6.3 and 211.6.4 of this Section shall be applied in such a case.

#### 10. Design and Performance Standards

- 1. Applicability: Unless otherwise specified in this Section, the standards and criteria included in this Section are to be used, together with the provisions of all other Sections and all other ordinances in force in Sadsbury Township by the Zoning officer and Zoning Hearing Board in their administration of this Section.
- 2. Regulations and reviews by Other Agencies:
  - a) Where applicable and where possible, all necessary permits or other written approvals must be obtained from all other agencies before any

- approvals of plans, special exceptions, variances, or permits may be granted by Sadsbury Township or its agencies, officials, or employees.
- b) Where necessary permits or written approvals from other agencies cannot be obtained prior to action by Sadsbury Township, any approval of plans, special exceptions, variances, or permits by Sadsbury Township or its agencies, officials, or employees shall be conditioned upon receiving such other agencies permits or written approvals.
  - c) No regulations of this Commonwealth governing watercourses are amended or repealed by this Ordinance. Prior to any proposed alteration or relocation of any watercourse a permit shall be obtained from the Pennsylvania Department of Environmental Protection and notification of any such proposal shall be given to all affected municipalities. Copies of such permit applications and municipal notifications shall be forwarded to FEMA and to the Pennsylvania Department of Community and Economic Development.

3. Placement and Construction Authorized Uses and Structures:

- a) All uses and structures shall be designed, constructed, and placed so as to offer the minimum obstruction possible to the flow of water, and shall be designed to have a minimum effect upon the flow, velocity, or height of floodwaters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and, so far as is practicable, structures shall be placed approximately on the same flood flow lines as those nearby structures.
- b) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage, and shall be constructed by methods and practices that minimize flood damage.
- c) All new or replacement drains, water supply facilities, or sanitary sewage facilities shall be designed to preclude infiltration or back-up of sewage or floodwaters into the facilities or structures and discharges from the facilities into floodwater.
- d) All new construction and substantial improvements of permanent nonresidential structures shall either (1) have the lowest floor (including basement) elevated to one foot above the 100-year flood elevation as defined by Section 211.2.1.a of this Zoning Ordinance, or (2) together with attendant utility and sanitary facilities, be floodproofed so that below one foot above 100-year flood elevation as defined by Section 211.2.1.a of this Zoning Ordinance the structure is watertight, with walls substantially impermeable to the passage of water and which structural components have the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- e) All authorized improvements or additions to existing residential structures shall, to the greatest extent possible, be elevated. Any portion of the structure not elevated to one foot above 100-year flood elevation



as defined by Section 211.2.1.a of this Zoning Ordinance shall be flood-proofed.

- f) Flood-proofing: Where flood-proofing is authorized by this Section it shall be done according to the standards and provisions for flood-proofing classes W-a, W-2, W-3, W-4, as contained in Flood-Proofing Regulations published by the Office of the Chief of Engineers U.S. Army, published EP 1165 2 314 (June 1972 and as subsequently amended) where such standards and provisions do not conflict with other provisions of this Article. Where reference is made in Flood-Proofing Regulations to the “RFD” (Regulatory Flood Datum) it shall be interpreted to mean the 100-year flood elevation as defined by this Section. The flood-proofing of new residential structures is specifically prohibited.
- 4. Anchoring: All structures, including buildings, air ducts, large pipes, and storage tanks, within the Floodplain Zone shall be firmly anchored to prevent flotation, movement, or collapse, thus reducing the possibility of the blockage of bridge openings, and other restricted section of the watercourse.
  - 5. Surface Drainage: Adequate drainage shall be provided for all new development to reduce exposure to flood hazards.
  - 6. Agricultural Standards:
    - a) A filter strip is required between any watercourse and any tilled land. Such strip shall be a minimum of fifteen (15) feet in width measured from the bank of the watercourse channel. The filter strip shall be planted and maintained in grass.
    - b) Within the Floodplain Zone, a cover crop, such as rye grass, is required whenever the land is not being tilled for major crops.
    - c) Livestock shall not be confined in pasture or other enclosures located entirely within the FP – Floodplain Zone (See Section 209.8.16)
    - d) Within the FP – Floodplain Zone, feedlots are prohibited.
  - 7. Uniform Construction Code Coordination. The Standards and Specifications contained in 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this Ordinance, to the extent that they are more restrictive and/or supplement the requirements of this Ordinance.
    - A. International Building Code (IBC) 2003 or the latest edition thereof: Sections 801, 1202, 1403, 1605, 1612, 3402, and Appendix G.

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

11. Public Utility Facilities and Structures: - Public utility facilities and structures (except buildings) subject to the jurisdiction of the Pennsylvania Utility Commission are requested to comply with the following standards in the interest of achieving the purpose and intent of this Zone:

1. Public utility facilities and associated structures such as pipelines, gas lines, storm sewers, sanitary sewers, water lines, outlet installations for sewage treatment plants, sealed public and private well supply wells, pumping stations, and underground communications facilities, should, except for necessary vents, be designed and installed underground so as to be at or below the existing natural surface grade within the floodplain, and in such a manner as will prevent flotation, minimize or eliminate flood damage, and not alter the cross-sectional area of the floodplain. All new or replacement water supply facilities and/or sanitary sewage facilities should be designed to minimize or eliminate infiltration of floodwaters into the facilities and discharges from the facilities into floodwaters.

12. Municipality Liability

1. The lawful granting of a permit or making of any administrative decision under this Section shall not constitute a representation, guarantee, or warranty of any kind by Sadsbury Township, or by any official, agent, or employee thereof, of the practicability or safety of any structure, use or other plan proposed with respect to damage from flood or otherwise, and shall create no liability upon, or a cause of action against, Sadsbury Township, its Board of Supervisors, officials, agents, or employees for any flood damage that may result pursuant thereto or as a result of reliance on this Section. There is also no assurance that lands not included in the FP – Floodplain Zone are now or ever will be free from flooding or flood damage.

13. Definitions

For purposes of this Section 3 of the Ordinance, the following words and terms are defined in order to facilitate the interpretation of this Section for administrative purposes and in the carrying out of duties by appropriate officials of the Township. In the event the definitions conflict with those set forth in Article 1, Section 112 of this Ordinance, the more restrictive definition shall control.

Accessory Use or Structure. A structure on the same lot with, and a nature customarily incidental and subordinate to, the principle use or structure.

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

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

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

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

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

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

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

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

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

**Historic Structure.** Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;

- (2) 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.
- (3) 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
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a) by an approved state program as determined by the Secretary of the Interior, or
  - b) directly by the Secretary of the Interior in states without approved programs.

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

Land Development. Any of the following activities:

1. The improvement of one lot or more contiguous lots, tracts, or parcels of land for any purpose involving:
  - i. 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
  - ii. the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
2. A subdivision of land.

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

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

Manufactured Home Park. A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

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 exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting the public health or general safety.

New Construction. Structures for which the start of construction commenced on or after January 16, 1981, and includes any subsequent improvement thereto.

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

Person. The term shall be construed to include an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, government unit, public utility, or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

Recreational Vehicle. A vehicle which is (i) built on a chassis; (ii) not more than four hundred (400) square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light-duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarter for recreation, camping, travel or seasonal use.

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

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

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

Structure. Anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes, and other similar items. This term includes any man-made object having as

ascertainable stationary location on or in land or water whether or not affixed to land.

Subdivision. The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development. Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

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

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

- (1) Any project for improvement of a structure to correct existing violations of state or local, health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or;
- (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

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

## ARTICLE 3 GENERAL PROVISIONS

### SECTION 300 GENERAL PROVISIONS

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

### SECTION 301 ACCESSORY USES AND STRUCTURES

1. Fences and Walls – No fence or wall (except required junk yard or tennis court walls or fences, or a retainer wall of a building permitted under the terms of this Ordinance) shall be erected to a height of more than three (3) feet in a front yard and more than six (6) feet in any other yard within a Conservation, Agricultural, Mixed Use or Residential Zone. Within any Industrial or Commercial Zone, no fence or wall shall be erected to a height of more than ten (10) feet in any yard. No fence shall block motorist view of vehicles entering or exiting the property.
2. Swimming Pools – No permanent structure shall be permitted without an operable filtration system utilizing chlorine, bromine or some other antibacterial agent. All swimming pools shall be completely enclosed by a four (4) foot high fence or wall with a self-closing and lockable gate; however, this does not apply to above ground pools having a wall measuring four (4) feet in height and having a retractable ladder. Such fence or wall shall be erected before any pool is filled with water. All pools must be set back at least ten (10) feet from all lot lines. No water from a pool shall be discharged onto any public street or alley. These requirements shall not apply to man-made ponds, lakes or other impoundments unless the primary purpose for their construction is swimming.
3. Tennis Courts – All tennis courts shall include an open mesh permanent fence ten (10) feet in height behind each baseline. Such fence shall extend parallel to said baseline at least ten (10) feet beyond the court's playing surface unless the entire court is enclosed. Any lighting fixtures shall be arranged to prevent objectionable glare on adjoining property.
4. Ornamental Ponds and Wading Pools
  - a) Such structures shall comply with all accessory use setbacks.
  - b) No such impoundment shall contain more than 26.6 cubic feet of water (200 gallons). All ponds, pools or other impounds exceeding the requirements of this Section shall be considered as "Man-made Lakes, Dams and Impoundments" and are subject to the criteria listed in Section 301.5 of this Ordinance.
  - c) No such impoundment shall have a length or diameter exceeding fifteen (15) feet nor a maximum depth exceeding two feet.
  - d) All such ponds or pools shall be maintained so as not to pose a nuisance by reason of odor, or the harboring of insects.

- e) No such pond(s) shall be used for the commercial hatching of fish or other species.

5. Man-made Lakes, Dams and Impoundments

- a) All dams, ponds, lakes and impoundments located along and connected to a stream, that involve any of the following shall require obtainment of a permit from PA DEP Bureau of Dams and Waterways Division of Dam Safety, or a letter indicating that the proposed use does not require a PA DEP Permit.
- b) All dams, ponds and impoundments not contiguous to a stream that have an intake, outlet, or both, and/or have an embankment within fifty (50) feet of a stream shall require obtainment of a permit from the PA DEP Bureau of Dams and Waterways, Division of waterways and Storm Management.

6. Garage/Yard Sales

Within any zone, an owner and/or occupant may conduct up to two (2) garage/yard sales per year. No garage or yard sale shall be conducted for a period longer than two consecutive days. Such sales may offer for sale personal possessions; no import or stocking of inventory shall be permitted. Only one four (4) square foot sign designating the name and phone number of the person having the sale shall be permitted advertising the garage/yard sale; such sign must be located on the premises where the sale occurs, and shall be removed within eight (8) hours of the completion of the sale. In no case shall any aspect of the garage/yard sale be conducted in a street Right-of-Way. The conduct of garage sales beyond the extent described herein represents a commercial business and requires zoning authorization.

7. Storage Structures/Sheds

Within any zone, lots of one (1) acre or less shall be permitted one shed if the setbacks and all other criteria can be met. For lots of more than one (1) acre but less than ten (10) acres, two (2) sheds shall be permitted. On lots with more than ten (10) acres, a maximum of three (3) sheds shall be permitted.

SECTION 302 UNENCLOSED STORAGE

- 1. Recreational Vehicles, Boats, Campers, Trailers and Trucks – In any residential zone, no boats, campers, recreational vehicles, trailers, or trucks with more than two (2) axles (except personal pickup truck), shall be stored within any front yard, unless located within a driveway.



2. Outdoor Stockpiling – In all zones, 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 material (except firewood) for more than one (1) year is prohibited.
3. Trash, Garbage, Refuse or Junk – The outdoor accumulation of trash, garbage, refuse or junk for a period exceeding (15) days is prohibited.

#### SECTION 303 SETBACK MODIFICATION

1. Accessory or Appurtenant Structures – The setback regulations do not apply to:
  - a) Bus shelters, telephone booths, cornices, eaves, chimneys, steps, canopies, and similar extensions but do apply to porches and patios whether covered or not.
  - b) Open fire escapes.
  - c) Minor public utility structures, articles of ornamentation or decoration.
  - d) Fences, hedges and retaining walls.

#### SECTION 304 HEIGHT LIMIT EXCEPTIONS

1. The height regulations do not apply to the following structures or projections provided such structures or projections are set back a horizontal distance at least equal to their height from any property line:
  - a) Water towers, antennas, utility poles, smokestacks, chimneys, farm silos, windmills, flagpoles or other similar structures.
  - b) Rooftop structures for the housing of elevators, stairways, water storage tanks, ventilating fans, and other mechanical appurtenances.
  - c) Parapet walls or cornices used solely for ornamental purposes if not in excess of five (5) feet above the roof line.
2. In no case shall any freestanding or rooftop structure above the maximum permitted height be used for the purpose of providing additional floor space for residential, commercial or industrial purposes.

#### SECTION 305 CORNER LOTS

A front yard, as provided for in the area and lot requirements for the various zones, shall be required along each street on which a corner lot abuts. All other yards shall be considered side yards.

On any lot, no wall, fence, or other structure shall be erected, altered, or maintained, and no hedge, tree, or other growth shall be planted or maintained which may cause

danger to traffic on a street by obscuring the view. On corner lots, no such structure or growth shall be permitted within an area which is formed by a triangle where the two legs of the triangle extended one hundred (100) feet from the centerline intersection of the two intersecting streets.

#### SECTION 306 MINIMUM HABITABLE FLOOR AREA

1. Single-family, duplex, and townhouse dwelling units: 700 square feet per dwelling unit.
2. Multi-family dwelling: 400 square feet per dwelling unit.

#### SECTION 307 ERECTION OF MORE THAN ONE PRINCIPAL USE ON A LOT

More than one principal use may be erected on a single lot provided that all lot and yard requirements, standards, and other requirements of this Ordinance shall be met for each structure, as though it were on an individual lot. In addition, such proposals shall gain approval for a land development plan, and provide individually approved methods of sewage disposal.

#### SECTION 308 REQUIRED VEHICULAR ACCESS

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street. The erection of buildings without approved access shall not be permitted. Approved access shall be defined in terms of the Lancaster County Subdivision and Land Development Ordinance for street design or per all applicable state and local regulations. Access to lots containing single-family dwellings and farms shall be via driveways (See Section 309); access to lots containing other uses shall be via access drives (See Section 310)

#### SECTION 309 DRIVEWAY REQUIREMENTS (Single-Family Dwelling)

1. Number per lot – No more than two (2) driveway connections per lot shall be permitted.
2. PA DOT Permit – Any driveway intersecting with a State owned road shall require the obtainment of a driveway permit from the Pennsylvania Department of Transportation.

## SECTION 310 ACCESS DRIVE REQUIREMENTS (Non-Single-Family Dwelling)

1. Number Per Lot – Except as specified elsewhere, the number of access drives intersecting with a street may not exceed two (2) per lot. The Zoning Hearing Board may grant a variance for additional access points where required to meet exceptional circumstances and where frontage of unusual length exists.
2. PA DOT PERMIT – Any drive intersecting with a State owned road shall require the obtainment of Pennsylvania Department of Transportation driveway permit.

## SECTION 311 OFF STREET PARKING REQUIREMENTS

1. Off-street parking shall be required in accordance with the provisions of this section prior to occupancy of any building or use, so as to alleviate traffic congestion on streets. These facilities shall be provided whenever:
  - a) A building is constructed or a new use is established.
  - b) The use of an existing building is changed to a use requiring more parking facilities.
  - c) An existing building or use is altered or enlarged so as to increase the amount of parking space required.
2. Parking for Single Family Dwellings – Every single-family dwelling shall be required to provide at least two (2) 9 x 19 ft. off-street parking spaces. Such spaces must be provided behind the street Right-of-Way line and may take the form of garages, carports or driveways. Additional regulations pertaining to driveways are contained in Section 309 of this Ordinance.
3. 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.
  - 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.
4. Required Number of Parking Spaces

All facilities must meet State and Federal requirements for handicapped parking.

RESIDENTIAL USESMINIMUM REQUIRED PARKING  
SPACES

Single Family and Manufactured Homes	2 per dwelling unit
Single Family Semi-detached	2 per dwelling unit
Multiple Dwellings with	
(a) 1 bedroom	1.5 per dwelling unit
(b) 2 bedrooms	2.25 per dwelling unit
(c) 3 or more bedrooms	2.75 per dwelling unit

5. NONRESIDENTIAL USES

**Adult Uses** – 1 per employee plus 1 for each 50 square feet

**Animal Hospital/Veterinarian Office** – 4 per doctor and 1 per employee on duty

**Automobile Sales** – 1 per 400 square foot of indoor gross floor area and per 2500 square foot of outdoor area

**Automobile Filling** – 1 per employee on duty and 1 per pump

**Automobile Service/Repair** – 4 per service/repair bay plus 1 per employee on duty

**Bed and Breakfast** – 1 per guest room plus 1 per non-family employee on duty

**Boarding House** – 1 per guest room plus 1 per non-family employee on duty

**Church/House of Worship** – ~~1 per 2 permanent seats or 1 per 50 square feet of floor area used for assembly purposes~~ 1 per every 4 seats

**Commercial Recreation Facility/Recreation Facility or Club/Health and Recreation Facility** – 1 per 2 persons allowed at maximum capacity and 1 per employee on duty

**Commercial School/Vocational-Mechanical Trade School** – 1 per employee on duty during largest shift and 0.5 per student

**Communications Tower/Equipment Building** – 1 per person on site at any one time

**Community Center** – 1 per 2 permanent seats or 1 for each 50 square feet of floor area used for assembly purposes

**Convenience Store** – 1 per 150 square feet of gross floor area plus 1 per employee on duty

**Day Care Center** – 1 per 4 users plus 1 per employee on duty

**Drive Thru Establishment** – 1 per 60 square feet of gross floor area plus 1 per employee on duty

**Eating Establishment** – 1 per 3 seats plus 1 per employee on duty

**Emergency Service Structure** – 1 per each 400 square feet of gross floor area not including areas used for storage or housing of vehicles

**Financial Institution** – 1 per 200 square feet of gross floor area plus 1 per employee on duty

**Greenhouse** – 1 per 500 square feet of gross floor area plus 1 per employee on duty

**Group Home** – 1 per 3 resident beds plus 1 per employee on duty

**Home Occupation** – 1 per 250 square feet or part thereof of gross floor area used for each home occupation in addition to the requirement for the dwelling unit

**Hotel/Motel** – 1 per room and 1 per employee plus 1 per each 50 square feet of gross floor area of assembly room areas

**Industry/Manufacturing/Research and Development** – 1.25 per employee on the largest shift

**Kennels** – 1 per employee plus 1 per every 50 dogs

**Laundry Facility** – 1 per employee plus 1 per 2 washing machines

**Massage Salon/Barber Shop/Beauty Salon/Spa** – 2.5 per employee on duty

**Medical Center** – 4 per physician plus 1.25 per employee on duty for the largest shift

**Nursery** – 1 per 500 square feet of gross floor area plus 1 per employee on duty

**Nursing Facility** – 1 per bed and 1.25 per employee on duty plus 1 per 100 square feet of gross floor area used for outpatient care

**Office** – 1 per employee and 1 per 500 feet gross floor area

**Park** – Athletic Fields – 1 for each 4 seats of spectator seating; however if no spectator seating is provided, a temporary parking area shall be provided on the site. Such area must provide sufficient numbers of spaces to serve all users of the site and include a fence delineating such parking area

Picnic Area – 1 per table

**Personal Care Home** – 1 per bed plus 1.25 per employee on duty for the largest shift

**Personal Services** – 1.25 per employee and 100 square feet of floor area

**Professional Occupation** – 1.25 per employee and 100 square feet of floor area

**Recycling Center** – 1 per 1,000 square feet of gross floor area

**Repair Service** – 1.5 per employee

**Restaurant** – 1 per 3 seats plus 1 per employee on duty

**Retail** – 1 per employee on duty

**Retirement and Convalescent Home** – 1.25 per employee on duty during the largest shift plus one per dwelling unit

**School** – 1 per employee plus 1 per each 10 students

**Tavern** – 1.25 per employee on duty and 1 per every 3 seats

**Vehicular Body and/or Painting Shop** – 4 per service/repair bay plus 1 per employee on duty

**Vehicular Wash Facility** – 5 spaces per washing lane and 1 per employee on duty

## SECTION 312 OFF-STREET LOADING FACILITIES

1. Off-street loading shall be required in accordance with this section prior to the occupancy of any building or use, so as to alleviate traffic congestion on streets. These facilities shall be provided whenever:
  - a) A new use is established;
  - b) The use of a property or building is changed and thereby requiring more loading space;
  - c) An existing use is enlarged thereby requiring an increase in loading space.
2. Site Plan Approval
  - a) Each application for a zoning permit (for a use requiring off-street loading spaces) shall include a drawing (site plan) showing the proposed layout of the loading area. The drawing shall clearly indicate the design elements.
  - b) No zoning permit shall be issued for any use for which a loading area is required unless the site plan has been approved or necessary variances have been approved.
3. Location – Except as provided elsewhere, a ground-level loading area may be located in any side or rear yard. No exterior portion of an off-street loading facility (including access drives) shall be located within fifty (50) feet of any land within a residential zone. Where possible, off-street loading facilities shall be located on the face of a building not facing any adjoining land in a residential zone.
4. Connected to Street – Every loading space shall be connected to a street by means of an access drive. The access drive shall be at least twenty-four (24) feet wide for two-way travel, or eighteen (18) feet wide for one-way travel, exclusive of curb returns and gutters. Section 310 specifies other requirements for access drives.
5. Separation from Streets, Sidewalks, and Parking Lots – Off-street loading spaces shall be designed so that there will be no need for service vehicles to back over streets or sidewalks. Furthermore, off-street loading spaces shall not interfere with off-street parking lots.
6. Drainage – Off-street loading facilities (including access drives) shall be drained to prevent damage to other properties or public streets. Furthermore, all off-street loading facilities shall be designed to prevent the collection of standing water on any portion of the loading facility surface, particularly next to access drives.

7. Lighting – Adequate lighting shall be provided if the loading facility is to be used at night. The lighting shall be arranged so as not to be directed, reflected or cause glare off the site.
16. Landscaping and Screening Requirement – Unless otherwise indicated, all off-street loading facilities shall be surrounded by a fifteen-foot wide landscape strip in accordance with Section 313. All off-street loading facilities shall also be screened from adjoining residentially zoned properties (LDR, MDR, HDR, RR & MU) and/or adjoining public streets.

#### SECTION 313 SCREENING AND LANDSCAPING REQUIREMENTS

1. Yard Groundcover – Any part of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks, and designated storage areas shall be planted with an all-season groundcover approved by the Board of Supervisors, (e.g. grass, ivy, pachysandra, etc.). In addition, gravel can be substituted if done in a manner to compliment other vegetative materials. It shall be maintained to provide an attractive appearance, and all non-surviving plants shall be replaced promptly.
2. Landscape Requirements – Any required landscaping (landscape strips and interior landscaping) shall include a combination of the following elements: deciduous trees, groundcovers, evergreens, shrubs, vines, flowers, rocks, gravel, earth mounds, berms, walls, fences, screens, sculptures, fountains, sidewalk furniture, or other approved materials. Artificial plants, trees, and shrubs may not be used to satisfy any requirement for landscaping or screening. No less than eighty (80%) percent of the required landscape area shall be vegetative in composition, and no outdoor storage shall be permitted within required landscape areas.

For each seven hundred and fifty (750) square feet of required area for landscape strips, one shade/ornamental tree shall be provided. For every three hundred (300) square feet of interior landscaping required (parking lots), one shade tree shall be provided. If deciduous, these trees shall have a minimum height of six (6) feet. All required landscape strips shall have landscaping materials distributed along the entire length of the lot line abutting the yard.

3. Screening – The following materials may be used: evergreen (trees, hedges, or shrubs), walls, fences, earth berms, or other approved similar materials. Any wall or fence shall not be constructed of corrugated metal, corrugated fiberglass, or sheet metal. Screening shall be arranged so as to block the ground level views between grade, and a height of six (6) feet. Landscape screens must achieve this visual blockage within two (2) years of installation.
4. Selection of Plant Materials – Trees and shrubs shall be typical of their species and variety; have normal growth habits, well-developed branches, densely foliated, vigorous, fibrous root systems. They shall have been grown under

climatic conditions similar to those in the locality of the project or properly acclimated to conditions of the locality of the project.

Any tree or shrub that dies within one year of planting shall be replaced. All landscaping and screening treatments shall be properly maintained.

## SECTION 314 OUTDOOR SIGNS

### 1. GENERAL REGULATIONS

- a. Signs must be constructed of durable material and maintained in good condition. If the Zoning Officer finds that any sign is unsafe or insecure or is a menace to the public or had been constructed or erected or is being maintained in violation of the provisions of this Ordinance, he shall give written notice to the owner thereof. If the owner fails to remove or alter the sign so as to comply with the standards herein set forth within ten (10) days after such notice, such sign may be removed or altered to comply by the Zoning Officer at the expense of the owner of the property on which it is located. The Zoning Officer may order any sign or other advertising structure, which is in immediate peril to persons or property, to be removed summarily and without prior notice provided that written notice of such action shall be furnished to the owner of such sign within five (5) days after the date of such removal.
- b. Each sign shall be removed when the circumstances leading to its erection no longer apply.
- c. Signs may be interior lighted with non-glaring lights, or may be illuminated by floodlights or spotlights that are shielded so there is no direct light transmitted to other properties or public Rights-of-Way.
- d. No sign shall be of the intermittent flashing or rotating type, unless located within the Heavy Business Zone. No animated, sequential, intermittent, flashing, rotating or oscillating signs shall be permitted except for time and temperature signs.
- e. No sign located within three hundred (300) feet of any traffic light shall be illuminated with red, green or yellow lights or neon tubing.
- f. All electrically illuminated signs shall be constructed to the standards of the National Board of Fire Underwriters.
- g. Signs must be positioned so that they do not interfere with any clear sight triangle, excluding duly constituted government body signs.



- h. Determination of Size: The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, including any border framing or decorative attachments but not including any supporting framework or bracing incidental to the display itself. Where the sign consists of individual letters or symbols attached to a building, wall or window, the area of the sign shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign; provided, however, for a double face sign if the interior angle formed by the two faces of the double face sign is less than 45 degrees and the two faces are at no point more than three (3) feet from one another, the area of only the larger face shall be included. In the event that a symbol, trademark or other figure is used as a sign post or standard which could be construed to indicate or identify a particular use or business, that symbol, trademark or figure is to be computed as part of the total allowable sign area.
- i. No loud, vulgar, indecent, or obscene advertising matter shall be displayed in any manner including but not limited to:
- i. Act or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.
  - ii. Scenes where a person displays the vulva or the anus or other genitals.
  - iii. Scenes wherein artificial devices are employed to depict, or drawings are employed to portray any of the prohibited signs, photographs or graphic representations described above.
  - iv. Any other graphic illustration pertaining to the specified sexual activities and/or specified anatomical areas.
- j. No sign shall be erected or located as to prevent free ingress or egress from any window, door, or fire escape.
- k. No sign shall be placed in such a position that it will obscure light or air from a building or which would create a traffic danger.
- l. No sign located within the Floodplain Zone shall exceed six (6) square feet or area per side.
- m. In all zones, no more than four (4) directional signs referring directly to materials or products made, sold, or displayed shall be permitted.
- 1) Directional signs measuring no more than four (4) square feet in size may be erected in the Township upon acquisition of a sign permit.
- n. No regulated sign shall be erected, enlarged or relocated until a permit for doing so has been issued by the Zoning Officer.

- o. Holiday decorations displayed for recognized holidays shall be exempted from the provisions of this Ordinance, except as they may interfere with traffic safety or in any other way become a public safety hazard.
  - p. No permanent sign except those of a duly constituted governmental body, including traffic signs and similar regulatory notices, shall be allowed within the street Right-of-Way.
  - q. No person shall paint, paste, brand, stamp or in any manner whatsoever place on or attach to any street tree, telephone, electric, light or other pole on any street in the Township, any written, printed, painted or other advertisement, bill, notice, sign, card or poster.
  - r. No sign shall be erected containing information on which it states or implies that a property may be used for any purpose not permitted under the applicable zoning district of this Ordinance.
  - s. Wall (parallel) signs shall not extend beyond the side and/or above the lower roofline of the wall it is placed on.
2. Specific Regulations for Signs - For the purposes of this Ordinance, each sign is classified by its (1) use and (2) by its type of construction. Specific sign requirements are listed by the use, and then by construction type.
- a) Classification of Signs by Use – All signs shall be divided into the following types of uses and shall be subject to the specific regulations listed therewith:
    - i. Official traffic signs – No specific regulations are applied to this type of sign use when the signs are erected by or with written approval from the Supervisors.
    - ii. Professional accessory use, or name signs indicating the name, profession, or activity of the occupant of a dwelling – The area on one (1) side of such sign shall not exceed two (2) square feet nor project more than six (6) inches from a wall when attached to a building.
    - iii. Identification signs identifying schools, churches, hospitals or similar institutions – A total of forty (40) square feet will be allowed. Not more than one (1) such sign per organization will be permitted on the site except that a maximum of two (2) such signs shall be permitted when the property fronts on two (2) or more public streets.
    - iv. Temporary signs of contractors, architects, mechanics, and artisans – The signs shall be displayed only while actual work is in progress, and shall not exceed twelve (12) square feet in area, and provided further that such signs must be removed promptly upon completion of work.

Should such sign be left on the site beyond the allowable time frame, the Township may impound it and recover a fee from the owner of the sign equal to the costs of removal and storage of the sign.

- v. Real estate sale-sold-rent signs when placed on the property to be sold, or rented – These signs shall not exceed six (6) square feet in area. No more than one sign per property is permitted unless the property fronts on more than one street; in which case, two (2) signs are permitted. All such signs shall be removed within five (5) days after final transactions are completed. No such signs shall be located off site.
- vi. Real estate development signs – Signs indicating the location and direction of premises available for or in process of development, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder, or agent may be erected if the size of such signs is not in excess of six (6) square feet, and not in excess of four (4) feet in length. Furthermore, no more than one such sign shall be erected for each five hundred (500) feet of street frontage.
- vii. Home occupation signs – Signs advertising home occupations shall not be larger than twelve (12) inches by twenty-four (24) inches.
- viii. Public use and utilities signs – Signs necessary for the identification, operation or protection of public use and public utilities are permitted.
- ix. Business, commercial, or industrial signs – A sign for a use conducted on the premises which shall identify the written name and/or the type of business and/or trademark of an article for sale or rent on the premises. The total sign area shall not exceed a maximum of eighty (80) square feet with forty (40) square feet per side. One sign is allowed per lot or per adjoining lots occupied by the same use. If the lot's frontage exceeds 1000 feet, one additional sign is permitted.
- x. Functional signs such as those designating restrooms, entrance, exit or other signs not otherwise defined or directly connected with the business or profession conducted upon the premises, but attendant or accessory thereto – Two (2) signs per frontage used for vehicular access are permitted. Each sign shall not exceed two (2) square feet in total sign area.
- xi. Planned center/community/directory signs – Signs advertising the name of the integrated development such as a planned shopping center, office or apartment complex or industrial park. These signs shall devote no less than fifty (50%) percent of the total sign area to the advertisement of the planned center's name. Additionally, individual uses within the center may be advertised, but shall be flat wall, wall projecting, and/or roof signs as defined in Section 314.2.b of this Ordinance; no other

ground signs shall be permitted for those uses within the planned center. Only one (1) planned center sign per frontage of the planned center shall be permitted. The size of such sign shall not exceed one (1) square foot for each four (4) feet of frontage contained within the planned center. In no case shall a planned center sign exceed a maximum of one hundred (100) square feet nor and overall height of twenty (20) feet.

xii. Temporary (special event) signs, banners, streamers, balloons, pennants and spotlights – One such sign may be permitted per lot for one period not exceeding thirty (30) days during any calendar year. Such signs shall be limited to a maximum thirty-two (32) square feet in total sign area.

xiii. Billboards – These signs are only permitted by special exception in the Heavy Business Zone. See Section 404 of this Ordinance for additional requirements.

b) Classification of Signs by Type of Construction – All signs shall be divided into the following types of construction and shall be subject to the specific regulations listed herewith:

i. Ground Sign – Any sign erected upon a permanently affixed independent structure (legs or base) so that such structure is the main support of the sign. Ground signs shall not include temporary signs that are attached to mobile trailers containing wheels and capable of being towed from one site to the next.

No portion or overhang of a ground sign shall project into a street right-of-way. (Unless obstructing view, at which time further setback is required.) No support for any ground sign shall be located nearer than ten (10) feet to any property line. Such signs shall not exceed twenty (20) feet in height nor exceed eighty (80) square feet in total sign area; however, planned center signs may have a maximum size of one hundred (100) square feet.

ii. Flat wall signs – A sign erected or displayed on or parallel to the surface of a building.

Flat wall signs may have a maximum area of fifteen (15%) percent of the wall area on which the sign is to erected.

Flat wall signs may be erected upon a canopy or marquee if the structural strength of such canopy or marquee is sufficient to safely carry the additional load, and provided that such signs may not extend beyond the edges of said canopy or marquee or extend within otherwise prohibited areas. Flat wall signs shall not project more than twelve (12) inches from the building wall and must be located so that the lower edge

is a minimum of eight (8) feet above grade where the sign projects from the wall more than six (6) inches. Advertising painted upon or displayed upon a barn or other building or structure shall be regarded as a flat wall sign and the regulations pertaining thereto shall apply.

- iii. Wall projecting sign – Any sign mounted upon a building so that its principle face is not parallel to the building wall.

Projecting signs shall be located upon the buildings so that the lower edge is a minimum of ten (10) feet above grade. Projecting signs may project a maximum of ten (10) feet from the building wall, provided however, that no portion or overhang of a sign shall project to a point nearer than ten (10) feet from the edge of a street right-of-way.

No projecting sign shall extend more than five (5) feet above the top of the wall upon which it is mounted.

Wall projecting signs may be erected upon a canopy or marquee if the structural strength of such canopy or marquee is sufficient to safely carry the additional load, and provided that such signs may not extend beyond the edges of said canopy or marquee or extend within otherwise prohibited areas.

- iv. Roof sign – A sign erected or displayed upon the roof of any building or structure or a wall sign, a portion of which exceeds the height of the building.

No roof sign shall be placed upon the roof of any building so as to prevent the free passage from one part of the roof to the other thereof, or interfere with any openings in such roof.

No sign erected upon the roof of any building shall project beyond the edges of said roof in any horizontal direction.

Roof signs may extend above the roof, or top of wall, a distance equal to one-half (1/2) the height of the roof or wall, or five (5) feet, whichever is the smaller height.

Roof signs may have a maximum area of fifteen (15%) percent of the roof or wall area to which the sign is attached up to a maximum of one hundred (100) square feet.

No roof sign parallel to a building shall extend in length a distance greater than two-thirds (2/3) the length of the wall to which it is parallel.

### 3. Permits

#### a) Requirements for Sign

The following signs shall be permitted without requirement of permit for erection when erected and maintained in conformity hereto:

- i. Official traffic signs;
- ii. Professional, accessory use, or name signs;
- iii. Temporary signs of contractors, architects, mechanics and artisans;
- iv. Real estate sale-sold-rent-development signs;
- v. Functional signs; and
- vi. Signs within buildings, not visible from outdoors.

- b) All other signs shall require the obtainment of a permit prior to the erection or installation of the sign.

All applications for sign permits shall be accompanied by scaled plans or diagrams showing the following:

- i. Exact dimensions of the lot including any right-of-way lines or building upon which the sign is proposed to be erected.
- ii. Exact size, dimensions, and location of said sign on the lot or building together with its type, construction materials to be used, and the manner of installation.
- iii. Any other lawful information which may be required of the applicant by the Zoning Officer.
- iv. Application for permit shall be made in writing to the Zoning Officer and shall contain all information necessary for such Officer to determine whether the proposed sign, or the proposed alterations, conform to all the requirements of this Ordinance.
- v. No sign permit shall be issued except in conformity with the regulations of this Ordinance, except upon order of the Zoning Hearing Board, granted pursuant to the procedures established for the issuance of a variance.

- c) Notwithstanding any of the forgoing, these requirements do not apply to flags of the United States, or the Commonwealth of Pennsylvania.

## SECTION 315 ROADWAY CLASSIFICATIONS

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

<u>Principal Arterial</u>	<u>Major Collector</u>	<u>Minor Collector</u>	<u>Local Roads</u>
US Route 30	Christiana Pike	Gap Road	All roads not listed as arterials or collectors
PA Route 41	Georgetown Road	Noble Road	
	Newport Avenue	Strasburg Road	
	Sadsbury Avenue	Upper Valley Road Valley Road	

## SECTION 316 FLAG LOTS

1. Within the A, AH, LDR, MDR, HDR and RR Zones, the use of flag lots is permitted by right, subject to the following:
  - a. No more than two (2) continuous flag lots shall be permitted.
  - b. The "flagpole" or access of the flag lot shall maintain a minimum width of twenty-five (25) feet, and shall not change direction more than once. No portion of any "flagpole" shall be used for the on-site sewage disposal or improvements other than access improvements and storm water management.
  - c. The lot area shall conform to the underlying zone excluding the "flagpole" portion.
  - d. The lot must meet all the setbacks of the underlying zone.
  - e. The application of Section 308 of this Ordinance (Required Vehicular Access) is partially waived to allow for the creation of dwelling lots that do not have direct street frontage; however, such lots must have direct vehicular access to a joint-use driveway that serves no more than four (4) individual dwelling lots, all of which must be contiguous. Cross access easements to ensure common use of, access to, and maintenance of joint-use driveways shall be implemented for each property relying upon said joint-use driveway, such cross access easements shall be required in language acceptable to the Township Solicitor. For the purpose of establishing yards and setbacks upon lots using joint-access driveways, the joint-access driveway shall be considered a "street right-of-way," as defined herein.

## SECTION 317 EXISTING STRUCTURE ADDITION

1. Within all Zones, the addition to an existing structure, which does not meet all of the new setbacks, can be permitted subject to the following standards:
  - a. The structure was existing at the time the zoning ordinance was enacted in December 1993 or was approved and constructed according to the zoning ordinance which was in force prior to December 1993.
  - b. The portion to be added to the structure does not come any closer to the property lines or the roadway than the existing structure and will not create a worse situation than may already exist.
  - c. All other setbacks and regulations set forth in the zoning ordinance can be met.
  - d. A hearing is not required for the expansion or use of the new addition if all the above criteria are met.

## SECTION 318 NON-COMMERCIAL KEEPING OF HORSES

1. Within the LDR, MDR, HDR, RR and MU Zones, noncommercial keeping of horses is permitted subject to the following criteria:
  - a. Horses must be for transportation, not as a pet/recreational animal.
  - b. No more than two (2) horses may be maintained, provided that no building, corral, or stable is less than twenty-five (25) feet from any property line, and is not closer than 100 feet to the nearest dwelling other than that of the owner.
  - c. All animal waste shall be properly stored and disposed of, so as not to be objectionable at the site's property line. All animals, their housing and their outdoor pasture and/or recreation areas shall be properly maintained as not to become a nuisance to adjoining properties.

## SECTION 319 HORSES FOR PERSONAL USE

1. Within the A and AH Zones horses for personal use (pet/recreational) are permitted subject to the following criteria:
  - a. Each lot shall have a minimum gross and net lot area that shall contain a minimum of one acre of land, exclusive of buildings and impervious surfaces, lawns, woodlands and wetland for each animal unit that is housed or pastured on the lot.



## SECTION 320 DEMOLITION REVIEW REGULATIONS

### GENERAL PROVISIONS

1. Compliance: No building or structure built prior to 1900 within Sadsbury Township shall hereafter be demolished, in whole or in part, without full compliance with the terms of this section.
2. Application Procedures: Applications for demolition review may be obtained from the Township.
4. Criteria for Review: Demolition permit applicants must provide a response to each of the following statements, if applicable: (In each instance the burden of proof is on the property owner to demonstrate that the property owner has been deprived any profitable use of the relevant parcel as a whole. The Zoning Officer and Planning Commission shall base their recommendation upon a review of all information submitted by the applicant against all criteria and not any one criterion. The goals and development objectives of the Township shall also be considered.)
  - a. It is not feasible to continue the current use.
  - b. Other uses permitted within the underlying zoning district, either as permitted uses, special exception uses, or conditional uses, have been denied or are not feasible due to constraints on the building or structure.
  - c. Adaptive use opportunities do not exist due to constraints related to the building, structure or property.
  - d. The building, it's permitted uses, and adaptive use potential do not provide a reasonable rate of return, based on a reasonable initial investment. Such reasonable rate of return shall be calculated with respect to the property taken as a whole.
  - e. The applicant has not contributed to the existing conditions, either through neglect or prior renovation, conversion, alteration or similar physical action.
  - f. The demolition will not adversely affect the character of the property, streetscape, neighborhood or community.
  - g. A proposed new building, structure or use (if applicable) on or of the property will not adversely affect the character of the streetscape, neighborhood or community.
  - h. The building is structurally unsound.

- i. The denial of demolition would result in unreasonable economic hardship to the new owner. The requirements for providing unreasonable economic hardships may be obtained from the zoning officer.
  - j. Sale of the building or structure is impossible or impractical.
  - k. Denial of demolition will deprive the property owner as a whole of all beneficial use of the property.
4. Additional Information: As a part of the review process the Zoning Officer and Planning Commission may request additional information be provided.

#### Review Procedure

- 1. The zoning officer shall forward complete applications for demolition, removal or relocation of all buildings constructed prior to 1900 to the Planning Commission. All information submitted in compliance with the review criteria, above, shall be taken into consideration during the deliberation process as shall the community goals and development objectives of the municipality.
- 2. The applicant shall be provided an opportunity to present their proposal to the Planning Commission at a regularly scheduled monthly meeting.
- 3. The Planning Commission shall inform the Zoning Officer of their recommendations and, based upon those recommendations, the Zoning Officer will either issue or deny the permit.
- 4. When a demolition permit is approved:
  - a. The applicant shall be required to photograph all elevations of the building and provide sufficient photographs of the interior to convey the appearance and layout of the building. Digital photos on a CD or 35mm photos are acceptable and should be presented to the township and/or the local historical society to provide a permanent record of what once existed on the site. Upon request, the Zoning Officer will take all necessary photographs.
  - b. The applicant shall be encouraged to salvage or have salvaged all reusable building materials.
  - c. Buildings used for commercial purposes shall obtain the appropriate regulatory demolition approvals and proof of proper notifications. Any hazardous materials found in the building such as asbestos, PCB's, mercury and lead shall be identified.

5. Associated Land Development Plan: If the application for a permit for demolition, relocation or removal is being requested to facilitate future development, the said permits shall not be issued by the zoning officer until the following additional requirements have been satisfied:
- a. Approval of the land development plan by the Board of Supervisors.
  - b. The recording of an approved subdivision or land development plan for the lot where the Demolition, Removal or Relocation is proposed.
  - c. Issuance of any necessary zoning approvals.

6. Enforcement

In addition to the enforcement provisions found in this Zoning Ordinance and incorporated herein by reference, the Board of Supervisors may authorize action to withhold issuance of any and all zoning and building permits for a period of up to three (3) years for any property that at the time of the enactment of these provisions, was occupied by a Building or Structure that was subsequently demolished, removed or relocated without the owner obtaining a permit as provided for herein.

In addition, the Board of Supervisors may take other appropriate legal action, which may include equitable and injunctive relief, to enforce the provisions of this Article.

## ARTICLE 4 SPECIFIC CRITERIA

### SECTION 400

#### SPECIFIC STANDARDS FOR SPECIAL EXCEPTIONS CONDITIONAL USES & PERMITTED USES

1. In addition to the general criteria listed in Sections 604.3 and 704, the following sets forth standards that shall be applied to each individual exception. These standards must be satisfied prior to approval of any application for a special exception. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance. All uses must comply with the standards expressed within the underlying zone, unless those standards expressed for each special exception or conditional specify different standards; in such cases, specific special exception standards shall apply.
2. Evidence shall be provided indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with state and federal regulations. Such evidence, shall, at a minimum, include copies of contracts with waste haulers licensed to operate within Lancaster County which have been contracted to dispose of the materials and wastes used or generated on – site or some other legal means of disposal. No outside burning of waste is permitted. The zoning permit for this use shall remain valid only as long as such contracts remain in effect and all materials and wastes are properly disposed on a regular basis. Should the material used or wastes generated change significantly either in type or amount, the owner of the specific criteria use shall inform the Zoning Officer, shall provide additional evidence demonstrating continue compliance with the requirements of this section.
3. No offensive noise, vibration, smoke, or other particulate matter, heat, humidity, glare, or other objectionable effects shall be produced.
4. The applicant shall demonstrate that sufficient water and sewage disposal service is available for the use. If the property is serviced by public water or public sewage service, the Zoning Officer shall require the applicant to provide confirmation from the service provider(s) that capacity is available for the use.
5. The use shall comply with all applicable regulations of this and other Township ordinances, including, but not limited to the requirements for landscaping, off-street parking, signage, lighting and sidewalks.
6. No explosive or highly combustible materials shall be used or stored on the premises.
7. All height, area, setback and coverage standards within the underlying zone shall apply.