**EAST**

**HOPEWELL**

**TOWNSHIP**

**ZONING ORDINANCE**

## Updated through 12/31/2015 YORK COUNTY, PENNSYLVANIA

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**ORDINANCE NO. 92-1**

ORDINANCE NO. 92-1 WITH THE INTENT OF REGULATING AND RESTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES; THEIR CONSTRUCTION, ALTERATION, EXTENSION, REPAIR, MAINTENANCE AND ALL FACILITIES AND SERVICES IN OR ABOUT SUCH BUILDINGS AND STRUCTURES: PERCENTAGE OF LOT THAT MAY BE OCCUPIED; THE SIZE OF YARDS AND OTHER OPEN SPACES; THE DENSITY OF POPULATION AND THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE OR OTHER PURPOSES; AND FOR THESE PURPOSES ESTABLISHING ZONES AND BOUNDARIES AND DESIGNATING AND REGULATING RESIDENTIAL, COMMERCIAL, INDUSTRIAL, PUBLIC AND SEMI-PUBLIC, AGRICULTURAL AND CONSERVATION USES WITHIN SUCH ZONES AND BOUNDARIES; PROVIDING FOR THE ADMINISTRATION OF THIS ORDINANCE AND PENALTIES FOR THE VIOLATION THEREOF, IN THE TOWNSHIP OF EAST HOPEWELL, THE COUNTY OF YORK AND COMMONWEALTH OF PENNSYLVANIA, PURSUANT TO THE AUTHORITY GRANTED IN THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE (ACT 247) AS ENACTED AND AMENDED.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF East

Hopewell in the County of York and the Commonwealth of Pennsylvania, as follows:

# ARTICLE I

**SHORT TITLE, PURPOSE AND**

**COMMUNITY DEVELOPMENT OBJECTIVES**

#### SECTION 101 SHORT TITLE

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

#### SECTION 102 PURPOSE

The purpose of these regulations is to promote and protect the harmonious development of the Township by facilitating:

1. The orderly and efficient integration of land development within the Township.
2. Proper density of population.
3. Adequate water and sewerage.
4. Adequate police protection, fire protection, schools, parks and other public grounds and buildings.
5. The protection of water resources and drainageways.
6. Adequate light and air.
7. Adequate transportation, parking and loading space.
8. The greater health, safety and welfare of the citizens of the Township.
9. Protection of the agricultural resources of the Township.
10. Adequate sites for recreation, conservation and open space.
11. The prevention of blight and overcrowding of land.

#### SECTION 103 COMMUNITY DEVELOPMENT OBJECTIVES

This Ordinance is enacted as part of the overall plan for the orderly growth and development of East Hopewell Township. As such, this Ordinance is based upon the expressed or implied community development objectives as set forth in the East Hopewell Township Comprehensive Plan.

# ARTICLE II DEFINITIONS

#### SECTION 201 INTENT

Words and phrases shall be presumed to be used in their ordinary context unless such word or phrase is defined or interpreted differently within this Section.

#### SECTION 202 GENERAL INTERPRETATION

Unless otherwise expressly stated the following shall, for the purposes of this Ordinance, be interpreted in the following manner:

1. Words used in the present tense imply the future tense.
2. Words used in the singular imply the plural.
3. The word "person" includes a partnership or corporation as well as an individual.
4. The word "shall" or "must" is to be interpreted as mandatory; the word "may" as directory and complied with unless waived.

#### SECTION 203 SPECIFIC WORDS AND PHRASES

For the purposes of this Ordinance, the following words and phrases have the meaning given herein:

**ACCESS DRIVE** - A private drive, other than a driveway, which provides for vehicular access between a street and a parking area, loading area, drive-in service window or other facility within a land development. (See Driveway).

**ACTIVE SOLAR ENERGY SYSTEM** - A solar energy system that requires external mechanical power to move the collected heat.

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

**ADULT BOOK STORE** - An establishment in which ten percent (10%) or more of the occupied sales or display area offers for sale, for rent or lease, for loan, or for view upon the premises, of pictures, photographs, drawings, prints, images, sculpture, still film, motion picture film, video tape, or similar visual representations distinguished or

characterized by an emphasis on sexual conduct or sexually explicit nudity, or books, pamphlets, magazines, printed matter or sound recordings containing explicit and detailed descriptions or narrative accounts distinguished or characterized by an emphasis on sexual conduct, or offers sexual devices for sale.

An establishment in which less than ten percent (10%) of the occupied sales area offers for sale, for rent or lease, for loan, or for view upon the premises, such items, as described above, shall not be regulated as an Adult Oriented Facility, provided that the items are kept out of public view and not sold to persons under eighteen (18) years of age.

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

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

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

**AEU; ANIMAL EQUIVALENT UNIT** - One thousand (1,000) pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit, as calculated in the Pennsylvania Nutrient Management Act, 3 P.S.

§1701 et seq, and the regulations promulgated thereunder, found at 25 PA Code Subchapter D, §83.201 et seq.

**AGRICULTURE** - The use of land for farming, dairying, pasturage, sylviculture, horticulture, floriculture, viticulture or animal or poultry husbandry including the necessary accessory uses for packing, treating or storing produce and equipment or housing and feeding the animals, as well as incidental slaughtering and butchering for consumption by a resident of a dwelling on the parcel on which such animals are raised. Includes land devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with and agency of the Federal, State or local government. It excludes riding academies, boarding stables and kennels.

**ALTERATIONS** - As applied to a building or structure, any change or rearrangement in the total floor area, or an enlargement, whether by extending on a side or by increasing in height.

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

**ALTITUDE** - The angular distance from the horizon to the sun.

**AMENDMENT** - A change which includes revisions to the zoning text and/or the official zoning map. The authority for any amendment lies solely with the Board of Supervisors.

**ANIMAL HOSPITAL** - A building used primarily for the treatment, by a veterinarian, of small domestic animals such as dogs, cats, rabbits, and birds or fowl. Boarding of such animals shall be for medical or surgical treatment only.

**APPLICANT** - Any landowner, lessee or his authorized agent who submits plans, data and/or application to the Zoning Officer or other designated Township official for the purpose of obtaining approval thereof.

**AUTOMOBILE** - A self-propelled motor vehicle designed for the conveyance of persons or property requiring a registration plate by the Commonwealth of Pennsylvania for operation upon public highways; including trucks, motor homes and motorcycles. (See Recreational Vehicle).

**AZIMUTH** - The angular distance between true south and the point on the horizon directly below the sun. (Sometimes referred to as "bearing.")

**BASEMENT** - A story having part but not more than one-half (1/2) of its height below the average level of the adjoining ground. A basement shall be considered as a story in determining building height restrictions.

**BED AND BREAKFAST INN** - A single family residence or portion thereof containing not more than five (5) guest rooms which are used by not more than fifteen (15) guests where rent is paid in money, goods, labor or otherwise. (See Boarding House, Rooming House).

**BOARDING HOUSE** - A building, where for compensation, provisions are made for lodging and meals for at least three (3), but not more than fifteen (15), persons. (See Bed and Breakfast Inn, Rooming House).

**BUILDABLE AREA** - As used in the definition of "LOT AREA", this term shall mean, and be limited to mean, the area available for placement of improvements after removal of all areas designated for public or private rights-of-way for streets, stormwater, or other shared improvements, railroad rights-of-way, easements, or other such legal encroachments on the lot area. It is not intended, nor shall it be construed, to include an actual or suitable building envelope, which shall be determined at the time permits are issued for development of the lot.

**BUILDING** - Any structure, either temporary or permanent, having walls and a roof or other covering, supported by columns or walls, and designed or used for the shelter or enclosure of any person, animal, or property of any kind, including vehicles situated on property and used for the purposes set forth in this definition. For regulatory purposes, all buildings are considered as structures. (See structure)

**ACCESSORY BUILDING** - A building subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the principal

building. For regulatory purposes, an accessory building is considered an accessory structure.

**ATTACHED BUILDING** - A building which has two (2) or more party walls in common.

**DETACHED BUILDING** - A building which has no party wall,

**PRINCIPAL BUILDING** - A building in which is conducted the principal use of the lot on which it is located. For regulatory purposes, a principal building is considered a principal structure.

**SEMI-DETACHED BUILDING** - A building which has only one (1) party wall in common.

**BUILDING AREA** -The total area taken on a horizontal plane at the mean level of the ground surrounding the principal building and all accessory buildings.

**BUILDING HEIGHT** - The total overall height in feet of a building measured from the average grade level to the highest point of the roof.

**BUILDING LINE** - A line parallel to the front, side, or rear lot line set so as to provide the required yard.

**CAFO; CONCENTRATED ANIMAL FEEDING OPERATION** - An operation involving the keeping of livestock of the type listed in the table in Section 709 in excess of the numbers identified in that table confined within a building or other enclosure as set forth in Section 709 e) 2.

**CAMPGROUND OR RECREATIONAL VEHICLE PARK** - A lot, tract or parcel of land upon which two (2) or more campsites are located or established, intended and maintained for occupancy by transients in recreational vehicles or tents.

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

**CAO; CONCENTRATED ANIMAL OPERATION** - An agricultural operation where the animal density exceeds two (2) AEUs per acre on an annualized basis, as calculated in the Regulations to the Pennsylvania Nutrient Management Act, 25 PA Code §83.262.

**CARE FACILITIES** - Establishments which provide food, shelter, personal assistance, supervision and/or medical or other health related services for individuals not in need of hospitalization, but who, because of age, illness, disease, injury, convalescence or physical or mental infirmity need such care.

**ADULT DAY CARE CENTER** - Any premise in which care is provided to four (4) or more elderly or disabled adults, who are not relatives of the care giver as defined by the PA Department of Public Welfare, for part of a twenty-four (24) hour day. Care includes personal assistance, the development of skills for daily living and the provision of social contact.

**CHILD DAY CARE CENTER** - A facility, licensed by the State, that provides a wide range of formal day care services for remuneration to seven (7) or more children who are supervised by a qualified staff. The child care areas in a day care center shall not be used as a family residence.

**CONVALESCENT OR NURSING HOME** - A licensed establishment which provides full-time residential, intermediate or skilled nursing care for three (3) or more individuals who, by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such a home.

**DOMICILIARY CARE HOME** - An existing building or structure designed as a dwelling unit for one (1) family which provides 24-hour supervised protective living arrangements by the family residing therein for not more than three (3) persons eighteen

(18) years of age and above who are disabled physically, mentally, emotionally or who are aged persons, and who are not relatives of the care giver as defined by the PA Department of Public Welfare.

**FAMILY DAY CARE HOME** - A facility located in a single family residence which provides supervised care for remuneration to not more than six (6) children who are not relatives of the care giver, as defined by the PA Department of Public Welfare.

**GROUP DAY CARE HOME** - A facility, located in a single family residence, which provides supervised care for remuneration to more than six (6), but less than twelve (12), children who are not relatives of the care giver.

**GROUP HOME** - A type of group quarters, specifically a single family dwelling designed for a group of mentally and/or physically disabled persons living and cooking together in a single dwelling unit. A group home may be directly affiliated with a parent institution which provides for the administration of the residents, who are required to reside on the premises to benefit from the service, through the direction of a professional staff and for supervision of residents by full-time resident staff.

**PERSONAL CARE BOARDING HOME** - A type of group quarters, specifically premises in which food, shelter, and personal assistance or supervision are provided, on a State or Federally licensed basis, for a period exceeding twenty-four (24) consecutive hours for at least four (4) but not more than sixteen (16) persons who are over the age of eighteen (18), are not relatives of the operator and who are aged, blind, disabled, infirm or dependent but do not require skilled or intermediate nursing care.

**CARPORT** - An accessory structure, not totally enclosed, which is primarily designed or used for parking automobiles.

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

**CERTIFICATE OF USE AND OCCUPANCY** - A certificate, issued by the Zoning Officer, which permits the use of a building in accordance with the approved plans and specifications and certifies compliance with the provisions of law for the use and occupancy of the land and structure in its several parts, together with any special stipulations or conditions of the zoning permit.

**CLUSTER HOUSING DEVELOPMENT** - An area of land in single ownership, to be developed as a residential community, in which the dimensions of individual lots may be reduced, but in which common areas are provided so that the overall density required in the respective zoning district is maintained. A type of Planned Residential Development (PRD).

**COMMON OPEN SPACE** - A parcel or parcels of land or an area of water or a combination of land and water within a development site which is designed and intended for the use or enjoyment of residents of the development, not including streets, off-street parking areas, and areas set aside for public facilities. Common open space shall be substantially free of structures but may contain such improvements as are in the development plan as finally approved and as appropriate for the recreation of residents.

**COMPREHENSIVE PLAN** - The plan, or parts thereof, setting forth, and showing future recommendations for, such systems as land uses, parks and recreational facilities, water supply, sewage disposal, transportation and other public improvements, which affect the development of the Township, projected into the future.

**CONDOMINIUM** - A type of ownership arrangement, not a land use, wherein parts of a building typically are owned separately by persons and other parts such as halls, stairs and recreation areas are owned jointly by such persons. A condominium may be residential, commercial or industrial in nature.

**CONTRACTOR'S OFFICE OR SHOP** - Offices and shops for tradesmen, such as building, cement, electrical, painting and roofing contractors.

**DECK** - A platform, attached to a building, that stands above the ground level.

**DENSITY** - The number of dwelling units per acre.

**DEVELOPMENT AREA** - The number of acres of land permitted to be subdivided and/or developed on a parcel of land in the Agricultural (A-1) or Rural Residential (RR) Zone.

**DEVELOPMENT QUOTA** - The maximum number of lots that could potentially be subdivided from a parcel of land in the Agricultural (A-1) or Rural Residential (RR) Zone.

**DRIVE-IN BUSINESS** - A commercial establishment, including a drive-in eating establishment, primarily offering stand-up counter, vending machine, window or in-car service, and/or offering prepared or standardized food for either on or off-premises consumption.

**DRIVEWAY** - A private minor vehicular right-of-way providing access between a street and a garage, carport or other parking space for a single family or two family dwelling. (See Access Drive).

**DWELLING** - A building or structure designed for living quarters for one (1) or more families, including mobilehomes; but not including hotels, rooming houses, convalescent homes or other accommodations used for transient occupancy. (See Diagram of Dwelling Types, page 29).

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

**SINGLE FAMILY ATTACHED DWELLING** - A portion of a building containing one

(1) dwelling unit and having two (2) party walls in common with other dwelling units (such as row houses or townhouses). Each dwelling unit is located on a separate lot.

**SINGLE FAMILY DETACHED DWELLING** - A building containing only one (1) dwelling unit and having two (2) side yards.

**SINGLE FAMILY SEMI-DETACHED DWELLING** - A portion of a building, containing one (1) dwelling unit, having one (1) side yard, and having one (1) party wall in common with another dwelling unit. Each dwelling unit is located on a separate lot.

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

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

**EARTH-SHELTERED DWELLING** - A dwelling with an earth covered roof and/or walls, properly designed for this purpose.

**EASEMENT** - The authorization by a property owner or authorized agency of a right-of-way granted, but not dedicated, for limited use of private land for a public, quasi-public, or private purpose, and within which the owner of the property shall not erect any permanent structures,

but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

**ENERGY STORAGE FACILITY** - Equipment consisting of containers, heat exchangers, piping and other transfer mechanisms (including fluids, gases or solids), controls, and energy (from solar energy systems), including structural elements designed for use in passive solar energy systems.

**EXTRACTIVE OPERATION** - Any operation engaged in by an individual, corporation or firm for the purpose of extracting minerals and substances from the earth. Extractive operations shall include, but are not limited to, the mining of minerals, gas and oil from the earth.

**FAMILY** - One (1) or more persons who live in one (1) dwelling unit and maintain a common household. May consist of a single person or two (2) or more persons, whether or not related by blood, marriage, or adoption. May also include domestic servants and gratuitous guests, but not occupants of a club, fraternal lodging, or boarding house.

**FARM** - Any parcel of land which is used for gain in the raising of agricultural products, livestock, poultry or dairy products, including necessary farm buildings and structures within the prescribed limits and the storage of equipment customarily incidental to the primary use. For the purposes of this Ordinance, a farm shall not include a riding academy, boarding stable or kennel.

**FARM BUILDINGS AND STRUCTURES** - Buildings and structures, excluding dwellings, necessary for the operation of a farm.

### **FLOODPLAIN** - Those areas designated and delineated by the Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) issued by the Federal Emergency Management Agency (FEMA) effective September 25, 2009 or their successors, and regulated by the East Hopewell Township Floodplain Management Ordinance of 2009 or its successors.

**FLOODPROOFING** - Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which reduce or eliminate flood drainage to lands, water and sanitary facilities, structures and contents of buildings.

**FLOOR AREA, GROSS** - The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar, basement and attic floor areas not devoted to residential use. All dimensions shall be measured between exterior faces of walls.

**FLOOR AREA, GROSS LEASABLE** - The sum of the floor areas designed for the tenants' occupancy and use. It is all that area on which tenants pay rent, including sales area and integral stock areas.

**FLOOR AREA, HABITABLE** - The sum of the horizontal areas of all rooms used for habitation such as living room, dining room, kitchen, bathroom, or bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, closets, nor unheated areas such as enclosed porches. Earth-sheltered dwellings, designed as such, shall include the aggregate of area used for habitation as defined above whether or not all or a portion is below ground level.

**FOREST AND WILDLIFE PRESERVE** - A tract of land containing at least ten (10) acres utilized in its entirety for the production of forest products and/or the maintenance of a sanctuary for wildlife (no domestic animals).

**FRONTAGE** - The horizontal or curvilinear distance along the street line upon which a lot abuts.

**GARAGE, PRIVATE** - An accessory building for the storage of one (1) or more automobiles, recreational vehicles and/or similar vehicles accessory and incidental to the primary use of the premises, provided that no business, occupation, or service is conducted for profit therein.

**GREENHOUSE, HORTICULTURAL NURSERY** - A use primarily involved in horticulture which includes the sale of plants grown on the premises and related goods and materials, as well as the storage of equipment customarily incidental and accessory to the primary use.

**GROUP QUARTERS** - Any dwelling or portion thereof which is designed or used for at least three (3), but not more than eight (8), persons unrelated to each other or to any family occupying the dwelling unit and having common eating facilities. Group quarters include, but is not limited to, lodging or boarding houses, fraternity and sorority houses, dormitories and other quarters of an institutional nature. Such quarters must be associated with a parent religious, educational, charitable or philanthropic institution.

**GUEST ROOM** - A room which is intended, arranged or designed to be occupied or which is occupied by one (1) or more guests but in which no provision is made for cooking. Residential non-commercial guest rooms shall be within or attached to the principal residence and shall be a part of the residential utility (sewer, electric, etc.) service line.

**HALF-WAY HOUSE** - A dwelling for the transitional institutionalized supervision of not more than six (6) individuals who have violated the law and who are sent to a half-way house upon release from, or in lieu of being sent to, a penal institution.

**HOME OCCUPATION** - A special type of accessory use, specifically an occupation which is clearly incidental and secondary to the principal use of a property for residential purposes.

**HOSPITAL** - A place for the diagnosis, treatment, or other care of humans and having facilities for in-patient care, including such establishments as a sanitarium, sanatorium, or preventorium.

**HOTEL** - A building in which guest rooms are provided for occupancy, with or without meals, for compensation, by transient or semi-permanent guests or both and in which no provision is made for cooking in any individual room or suite, including a tourist home.

**IMPERVIOUS SURFACE** - A surface that has been compacted or covered with a layer of material so that it is highly resistent to infiltration by water. Areas including, but not limited to, parking areas, driveways, roads, sidewalks, patios and any similar areas of concrete, brick, bituminous products, crushed stone or gravel shall be considered impervious surfaces. In addition, all buildings and structures shall be considered as impervious surfaces for computation of lot coverage.

**INDUSTRIAL PARK** - A tract of land --

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

**INOPERABLE MOTOR VEHICLE** - Any automobile, construction equipment, motorcycle, tractor, truck or similar apparatus or vehicle that is discarded, partially or wholly dismantled, junked or wrecked, or a vehicle that is without a valid inspection sticker, registration or title required for its lawful operation on the public roads of Pennsylvania.

**INSOLATION** - The total amount of solar radiation (direct, diffuse and reflected) striking a surface exposed to the sun.

**JUNK** - Discarded materials, articles or things possessing value in part, gross or aggregate and including, but not limited to, scrapped motor vehicles and parts thereof, including motors, bodies of motor vehicles, tires, and vehicles which are inoperable or do not have a current and valid inspection sticker as required by the Motor Vehicle Laws of the Commonwealth of Pennsylvania or current registration, but not including garbage or other organic waste, or farm machinery provided said farm machinery is used in connection with a bona fide farming operation.

**JUNK YARD** - Any place or establishment, on public or private property, where junk, machinery or equipment, and/or scrap metal or materials is stored or accumulated out of doors for the purpose of salvaging parts therefrom for use or resale, or for the destruction of the same for resale as scrap, or where the business of selling, buying or dealing in junk is carried on, or where two (2) or more motor vehicles are stored which are unlicensed, inoperable, or do not have current registration or a current valid inspection sticker as required by the Motor Vehicle Laws of the Commonwealth of Pennsylvania. Any parcel of land used for such purposes, regardless of ownership, shall be considered a separate "junk yard."

**JUNKED MOTOR VEHICLE** - A motor vehicle from which parts or accessories have been removed, or that shall be inoperable as a result of damage thereto.

**KENNEL** - Any building or buildings and/or land used for the sheltering, boarding, breeding or training of dogs, cats, fowl or other small domestic animals at least four (4) months of age and kept or bred for purposes of profit, show or hunting, but not to include riding academy, boarding stable or animals and fowl raised for agricultural purposes. A kennel operation may include accessory uses such as animal grooming.

**LAND DEVELOPMENT** - Any of the following activities:

1. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
   1. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
   2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) 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.
3. The following activities are excluded from the definition of land development:
   1. The conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium; or
   2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

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

**LIVESTOCK** - Any farm animal, such as cattle, donkeys, horses, mules, burrows, sheep, swine or goats, kept for agricultural use, commercial purposes or pleasure.

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

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

**CORNER LOT** - A lot at the junction of, and fronting on, two (2) streets. The front setback regulations of the zone in which the lot is located shall apply to both street frontages, except as modified in Section 405 b). (See diagram, page 27). Additionally, every yard of a corner lot fronting on a street shall be considered a front yard for purposes of this Ordinance, except as modified in Section 405 b).

**DOUBLE FRONTAGE LOT** - A lot fronting on two (2) streets, other than a corner lot. Vehicular access can be from either or both streets. The front setback regulations of the zone in which the lot is located shall apply to both street frontages, subject to the limitations in Section 405 c).. (See diagram, page 28).

**INTERIOR LOT** - A lot having frontage on one (1) street and adjoined on the sides and rear by other lots. (See diagram, page 26).

**PANHANDLE LOT** - A lot meeting the requirements of Section 303-j) or 304-j) which abuts a street only with a narrow strip of land ("handle") that provides access to the lot, and the remaining portion of which meets the minimum lot area, lot width and setback requirements of this Ordinance.

**REVERSE FRONTAGE LOT** - A double frontage lot having frontage on a minor street and a collector street with vehicular access limited solely to the minor street. The front setback regulations of the zone in which the lot is located shall apply to both street frontages, subject to the limitations in Section 405 c). (See diagram, page 28).

**LOT AREA** - The area contained within the property lines of a lot as shown on a subdivision or land development plan, including the area within all street and railroad rights-of-way and the area of all easements; EXCEPT THAT there must be on each lot a sufficient buildable area, as defined in this Ordinance, that conforms to the requirements of this Ordinance, the East Hopewell Township Subdivision Ordinance, and any other applicable federal, state, county, local, or Township statutes, rules, regulations, ordinances, or resolutions, on which to place at a minimum all of the following:

1. The principal structure;
2. All required stormwater facilities;
3. Such accessory structures as are proposed on the plan as part of the development of the lot;
4. A well, if the use is to be served by an on-lot water supply; and
5. If the use is to be served by an on-lot sewage disposal system, an approved primary sewage disposal system and an approved site for a replacement sewage disposal system.

**LOT COVERAGE (MAXIMUM)** - A percentage which when multiplied by the lot area will determine the permitted area that can be covered with an impervious surface (ex.: buildings, driveways, parking areas and sidewalks).

**LOT LINES** - The lines bounding a lot as described in the recorded title. Also referred to as "property lines."

**LOT WIDTH** - The required continuous distance between the side property lines (or in the case of corner lots, between a front and side property line) measured along a single street right-of-way line, unless specified otherwise in this Ordinance. If a lot is traversed by a street right-of-way, whether existing or proposed, any principal building on the lot shall be located on a portion of that lot which contains the minimum lot width required by this Ordinance.

**MAJOR THOROUGHFARE** - A street or highway designated by East Hopewell Township as an existing or planned collector or arterial street. See Appendix 3 of the East Hopewell Township Zoning Ordinance, as amended from time to time.

**MANUFACTURING** - Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.

**MEDICAL CLINIC** - Any building or group of buildings occupied by medical practitioners and related services for the purpose of providing health services to persons on an outpatient basis.

**MINI-STORAGE FACILITY** - A rental facility providing for the enclosed storage of commercial business stock or equipment, household items, recreational equipment and/or classic or antique automobiles, and/or for the outdoor storage of recreational vehicles, where said items are retained for direct use by their owner who shall have direct access thereto without intermediate handling by the proprietor of the facility.

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

**MOBILEHOME LOT** - A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobilehome.

**MOBILEHOME PARK** - A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobilehome lots for the placement thereon of mobilehomes.

**MOTEL** - A group of attached or detached buildings containing sleeping rooms or living units with accessory facilities designed for temporary use by automobile tourists or transients including auto courts, motor lodges and similar establishments.

**MULTI-FAMILY OR TWO FAMILY CONVERSION** - A multi-family or two family dwelling constructed by converting an existing building into apartments for more than one

(1) family, without substantially altering the exterior of the building.

**NO-IMPACT HOME-BASED BUSINESS** - A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. When permitted by this Ordinance, such permission shall not supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, bylaw or other document applicable to a common interest ownership community.

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

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

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

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

**NONPROFIT** - An educational, religious or charitable use which qualifies as "nonprofit" under Section 501-c of the Internal Revenue Service Code.

**NPDES PERMIT** - National Pollution Discharge Elimination System permit or equivalent document ore requirements issued by the Environmental Protection Agency, the Pennsylvania Department of Environmental Protection, or their designees, pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. §1251 et seq, also known as the Clean Water Act, and/or The Pennsylvania Clean Streams Law, as amended, 35 P.S. §691.1 et seq.

**OUTDOOR COMMERCIAL RECREATIONAL ESTABLISHMENT** - A use of open

land for leisure time activities, such as a swimming pool, tennis court, golf driving range, miniature golf, golf course, ski slopes or drive-in theater. It, however, excludes a trap, skeet, rifle, pistol or archery range and a temporary outdoor amusement or event.

**OWNER** - The owner of record of a parcel of land.

**PANHANDLE LOT** - A lot which abuts a street only with a narrow strip of land but provides access to the lot, with the remaining portion of the lot meeting all other requirements of this Ordinance and of the Township Subdivision and Land Development Ordinance.

**PARCEL** - A tract or tracts of land under the same ownership and contained and described in one deed or other conveyance. A parcel shall not include those tracts, whether contiguous or otherwise, separately described and contained in one (1) deed or other conveyance which originate from separate titles.

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

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

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

**PASSIVE SOLAR ENERGY SYSTEM** - A solar energy system that uses natural properties of materials and architectural components to collect and store solar energy without using any external mechanical power.

**PERSONAL SERVICE BUSINESS** - Personal service businesses shall include barber and beauty shops; self-service laundry and dry cleaning establishments; laundromats; radio and television repair; repair shops for home appliances, tools, bicycles, guns, locks, shoes and watches; tailor and dressmaking shops; photographers studio; pet grooming shop or any other establishment of similar nature providing personalized service to customers.

**PLANTING STRIP** - An unpaved area of land along a street, landscaped with grass or other natural vegetation or materials, which provides a barrier between the roadway and the use on the adjacent property.

**PLAT** - The map or plan of a subdivision or land development, whether preliminary or final.

**PORCH** - A platform or floor area, attached to a building, that stands above ground level.

**PRIVATE** - Not publicly owned, operated or controlled.

**PROFESSIONAL OR BUSINESS OFFICES** - An office which generally operates on an appointment basis. Business offices shall include advertising agencies, opticians' offices, personnel agencies, and travel and ticket agencies. Professional offices shall include offices of accountants, actuaries, architects, attorneys, clergy, dentists, designers, engineers, insurance and bonding agents, manufacturing representatives, physicians, real estate agents, teachers, and miscellaneous consulting services. Also included are offices of a governmental agency, social service organization, district justice or justice of the peace, notary, public or private utility or political organization; or an office of a bank, savings and loan association, credit or loan company, collection agency, or stock and bond broker.

**PUBLIC** - Owned, operated or controlled by a government agency (Federal, State or local

-- including a corporation created by law for the performance of certain specialized governmental functions and the Board of Public Education).

**PUBLIC SEWER** - A municipal or community sanitary sewer system approved and permitted by the Pennsylvania Department of Environmental Protection.

**PUBLIC WATER** - A municipal water supply system or a comparable common water supply system approved and permitted by the Pennsylvania Department of Environmental Protection.

**RECREATIONAL VEHICLE** - A vehicle with or without motive power which may travel or which may be towed on the public highways by a passenger automobile without a special hauling permit, and which is designed for recreation and/or human occupancy under transient circumstances. A recreational vehicle shall include travel trailer, camper, snowmobile, golf cart, three (3) or four (4) wheel all terrain vehicle, trail/dirt bike, boat, boat trailer, airplane or other similar vehicle.

**REGULATED SUBSTANCE** - Includes, but is not limited to, petroleum and petroleum- based substances comprised of a complex blend of hydrocarbons derived from crude oil through processes of saturation, conversion, upgrading, and finishing, such as motor fuels, jet fuels, distillate fuels, residual fuel oils, lubricants, petroleum solvents and used oils.

**RETAIL STORE OR SHOP** - An establishment engaged in selling goods or merchandise to the general public for personal or household consumption, and rendering services incidental to the sale of such goods or merchandise. The wholesale distribution or manufacture of products are not included herein and are permitted only as provided in other appropriate sections of this Ordinance. Among the other uses not to be interpreted as a retail store or shop are uses specifically provided for elsewhere in this Ordinance, including, but not limited to, service stations; vehicular sales, service and/or repair facility; agricultural machinery sales and service; small engine sales and service; adult oriented facilities; motels and hotels; eating establishments; personal service shops; offices and heavy storage sales.

**RIDING ACADEMY OR BOARDING STABLE** - Any establishment where horses are kept for riding or driving, or are stabled. It may be established as a principal use or as an accessory use incidental to the operation of any club, association, ranch or similar establishment.

**RIGHT-OF-WAY** - The entire portion of a public or private street, road, highway, public or private use, which is dedicated or reserved for the particular use. As to a right-of-way for a public alley, street, road, or highway, the right-of-way shall be the entire width of any land reserved or dedicated to the Township or the Commonwealth either by subdivision or land development plan or by statute, whichever is greater.

**ROADWAY** - The portion of a street right-of-way which is paved, improved, designated or intended for vehicular traffic. Also referred to as "cartway."

**ROOMING HOUSE** - A residential building, other than a hotel, containing not more than one (1) dwelling unit where lodging is provided with or without meals for compensation, for at least three (3), but not more than fifteen (15), persons in addition to the family unit. No medical or personal care is provided to roomers by the operators of the facility.

**SANITARY LANDFILL** - A facility licensed and approved by the Pennsylvania Department of Environmental Resources for the disposal of solid waste where there is no reasonable probability of adverse effects on the public health or the environment from such disposal. A sanitary landfill shall be regulated as a solid waste disposal facility.

**SATELLITE DISH ANTENNA** - Any accessory structure capable of receiving radio or television signals from a transmitter or transmitter relay located in planetary orbit.

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

**COMMERCIAL SCHOOL** - A school conducted for profit for such special instruction as business, art, music, trades, handicraft, dancing or riding.

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

**SERVICE STATION** - Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any sales of motor vehicle accessories at retail only, but not including major repairing, body and fender work, painting, vehicular sales or rental or automatic car washes.

**SETBACK** - The required distance between a setback line and a property line. See Sections 303 j) and 304 j) for special requirements pertaining to panhandle lots.

**SETBACK, FRONT** - The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of buildings and structures and the front lot line, unless the lot line is within or beyond a street right-of-way, in which case the setback line shall be measured from the edge of the street right-of-way closest to the proposed structure.

**SETBACK, SIDE** - The line nearest the side of and across a lot establishing the minimum open space to be provided between the side line of buildings and structures and the side lot line, unless the lot line is within or beyond a street right-of-way, in which case the setback line shall be measured from the edge of the street right-of-way closest to the proposed structure.

**SETBACK, REAR** - The line nearest the rear of and across a lot establishing the minimum open space to be provided between the rear line of buildings and structures and the rear lot line, unless the lot line is within or beyond a street right-of-way, in which case the setback line shall be measured from the edge of the street right-of-way closest to the proposed structure.

**SETBACK LINE** - A line within a property and parallel to a property or street line which delineates the required minimum distance that must be provided between a structure or building and an adjacent street line and/or property line.

**SEXUAL CONDUCT** - Ultimate sexual acts, normal or perverted, actual or simulated, involving a person or persons, or a person or persons and an animal, including acts of masturbation, sexual intercourse, fellatio, cunnilingus, anilingus or physical contact with a person's nude or partially denuded genitals, pubic area, perineum, anal region, or, if such person be female, a breast.

**SEXUALLY EXPLICIT NUDITY** - A sexually oriented and explicit showing or exhibition, by any means or manner, which presents or exposes to the viewer the following anatomical areas: the human genitals, pubic area, perineum, buttocks or anal region, with less than a fully opaque covering; the covered human male genitals in a discernible turgid state; the postpubertal, full or partially developed human female breast with less than opaque covering of a portion thereof below the top of the areola or nipple.

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

**SIGN** - Any surface, fabric, device or structure (including billboards or poster panel) bearing lettered, pictorial or sculptured matter designed for visual communication

and used for the purpose of bringing the subject thereof to the attention of the public, but not including lettering or symbols that are an integral part of another structure; or any flag,

badge, or other insignia of any government, government agency or of any civic, charitable, religious, fraternal or similar organization.

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

**ATTACHED SIGN** - A sign attached, painted or otherwise mounted parallel to the surface of that portion of the building or structure to which it is affixed.

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

**DIRECTIONAL SIGN** - An off-site sign which directs people to; a community; an event of public interest; public uses and buildings; uses and buildings of service and charitable organizations; and uses and buildings of commercial nature provided that no advertising matter other than identifying name or symbol shall be contained on signs of this type.

**FREESTANDING SIGN** - A sign supported by uprights or braces placed upon or in the ground and not attached to a building. Also includes signs mounted or transported on a vehicle, trailer or similar structure, with or without wheels, and not permanently attached to the ground, often referred to as a portable or mobile sign.

**PORTABLE SIGN** - A temporary sign, of any material, with or without changeable type lettering, illuminated or non-illuminated, mounted or transported on a vehicle, trailer or similar structure, with or without wheels, and not permanently attached to the ground, often referred to as a "mobile sign."

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

**SIDEWALK SIGN** - Any "A" frame, inverted "V" shaped or similar structure resting on the ground with no permanent attachment and used for display as a temporary business sign.

**SMALL ANIMALS** - Animals generally not considered as livestock, and also, excluding those animals normally referred to as domesticated household pets such as dogs and cats. Small animals include, but are not limited to, chinchillas, ferrets and rabbits.

**SOLAR COLLECTOR** - Any device, absorbent surface, structure or window (double glazing or greater) which is properly oriented for the collection of solar energy and conversion of such energy into thermal, chemical or electrical energy to supply a significant fraction of the energy needed for space heating or for domestic hot water.

**SOLAR ENERGY** - Radiant energy (direct, diffuse and reflected) received from the sun.

**SOLAR ENERGY SYSTEM** - Any system, structure, structural element, assembly or device which is used to collect, store, and distribute energy derived from the sun for the purpose of heating or cooling the interior spaces of buildings or for heating domestic hot water. Solar energy systems may include, but are not limited to, solar collectors, solar reflectors, heat storage tanks, south facing double glazed window walls, attached south facing greenhouses utilizing double glazing, and architectural overhangs for blocking sunlight on south facing windows.

**SOLAR SKYSPACE** - The space between a solar energy collector and the sun which must be free of significant obstructions to ensure enough incident sunlight to permit the cost effective operation of the system at least between the hours of nine (9:00) a. m. and three (3:00) p.m. on the winter solstice (December 21st) of each year. (See Appendix 2).

**SOLAR SKYSPACE EASEMENT** - A right, expressed as an easement, covenant, condition, or other property interest in any deed or other instrument executed by or on behalf of any landowner, which protects the solar skyspace of an actual, proposed, or designated solar energy collector at a described location by forbidding or limiting activities or land uses that interfere with access to solar energy. The solar skyspace must be described as the three (3)-dimensional space in which obstruction is prohibited or limited, as well as the times of day during which direct sunlight to the solar energy collector may not be obstructed. (See Appendix 2).

**SOUTH** - A building or structure shall be considered to face south if its longest axis has a maximum deviation of twenty (20) degrees north of due east to twenty (20) degrees south of due east.

**SPECIAL EXCEPTION** - A permission or approval granted an applicant to use land in a zone for a purpose other than that generally permitted outright in that zone. A special exception is granted by the Zoning Hearing Board in accordance with the terms, procedures and conditions prescribed in Articles VI and VII.

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

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

**STREET** - A public or private way, excluding driveways and access drives, which affords the principal means of access to abutting properties, intended to be used by vehicular traffic or pedestrians. Includes street, avenue, boulevard, road, highway, freeway, lane, viaduct and any other dedicated and accepted public right-of-way or private right-of-way.

**COLLECTOR STREET** - A street which is intended to provide inter-community travel, as well as serve as the primary access to industry, businesses, community facilities and major subdivisions. For purposes of this Ordinance, a collector street shall include all

streets designated as a "collector" or "minor collector" in the Transportation Plan component of the East Hopewell Township Comprehensive Plan. (See Appendix 3).

**PRIVATE STREET** - A street or right-of-way, excluding driveways and access drives, that is not adopted and maintained by the public.

**Number of Uses Served** - The number of principal uses, lots or dwelling units to which the private street provides access, regardless of the existence of any additional means of access to, or the ownership of, any of the uses, lots or dwelling units. However, access to agricultural fields or similar agricultural uses (not including dwellings or commercial uses) shall not be counted.

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

**STREET LINE** - The outer edges of a street right-of-way as laid out on a subdivision or land development plan, or dedicated to the Township or Commonwealth, or granted to the Township or Commonwealth by statute, whichever is greater. See definition of right-of-way.

**STRUCTURE** - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, but excluding driveways, access drives, walkways and parking areas. (See Building).

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

**PERMANENT STRUCTURE** - A structure which cannot readily be removed or is intended and so constructed to remain in place indefinitely.

**PRINCIPAL STRUCTURE** - A structure which is directly involved in the principal use of the lot on which it is located.

**TEMPORARY STRUCTURE** - A structure which can readily be removed and is intended to remain in place for a limited amount of time.

**SUBDIVISION** - The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts or parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, or residential dwellings, shall be exempted.

**SWIMMING POOL** - Any pool or open tank, including spas and hot tubs, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than one and one-half (1 1/2) feet. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.

**PUBLIC SWIMMING POOL** - A swimming pool open to the public for amateur and professional swimming or recreational bathing, whether or not a fee is charged for admission or for the use thereof.

**TEMPORARY OUTDOOR AMUSEMENT OR EVENT** - Any outdoor theatrical, musical, or dramatic performance or concert, festival or carnival, or any other outdoor exhibition, show, entertainment, amusement or event of any nature or kind. The term "temporary outdoor amusement or event" shall not include any church, fire company or school function, or any activity conducted solely for benevolent or charitable purposes by a person having an exemption from the Federal income tax in accordance with pertinent sections of the Internal Revenue Code.

**TRACT** - All contiguous land consisting of parts or all of one or more parcels owned by the same landowner, regardless of whether divided by public or private roads and/or the presence of lots or parcels adverse from the original tract since October 13, 1976 (the effective date of zoning).

**UNDERGROUND STORAGE TANK** - Any one (1) or combination of tanks (including underground pipes connected thereto) that is used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is ten percent (10%) or more beneath the surface of the ground.

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

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

**PRINCIPAL USE** - The main or primary use of property or structures. Only one (1) principal use shall be permitted per lot, except as provided in Section 305-i) of this Ordinance. For example, only one (1) single family dwelling unit, one (1) commercial establishment or one (1) industrial establishment shall be permitted on an individual lot.

**VARIANCE** - The permission, granted by the Zoning Hearing Board, following a public hearing that has been properly advertised, for a particular modification to some regulation or provision of this Zoning Ordinance which, if strictly adhered to, would result in an unnecessary hardship, and where the permission granted would not be contrary to the public interest, and would maintain the spirit and intent of this Ordinance.

**VEHICLE SALES LOT** - An open lot for the outdoor display of new or used automobiles, recreational vehicles and/or similar vehicles.

**VEHICLE SERVICE AND REPAIR FACILITY** - A building on a lot designed and/or used primarily for mechanical and/or body repairs, storage, rental, servicing, or supplying of gasoline or oil to automobiles, recreational vehicles and similar vehicles.

**VEHICLE WASHING FACILITY** - A building on a lot, designed and used primarily for the washing and polishing of automobiles, recreational vehicles and similar vehicles and which may provide accessory services related to washing and polishing.

**WAREHOUSE** - A structure to be used for storage only of equipment and merchandise.

**WHOLESALE ESTABLISHMENT** - A business devoted to the sale of commodities in quantity chiefly to retailers, other merchants, or industrial, institutional and commercial users mainly for resale or business use. Such commodities shall be limited to durable goods, sundries, dry goods and non-perishable items.

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

**YARD** - A prescribed open area on a lot, unobstructed from the ground upward except as modified in this Ordinance.

**FRONT YARD** - An area bounded by the street right-of-way line, front wall of the principal building and side property lines. However, on a corner lot, the second front yard shall be an area bounded by the street right-of-way lines, side wall of the principal building and rear property line.

**REAR YARD** - An area bounded by the rear property line, rear wall of the principal building and side property lines. On corner lots, the rear yard shall be considered that area bounded by the rear wall of the principal building, the property line directly opposite the street of address, the side property line and the side wall of the principal building facing the street of nonaddress.

**SIDE YARD** - An area bounded by a side property line and the front, rear and side walls of the principal building. On corner lots, the side yard shall be considered the area between the side wall of the principal building, the property line opposite the street of non-address and the front and rear walls of the principal building.





DIAGRAM DEPICTING SELECTED ZONING TERMS AS APPLICABLE TO INTERIOR LOTS



### DIAGRAM DEPICTING CERTAIN ZONING TERMS AS APPLICABLE TO CORNER LOTS



**RSIGTRHETE-OTF-WAY**



**DIAGRAM DEPICTING CERTAIN ZONING** **TERMS AS APPLICABLE TO A DOUBLE OR REVERSE FRONTAGE LOT**

**SKETCHES OF RESIDENTIAL DWELLING TYPES**

## SINGLE FAMILY DETACHED DWELLING

### No party wall, one family, located on a single lot.

**SINGLE FAMILY SEMI-DETACHED DWELLING**



One party wall, one family per dwelling; each dwelling located on a single lot.

**SINGLE FAMILY ATTACHED DWELLINGS**



Two or more party walls, one family per dwelling; each dwelling located on a single lot.

**TWO FAMILY DWELLINGS**

No party wall, one unit per floor; One party wall, one family per unit,

building located on a single lot. both units located on a single lot.

**MULTI-FAMILY**

|  |  |  |  |
| --- | --- | --- | --- |
|  |  |  |  |
|  |  |  |  |

|  |  |  |
| --- | --- | --- |
|  |  |  |
|  |  |  |

Two or more party walls, three or more families; One or more party walls, four or more all units located on a single lot. families; all units located on a single

lot.

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# ARTICLE III ZONE REGULATIONS

#### SECTION 301 ZONES AND BOUNDARIES

1. **Establishment of Zones:** The Township of East Hopewell is divided into zones enumerated below and shown on the map entitled, "Zoning Map of East Hopewell Township" which map is part of this Ordinance.

A-1 Agricultural

RR Rural Residential C Commercial

FW Floodway Overlay FF Flood Fringe Overlay

FA General Flood Plain Area Overlay

1. **Boundaries of Zones:** Where uncertainty exists as to the boundaries of the zones as shown on the Zoning Map, the following rules shall apply:
   1. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
   2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
   3. Boundaries indicated a approximately following municipality limits shall be construed as following municipality limits.
   4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
   5. Boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be construed to follow such centerlines.
   6. Boundaries indicated as parallel to or extensions of features indicated in Subsections
      1. through (5) shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.
   7. Where physical or cultural features existing on the ground are at variance with those shown on the official Zoning Map or in circumstances not covered by Subsection (l) through (6), the Zoning Hearing Board shall interpret the zone boundaries.
2. **Lots Split by Boundaries of Zones:** If a lot, created after October 13, 1976, is split by a zoning boundary, the regulations for the zone in which the majority of land is located shall be applicable to the entire lot.

#### SECTION 302 USE REGULATIONS

1. **Uses Permitted:** The uses permitted in the zones established by this Ordinance and the permitted extent of these uses are as shown in Sections 303 through 306. The uses shown as permitted in each zone are the only uses permitted in that zone. Unless otherwise noted, the use or dimensional standards are the requirements for each use. However,
   1. Additional, general provisions are set forth in ARTICLE IV.
   2. Modifications to the use or dimensional requirements are set forth in ARTICLE IV.
   3. Supplementary regulations for various uses are set forth in Article V.
   4. Standards for Special Exception uses are set forth in ARTICLES VI and VII.
2. **All Other Uses:** Any use not specifically allowed elsewhere in this Ordinance shall be allowed by Special Exception in the zone or zones where, and to the extent that, similar uses are permitted or allowed by Special Exception provided that said use meets the requirements for a Special Exception and does not constitute a public or private nuisance.
3. **Accessory Uses and Structures:** Accessory uses and structures shall be permitted in conjunction with the principal uses permitted by this Ordinance and shall be further subject to the requirements for accessory uses and structures as set forth in Section 401 of this Ordinance.
4. **Uses With Nuisance Effect:** In no case is a use permitted which by reason of noise, dust, odor, appearance, or other objectionable factor creates a nuisance, hazard, or other substantial adverse effect upon the reasonable, enjoyment of the surrounding property unless otherwise allowed by law, as in the case of Agricultural Security Areas.

#### SECTION 303 AGRICULTURAL ZONE (A-1)

1. **Purpose:** The primary purpose of the Agricultural Zone is to:
   1. Identify those areas where agricultural activities should be encouraged or preserved.
   2. Provide for the preservation of natural, unpolluted drainageways, protection from flooding, preservation of open space, and conservation of the natural environment and natural resources while providing for such uses and development as are compatible with these objectives.

The land in this Zone is used primarily for agriculture; contains high quality agricultural soils; or needs protection due to the presence of steep slopes, forests, or streams and flood- prone areas.

1. **Uses by Right:** The following uses, limited to one (1) principal use per lot, are permitted by right in the A-1 Zone:
   1. Agriculture
   2. Agricultural Equipment and Machinery Sales and/or Service\*
   3. Animal Hospital
   4. Bed and Breakfast Inn\*
   5. Family Day Care Home
   6. Farm Buildings and Structures
   7. Forestation and Wildlife Preserve
   8. Grange Hall or Similar Building of a Purely Agricultural Organization
   9. Greenhouse, Horticultural Nursery\*
   10. Group Home
   11. Keeping of Livestock, Small Animals and\or Poultry\*
   12. No-impact home-based business as an accessory use to a residential dwelling (See Section 517)
   13. Neighborhood Grocery or Convenience Store\*
   14. Riding Academy, Boarding Stable\*
   15. Sawmill Operation\*
   16. Service Station\*
   17. Single Family Detached Dwelling
   18. Small Engine Sales and/or Service\*

\* Additional regulations for these uses are set forth in ARTICLE V, Supplementary Regulations, of this Ordinance. Any use by right to which the additional supplementary regulations of Article V apply shall require the issuance of a Certificate of Use and Occupancy in accordance with the provisions of Section 801-b) of this Ordinance.

1. **Uses by Special Exception:** The following uses, limited to one (1) principal use per lot, shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in ARTICLES VI AND VII of this Ordinance.
   1. Airstrip, Airport
   2. Campground, Recreational Vehicle Park
   3. Cemetery
   4. Club Room, Club Grounds, Lodge, Meeting Hall
   5. Cluster Housing Development
   6. Concentrated Animal Feeding Operation (CAFO)
   7. Communication Transmitting and Receiving Facility
   8. Domiciliary Care Home
   9. Extractive Operation
   10. Group Day Care Home
   11. Half-Way House
   12. Helistop, Heliport
   13. Home Occupation
   14. House of Worship
   15. Junk Yard, Automobile Dismantling Plant
   16. Kennel
   17. Mobilehome Park
   18. Multi-Family or Two Family Conversion
   19. Nonprofit Recycling Collection Center
   20. Outdoor Trap, Skeet, Rifle, Pistol or Archery Range
   21. Park or Other Recreation Area of a Nonprofit Nature, unless required as part of a Subdivision
   22. Personal Care Boarding Home
   23. Public Buildings and Facilities
   24. Public Utility Building and/or Service Structure
   25. Temporary Outdoor Amusement or Event
   26. Principal Use as Accessory Use
2. **Lot Area and Width:** Lot area and lot width consistent with the following dimensions shall be provided for each principal use hereafter established in the A-1 Zone:
   1. Minimum Lot Area - One (1) acre (43,560 sq. ft.).
   2. Minimum Lot Width -
      1. At the Street Line - One hundred twenty-five (125) feet.
      2. At the Minimum Required Front Setback Line - One hundred fifty (150) feet.
3. **Setbacks:** Each lot shall provide front, side and rear setbacks not less than the following:
   1. Front Setback - All Structures, Fifty (50) feet.
   2. Each Side Setback - Principal Structures, Thirty (30) feet.

Accessory Structures, Fifteen (15) feet.

* 1. Rear Setback - Principal Structures, Thirty (30) feet.

Accessory Structures, Fifteen (15) feet.

1. **Height:** The height limit for a principal building or structure shall be forty (40) feet. The height limit for an accessory building or structure shall be two (2) stories, but not over twenty-five (25) feet. However, in the case of farm buildings, there shall be no height limitation.

In addition, no building or structure shall be constructed which will cast a shadow on the south facing wall of any dwelling between the hours of nine (9:00) a.m. and three (3:00)

p.m. on any winter solstice day (December 21st).

1. **Lot Coverage:** Not more than thirty (30) percent of the lot area may be covered with an impervious surface.
2. **Development Restrictions:** In order to protect agricultural land, the subdivision of properties shall be limited according to the requirements of Sections 401 and 402 of this Ordinance.
3. **Road Frontage:** All lots shall front for their full required width upon an existing Township or State road or an approved private street that meets the requirements of Section 411-e) of this Ordinance, or shall meet the requirements for panhandle lots as set forth in Section 303-j) below.
4. **Panhandle Lots:** If subdivision is otherwise permitted by this Ordinance, two (2) panhandle lots may be created on each parcel of land, as it existed on October 13, 1976, for any principal use permitted in this Zone. Additional panhandle lots are permitted, provided no more than two (2) panhandle lots shall be allowed for every five (5) lots created on a parcel of land as it existed on October 13, 1976.

Each panhandle lot created shall meet the following requirements:

* 1. The "handle" shall not be included in determining whether lot area requirements have been met.
  2. The "handle" shall not be used in determining the placement of required setback lines. The required minimum front setback shall be measured from, and lot width shall be measured along, the lot line (other than the street line) most nearly parallel to the street from which access is taken.
  3. The width of the "handle" shall be thirty (30) feet.
  4. A maximum of two (2) contiguous "handles" are permitted at the public or private street line.
  5. Location - At the point where it enters the street, a "handle" shall be:
     1. At least forty (40) feet from any street intersection, including T-intersections on either side of the road, as well as crossroads.
     2. As far as possible from a curve in the road.
     3. At least five (5) feet from a fire hydrant, catch basin or drain inlet.
  6. The driveway for a panhandle lot must conform to the requirements of Section 411-c) of this Ordinance.

#### SECTION 304 RURAL RESIDENTIAL ZONE (RR)

1. **Purpose:** The purpose of the Rural Residential Zone is to:
   1. Preserve the rural quality of the community.
   2. Conserve the natural environment.
   3. Provide for the orderly development of residential areas.
   4. Minimize the impact of residential development on highways, community facilities and services, agricultural land and the rural quality of the community.
2. **Uses by Right:** The following uses, limited to one (1) principal use per lot, are permitted by right in the RR Zone:
   1. Agriculture
   2. Bed and Breakfast Inn
   3. Family Day Care Home
   4. Farm Buildings
   5. Forest and Wildlife Preserve
   6. Grange Hall or Similar Building of a Purely Agricultural Organization
   7. Greenhouse, Horticultural Nursery\*
   8. Group Home
   9. Keeping of Livestock, Small Animals and/or Poultry\*
   10. No-impact home-based business as an accessory use to a residential dwelling (See Section 517)
   11. Single Family Dwelling\*
   12. Two Family Dwelling

\* Additional regulations for a Greenhouse, Horticultural Nursery; Keeping of Livestock, Small Animals and/or Poultry; and Single Family Attached Dwellings are set forth in ARTICLE V, Supplementary Regulations, of this Ordinance. Any use by right to which the additional supplementary regulations of Article V apply shall require the issuance of a Certificate of Use and Occupancy in accordance with the provisions of Section 801-b) of this Ordinance.

1. **Uses by Special Exception:** The following uses, limited to one (1) principal use per lot, shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in ARTICLES VI and VII of this Ordinance.
   1. Cemetery
   2. Club Room, Club Grounds, Lodge, Meeting Hall
   3. Cluster Housing Development
   4. Domiciliary Care Home
   5. Group Day Care Home
   6. Group Quarters
   7. Home Occupation
   8. House of Worship
   9. Mobilehome Park
   10. Multi-Family Dwelling(s)
   11. Multi-Family or Two Family Conversion
   12. Neighborhood Grocery or Convenience Store
   13. Nonprofit Recycling Collection Center
   14. Outdoor Commercial Recreational Establishment
   15. Park or Other Recreation Area of a Nonprofit Nature, unless required as part of a Subdivision
   16. Public Buildings and Facilities
   17. Public Utility Building and/or Service Structure
   18. Racquet Sports Club, Health Club
   19. Rooming House, Boarding House
   20. Service Station
   21. Temporary Outdoor Amusement or Event
   22. Principal Use as Accessory Use
2. **Lot Area and Width:** Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in the RR Zone:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Public Water  and Sewer | Public  Sewer | Public  Water | On-site Water  and Sewer |
| 1. Single Family Semi-Detached & Two Family Dwellings. For  each dwelling unit: |  |  |  |  |
| Minimum | 15,000 | 20,000 | 20,000 | 1 acre |
| Lot Area | sq. ft | sq. ft. | sq. ft. | 43,560 sq. ft. |
| Minimum Lot Width at required  minimum front setback | 80 ft. | 100 ft. | 100 ft. | 150 ft. |
| at street line | 60 ft. | 60 ft. | 60 ft. | 100 ft. |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 2. All other uses: | Public Water  and Sewer | Public  Sewer | Public  Water | On-site Water  and Sewer |
| Minimum | 20,000 | 25,000 | 40,000 | 1 acre |
| Lot Area | sq. ft. | sq. ft. | sq. ft. | 43,560 sq. ft. |
| Minimum Lot Width at required  minimum front setback | 100 ft. | 100 ft. | 150 ft. | 150 ft. |
| at street line | 60 ft. | 60 ft. | 100 ft. | 100 ft. |

1. **Setbacks:** Each lot shall provide front, side and rear setbacks not less than the following:
   1. Front Setback - All Structures, Forty-five (45) feet.
   2. Each Side Setback:
      1. With Public Sewer - Principal Structures, Fifteen (15) feet.

Accessory Structures, Five (5) feet.

* + 1. With On-Site Sewer - Principal Structures, Thirty (30) feet.

Accessory Structures, Ten (10) feet.

* 1. Rear Setback - Principal Structures, Thirty (30) feet.

Accessory Structures, Ten (10) feet.

1. **Height:** The height limit for a principal building or structure shall be forty (40) feet. The height limit for an accessory building or structure shall be two (2) stories, but not over twenty-five (25) feet. No dwelling shall be less than one (1) story in height. However, in the case of farm buildings, there shall be no height limitation.

In addition, no building or structure shall be constructed which will cast a shadow on the south facing wall of any dwelling between the hours of nine (9:00) a.m. and three (3:00)

p.m. on any winter solstice day (December 21st).

1. **Lot Coverage:** Not more than forty-five (45) percent of the lot area may be covered with an impervious surface.
2. **Development Restrictions:** In order to preserve the rural quality of the community, the subdivision of properties shall be limited according to the requirements of Section 401 of this Ordinance.
3. **Road Frontage:** All lots shall front for their full required width upon an existing Township or State road or an approved private street that meets the requirements of Section 411-e) of this Ordinance, or shall meet the requirements for panhandle lots as set forth in Section 304-
4. below.
5. **Panhandle Lots:** If subdivision is otherwise permitted by this Ordinance, two (2) panhandle lots may be created on each parcel of land, as it existed on October 13, 1976, for any principal use permitted in this Zone. Additional panhandle lots are permitted, provided no more than two (2) panhandle lots shall be allowed for every five (5) lots created on a parcel of land as it existed on October 13, 1976.

Each panhandle lot created must meet the following requirements:

* 1. The "handle" shall not be included in determining whether lot area requirements have been met.
  2. The "handle" shall not be used in determining the placement of required setback lines. The required minimum front setback shall be measured from, and lot width shall be measured along, the lot line (other than the street line) most nearly parallel to the street from which access is taken.
  3. The width of the "handle" shall be thirty (30) feet.
  4. A maximum of two (2) contiguous "handles" are permitted at the public or private street line.
  5. Location - At the point where it enters the street, the "handle" shall be:
     1. At least forty (40) feet from any street intersection, including T-intersections on either side of the road, as well as crossroads.
     2. As far as possible from a curve in the road.
     3. At least five (5) feet from a fire hydrant, catch basin or drain inlet.
  6. The driveway for a panhandle lot must conform to the requirements of Section 411-c) of this Ordinance.

#### SECTION 305 GENERAL COMMERCIAL ZONE (GC)

1. **Purpose:** The purpose of the General Commercial Zone is to provide for the development of retail and general business establishments which serve the needs of Township residents and surrounding areas. This Zone is also intended to permit industrial development that is compatible with the surrounding residential and agricultural areas.
2. **Uses by Right:** The following uses, limited to one (1) principal use per lot, except as provided for in Subsection i) of this Section, are permitted by right in the GC Zone:
   1. Adult or Child Day Care Center, Nursery School\*
   2. Agriculture
   3. Animal Hospital, Veterinary Office\*\*
   4. Apartment in Conjunction with a Commercial Establishment
   5. Caretaker or Watchman Dwelling
   6. Cemetery\*
   7. Club Room, Club Grounds, Lodge, Meeting Hall\*\*
   8. Commercial School\*\*
   9. Eating Establishment\*\*
   10. Farm Buildings
   11. Funeral Home\*\*
   12. Greenhouse, Horticultural Nursery\*\*
   13. Heavy Storage, Sales and/or Service (ex: Building Material Yard, Warehouse, Commercial Vehicles, Busses, Construction Equipment)\*\*
   14. Hotel, Motel\*\*
   15. House of Worship\*\*
   16. Indoor Commercial Recreational Establishment\*\*
   17. Keeping of Livestock, Animals and/or Poultry\*
   18. Medical Clinic\*\*
   19. Parking Lot, Parking Garage
   20. Personal Service Shop\*\*
   21. Professional, Business or Contractor's Office\*\*
   22. Public Buildings and Facilities\*\*
   23. Public Utility Building and/or Service Structure\*
   24. Research and Development Laboratory\*\*
   25. Retail Store or Shop\*\*
   26. Wholesale Establishment\*\*

\* Additional regulations for these uses are set forth in ARTICLE V, Supplementary Regulations, of this Ordinance.

\*\* Additional regulations for these uses are set forth in Section 510, Other Commercial and Public Uses, of ARTICLE V, Supplementary Regulations, of this Ordinance.

Any use by right to which the additional supplementary regulations of Article V apply shall require the issuance of a Certificate of Use and Occupancy in accordance with the provisions of Section 801-b) of this Ordinance.

1. **Uses by Special Exception**: The following uses, limited to one (1) principal use per lot, except as provided for in Subsection i) of this Section, shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in ARTICLES VI and VII of this Ordinance.
   1. Adult Oriented Facility
   2. Chemical Manufacturing, Processing and/or Storage Operations
   3. Communication Transmitting and Receiving Facility
   4. Convalescent Home, Nursing Home, Hospital
   5. Industrial Activities involving -- manufacturing, processing, packaging, printing, publishing, production, repair or testing of materials, goods and products including those industries performing conversion and assembly, industrial laundries, and the repair of large appliances and equipment.
   6. Industrial Park
   7. Kennel
   8. Mini-Storage Facility
   9. Nonprofit Recycling Collection Center
   10. Personal Care Boarding Home
   11. Service Station
   12. Shopping Center or Mall
   13. Solid Waste Processing and/or Disposal Facility
   14. Truck or Motor Freight Terminal
   15. Vehicle Sales, Service and/or Repair Facility
   16. Vehicle Washing Facility
   17. Wholesale Vehicle Sales Terminal or Auction
   18. Principal Use as Accessory Use
2. **Lot Area and Width:** Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in the GC Zone:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Public Water  and Sewer | Public  Sewer | Public  Water | On-site Water  and Sewer |
| Minimum | 10,000 | 15,000 | 32,000 | 1 acre |
| Lot Area | sq. ft. | sq. ft. | sq. ft. | 43,560 sq. ft. |
| Minimum Lot Width At the Minimum Required Front Setback | 80 ft. | 80 ft. | 100 ft. | 150 ft. |
| At the Street Line | 60 ft. | 60 ft. | 80 ft. | 100 ft. |

1. **Setbacks:** Each lot shall provide front, side and rear setbacks not less than the following:
   1. Front Setback - All Structures, Thirty (30) feet.
   2. Each Side Setback - All Structures, Fifteen (15) feet.
   3. Rear Setback - All Structures, Twenty (20) feet.
2. **Height:** The height limit for all structures shall be forty (40) feet, except in the case of farm buildings, in which case there shall be no height limitation.
3. **Lot Coverage:** Not more than eighty-five (85) percent of the lot area may be covered with an impervious surface.
4. **Road Frontage:** All lots shall front for their full required width upon an existing Township or State road or an approved private street that meets the requirements of Section 411-e) of this Ordinance.
5. Two (2) or more independent uses permitted in this Zone may be established within a single principal building provided that the regulations established in this Ordinance for each individual use are satisfied, e.g. parking, special exception provisions or supplementary regulations. The principal building itself, however, shall be considered as a unit for purposes of lot area, lot width and setback requirements; such provisions shall not be cumulative for the individual uses established.
6. **No-Impact Home-Based Business:** A no-impact home-based business shall be permitted as an accessory use for any residential dwelling in this Zone.

#### SECTION 306 FLOODPLAINS

1. In addition to the provisions of this Zoning Ordinance, all portions of properties in the Township which are located in a floodplain area as identified in the Federal Emergency Management Agency (FEMA) 2009 Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) or as defined in the East Hopewell Township Floodplain Management Ordinance of 2009 or its successors, shall also be subject to and regulated by the provisions of the East Hopewell Township Floodplain Management Ordinance of 2009 or its successors.
2. To the extent the Township's Floodplain Management Ordinance of 2009 or its successors is more restrictive than, or conflicts with, this Zoning Ordinance, the provisions of the Township's Floodplain Management Ordinance of 2009 or its successors shall apply. To the extent that there is no conflict, or the provisions of this Zoning Ordinance are more restrictive, the provisions of this Zoning Ordinance shall apply.
3. Activities in the floodplain as identified in FEMA's 2009 Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) are regulated by the Pennsylvania Flood Plain Management Act, 32 P.S. §679.101 et seq. (PFPMA), and the Township's Floodplain Management Ordinance of 2009 or its successors. Pursuant to §204 of the PFPMA, the standards of the National Flood Insurance Program (NFIP) shall be deemed the minimum standards for the management of properties in the floodplain as defined and identified in the FIS, FIRMs, and/or the Township's Floodplain Management Ordinance of 2009 or its successors, and the power of the Board of Supervisors or any other body to grant waivers, variances, or other relief from the provisions of the Floodplain Management Ordinance of 2009 or its successors pursuant to this Zoning Ordinance shall be limited to those minimum requirements of the NFIP, as provided in §204 of the PFPMA, and the Township's Floodplain Management Ordinance of 2009 or its successors.

# ARTICLE IV GENERAL PROVISIONS

#### SECTION 401 DEVELOPMENT RESTRICTIONS

1. **Type of Use:** The subdivision or development of properties in the Agricultural and Rural Residential Zones for any use, including new streets, access drives, driveways, "handles" of panhandle lots, and other development related improvements, shall be limited according to the regulations set forth in this Section. However, the following uses and/or subdivisions shall be exempted from those regulations:
   1. Agricultural uses not involving any new residences. (See Section 402).
   2. Minor boundary adjustments involving a land area of one-half (1/2) acre or less.
   3. Revisions to recorded plans necessary to correct minor errors of closure on the original plan and similar corrective measures.
2. **Size of Parcel:** The total area permitted to be subdivided and/or developed shall be based on the total area of each single parcel separately identified in the records of the County Recorder of Deeds on October 13, 1976, except as follows:

When a parcel of land is split by a zoning boundary, the maximum area permitted to be subdivided and/or developed in the Agricultural Zone shall be determined by utilizing only the acreage within the Agricultural Zone; likewise, the maximum area permitted to be subdivided and/or developed in the Rural Residential Zone shall be determined by utilizing only the acreage in the Rural Residential Zone. The parcel's development area shall then be determined by utilizing the combined maximum acreages permitted to be subdivided and/or developed within each respective zone. Any portion of the parcel within the General Commercial Zone shall not apply, and such portion shall be regulated according to applicable regulations for that zone.

#### Method of Calculating:

* 1. Agricultural (A-1) Zone, Parcels of Twenty (20) Acres or More

a. Maximum Area of Parcel Permitted to be Subdivided and/or Developed: No more than ten percent (10%) of the total parcel area, as defined in Subsection b) of this Section, may be subdivided and/or developed for the purposes stated in Subsection

* + 1. of this Section.

For example, 10% of a 109 acre parcel of land equals 10.9 acres permitted to be subdivided and/or developed for nonagricultural purposes. The 10.9 acres is referred to as the parcel's development area.

1. Maximum Number of Development Lots that could be Subdivided: Since the minimum lot size in the Agricultural Zone is one (1) acre, the maximum number of lots that could be subdivided is equal to ten percent (10%) of the total parcel acreage, minus any fraction over a whole. The resulting number of lots is referred to as the parcel's development lot quota.

For example, for a parcel of 109 acres, 10% of 109 equals a development quota of

10.9 acres. Dropping the fraction, the parcel's development lot quota is 10. As such, 10 lots could potentially be subdivided, provided that the total area of those lots does not exceed the parcel's development area. However, as an example, if only 2 lots were subdivided for the purposes stated in Subsection a) of this Section, containing 5 and 5.9 acres respectively, no further subdivision would be permitted as the entire development area has been utilized.

1. Assignment of Development Lots: There must be assigned to both the land being separated from the original parcel, and the remaining portion of the original parcel, at least one (1) of the original parcel's allocation of development lot quota, unless the remaining parcel is being permanently joined to an adjacent parcel which either contains an existing dwelling or has the right to construct at least one (1) dwelling. The lot so assigned to the remaining parcel shall be one of the development lot quota as determined by Subsection b. above.
2. Existing Buildings: If there are residential, commercial or industrial buildings on the parcel that existed as of October 13, 1976, each such building shall automatically account for one of the maximum number of lots that could be subdivided, as provided for in Subsection b. above, regardless of whether it is intended to be subdivided. However, any land area subdivided from the original parcel with such building shall not be subtracted from the ten percent (10%) development area allowed by Subsection a. above.

For example, if a maximum of 10 lots are permitted to be subdivided, and there are 2 dwellings on the original parcel that existed as of October 13, 1976, then a maximum of 8 lots could be subdivided for new development, provided that the total area of those 8 lots does not exceed the parcel's development area.

1. Subdivision Involving Existing Buildings: If a residential, commercial or industrial building that existed as of October 13, 1976 is to be subdivided from the original parcel, the land area to be conveyed shall be limited to existing improvements, driveway, garden, parking and those other lands immediately adjacent thereto which are classified by the Soil Survey of York County, Pennsylvania, issued May, 1963, as Soil Capability Units IV-7 through VIIs-2 or land that cannot be farmed

due to rock outcroppings, rock too close to the surface to permit plowing, swamps, heavily wooded areas, slopes greater that fifteen percent (15%), or similar land characteristics.

The area of the parcel so separated, however, shall not be subtracted from the ten percent (10%) development area that may be otherwise separated. However, as stated in Subsection d. above, the lot does account for one of the lots that could be subdivided.

No additional subdivision of this lot for development purposes shall be permitted, unless, at the time of its creation, a specific number of acres of development (development area) rights and a specific number of development lots (development quota) are assigned to this lot and deducted from the parcel's ten percent (10%) development area and the parcel's development quota respectively. Any such assignment of development acres and development lots must be noted on the subdivision plan.

* 1. Rural Residential (RR) Zone, Parcels of Ten (10) Acres or More

1. Maximum Area of Parcel Permitted to be Subdivided and/or Developed: No more that twenty percent (20%) of the total parcel area, as defined in Subsection b) of this Section, may be subdivided and/or developed for the purposes stated in Subsection a) of this Section.

For example, 20% of a 109 acre parcel of land equals 21.8 acres permitted to be subdivided and/or developed. This acreage is referred to as the parcel's development area.

1. Maximum Number of Development Lots that could be Subdivided: The maximum number of lots that could be subdivided shall be determined by dividing the parcel's development area by the minimum lot size permitted for the proposed use as set forth in Section 304-d) of this Ordinance, minus any fraction over a whole. The resulting number of lots is referred to a the parcel's development lot quota.

For example, assuming that neither public water nor public sewer are to be utilized, the minimum lot size, for any use, in the RR Zone would be 1 acre. Thus, for a parcel of 109 acres and a development area of 21.8 acres, the maximum number of lots would be calculated by dividing 21.8 by the 1 acre minimum lot size. The result would be 21.8, dropping the fraction, the parcel's development lot quota is 21. As such, 21 lots could potentially be subdivided, provided that the total area of those lots does not exceed the development area. However, as an example, if 4 lots, containing 5 acres, 5 acres, 5 acres and 6.8 acres respectively, are subdivided, no further subdivision would be permitted as the entire development area has been utilized.

1. Assignment of Development Lots: There must be assigned to both the land being separated from the original parcel, and the remaining portion of the original parcel, at least one (1) of the original parcel's allocation of development lot quota, unless the parcel is being permanently joined to an adjacent parcel which either contains an existing dwelling or has the right to construct at least one (1) dwelling. The lot so assigned to the remaining parcel shall be one of the development lot quota as determined by Subsection b. above.
2. Existing Buildings: If there are residential, commercial or industrial buildings on the parcel that existed as of October 27, 1984, each such building shall automatically account for one of the maximum number of lots that could be subdivided, as provided for in Subsection b. above, regardless of whether it is intended to be subdivided. However, any land area subdivided from the original parcel with such building shall not be subtracted from the twenty percent (20%) development area.

For example, if a maximum of 10 lots are permitted to be subdivided, and there are 2 dwellings on the original parcel that existed as of October 27, 1984, then a maximum of 8 lots could be subdivided for new development, provided that the total area of those 8 lots does not exceed the parcel's development area.

1. Subdivision Involving Existing Buildings: If a residential, commercial or industrial building, that existed as of October 27, 1984, is to be subdivided from the original parcel, the area of the lot so created shall not be subtracted from the twenty percent (20%) development area. However, no additional subdivision of the lot so created for development purposes shall be permitted, unless, at the time of its creation, a specific number of acres of development (development area) rights and a specific number of development lots (development quota) are assigned to this lot and subtracted from the parcel's twenty percent (20%) development area and development quota respectively. Any such assignment of development acres and development lots must be noted on the subdivision plan.
2. **Agricultural (A-1) Zone, Parcels Less Than Twenty (20) Acres / Rural Residential Zone (RR), Parcels Less Than Ten (10) Acres:** On a parcel of land that existed as of October 13, 1976 and had a total area, as defined in Subsection b) of this Section, of less that twenty (20) acres in the A-1 Zone or less than ten (10) acres in the RR Zone, one (1) lot may be subdivided provided that both the lot to be subdivided and the residual lot meet all applicable requirements of this Ordinance.
3. **New Principal Buildings:** Each new principal building, except for one (1) mobilehome meeting the requirements of Section 403-e) of this Ordinance, shall be located upon a separate, approved and recorded lot whether for transfer of title or not.
4. **Location of Development Lots:** Subdividers shall make every reasonable effort to locate proposed development lots on those portions of the total parcel which offer the least potential for agricultural productivity, but which, also, are reasonable sites for the type of

use proposed. To the extent possible, new buildings shall be located on land in Soil Capability Units IVe-7 through VIIs-2 as classified by the Soil Survey of York County, Pennsylvania, issued May, 1963, or on land that cannot be farmed due to rock outcroppings, rock too close to the surface to permit plowing, swamps, heavily wooded areas, slopes greater that fifteen percent (15%), or similar land characteristics.

1. **Information Required to be on Subdivision/Land Development Plans:** Each subdivision or land development plan submitted must include the following information, in addition to that required by the Township's Subdivision and Land Development Ordinance,:
   1. The total area of the parcel as shown in the records of the County Recorder of Deeds on October 13, 1976 and the parcel's development area.
   2. A parcel history, including a listing of the subdivisions that have occurred since October 13, 1976, with a reference to the number of lots, lot area, date of approval and recording data for each subdivision. The location of each lot shall be indicated on a deed plotting of the parcel as it existed on October 13, 1976.
   3. The total area that has been subdivided since October 13, 1976, and the number of acres remaining in the parcel's development area.
   4. A note stating the development lot quota; the number of lots subdivided since October 13, 1976; the number of lots assigned to any existing buildings and/or remaining acreage; and the maximum number of lots remaining to be subdivided. If no development lots are remaining, it shall be noted as such on the plan.
   5. Soil types and classifications as mapped in the Soil Survey of York County, Pennsylvania, issued May, 1963 (available from the York County Conservation District) shall be shown for the entire parcel from which the subdivision is proposed to be made. This mapping shall be made at a scale of one (1) inch equals no more than four hundred (400) feet.
2. **Transfer of Development Rights:** The right to develop a specific number of acres of land may be transferred from one parcel to another parcel if **all** of the following conditions are satisfied:
   1. Both parcels are located in the Agricultural (A-1) Zone; both parcels are located in the Rural Residential (RR) Zone; or the transferor parcel is located in the Agricultural (A-

1) Zone and the receiving parcel is located in the Rural Residential (RR) Zone.

* 1. The parcels are owned by the same land owner(s) at the time of the transfer.
  2. The parcels are contiguous. Land shall be considered contiguous even though separated by public or private roads.
  3. When transferring development rights, the owner(s) shall make every reasonable effort to transfer only those portions of the total parcel area which offer the least potential for agricultural productivity, but which are also reasonable sites for development.
  4. The owner(s) must submit a plan showing the exact location of both parcels, as well as all information required by Subsection g) of this Section. In addition, the specific number of acres of the parcel's development area, and the specific number of the parcel's development lots (development quota), to be transferred must be noted.
  5. Contemporaneously with the filing of a plan as required in paragraph 5. above, the owners must submit an Agreement in recordable form, to be approved by the Township, which allocates and transfers the development area/quota. No such transfer of development area/quota shall be considered effective until the Agreement is recorded in the Office of the Recorder of Deeds of York County, Pennsylvania, which recordation must take place within sixty (60) days of the date of the approval of same by the Township.

#### SECTION 402 SUBDIVISION OF LAND FOR AGRICULTURAL PURPOSES (NOT INVOLVING ANY RESIDENCES) IN THE AGRICULTURAL (A-1) ZONE OR RURAL RESIDENTIAL (RR) ZONE

1. In order to preserve parcels of land in agriculturally viable units, no subdivision of land for agricultural purposes shall be permitted in the Agricultural (A-1) or Rural Residential (RR) Zones resulting in the creation of any lot containing less than twenty (20) acres, except as follows:
   1. A transfer of land will be allowed when land so transferred is from a parcel which, prior to transfer contained less than twenty (20) acres and is transferred to another parcel which will, after transfer, contain at least as many acres as were contained in the parcel from which the land was transferred provided, however, that the land transferred to a parcel pursuant to this Subsection shall not subsequently be separated from such receiving parcel, unless further subdivision approval is procured from the Township.
   2. A transfer of land will be allowed for minor boundary adjustments involving a land area of one-half (1/2) acre or less.
   3. A transfer of land will be allowed for revisions to a recorded plan which are necessary to correct minor errors of closure on the original plan or which involve similar corrective measures.

#### SECTION 403 ACCESSORY USES AND STRUCTURES

1. **Attached Structures:** Any accessory structure, attached to a principal structure, is considered a part of the principal structure for all regulatory purposes.
2. **Nonattached Structures:** Any accessory structure, standing apart from the principal structure, is considered a part of the principal structure for all regulatory purposes, except when this Ordinance lists separate requirements for accessory structures. Except as provided for in Subsection e) of this Section,
   1. No apartments, or other living quarters, shall be permitted in an accessory structure; and
   2. No mobilehome, or structure that has been built and titled under the Pennsylvania Motor Vehicle Code (e.g. recreational vehicle, truck trailer), shall be used as an accessory structure on any lot on which the principal use is residential.
   3. Nonattached structures shall be permitted only in the side and rear yard, and shall not be permitted in the front yard, as those terms are defined in this Ordinance, except as modified by Section 405 b) and c).
3. **Fences and Walls:** In all zones, fences and walls, except a retaining wall or wall of a building, must comply with the following provisions:
   1. On any lot used for residential purposes, no fence or wall shall be erected to a height of more than three and one-half (3 1/2) feet in a front yard, or more than six (6) feet in a side or rear yard.
   2. For all other uses, no fence or wall shall be erected to a height of more than eight (8) feet, unless otherwise specified in this Ordinance.
   3. A fence or wall may be located up to, but not on, the lot line.
   4. A clear sight triangle must be maintained at all street intersections.
4. **Farm Produce Stands:** The sale at retail of agricultural products is permitted in any zone on the property where they were produced subject to the following regulations:
   1. A farm produce stand may be located in any yard area provided that it is at least ten

(10) feet from any property or street line.

* 1. When located in a Rural Residential Zone, such stands must be removed when products are no longer on sale.
  2. Agricultural products not produced on the property where sold, may be sold provided that:
     1. Not more than twenty-five percent (25%) of the annual gross sales consists of agricultural products not grown on the property; and
     2. The sale of such products is clearly accessory to the principal use.

1. **Mobilehome for Family Member or Employee:** On a property two (2) acres or more in area, on which there is one (1) existing dwelling unit, one (1) mobilehome may be placed to house employees or family members when the following conditions are met:
   1. The persons who are to live in the accessory mobilehome are immediate family members (grandparents, parents, children, grandchildren) and a genuine physical or medical hardship exists which requires that the occupant of the existing dwelling, or mobilehome for which the permit is issued, live in close proximity with the owner of the parcel of land on which the mobilehome is placed; or that the persons are full-time farm employees of the owner-occupant of the primary dwelling. A notarized affidavit that this requirement is being met shall be submitted to the Township prior to the issuance of a permit or permit renewal.
   2. The mobilehome shall be at least thirty (30) feet from the primary dwelling.
   3. The mobilehome shall be connected to separate sewage disposal facilities. The applicant shall submit a Planning Module for Land Development, as required by the Pennsylvania Department of Environmental Resources, and, if required, obtain a sewage permit from the Township Sewage Enforcement Officer.
   4. The mobilehome shall be connected to a potable water system.
   5. The owner shall obtain a permit from the Township. The permit shall be null and void if the owner does not submit a request for renewal, including a notarized affidavit stating that the residents are family members and that the physical or medical hardship continues to exist, or that the residents are full-time farm employees, as required by Subsection 1. above, by January 31st of each year; or if one (1) of the above requirements is violated.
   6. The owner shall remove the mobilehome within ninety (90) days of the date that the permit expires.

#### Outdoor Swimming Pools:

The following regulations apply to any outdoor pool or open tank capable of containing water to a depth greater than one and one-half (1½) feet:

* 1. Every outdoor swimming pool shall conform to all applicable requirements of State law.
  2. An outdoor swimming pool is permitted in any yard area, except the front yard area, provided that it is at least twenty (20) feet from the side and rear property lines and not located within any required front setback area.
  3. Every in-ground swimming pool must be completely surrounded by a fence or wall that has a height of not less than four (4) feet above the ground. The fence or wall shall be constructed so as not to have openings, holes or gaps larger than six (6) inches in any dimension. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.
  4. Every above-ground swimming pool shall meet one (1) of the following provisions:
     1. In cases where the top of the pool, at all points, is at least four (4) feet above the ground level, such pool shall be equipped with a removable or retractable ladder which must be removed or retracted when not in use, unless surrounded by a separate fence or wall meeting the requirements of Subsection 3. above.
     2. In cases where any portion of the pool is less than four (4) feet above the ground level, or if a deck and steps are constructed, a separate fence or wall, meeting the requirements of Subsection 3. above, must be provided.
  5. Every spa and hot tub must be surrounded by a fence or wall meeting the requirements of Subsection 3. above, unless covered by a rigid, secure cover which eliminates potential access by children and unauthorized persons.
  6. All fences, walls, doors, gates and ladders, required per this Section, shall be maintained in good condition and not allowed to become dilapidated.
  7. Water shall not be discharged from any swimming pool onto any public street or alley.
  8. Agricultural use ponds shall be excluded from the above requirements.

1. **Satellite Dish Antenna:** Any accessory structure capable of receiving, for the sole benefit of the principal use, radio or television signals from a transmitter or transmitter relay located in planetary orbit shall be subject to the following constraints:
   1. Such devices shall not be placed within or extend into any required setback area.
   2. Satellite dish antenna with diameter of six (6) feet or more shall not be permitted in the front yard area of any dwelling.
   3. Installation of satellite dish antenna with a diameter of six (6) feet or more will require a zoning permit.
   4. No ground-mounted satellite dish antenna used for residential purposes shall exceed an overall diameter of twelve (12) feet or an overall height of fifteen (15) feet.
2. **Solar and Wind Energy Facilities:** Solar or wind energy systems, either as part of a structure or as an independent structure providing a significant fraction of the electricity, space heating, space cooling or domestic hot water heating for a permitted use in any zone, shall be permitted as accessory uses subject to the following constraints:
   1. Solar Energy Systems
      1. Height - No solar energy system located on the ground shall exceed a height of fifteen (15) feet. Components of a solar energy system such as solar energy collection equipment, reflectors or storage tanks extending no more than eight (8) feet above the highest point of the roof.
      2. Lot Coverage - The maximum ground coverage of a structure supporting a solar collector shall not exceed twenty-five percent (25%) of the area of the ground floor of the principal building. Solar collectors and/or solar energy systems, however, shall not be included in the lot coverage calculations provided their installation will not create adverse storm water problems and will not significantly detract from the groundwater recharge potential of the immediate vicinity.
      3. Front Setback - Architectural features needed for the operation of active or passive solar energy systems including, but not limited to, canopies, eaves, overhangs, detached solar collectors, reflectors, piping and movable insulation, may extend up to ten (10) feet into the required front setback areas when such devices are a functional component of the space heating or domestic hot water system of the principal building on the lot.
      4. Side and Rear Setbacks - Solar energy systems can be located within five (5) feet of a side or rear property line provided that no portion of the structure, or architectural features needed for operation of the system, projects over the property line; its location does not interfere with sight distance at street intersections; and that existing solar energy systems will not be substantially impaired by shadowing more than ten percent (10%) of the collector area between nine (9:00) a.m. and three (3:00) p.m. on a clear winter solstice (December 21) day.
      5. Appearance of System - Solar energy systems must be reasonably installed and sited in the most aesthetic and architecturally compatible method possible, whether as part of a structure or incidental to a structure or group of structures nearby.
   2. Wind Energy Systems
      1. Setbacks - The setback from any lot line must be equal to the height of the tower, plus the length of the longest extension of the rotor plus ten (10) feet.
      2. Height - Other than the limitations imposed by the setback requirements, the height of the tower is not restricted, unless there is an adverse effect upon the character of the neighborhood or its height is in violation of any Federal, State or local laws or regulations.
      3. Access - Climbing access to the tower shall be secured from use by unauthorized persons. A system with moving parts close enough to the ground to create a safety hazard shall be surrounded by a fence six (6) feet in height and so constructed to prevent unauthorized persons from touching the system.
      4. Radio and Television Audio Interference - Any wind energy system causing interference with radio or television audio reception shall be modified to substantially eliminate such interference.

#### SECTION 404 STORAGE

1. **Recreational Vehicles, Trucks and Unregistered Vehicles:** In the Rural Residential Zone, and on primarily residential properties in the Agricultural Zone, recreational vehicles, trucks with a vehicle rating of over one (1) ton, and unregistered vehicles shall not be stored for more than three (3) days in the area between the street line and the line formed by the front wall of the principal building extended the full width of the lot. On-street parking of recreational vehicles, trucks with a vehicle rating over one (1) ton, and unregistered vehicles is prohibited in all zones.
2. **Outdoor Stockpiling:** In all zones, no outdoor stockpiling of any material (except firewood) or outdoor storage of trash is permitted in the front yard area of residences and other properties used for nonagricultural purposes. In all zones, tire stockpiles, pipes, automobile parts and similar objects and materials must be stored in an enclosed building or structure. However, in the General Commercial Zone, such materials may be stored outdoors, if screened from the view of neighboring properties.

#### Trash, Garbage, Refuse or Junk:

* 1. Except as provided in Sections 722 and 741 of this Ordinance, or other Township Ordinances, such as the Dumping Ordinance and the Junkyard Ordinance, the outdoor accumulation of trash, garbage, refuse or junk (with the exception of one (1) unlicensed vehicle) for a period exceeding thirty (30) days is prohibited in all zones.
  2. Exception for Agricultural Uses - The accumulation of discarded articles, such as old farm equipment and farm vehicles in a state of disrepair by the owner or occupier of any parcel of land, resulting only from the use of said land for agricultural purposes, shall be permitted, provided this accumulation does not endanger the health or welfare of the community.

However, the accumulation of garbage, which is defined as all table refuse and other articles and materials ordinarily used for food which have become unfit for such use or which are for any reason discarded, shall not be permitted.

1. **Underground Storage Tanks:** Any underground storage tank that is used to store a regulated substance, as defined in this Ordinance, shall be constructed of either fiberglass reinforced plastic or steel-fiberglass-reinforced-plastic composite. However, underground storage tanks that are regulated by the Pennsylvania Department of Environmental Resources and/or the U.S. Environmental Protection Agency shall be governed by the regulations established by those Agencies.

#### SECTION 405 SETBACK MODIFICATIONS

1. **Front Setback of Buildings on Built-up Streets:** Where at least two (2) buildings are:
   1. Fronting on the same side of the street as the lot in question,
   2. Within the same block as the lot in question,
   3. Setback a lesser distance than required, and
   4. Not more than one hundred (100) feet from the lot in question, the average of the lesser setbacks shall become the required minimum front setback for the lot.
2. **Setback and Yards on Corner Lots:** In the case of corner lots, two (2) front setbacks shall be provided (the second of which will exist in lieu of one (1) side setback).
   1. In addition, each yard abutting a street shall be considered a front yard, and a corner lot shall have two (2) front yards.
   2. For tracts which are used as farms as defined in this Ordinance which would otherwise be comer lots, only that portion of the tract which is accessory to the dwelling and is maintained as a lawn or similar vegetative covering, or the minimum lot width required in the zone in which the property is located (as measured from the intersection of the two streets along the minimum required front setback line), whichever is greater, shall be considered a front yard. All other portions of the tract fronting on a street shall be considered side yards for purposes of the placement and setback of buildings, whether principal or accessory.
3. **Setback on Reverse Frontage or Double Frontage Lots:** In the case of reverse frontage or double frontage lots, two (2) front setbacks and two (2) side setbacks shall be required.

For tracts which are used as farms as defined in this Ordinance which would otherwise be double frontage or reverse frontage lots, only that portion of the tract along a street which is accessory to the dwelling and is maintained as a lawn or similar vegetative cover, or the

minimum lot width required in the zone in which the property is located, whichever is greater, shall be considered a front yard. All other portions of the tract fronting on a street shall be considered side or rear yards for purposes of the placement and setback of buildings, whether principal or accessory. For purposes of such lots, the classification of front, rear, and side yards, as defined in Section 203, shall be determined by the orientation of the principal structure to the streets. Specifically, the front yard shall be considered the area between the front of the house and the street on which it fronts, and the rear and side yards shall be determined based on that same orientation.

1. **Accessory or Appurtenant Structures:** The setback regulations do not apply to the following, provided that they are not located within the clear sight triangle:
   1. Student shelters at school bus stops; telephone booths; and minor utility structures.
   2. Cornices, eaves, chimneys, steps, canopies and similar extensions. Setback regulations, however, do apply to patios, porches, decks, stoops and carports (whether covered or uncovered).
   3. Open fire escapes.
   4. Articles of ornamentation or decoration.
   5. Retaining walls.
2. **Sight Distance:** Proper sight lines must be maintained at all street intersections. Measured along the centerline of the street, there must be a clear sight triangle with sides as follows:

Street Clear Sight Triangle Side

Major Streets (Collectors) 150 feet

Minor Streets 75 feet

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

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

#### SECTION 406 HEIGHT MODIFICATIONS

The height regulations do not apply to the following projections provided that the height of any such projection above its base shall not be greater than the shortest distance measured along a horizontal plane from such base to any lot line:

1. Structures such as chimneys, standpipes, flagpoles, television antennas or radio towers.
2. Structures on buildings such as clock towers, cupolas, water tanks, and other mechanical appurtenances, if such structures, at any level, do not cover more than twenty-five percent (25%) of the roof on which they are located.
3. Parapet walls or cornices used solely for ornamental purposes, if not in excess of five (5) feet in height above the roof line.
4. Components of a solar energy system, such as solar energy collection equipment, reflectors or storage tanks, extending no more than eight (8) feet above the highest point of the roof.

d) Farm buildings.

#### SECTION 407 MINIMUM HABITABLE FLOOR AREA

All dwelling units must meet the following minimum habitable floor area requirements:

1. **Single Family and Two Family Dwellings:** Seven hundred (700) square feet per dwelling unit.
2. **All Other Dwelling Types:** Five hundred (500) square feet per dwelling unit.

#### SECTION 408 OUTDOOR SIGNS

1. **General Regulations for All Signs**
   1. Determination of Size: The size of the sign shall refer to the area of the sign facing, including any border framing or decorative attachments. In the case of open signs made up of letters, figures and designs the space between such letters, figures and designs shall be included. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and at no point are more than three (3) feet from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal size.
   2. Location/Projection of Signs:
      1. Signs must be located so that they do not interfere with any clear sight triangle as defined by this Ordinance.
      2. For all uses, an advertising sign and a business sign must be at least sixty (60) feet apart, and no sign exceeding thirty (30) square feet in area may be located within seventy-five (75) feet of a Rural Residential Zone.
      3. No sign may project over a public sidewalk area or over a public highway or street, unless specifically authorized by other Township or State regulations.
      4. All signs must be set back at least ten (10) feet from the street line, unless otherwise regulated by this Ordinance.
   3. Illumination of Signs:
      1. Flashing, rotating and intermittent lights are not permitted.
      2. Signs permitted in the Rural Residential Zone shall be illuminated only by indirect lighting and shall not be illuminated between the hours of eleven (11)

p.m. and six (6) a.m.

* + 1. A sign may be illuminated only if the lighting is so screened that it is not directed or reflected toward any residence within one hundred (100) feet, and so it does not obstruct the vision of motorists.
    2. Signs which are illuminated in the colors red, green, or amber, either by colored bulbs or tubing, or in high reflection by the use of special preparations such as fluorescent paint or glass, may not be located within a radius of two hundred

(200) feet of a highway traffic light or similar safety device or from the center of any street intersection.

* 1. Signs Painted on Buildings: Advertising painted upon, or displayed upon, a barn or other building or structure shall be regarded as an advertising sign board and the regulations pertaining thereto shall apply.
  2. Signs Within a Building: Nothing in these regulations shall be construed as prohibiting signs intended for viewing principally from within a building or signs temporarily attached to the inside face of a display window, announcing a sale or similar feature, provided that the latter shall not occupy more than thirty-three and one-third percent (33 1/3%) of the total display window area for a period not to exceed ten (10) days. Such signs shall be permitted in addition to any of the specific sign types designated on the charts to follow.
  3. Buntings and Pennants: Buntings and pennants are permitted only to announce the opening of a new business or industry, or in connection with a civic event, and must be removed after thirty (30) days.
  4. Construction and Maintenance: Signs must be constructed of durable materials, maintained in good condition, and not allowed to become dilapidated.
  5. Removal of Signs: Each sign shall be removed when the circumstances leading to its erection no longer exist.

#### Permitted Permanent Signs

Only the types of permanent signs listed on Chart A, which follows, shall be permitted throughout the Township. Permanent signs must conform to the standards set forth in Chart A as well as satisfy the general regulations of Subsection a) of this Section. Zoning permits shall be required for all permanent signs.

#### Permitted Temporary Signs

Only the types of temporary signs listed on Chart B, which follows, are permitted throughout the Township. Temporary signs must conform to the standards set forth in Chart B as well as satisfy the general regulations of Subsection a) of this Section.

#### Advertising Signs

Advertising Signs shall be permitted in the General Commercial Zone subject to the provisions of Subsection a) of this Section and the following criteria:

* 1. Only one (1) advertising sign per lot shall be permitted.
  2. No advertising sign shall exceed an overall size of one hundred fifty (150) square feet, nor exceed thirty-five (35) feet in height.
  3. No advertising sign shall be located within three hundred (300) feet of another advertising sign.
  4. All advertising signs shall be a minimum of fifty (50) feet from all side and rear property lines.
  5. All advertising signs shall be setback a minimum of thirty-five (35) feet from any street right-of-way line.
  6. No advertising sign shall obstruct the vision of motorists or adjoining commercial or industrial uses which depend upon visibility for identification.

CHART A PERMITTED PERMANENT SIGNS

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
|  | Maximum | Maximum | Minimum  Setback | Maximum | Maximum | Maximum  Projection |  |
| Number | Area | From Right | Height | Height | From Bldg. | Zones |
| Sign Type | Permitted | Permitted | Of Way | Attached | Freestand | (Att. sign) | Permitted |
| P-1: All signs & signals owned & operated by the Township | - | - | - | - | - | - | All |
| P-2: Identification and information for public & semi-public facilities; such as schools, churches, public utilities, clubs, hospitals, libraries, historical, etc. | 1 free-  s t a nd i ng an d /or 1 attached | 40 sq. ft. p e r l o t (total) | 10 ft. | Hei g h t of building | 10 ft. | 12 in. | Where use is permitted |
| P-3A: Nameplates identifying owner or resident of private property (excluding mailbox). | 1 p e r dwel l i ng unit | 12 sq. ft. per sign | 5 ft. | - | 15 ft. | 12 in. | A-1 |
| P-3B: Nameplates identifying | 1 p e r | 2 sq. ft. per | 5 ft. | - | 6 ft. | 12 in. | RR, GC |
| owner or resident of private property (excluding mailbox). | dwel l i ng unit | sign |  |  |  |  | |
| P-4: Signs indicating the private nature of a road, driveway, or other premises and signs controlling the use of private property, such as prohibition of hunting, fishing, or trespassing. | 2 per street frontage or  1 for each  100 ft. of s t r e e t fron t age, whichever is greater | 2 sq. ft. per sign | 5 ft. | - | 6 ft. | 12 in. All | |
| P-5: On-site directional signs | 2 per street | 2 sq. ft. per | 2 ft. | H ei ght of | 6 ft. | 12 in. All | |

### 63

f r ont age used as access

sign

building

PERMITTED PERMANENT SIGNS

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | | Minimum |  |  | Maximum |  |
| Maximum | Maximum | Setback | Maximum | Maximum | Projection |
| Number | Area | From Right | Height | Height | From Bldg. | Zones |
| Sign Type Permitted | Permitted | Of Way | Attached | Freestand | (Att. sign) | Permitted |

P-6: Off-site directional signs 1 per lot 2 sq. f t . per

sign

1. ft. H ei ght of building
2. ft. 12 in. A l l w i t h permission of l a n d- owner on which sign is placed. N o t o n

traffic or u t i l i t y poles.

P-7: Identification sign for a

64 residential subdivision or multi-family development

1 per street frontage

40 sq. ft. 10 ft. - 10 ft. - Where

use is permitted

P-8: Business signs for the purpose of identification of a permitted use on the property on which the use exists (excludes complexes such as shopping centers, malls, multi-use buildings, industrial parks and individual stores or businesses within such complexes)

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| P-8A: Freestanding business sign | 1 | 1 sq. ft. per 2 | 10 ft. | - 15 ft. | - A-1, RR |
|  |  | lineal ft. of |  |  |  |
|  |  | lot frontage; |  |  |  |
|  |  | not to exceed |  |  |  |
|  |  | 20 sq. ft. |  |  |  |

P-8B: Freestanding business sign 1 1 sq. ft. per

lineal ft. of lot front-age; not to

exceed 50 sq. ft.

10 ft. - 15 ft. - GC

PERMITTED PERMANENT SIGNS

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
|  | Maximum | Maximum | Minimum  Setback | Maximum | Maximum | Maximum  Projection |  |
| Number | Area | From Right | Height | Height | From Bldg. | Zones |
| Sign Type | Permitted | Permitted | Of Way | Attached | Freestand | (Att. sign) | Permitted |
| P-8C: Attached business sign | 1 per street frontage | 4 percent of the total wall area to which the sign is attached; not to exceed 20 sq. ft. per sign | - | Height of Building | - | 12 in. | A-1, RR |
| P-8D: Attached business sign | 1 per street frontage | 25 percent of the total wall area to which the sign is attached; not to exceed 50 sq. ft. per sign | - | Height of building | - | 12 in. | GC |

### 65

P-9: Business signs for shopping centers, malls, multi-use buildings and industrial parks (complexes)

P-9A: Freestanding business sign for complex

Note: Individual stores or businesses are prohibited from having individual freestanding signs

1 per street frontage

1 sq. ft. per lineal ft. of lot frontage; not to exceed 150 sq. ft. per sign

10 ft. - 15 ft. - GC

PERMITTED PERMANENT SIGNS

### 66

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
|  | Maximum | Maximum | Minimum  Setback | Maximum | Maximum | Maximum  Projection |  |
|  | Number | Area | From Right | Height | Height | From Bldg. | Zones |
| Sign Type | Permitted | Permitted | Of Way | Attached | Freestand | (Att. sign) | Permitted |
| P-9B: Attached business sign for complex | 1 per street frontage | 1 sq. ft. per lineal ft. of wall onto which sign is to be affixed,  not to exceed 100 sq. ft. | - | Height of building | - | 12 in. | GC |
| P-9C: Attached business sign for individual stores or businesses within a complex | 1 per store or business | 1 sq. ft. per lineal ft. of building frontage, not to exceed 40 sq. ft. | - | Height of building | - | 12 in. | GC |

P-10: Advertising sign -- see subsection d) of this Section -- GC

CHART B PERMITTED TEMPORARY SIGNS

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
|  | | | Minimum |  | | | |
| Setback |  |  | Maximum |  |
| Maximum | | Maximum | From | Maximum | Maximum | Projection |  |
| Number | | Area | Right -of- | Height | Height | From Bldg. | Zones |
| Sign Type Permitted | | Permitted | Way | Attached | Freestand | (Att. Sign) | Permitted |
| T-1: Signs identifying architects, engineers, | 1 per each | 6 sq. ft. per | 10 ft. | Height of | 10 ft. | 12 in. | All |
| contractors or others engaged in construction | separate firm | sign |  | building |  |  |  |
| work on the premises where their work is | involved in |  |  |  |  |  |  |
| proceeding. | work on the |  |  |  |  |  |  |
| **SIGN TO BE REMOVED UPON** | site |  |  |  |  |  |  |
| **COMPLETION OF WORK OR** |  |  |  |  |  |  |  |
| **OCCUPANCY OF THE BUILDING,** |  |  |  |  |  |  |  |
| **WHICHEVER COMES FIRST.** |  |  |  |  |  |  |  |
| 67  T-2: Real estate signs on individual | 1 per street | 6 sq. ft. per | 10 ft. or | Height of | 10 ft. | 12 in. | All |
| properties that are for sale, rent or lease, or | frontage of | sign | building face | building |  |  |  |
| which have been sold, rented or leased. | the lot |  |  |  |  |  |  |
| **SIGNS TO BE REMOVED WITHIN ONE** |  |  |  |  |  |  |  |
| **WEEK OF SALE, RENT OR LEASE** |  |  |  |  |  |  |  |
| **AGREEMENT.** |  |  |  |  |  |  |  |
| T-3: Signs announcing proposed housing | 1 per street | 6 sq. ft. per | 10 ft. or | Height of | 10 ft. | 12 in. | Where use is |
| developments, apartment complexes or | frontage | sign | building face | building |  |  | permitted |
| commercial, industrial or other non- |  |  |  |  |  |  | and |
| residential development. |  |  |  |  |  |  | development |
| **SIGNS TO BE REMOVED UPON 90%** |  |  |  |  |  |  | approved. |
| **COMPLETION OF DEVELOPMENT OR** |  |  |  |  |  |  |  |
| **WITHIN ONE YEAR OF ERECTION OF** |  |  |  |  |  |  |  |
| **THE SIGN, WHICHEVER COMES** |  |  |  |  |  |  |  |
| **FIRST.** |  |  |  |  |  |  |  |

PERMITTED TEMPORARY SIGNS

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
|  | |  | Minimum |  |  |  |  |
|  | |  | Setback |  |  | Maximum |  |
| Maximum | | Maximum | From | Maximum | Maximum | Projection |  |
| Number | | Area | Right -of- | Height | Height | From Bldg. | Zones |
| Sign Type Permitted | | Permitted | Way | Attached | Freestand | (Att. Sign) | Permitted |
| T-4: Signs advertising the | 1 per lot | 6 sq. ft. | 10 ft. or | Height of | 6 ft. | 12 in. | All |
| TEMPORARY sale of agriculture and |  | per sign | building | building |  |  |  |
| horticultural products. |  |  | face |  |  |  |  |
| **TO BE DISPLAYED ONLY WHEN** |  |  |  |  |  |  |  |
| **PRODUCTS ARE ON SALE.** |  |  |  |  |  |  |  |
| T-5: Temporary Directional signs. | - | 2 sq. ft. | 3 ft. | Height of | 3 ft. | 12 in. | All, with |
| **NOT TO EXCEED ONE WEEK** |  | per sign |  | building |  |  | permission |
| **OF PLACEMENT.** |  |  |  |  |  |  | of |
|  |  |  |  |  |  |  | landowner |
|  |  |  |  |  |  |  | on which |
| 68 |  |  |  |  |  |  | sign is placed. **Not** |
|  |  |  |  |  |  |  | **on traffic** |
|  |  |  |  |  |  |  | **or utility** |
|  |  |  |  |  |  |  | **poles.** |
| T-6: Signs announcing grand | 1 per lot | 20 sq. ft. | 30 ft. or | Height of | 10 ft. | 12 in. | All, where |
| openings, new ownership, change of | (attached or | per sign | building | building |  |  | use is |
| use, etc., on the sit of the permitted | free- |  | face |  |  |  | permitted. |
| use. | standing) |  |  |  |  |  |  |
| **SIGNS SHALL BE REMOVED** |  |  |  |  |  |  |  |
| **AFTER 7 DAYS.** |  |  |  |  |  |  |  |

T-7: Temporary signs announcing special event not normally associated with a location or a location’s use. (Does not include yard/garage sales or special business promotion sales)

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| T-7A: On the site of the event.  **NOT TO EXCEED 30 DAYS AND** | 1 per  frontage | 20 sq. ft.  per sign | 10 ft. or  building | Height of  building | 10 ft. | 12 in. All |
| **SIGN SHALL BE REMOVED** |  |  |  |  |  |  |
| **WITHIN 7 DAYS FOLLOWING** |  |  |  |  |  |  |
| **THE CONCLUSION OF THE** |  |  |  |  |  |  |
| **EVENT.** |  |  |  |  |  |  |

PERMITTED TEMPORARY SIGNS

### 69

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | | Minimum |  | | | |
| Setback |  |  | Maximum |  |
|  | Maximum Maximum | From | Maximum | Maximum | Projection |  |
|  | Number Area | Right -of- | Height | Height | From Bldg. | Zones |
| Sign Type | Permitted Permitted | Way | Attached | Freestand | (Att. Sign) | Permitted |
| T-7B: On a location away from the site of the event.  **NOT TO EXCEED 7 DAYS PLACEMENT AND MUST BE REMOVED IMMEDIATELY FOLLOWING THE EVENT.** | - 6 sq. ft. per sign | 10 ft. or building face | Height of building | 10 ft. | 12 in. | All, with the permission of the land- owner on which the sign is placed.  **Not on traffic or utility poles** |
| T-8: Signs for a political election. **SIGNS SHALL BE REMOVED BY THE POLITICAL PARTY OR CANDIDATE, WITHIN 10 DAYS FOLLOWING THE**  **PRIMARY OR GENERAL ELECTION TO WHICH THEY REFER.** | - 4 sq. ft. | 10 ft. or building face | Height of building | 10 ft. | 12 in. | All, with the permission of the land- owner on which the sign is placed.  **Not on traffic or utility poles.** |

#### SECTION 409 PARKING

1. **Purpose:** Off-street parking shall be provided to increase the safety of the streets. Required spaces shall be available throughout the hours of operation of nonresidential uses and at all times for residential uses.
2. **Size of Parking Space:** Each parking space must have an area of not less than two hundred (200) square feet, exclusive of passageways and driveways appurtenant to the space and giving access to it, and be a minimum of ten (10) feet wide by twenty (20) feet deep. Where five (5) or more parking spaces are required, the total parking area including passageways and driveways must average three hundred (300) square feet per required parking space.
3. **Spaces Required:** Off-street parking spaces must be provided for each building erected, altered, enlarged or converted, or for each principal use, whichever will result in the greater number of spaces, in accordance with the following schedule. Fractional numbers of parking spaces shall be increased to the next whole number.

Type of Use

Minimum of One Parking Space for Each

Residential Dwelling 1/2 Dwelling Unit (i.e., 2 spaces per dwelling unit)

Rooming House, Boarding House

Bedroom

Hotel, Motel Guest sleeping room

Office Building 300 sq. ft. of gross floor area

Retail Store or Shop 200 sq. ft. of gross floor area

Eating Establishments 4 seats, plus 1 for each employee on largest shift Miniature Golf Course hole

Bowling Alley, Billiard Room 1/4 lane/table (i.e., 4 spaces per lane/table) Golf Course 1/4 hole (i.e., 4 spaces per hole)

Other Indoor Recreational Establishments

100 sq. ft. of gross floor area

Minimum of One

Type of Use Parking Space for Each Other Outdoor Recreational Uses 500 square feet of active use area

Vehicle Repair, Service Station 400 sq. ft. of gross floor area and ground area

devoted to repair and service facilities Other Commercial Buildings 400 sq. ft. of gross floor area Hospital, Sanitarium 1/2 bed (i.e., 2 spaces per bed)

Auditorium, House of Worship, Theater & Other such places of Public Assembly

200 sq. ft. of gross floor area but not less than 1 space per each 4 seats

Schools Staff member plus one (1) space per class room in an elementary or junior high school and one (1) space per five (5) students of projected building capacity in a senior high school or college.

Industrial & Heavy Commercial Establishments

1 1/2 employees on major shift but at least 1 space for each 5,000 sq. ft. of gross floor area

Shopping Center or Mall 180 sq. ft. of gross leasable floor area

Funeral Home 100 sq. ft. of gross floor area

Open Areas Used For Commercial Purposes, e.g. Outdoor Sales, Vehicle Sales

20% of lot area devoted to the use to be reserved for employee and customer parking

Clubs, Lodges and Other Similar Places

200 sq. ft. of gross floor area

Kennel 5 boarding spaces, plus 1 for each employee of the largest shift

#### Location

* 1. Except as restricted elsewhere in this Ordinance, a ground-level parking area/lot for multi-family and non-residential uses is permitted in any yard area provided that it is at least ten (10) feet from any street or property line.
  2. The parking area/lot must be on the same or nearby premises. If on nearby premises:
     1. The nearest point of the parking area/lot shall be not further than the following distances to the nearest point of the property served: one hundred

(100) feet in the case of a commercial use, three hundred (300) feet in the case of an industrial use, and two hundred (200) feet in the case of a residential use.

* + 1. The parking area/lot must remain under control of the owner or operator of the use to which the parking area/lot is appurtenant. A written agreement granting the owner or operator use and control of the parking area must be filed with the Township.

1. **Layout:** Every parking area/lot shall be:
   1. Connected to a street by means of an access drive.
   2. Arranged so there will be no need for motorists to back over public rights-of-way, except in the case of single family and two family residential uses.
   3. Designed to provide for the orderly and safe parking and storage of vehicles.
2. **Separation from Streets and Sidewalks:** For multi-family and nonresidential uses, where a parking area or other area open to movement of vehicles abuts the right-of-way of a public street, sidewalk or walkway, a pipe railing, post and chain barricade, raised curbs, planting strip at least twenty (20) feet wide, or equally effective devices satisfactory to the Township Engineer must line the public right-of-way, sidewalk or walkway, except at access points, so that parked vehicles will not extend into the street right-of-way, sidewalk or walkway.
3. **Surfacing:** All parking areas/lots shall be surfaced with gravel, concrete, bituminous, or other material acceptable to the Township Engineer, in order to provide a durable and dustless surface.
4. **Drainage:** All parking lots shall be drained so as to prevent damage to other properties or public streets. All parking lots shall be designed to prevent the collection of standing water on any portion of the parking lot surface. A parking lot for more than five (5) vehicles must be approved by the Township Engineer relative to grading and drainage.
5. **Lighting:** Adequate lighting shall be provided if the parking lot is to be used at night. Such lighting shall be arranged so as not to reflect, or cause glare, on adjoining properties or streets.

#### SECTION 410 LOADING

1. **Spaces Required:** Any building erected, converted or enlarged for any nonresidential use shall provide adequate off-street areas for the loading and unloading of vehicles. Such areas shall be in addition to, and independent of, any parking area requirements.

Off-street loading spaces must be provided in accordance with the following schedule:

Type of Use Number of Loading Spaces

Commercial 1 space for a gross floor area of 5,000 to 25,000 square feet and 1 additional space for each 40,000 square feet of gross floor area in excess of the first 25,000 square feet.

Office, Financial Institution, Theater, Auditorium, Hotel, Hospital or other Institution, Bowling Alley or other Indoor Recreational Establishment

1 space for a gross floor area of 10,000 to 100,000 square feet and 1 additional space for each 100,000 square feet of gross floor area in excess of the first 100,000 square feet.

Industrial or Manufacturing 1 space for a gross floor area of 2,000 to 25,000

square feet and 1 additional space for each 20,000 square feet of gross floor area in excess of the first 25,000 square feet.

Whol e s a l e , S t or a g e or Warehousing (excludes Mini- Storage Facilities for which no loading spaces are required)

1 space per establishment and 1 additional space for each 40,000 square feet in excess of the first 10,000 square feet.

1. **Layout:** The loading area must be arranged so that there will be no need for motorists to back over public rights-of-way and must not be located in the front yard area. Off-street loading spaces shall not interfere with off-street parking spaces.
2. **Size:** The minimum size for each loading space shall be as follows:
   1. For all industrial, manufacturing, wholesale, storage and warehousing uses, each required loading space must be not less than twelve (12) feet wide and sixty (60) feet in length.
   2. For all other uses, each required loading space must be not less than twelve (12) feet wide and forty (40) feet in length.
   3. For all uses, if the required loading space(s) is covered or obstructed, a minimum height clearance of fifteen (15) feet is required.
3. **Surfacing:** All loading areas shall be surfaced with gravel, concrete, bituminous, or other material acceptable to the Township Engineer, in order to provide a durable and dustless surface.
4. **Drainage:** All loading areas shall be drained so as to prevent damage to properties or public streets. All loading spaces shall be designed to prevent the collection of standing water on any portion of the parking lot surface.
5. **Lighting:** Adequate lighting shall be provided if the loading area is to be used at night. Such lighting shall be arranged so as not to reflect, or cause glare, on adjoining properties or streets.

#### SECTION 411 VEHICULAR ACCESS

1. **Permits Required:** Prior to the construction of any driveway, access drive or private street entering a State roadway, a Highway Occupancy Permit must be obtained from the Pennsylvania Department of Transportation. This Permit must also be obtained prior to the issuance of a zoning permit by the Township.

Prior to the construction of any driveway, access drive or private street entering a Township roadway, a Township Road Encroachment Permit must be obtained. This permit must also be obtained prior to the issuance of a zoning permit by the Township.

1. **Improvements Required:** Each driveway, access drive, or private street serving less than three (3) principal uses, lots or dwelling units, that enters a public street shall be improved as follows:
   1. Paving at Public Street: A driveway, access drive or private street's approach to a public street shall be paved to prevent loose gravel or other loose material from being carried onto the street. Beginning nine (9) feet from the centerline of the street, or beginning at the edge of the pavement if the street is paved, the driveway, access drive or private street shall be paved for a minimum distance of thirty (30) feet measured along its centerline. (The Township may require a longer paved area if conditions so warrant.) Paving shall be in accordance with Township specifications.

The required paving shall be installed, or the property owner must secure and post bond with the Township in an amount sufficient to cover the costs of such improvements, prior to issuance of a certificate of use and occupancy. The amount of the bond shall be based upon an estimate of the cost of completion of the required

improvements, submitted by the property owner and prepared by a professional engineer licensed in the Commonwealth, and must be certified by such engineer to be a fair and reasonable estimate of such costs.

* 1. Other Improvements: The remainder of the driveway, access drive or private street shall be surfaced with a minimum of six (6) inches (compacted thickness) of crushed stone. The crushed stone shall be PA DOT type 2RC aggregate or as specified by the Township Engineer.

1. **Driveways:** Driveways, which shall provide access only to single family or two family dwellings, shall meet the following requirements, in addition to the applicable requirements of Subsections a) and b) above:
   1. All lots must have a separate driveway located on the lot which that drive serves (i.e. one (1) driveway may not serve more than one (1) lot), except for pre-existing, land- locked lots of record.
   2. Width: Within ten (10) feet of the street line, a driveway may not exceed thirty-five

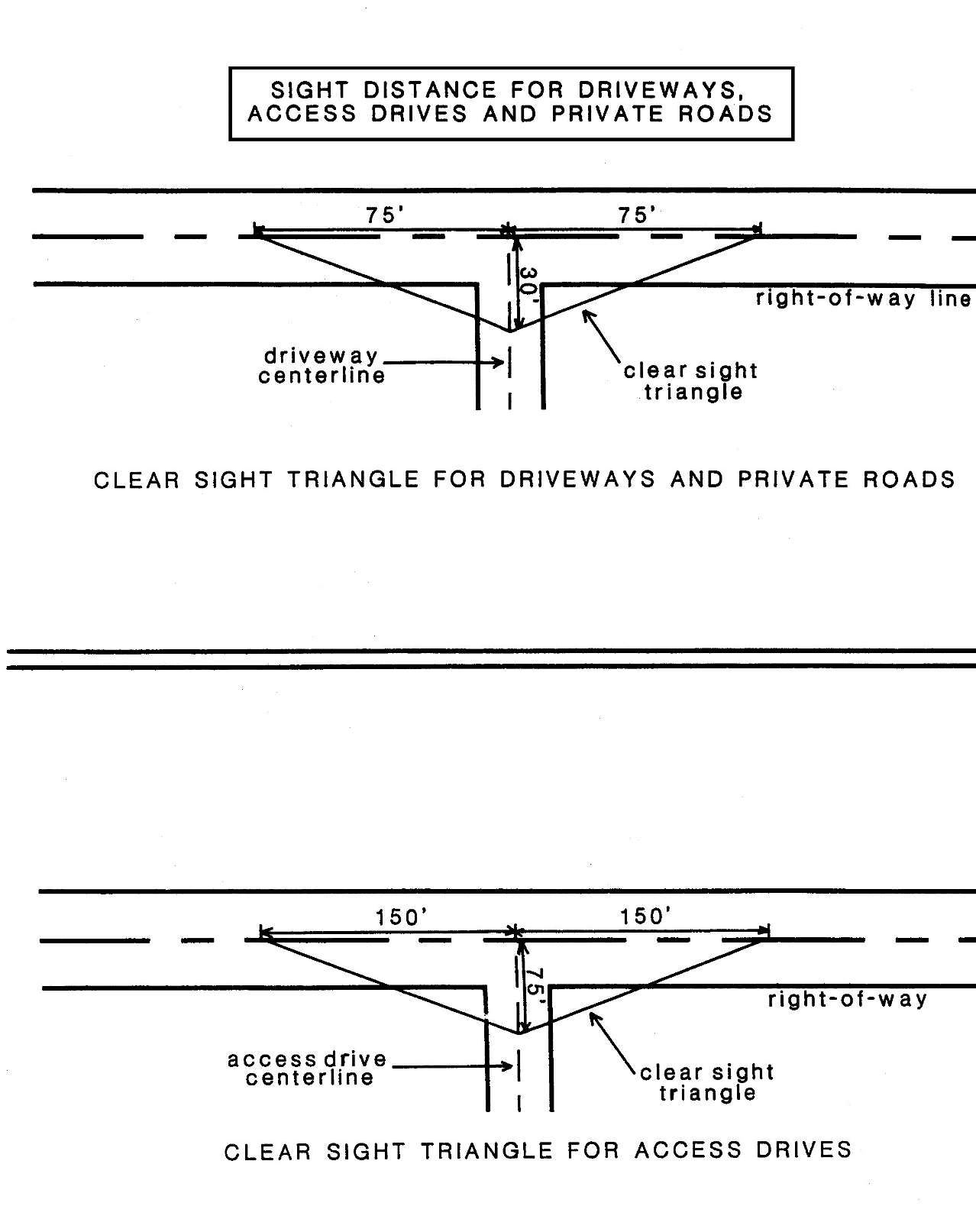
(35) feet in width or be less than ten (10) feet in width.

* 1. Number: The number of driveways may not exceed two (2) per lot.
  2. Location: At the point where it enters a street, a driveway shall be:
     1. At least forty (40) feet from the street line of an intersecting street.
     2. As far as possible from a curve in the road.
     3. At least five (5) feet from a fire hydrant, catch basin or drain inlet.
     4. At least forty (40) feet from another driveway on the same property.
     5. At least three (3) feet from a property line.
  3. Sight Distance: A driveway must be located in safe relationship to sight distance and barriers to vision. A clear sight triangle of seventy-five (75) feet as measured along the street centerline and thirty (30) feet along the driveway centerline commencing at the street right-of-way line must be maintained for all driveways (see diagram, page 78). Obstructions or plantings shall not exceed a height of three (3) feet in the clear sight triangle area.
  4. Slope: A driveway may not exceed a slope of ten percent (10%), which is a maximum rise of one (1) foot for ten (10) horizontal feet, within twenty (20) feet of the street line.
  5. Cuts: Where a driveway enters a bank through a cut, the shoulders of the cut may not exceed fifty percent (50%) in slope within ten (10) feet of the point at which the driveway intersects the street line. This rule does not apply when a retaining wall is used.
  6. Angle of Intersection: The angle between the centerlines of the driveway and the street shall not be less than sixty-five (65) degrees.
  7. Lot Frontage: Where a lot abuts two (2) streets of different classification, the driveway(s) shall enter the street of lesser classification (e.g. the local rather than the collector street).

1. **Access Drives:** Access drives, which shall provide access to multi-family, commercial or industrial uses, and to or through parking and loading areas for these uses, shall meet the following requirements, in addition to the applicable requirements of Subsections a) and b) above:
   1. Width: The minimum width for two (2)-way access drives shall be twenty-four (24) feet (two (2) twelve (12) foot traffic lanes). The minimum width for one (1)-way access drives shall be twelve (12) feet.
   2. Number: The number of access drives may not exceed two (2) per lot on any one (1) street frontage.

Where access from a collector street may be necessary for several adjoining lots, the Township may require that such lots be served by one (1) or more combined access drives in order to limit possible traffic hazards on such streets.

* 1. Location: At the point where it enters the street, an access drive shall be:
     1. At least eighty (80) feet from the street line of an intersecting street, including T- intersections on either side of the street and crossroads.
     2. At least five (5) feet from a fire hydrant, catch basin or drain inlet.
     3. At least forty (40) feet from another access drive on the same lot.
     4. At least twenty (20) feet from a property line, unless two (2) adjoining property owners have a legally recorded agreement to use a common access drive.
  2. Sight Distance: An access drive must be located in safe relationship to sight distance and barriers to vision. A clear sight triangle of one hundred fifty (150) feet as measured along the street centerline and seventy-five (75) feet along the access drive centerline commencing at the street right-of-way line must be maintained for all access drives (see diagram, page 77). Obstructions or plantings shall not exceed a height of three (3) feet in the clear sight triangle area.



* 1. Slope and Alignment: The grade and alignment of access drives shall conform to the specifications for Residential and Rural Service Streets as set forth in the Township Subdivision and Land Development Ordinance.
  2. Cuts: Where an access drive enters a bank through a cut, the shoulders of the cut may not exceed fifty percent (50%) in slope within ten (10) feet of the point at which the access drive intersects the street line. This rule does not apply when a retaining wall is used.
  3. Angle of Intersection: The angle between the centerlines of the access drive and the street shall not be less than sixty-five (65) degrees.

1. **Private Streets:** Private streets are permitted, subject to Planning Commission review and Township Supervisors' approval, only when they meet the following requirements:
   1. Use Restrictions: The maximum number of uses that may take access from a private street shall be as follows:
      1. A private street serving one (1) principal use, lot or dwelling unit may be permitted if the street meets all applicable standards for Driveways as set forth in Subsection c) above, in addition to all applicable requirements set forth in Subsections 2. through 5., as well as Subsection 7., below.
      2. A private street serving two (2) principal uses, lots or dwelling units may be permitted if it meets all applicable standards set forth in Subsections a) and b) above, in addition to all applicable requirements set forth in Subsections 2. through 7. below.
      3. A private street serving three (3) or more principal uses, lots or dwelling units may be permitted only if the street is located, improved and paved to meet all Township public street standards as set forth in the Township Subdivision and Land Development Ordinance. In addition, a street maintenance agreement, which must be signed by all users of the private street, must be submitted and approved by the Township. In addition, any subdivision or land development plan, on which a private street is proposed, must contain a note stating who shall be responsible for maintenance of the private street.
   2. No more than six (6) principal uses, lots or dwelling units shall be permitted on a private street, and no more than one (1) private street shall be permitted in any subdivision or land development.
   3. Agricultural Uses: In addition to the number of uses permitted above, a private street shall be permitted to provide access to agricultural fields or similar agricultural uses not including dwellings or commercial uses.
   4. Distance Between Private Streets: No adjacent private streets are permitted. On one

(1) property, or on two (2) or more contiguous properties in common ownership, the minimum distance between centerlines of private streets shall be four hundred fifty

(450) feet measured at the public street right-of-way line.

* 1. Drainage: Drainage provisions shall be as required by the Township Engineer. These may include paved gutters, culvert pipes with or without headwalls to facilitate natural drainage, and/or other drainage facilities as needed.
  2. Leveling Area: Where the grade of a private street exceeds six percent (6%) at the approach to the intersection with a public street, a leveling area shall be provided. Such leveling area shall have a maximum grade of four percent (4%) for a distance of twenty-five (25) feet measured from the public street right-of-way line.
  3. Additional Standards for Private Streets Serving Two (2) Uses: A private street as described in Subsection d)-1.-b. of this Section shall be constructed in accordance with the following standards:
     1. Slope: Maximum - Twelve percent (12%).

Minimum - One percent (1%).

* + 1. Sight Distance: Private streets shall meet the requirement for Driveways as set forth in Subsection c)-5. above.
    2. Width: Minimum right-of-way width - Twenty-five (25) feet. Minimum roadway width - Sixteen (16) feet.
    3. Angle of Intersection: The angle between the centerlines of the private street and the public street shall not be less than sixty-five (65) degrees.
    4. Location: At the point where it enters a public street, a private street shall be at least eighty (80) feet from any street intersection, including T-intersections and crossroads; at least five (5) feet from a fire hydrant, catch basin or drain inlet; and at least twenty (20) feet from a property line.
    5. Roadway Surface: The private street shall be surfaced with a minimum of six (6) inches (compacted thickness) of crushed stone. The crushed stone shall be PA DOT type 2RC aggregate or as specified by the Township Engineer.
  1. Maintenance Agreement: A street maintenance agreement, which must be signed by all users of the private street, must be submitted for approval by the Township. In addition, any subdivision or land development plan, on which a private street is proposed, must contain a note stating who shall be responsible for maintenance of the private street.

#### SECTION 412 SCREENS AND BUFFERS

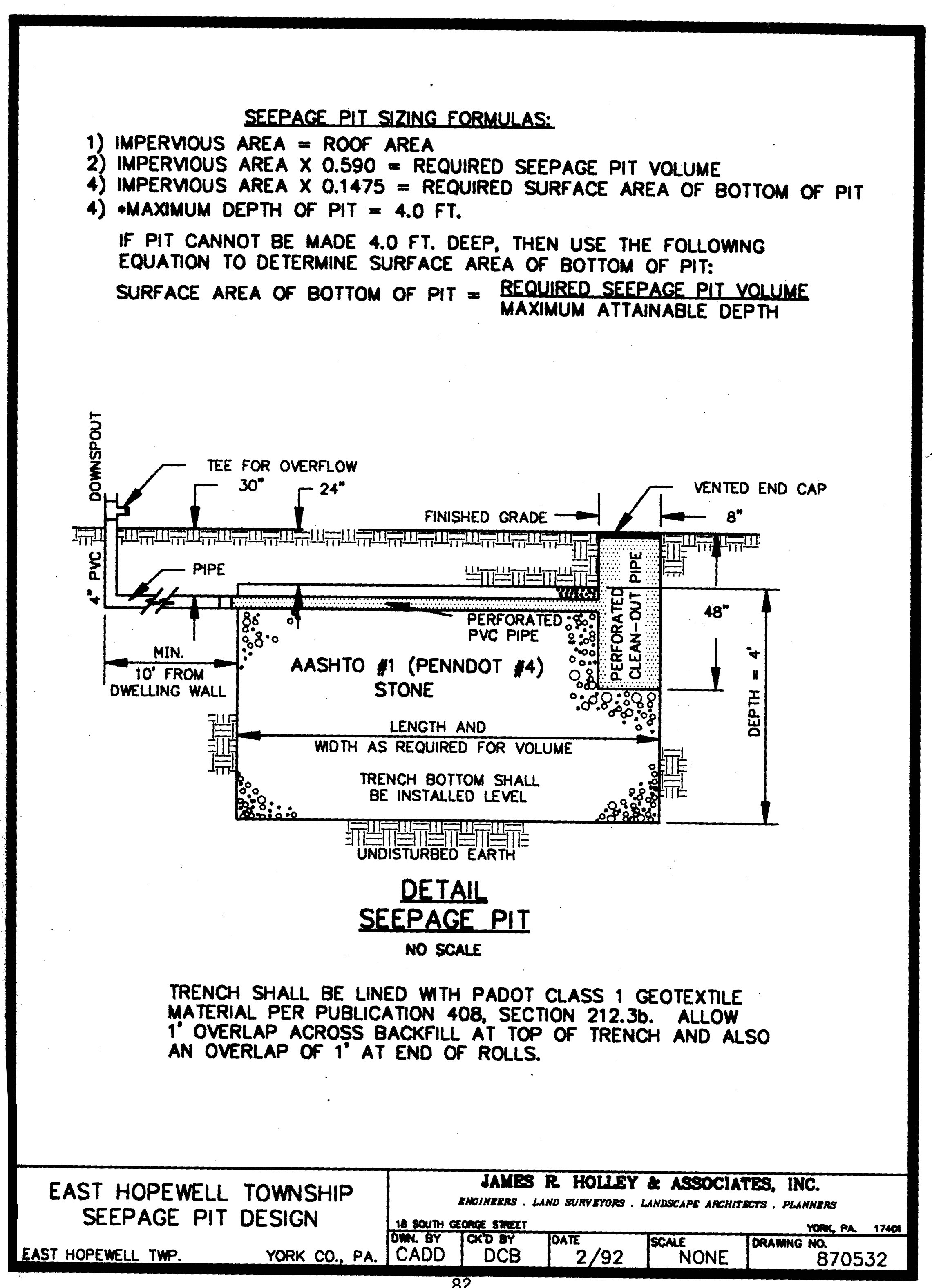
Where an industrial or commercial use in any zone abuts a residential use or Rural Residential Zone, except for street or alley frontage:

1. A fence or screen planting, acceptable to the Township, is required to be erected to screen from view the industrial or commercial use.
2. The space along the side lot line in the General Commercial Zone abutting a Rural Residential Zone for fifty (50) feet in depth may not be used for commercial or industrial operations. This area must be suitably landscaped and maintained; however, parking is permitted within the interior twenty (20) feet of the fifty (50) foot buffer strip.

#### SECTION 413 DRAINAGE

1. **Lot Drainage:** Lots shall be laid out and graded to provide positive drainage away from new and existing buildings and on-site sewage disposal facilities and to prevent the collection of storm water in pools. Each lot shall include one (1) or more subsurface seepage pits to provide for management of storm water runoff from the roof of all structures. The sizing and general construction features of the pit(s) shall be in accordance with the "East Hopewell Township Seepage Pit Design" standards. (See diagram, page 81).

Top soil shall be preserved and redistributed as cover and shall be suitably planted with perennial grasses or ground cover. In areas not being paved or built upon, compaction shall not exceed eighty percent (80%) of the dry weight density as determined by the Modified Proctor Test.



1. **Nearby Existing Facilities:** Where adequate existing storm sewers are readily accessible, the developer must connect his storm water facilities to these existing storm sewers.
2. **Open Drainageways:** When open drainageways are used for the disposal of storm water, the Township Engineer shall review the design of such open drainageways in relation to the following:
   1. Safety: Steep banks and deep pools shall be avoided.
   2. Erosion: Adequate measures shall be taken, such as seeding, sodding, paving, or other measures as necessary to prevent the erosion of banks and the scouring of the channel.
   3. Stagnation: Design of open drainageways shall not create stagnant pools or swampy areas.
      1. Whenever the evidence available to the Township indicates that natural surface drainage is inadequate, the developer shall install storm sewers, culverts and related facilities, as necessary, to:
         1. Permit the unimpeded flow of natural watercourses.
         2. Ensure the drainage of all low points along the line of streets.
         3. Intercept storm water runoff along streets at intervals reasonably related to the extent and grade of the area drained.
         4. Provide adequate drainage away from on-site sewage disposal facilities.
      2. Storm drainage facilities must be designed not only to handle the anticipated peak discharge from the property, but also the anticipated increase in runoff that may occur when all the property at a higher elevation in the same drainage basin is fully developed.
3. **Drainage Upon Adjacent Properties:** In the design of storm drainage facilities, special consideration must be given to preventing excess runoff onto adjacent developed or undeveloped properties. When a storm drainage outlet will discharge upon another property, the developer must secure the approval in writing of adjoining affected owners. In no case may a change be made in the existing topography which would:
   1. Result in increasing any portion of the slope steeper than one (1) foot of vertical measurement for three (3) feet of horizontal measurement for fills, or one (1) foot vertical measurement for two (2) feet of horizontal measurement for cuts, within a distance of twenty (20) feet from the property line unless an adequate retaining wall or other structure is provided.
   2. Result in a slope which exceeds the normal angle of slippage of the material involved. All slopes must be protected against erosion.
4. **Drainage Onto Streets:** In order to minimize improper surface water drainage upon streets, each building erected, structurally altered, or relocated, and its driveways or access drives must be at a grade in satisfactory relationship:
   1. With the established street grade, or
   2. With the existing street grade where none is established.
5. **Obstruction to Drainage Prohibited:** The damming, filling or otherwise interfering with the natural flow of a surface water course is not permitted without approval of the Township Supervisors and the Pennsylvania Department of Environmental Resources.
6. **Drainage Facilities** - Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. Plans shall be subject to the approval of the Board of Supervisors. The Board of Supervisors may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties. Design storms shall be established by the Township Engineer.

#### SECTION 414 ILLUMINATION

Where a use involves exterior lighting, the lighting must be located and shielded so that no direct illumination or glare is cast upon adjoining properties or so it does not obstruct the vision of motorists.

#### SECTION 415 DEMOLITION

Demolition of any structure must be completed within six (6) months of the issuance of a permit. Completion consists of tearing the structure down to grade, filling any resulting cavity to grade and removing all resulting materials from the lot. A structure may be partly demolished only if a building remains and the demolition of the part is completed within six

(6) months of the issuance of a permit. All evidence of the structure which was demolished must be removed from the exterior surfaces of the remaining building.

#### SECTION 416 BUILDINGS UNDER CONSTRUCTION

A building, the foundation of which was completed before the effective date of this Ordinance, may be constructed without being bound by the requirements of this Ordinance

provided that the construction is completed within one (1) year after the effective date of this Ordinance. In like manner, a building, the foundation of which was completed before an amendment, may be constructed if the construction is completed within one (1) year after the amendment.

#### SECTION 417 DIVISION OF BUILT ON LOTS

No lot may be formed from part of a lot occupied by a building unless each newly-created lot will meet all the applicable provisions of this Ordinance.

#### SECTION 418 LOTS OF RECORD

On a lot held in single and separate ownership on the effective date of this Ordinance or any amendment thereto, which does not fulfill the regulations for the minimum lot area and/or lot width for the zone in which it is located, a building may be erected, altered and used and the lot may be used for a conforming (permitted) use providing the setback requirements are not less than the minimum specified herein for the zone in which the lot is located.

#### SECTION 419 STATUS OF SUBDIVISION OR LAND DEVELOPMENT PLAN

From the time an application for approval of a subdivision or land development plan, whether preliminary or final, is duly filed as provided in the Subdivision and Land Development Ordinance, and while such application is pending approval or disapproval, no enactment of, or amendment to, the Zoning Ordinance shall affect the decision on such applications adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provision of the Zoning Ordinance as it stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in the Zoning Ordinance.

When a preliminary or final subdivision or land development plan has been approved or approved subject to conditions acceptable to the applicant, no subsequent enactment of, or amendment to, the Zoning Ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. Where final approval is preceded by preliminary approval, the five (5) year period shall be counted from the date of the preliminary approval.

#### SECTION 420 NONCONFORMITIES

1. **Continuance:**
   1. Except as otherwise provided in this Section, the lawful use of land or structures existing at the date of the adoption of this Ordinance may be continued, although such use of land or structure does not conform to the use regulations specified by this Ordinance for the zone in which such land or structure is located.
   2. Any nonconforming lot or structure existing at the date of the adoption of this Ordinance may be continued.

#### Expansion:

* 1. Upon application for a special exception and in accordance with the provisions of Sections 604 and 729 of this Ordinance, the Zoning Hearing Board may approve the expansion of a use of land or structure which is not in conformance with the provisions of this Ordinance.
  2. Any expansion that will reduce the extent of a nonconformity shall not require special exception approval.

1. **Replacement:** A nonconformity may be replaced only in conformance with the provisions of this Ordinance. This includes, but is not limited to, the removal of mobile or modular buildings or structures. If such a nonconforming building or structure is removed, it cannot be replaced, unless it conforms to all requirements of this Ordinance.
2. **Restoration:** If any nonconformity is destroyed in part or in whole by reason of windstorm, fire, explosion, or other act of God or a public enemy, the nonconformity may be rebuilt, restored or repaired to the extent of the nonconformity prior to destruction; providing that restoration is begun within one (1) year following said destruction. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any wall, floor or roof which has been declared unsafe.
3. **Abandonment:** A nonconforming use shall be presumed as abandoned when there occurs a cessation of any such use or activity by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of one (1) year from the date of cessation or abandonment. Such use shall not thereafter be reinstated and the structure shall not be reoccupied except in conformance with this Ordinance.
4. **Reversion:** No nonconformity shall, if once changed to conform to the regulations of this Ordinance, be changed back again to a nonconformity.
5. **Zone Changes:** Whenever the boundaries of a zone shall be changed so as to transfer an area from one (1) zone to another zone of a different classification, the foregoing provisions shall also apply to any nonconforming uses, lots or structures existing therein or created thereby.
6. **Identification and Registration:** Nonconforming uses and nonconforming structures may be identified and registered by the Zoning Officer.

#### SECTION 421 EROSION AND SEDIMENTATION CONTROL

For any building, structure, or proposed use which will involve a change in the contour of the land, grading, excavating, removal or destruction of the topsoil, trees or other vegetative cover of the land, no permit either under this Ordinance, or any other Township Ordinance or state statute shall be issued until the requirements of The East Hopewell Township Erosion and Sedimentation Control Ordinance (E & S Ordinance) have been met.

# ARTICLE V

**SUPPLEMENTARY REGULATIONS**

#### SECTION 501 PURPOSE

The purpose of this Article is to provide additional requirements applicable to certain uses permitted by right in the various zoning districts. These regulations are intended to supplement the general district regulations contained in Article III.

#### SECTION 502 ADULT OR CHILD DAY CARE CENTER, NURSERY SCHOOL

1. The facility shall obtain a certificate of licensure from the Pennsylvania Department of Public Welfare and shall provide a copy of the certificate to the Township prior to occupancy approval by the Township.
2. Outdoor play areas for children must be located in a side or rear yard and shall be sufficiently enclosed to provide for the health and safety of the children as determined by the Zoning Officer.
3. At least one (1) parking space for each employee plus one (1) space for each four (4) persons to be served by the facility shall be provided.
4. Access shall be via a collector street as designated by the Township Comprehensive Plan.

#### SECTION 503 AGRICULTURAL EQUIPMENT AND MACHINERY SALES AND/OR SERVICE

1. A planting strip at least fifteen (15) feet wide shall be provided along the public roadway.
2. Buffer yards and additional screening shall be provided as necessary to protect adjoining properties.
3. No unenclosed storage of parts, supplies, trash or machinery that because of age or condition is inoperable shall be permitted. Storage of such items shall be either within a building or in an area at the side or rear of the principal building enclosed by a six (6) foot high fence and screened from adjoining properties. No materials may be stored so as to create a fire hazard.
4. Parking: A minimum of one (1) space for each four hundred (400) square feet of gross floor area shall be provided.

#### SECTION 504 BED AND BREAKFAST INN

1. Maximum guest stays shall be limited to fourteen (14) days.
2. Maximum of five (5) guest rooms.
3. A minimum of one (1) off-street parking space per guest room shall be provided in addition to the required parking for the dwelling unit.
4. One (1) sign may be erected on the property. The maximum size shall be six (6) square feet.
5. The Inn must comply with local regulations including, but not limited to, fire, health and building codes.
6. Bed and Breakfast operations shall be conducted so as to be clearly incidental and accessory to the primary use of the site as a single family residence.

#### SECTION 505 CEMETERY

1. All burial plots or facilities shall be located at least one hundred (100) feet from all property or street lines.
2. Assurances must be provided that water supplies of surrounding properties will not be contaminated by burial activity within the proposed cemetery. Such assurance shall include a report on the soil types, geology and drainage of the proposed site, and such other information as the Township deems necessary.
3. No burial plots or facilities are permitted in flood hazard areas.
4. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes, but is not limited to, fences, walls, plantings and open spaces.
5. A cemetery must conform to all applicable State laws and regulations.
6. Caskets shall be buried to a depth of no less than two (2) feet measured from the top of the casket, or at a depth required by State regulation, whichever is greater.
7. Pet cemeteries must meet all of the above applicable requirements.

#### SECTION 506 GREENHOUSE, HORTICULTURAL NURSERY

1. The display and sale of items not grown on the premises shall be incidental to the greenhouse/nursery operation. Not more than twenty-five percent (25%) of the gross sales shall consist of agricultural products not grown on the property.
2. The display, sale and/or repair of power tools or motorized nursery, lawn or garden equipment shall not be permitted.
3. Outdoor display areas shall be set back at least twenty-five (25) feet from the street line.

#### SECTION 507 HEAVY STORAGE, SALES AND/OR SERVICE

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

#### SECTION 508 KEEPING OF LIVESTOCK, SMALL ANIMALS AND/OR POULTRY

1. Such use shall be accessory and clearly incidental to the principal use of the property for residential purposes. Livestock, small animals or poultry shall be kept only as pets, for pleasure, or to provide food for the residents of the premises where the livestock, small animals or poultry are kept.
2. Lot Area: Five (5) acres minimum.
3. All livestock, small animals and poultry shall, except while pasturing, grazing, feeding or exercising, be housed in a separate, freestanding, permanent, four (4)-sided building erected and maintained for that purpose.
4. The building required by Subsection c) above shall only be located in the rear yard; shall be set back at least fifty (50) feet from any property or street line; and shall be not closer that one hundred (100) feet to any existing residence on adjacent land.
5. All pasture, grazing and exercise areas shall be securely fenced.
6. All livestock, small animal and poultry wastes shall be properly stored and disposed of in a manner that will not create a public health hazard or nuisance. No livestock, small animal or poultry wastes shall be stored within the required setback areas.

#### SECTION 509 NEIGHBORHOOD GROCERY OR CONVENIENCE STORE

1. The ground floor area of the store shall not exceed three thousand (3,000) square feet.
2. Access shall be via a collector street as designated by the Township Comprehensive Plan.
3. A planting strip at least fifteen (15) feet wide shall be provided along the public roadway.
4. A minimum of one (1) off-street parking space for each two hundred (200) square feet of gross floor area must be provided.
5. Screens and buffers shall be provided as necessary to adequately protect neighboring properties. This includes, but is not limited to, fences, walls, plantings and open spaces.
6. If gasoline pumps are to be installed, all requirements of Section 514 shall also be met.

#### SECTION 510 OTHER COMMERCIAL AND PUBLIC USES

1. A planting strip at least fifteen (15) feet wide shall be provided along any adjacent public or private street.
2. A buffer yard, at least fifteen (15) feet wide, shall be provided along all property lines not adjacent to a public or private street. The buffer yard shall be naturally landscaped, shall have no impervious cover, and shall not be used for building, parking, loading or storage purposes.
3. Outdoor storage of any materials, machinery or trash is permitted only in the side and rear yards. Where necessary to prevent an eyesore, such storage area shall be entirely screened from view.
4. Any use generating noise shall have side and rear setbacks of at least fifty (50) feet, and shall be provided with vegetative screens at least three (3) feet thick and five (5) feet high.
5. The use shall not constitute a public or private nuisance.
6. The use shall have all required operating permits and shall be in compliance with all applicable local, State and Federal laws and regulations.

#### SECTION 511 PUBLIC UTILITY BUILDING AND/OR SERVICE STRUCTURE

1. All outside storage areas shall be enclosed with a fence or wall not less than six (6) feet in height, which shall be so constructed so as not to have holes, openings or gaps larger than six (6) inches in any dimension. If adjacent to a residential use or Rural Residential Zone, such fence or wall must be surrounded by evergreen plantings.
2. Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, vibration, smoke and odor).
3. The external design of the building (to the extent possible) shall be in conformity with the buildings in the surrounding area.
4. There shall be no specific minimum lot size or lot width, however, each lot shall provide front, side and rear setbacks in accordance with the zone in which located.
5. There shall be no minimum lot coverage requirement provided that a stormwater management plan for the site is approved by the Township Engineer.

#### SECTION 512 RIDING ACADEMY, BOARDING STABLE(S)

1. All animals, except while exercising or pasturing, shall be confined to a building erected for that purpose.
2. All stalls shall be maintained so as to minimize odors.
3. All outdoor training, show, riding, boarding or pasture areas shall be enclosed by a minimum four (4) foot high fence which may be located up to, but not on, the property line.
4. All animal wastes shall be properly stored and disposed of in a manner that will not create a public health hazard or nuisance. No animal wastes shall be stored within the required setback areas.
5. If the riding academy involves a separate structure or building to house a rink for riding, training, etc., such building or structure shall be set back at least fifty (50) feet from all property lines.
6. Parking: A minimum of one (1) off-street space for each two (2) stalls, plus one (1) space for every four (4) seats of spectator seating, must be provided. All parking areas shall be set back at least ten (10) feet from any property line.
7. Access to the facility shall be provided in accordance with the access drive requirements set forth in Section 411-d) of this Ordinance.

#### SECTION 513 SAWMILL OPERATION

1. Lot Area: Three (3) acres minimum.
2. No saw or other machinery shall be less than seventy-five (75) feet from any property or street line. All materials temporarily or permanently stored on the premises shall be set back at least fifty (50) feet from any street line.
3. All power saws and machinery shall be secured against tampering and locked when not in use.
4. All machinery used in the sawmill operation shall be located at least five hundred (500) feet from any Rural Residential Zone.
5. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes, but is not limited to, fences, walls, plantings and open spaces.
6. All access drives or private streets shall be properly maintained so that vehicles leaving the property will not carry mud onto the public street. All access drives or private streets entering a paved public street shall be improved for a distance of three hundred (300) feet from the edge of the public roadway or from the roadway to the sawmill, whichever is greater, as follows: the first thirty (30) feet from the edge of the public roadway shall be paved, and the remaining distance shall be either paved or graveled. However, if vehicle wheel and undercarriage cleaning is provided, the required improved area may be reduced in length to extend from the cleaning point to the paved roadway.

#### SECTION 514 SERVICE STATION

1. Buildings must be set back at least forty (40) feet from the street right-of-way line.
2. Pumps must be set back at least fifteen (15) feet from the street line.
3. All access drives must meet the requirements of Section 411-c) of this Ordinance. In addition, no access drive shall exceed thirty-five (35) feet in width at the street line.
4. Except at entrances of access drives, a concrete curb eight (8) inches in height must be placed along all street lines.
5. All lights must be diverted toward the service station or downward on the lot.
6. No outdoor stockpiling of tires or outdoor storage of trash is permitted. An area enclosed by a wall, fence or vegetative material and screened from view of adjoining properties shall be provided whenever outdoor storage is required. No materials may be stored so as to create a fire hazard.
7. At least ten percent (10%) of the lot on which the facility is situated must be devoted to natural landscaping.
8. Storage of materials shall conform to all applicable State and Federal laws and regulations.

#### SECTION 515 SINGLE FAMILY ATTACHED DWELLINGS

1. Lot Area: Three thousand (3,000) square feet minimum per dwelling unit, including end units.
2. Lot Width: Twenty (20) feet minimum per dwelling unit, including end units.
3. Lot Coverage: Sixty percent (60%) maximum.
4. No grouping shall contain more than six (6) dwelling units nor exceed an overall length of two hundred (200) feet.
5. Public or community water and public or community sewer approved by the Pennsylvania Department of Environmental Resources must be utilized.

#### SECTION 516 SMALL ENGINE SALES AND/OR SERVICE

1. If warranted by the anticipated volume of traffic, the use shall be located on a collector street as designated by the Township Comprehensive Plan.
2. A planting strip at least fifteen (15) feet wide shall be provided along the street line.
3. A minimum of one (1) off-street parking space for each two hundred fifty (250) square feet of gross floor area must be provided.
4. No outside storage is permitted, unless such storage is located to the rear of the building in an area entirely enclosed by fencing of a type that forms an effective visual barrier.
5. Screens and buffers shall be provided as necessary to adequately protect neighboring properties.

#### SECTION 517 NO-IMPACT HOME-BASED BUSINESS

1. No-impact home-based businesses shall be permitted in all Zones as an accessory use secondary to the use of a property as a residential dwelling, so long as all of the following criteria are met:
   1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
   2. The business shall employ no employees other than family members residing in the dwelling.
   3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
   4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
   5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
   6. The business activity may not generate any solid waste or sewage disposal, in volume or type, which is not normally associated with residential use in the neighborhood.
   7. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.
   8. The business activity may not involve any illegal activity.
2. Any person who intends to use his or her residential dwelling unit for a no-impact home-based business shall register such use with the Township Zoning Officer to assure compliance with the conditions of subsection a), above, who shall issue a Use Certificate for the no-impact home-based business, so long as all of the criteria in subsection a) have been met. The Township Zoning Officer may require a drawing or certification of the applicant to assure compliance with the provisions of subsection a).
3. Nothing in this Section 517 is intended to, nor shall be construed to, supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, bylaw, or other document applicable to a common interest ownership community.

# ARTICLE VI ZONING HEARING BOARD

#### SECTION 601 POWERS AND DUTIES - GENERAL

1. **Membership of Board:** The membership of the Board shall, upon the determination of the Board of Supervisors, consist of either three (3) or five (5) residents of the Township appointed by resolution of the Board of Supervisors. The terms of office of a three (3) member board shall be three years (3) and shall be so fixed that the term of office of one
   1. member shall expire each year. The terms of office of a five (5) member board shall be five (5) years and shall be so fixed that the term of office of one (1) member shall expire each year. If a three (3) member board is changed to a five (5) member board, the members of the existing three (3) member board shall continue in office until their term of office would expire under prior law. The Board of Supervisors shall appoint two (2) additional members to the Board with terms scheduled to expire in accordance with the provisions of this subsection. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township.

The Board of Supervisors may appoint by resolution at least one (1) but no more than three (3) residents of the Township to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provision of Subsection b), an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Ordinance and as otherwise provided by law. Alternates shall hold no other office in the Township. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated pursuant to Section 907 of the Pennsylvania Municipalities Planning Code, as reenacted and amended, unless designated as a voting alternate member pursuant to Subsection b) of this Section.

1. **Organization of Board:** The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Section 602 of this Ordinance.

If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board

shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Subsection shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the municipality and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Township and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.

1. **Powers:** The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final decisions in the following matters:
2. Substantive challenges to the validity of any land use ordinance except those brought before the Board of Supervisors pursuant to Sections 609.1 and 916.1 (a) (2) of the Pennsylvania Municipalities Planning Code, as reenacted and amended.
3. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said Ordinance. Where the ordinance appealed from is the initial Zoning Ordinance of the Township and a zoning hearing board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
4. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
5. Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provision within a land use ordinance.
6. Applications for variances from the terms of the Zoning Ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 603 of this Ordinance.
7. Applications for special exceptions under the Zoning Ordinance or flood plain or flood hazard ordinance or such provision within a land use ordinance, pursuant to Section 604 of this Ordinance.
8. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provision of this Zoning Ordinance.
9. Appeals from the Zoning Officer's determination under Section 916.2, Procedure to Obtain Preliminary Opinion, of the Pennsylvania Municipalities Planning Code, as reenacted and amended.
10. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same related to development not involving Subdivision and Land Development or Planned Residential Development applications.
11. Appeals from enforcement notices sent pursuant to Section 802 i) of this Ordinance.
12. **Board Calendar:** Each application or appeal filed with the Township, in the proper form and containing the required data, must be numbered serially and be placed upon the calendar of the Board by the Secretary. Applications and appeals must be assigned for hearing in the order in which they appear on the calendar. However, for good reason, the Board may order the advance of an application or appeal. A hearing must be held within sixty (60) days from the date the appeal or application is filed, unless the applicant has agreed, in writing, to an extension of time.
13. **Hearing Forms:** All applications, appeals, challenges, or any other hearing requests before the Board shall be on forms approved by the Township.
14. **Place for Filing Hearing Requests:** All such applications, appeals, challenges, or any other hearing requests before the Board shall be filed with the Township's Zoning Officer, or such other person as may from time to time be authorized by the Township.

#### SECTION 602 PUBLIC HEARINGS

1. **Notice:** Notice of the hearing, which shall state the time and place of the hearing, the name of the owner of the property in question, the parcel's location and existing use, and the purpose of the hearing, shall be given:
   1. To the public, by notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. The notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days and the second publication shall be not less than seven (7) days prior to the hearing.
   2. To the applicant, the Zoning Officer, the Planning Commission, adjoining property owners, such other persons as the Township Supervisors shall designate, and to any person who at least fifteen (15) days prior to the scheduled hearing date has made request for the same. This notice shall be by personal delivery or by regular mail to said persons at their last known address at least one (1) week prior to the date of the hearing. If mailed, the notice shall be deemed to be given on the date mailed.
   3. By posting, in a conspicuous manner, a notice on the affected parcel of land at least one (1) week prior to the date of the hearing.
2. **Fees:** The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation of the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs. In addition, the Board of Supervisors may establish reasonable fees, based on cost, to be paid by the applicant and by persons requesting any notice not required by this Ordinance.
   1. The fees required by or pursuant to this subsection b) and Section 804 of this Ordinance shall be paid at the time of the filing of any application, appeal, challenge, or any other hearing request. No application, appeal, challenge, or other request for a hearing before the Board shall be complete or perfected until such fees have been paid in full.
3. **Conduct of Hearing:** The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the Township may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision of the hearing officer as final.

Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved, except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings with any party or his representative, unless all parties are given an opportunity to be present.

Hearings shall be further conducted pursuant to Section 908 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10908, which is in effect at the time of the hearing, including the length, timing, and order of such hearings.

1. **Representation; Statements:** Parties to the hearings shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

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

* 1. Applicant or appellant.
  2. Zoning Officer and other officials.
  3. Any private citizen. The applicant or appellant must be given an opportunity for rebuttal.

1. **Witnesses:** The Chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
2. **Decision Procedure:** The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision of findings is final, the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this Subsection, or fails to hold the required hearing within sixty (60) days from the date the appeal or application is filed with the Township, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein-above provided, the Board shall give public notice of said decision within ten

(10) days from the last day it could have met to render a decision in the same manner as

provided in Subsection a) of this Section. Nothing in this Subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

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

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

1. **Records:** The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

#### SECTION 603 VARIANCES

1. **Filing of Variance:** An application may be made to the Zoning Hearing Board for a variance where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The application must be on a form provided for that purpose by the Zoning Officer. It must be filed with the Board and copies given to the Zoning Officer and Township Planning Commission. The applicant must provide all the information requested on the form, together with any other information and data that may be required to advise the Board of the variance, whether such information is called for by the official form or not.
2. **Referral to Planning Commission:** All applications for a variance shall be referred to the Township Planning Commission for a report.
3. **Standards for Variance:** Where there is unnecessary hardship, the Board may grant a variance in the application of the provisions of this Ordinance provided that the following findings are made where relevant in a given case:
   1. There are unique physical circumstances or conditions, including (a) irregularity, narrowness, or shallowness of lot size or shape, or (b) exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or zone in which the property is located.
   2. Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
   3. The unnecessary hardship has not been created by the appellant.
   4. The variance, if authorized, will not alter the essential character of the neighborhood or zone in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
   5. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
4. **Conditions:** In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Zoning Ordinance.

#### SECTION 604 SPECIAL EXCEPTIONS

1. **Filing of Special Exceptions:** For any use permitted by special exception, a special exception must be obtained from the Zoning Hearing Board. In addition to the information required on the zoning permit application, the special exception application must show --
   1. Ground floor plans and elevations of proposed structures.
   2. Names and addresses of adjoining property owners.
2. **Temporary Special Exceptions:** A temporary special exception must be obtained from the Zoning Hearing Board for any temporary nonconformity, unless the use qualifies for a temporary Certificate of Use and Occupancy (see Section 801-b)-4.) or a Special Permit (see Section 403-e).
   1. The Zoning Hearing Board may grant a temporary special exception for any temporary nonconforming use or structure, existing or new, which --
      1. Is beneficial to the public health or general welfare, or
      2. Is necessary to promote the proper development of the community, or
      3. Is seasonal in nature.

The temporary special exception may be issued for a period not exceeding six (6) months, and may be renewed for an aggregate period not exceeding two (2) years. The nonconforming structure or use must be completely removed upon the expiration of the special exception without cost to the Township.

1. **Referral to Planning Commission:** All applications for a special exception shall be referred to the Township Planning Commission for a report.
2. **Conditions:** The Zoning Hearing Board, in passing upon special exception applications, may attach conditions considered necessary to protect the public welfare and the Comprehensive Plan, including conditions which are more restrictive than those established for other uses in the same zone.
3. **Application of Extent-of-Use Regulations:** The extent-of-use regulations as set forth in this Ordinance must be followed by the Zoning Hearing Board. Where no extent-of-use regulations are set forth for theextent-of-use requirements as necessary to protect the public welfare and the Comprehensive Plan.
4. **General Standards:** A special exception may be granted when the Zoning Hearing Board finds from a preponderance of the evidence produced at the hearing that:
   1. The proposed use, including its nature, intensity and location, is in harmony with the orderly and appropriate development of the zone; and
   2. That adequate water supply, sewage disposal, storm drainage and fire and police protection are or can be provided for the use; and
   3. That the use of adjacent land and buildings will not be discouraged and the value of adjacent land and buildings will not be impaired by the location, nature and height of buildings, walls and fences; and
   4. That the use will have proper location with respect to existing or future streets giving access to it, and will not create traffic congestion or cause industrial or commercial traffic to use residential streets; and
   5. That the specific standards set forth for each particular use for which a special exception may be granted have been met.

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

1. **Special Standards** - In addition to the general standards for all special exceptions as contained in Section 604.f), the specific standards for particular uses as listed in ARTICLE VII must be met prior to the granting of a special exception.

#### SECTION 605 DURATION OF ZONING HEARING BOARD APPROVALS

1. Unless otherwise specified or extended by the Zoning Hearing Board, any variance or special exception approved by it shall expire if the applicant fails to obtain, where required to do so, a building or zoning permit or use certificate within six (6) months of the date of the authorization of the variance or special exception (which shall be measured from the date of the decision by the Zoning Hearing Board or the conclusion of all appeals from the decision, whichever is later), or fails to complete the work within one (1) year after the issuance of the building or zoning permit, except that in cases where the granting of a building or zoning permit or use certificate must be preceded by Township approval of a subdivision or land development plan pursuant to the East Hopewell Township Subdivision and Land Development Ordinance, in which case the variance or special exception authorized by the Board expires if the applicant:
   1. Fails to file with the Township a preliminary subdivision or land development plan, or, for minor subdivisions or land developments, a final plan, meeting applicable subdivision and zoning requirements within six (6) months after the date of the authorization of the variance or special exception by the Zoning Hearing Board; or
   2. Fails to file with the Township a final subdivision or land development plan meeting applicable subdivision and zoning requirements within six (6) months after the date of the approval by the Township of the preliminary plan; or
   3. Fails to obtain a building permit or use certificate within six (6) months after the date of the approval by the Township of the final plan; or
   4. Fails to complete the work within one (1) year after the issuance of the building permit.
2. The time limits set out in subsections a) 3 and 4 of this Section, and subsection a) 2 if the final plan is preceded by a preliminary plan, may be extended by the Township's Board of Supervisors at their discretion. If so extended, then the approval of the Zoning Hearing Board shall automatically be extended for the same period.

**ARTICLE VII**

**STANDARDS FOR SPECIAL EXCEPTION USES**

#### SECTION 701 REQUIREMENT OF SPECIFIC STANDARDS

In addition to the general standards for all special exceptions as contained in Section 604.f., the specific standards for the particular uses allowed by special exception are set forth in this Article. These standards must be met prior to the granting by the Zoning Hearing Board of a special exception for such uses in applicable zones.

#### SECTION 702 ADULT ORIENTED FACILITY

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

1. An adult oriented facility shall not be located within five hundred (500) feet of any residential use or Rural Residential Zone.
2. An adult oriented facility shall not be located within one thousand (1, 000) feet of any house of worship, school, library, public or commercial recreational facility, child day care center, or any other adult oriented facility.
3. Any building or structure used and occupied as an adult oriented facility shall be windowless or have an opaque covering over all windows or doors of any area in which materials, merchandise, film or services are exhibited or displayed; and no sale materials, merchandise, film or other offered items of service shall be visible from outside the building or structure.
4. No sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise, film or service offered therein.
5. Each and every entrance to the structure shall be posted with a notice that the use is a regulated facility that persons under the age of eighteen (18) are not permitted to enter and warning all others that they may be offended upon entry.

#### SECTION 703 AIRPORT, AIRSTRIP

In the A-1 zone and subject to the requirements of that zone except as herein modified and provided:

1. Lot area: Ten (10) acres minimum.
2. The approach zone to any of the proposed runways or landing strips shall be in accordance with the regulations of applicable Federal and/or State agencies.
3. There shall be no existing flight obstructions such as towers, chimneys or other tall structures or natural obstructions outside of the airport and located within the proposed approach zones.
4. Any building, hanger or structure shall be located a sufficient distance away from the landing strip in accordance with the recommendations of applicable Federal and/or State agencies.
5. The glide path shall be a plane surface laid out in accordance with the operating characteristics of the aircraft for which the airport is designed. The final five hundred

(500) feet of the glide path shall be wholly within the airport property.

#### SECTION 704 CAMPGROUND, RECREATIONAL VEHICLE PARK

In the A-1 zone and subject to the requirements of that zone except as herein modified and provided:

1. Lot area: Five (5) acres minimum.
2. Setbacks: All campsites shall be located as least forty (40) feet from any property line, and sixty (60) feet from any street line.
3. Density: No more than twenty (20) campsites shall be permitted per acre.
4. Parking: A parking space for one (1) automobile shall be provided at each site which will not interfere with the convenient and safe movement of traffic, plus an equivalent amount of parking shall be provided in a common area or lot.
5. An internal road system shall be provided. The access drive entrance/exit shall meet the requirements of Section 411-c) of this Ordinance. All internal roads shall have a minimum width of sixteen (16) feet and must be improved to a mud-free, dust-free condition.
6. A minimum of one-quarter (1/4) acre per acre of total site area shall be reserved as an outdoor play area. Each outdoor play area shall be set back at least one hundred (100) feet from any property line and screened from adjoining properties.
7. Occupancy: The occupancy of each unit shall be limited to not more than one hundred eighty (180) days in any given year.
8. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes, but is not limited to, fences, walls, plantings and open spaces.
9. Consideration shall be given to traffic problems. If the nature of the campground or recreational vehicle park is such that it will generate a high volume of vehicular traffic, then access should be via a collector street as designated by the Township Comprehensive Plan.
10. All campgrounds and recreational vehicle parks shall furnish sanitary and garbage collection facilities that shall be set back a minimum of one hundred (100) feet from any property line.
11. Any accessory retail or service commercial uses shall be set back at least one hundred

(100) feet from any property line. Such accessory commercial uses shall be solely designed and constructed to serve the facility's registered guests and their visitors. Any parking spaces provided for such uses shall have vehicular access from the facility's internal road rather than the public street.

1. Storage areas for the storage of unoccupied recreational vehicles, if provided, shall be limited to an area not to exceed ten percent (10%) of the total lot area. Such area shall be screened from view of adjoining properties. The storage of junked or dismantled recreational vehicles, however, shall not be permitted.
2. The use must comply with all applicable State and local laws and regulations.

#### SECTION 705 CEMETERY

In the A-1 or RR zone and subject to the requirements of the zone in which located except as herein modified and provided:

1. All burial plots or facilities shall be located at least one hundred (100) feet from all property or street lines.
2. Assurances must be provided that water supplies of surrounding properties will not be contaminated by burial activity within the proposed cemetery. Such assurance shall include a report on the soil types, geology and drainage of the proposed site, and such other information as the Zoning Hearing Board shall deem necessary.
3. No burial plots or facilities are permitted in flood hazard areas.
4. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes, but is not limited to, fences, walls, plantings and open spaces.
5. Caskets shall be buried at a depth of no less than two (2) feet, measured from the top of the casket, or at a depth required by State regulation, whichever is greater.
6. A cemetery must comply all applicable State laws and regulations.
7. Pet cemeteries must meet all of the above applicable requirements.

#### SECTION 706 CHEMICAL MANUFACTURING, PROCESSING AND/OR STORAGE OPERATIONS

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

1. Lot Area: Five (5) acres minimum.
2. Lot Width: Two hundred fifty (250) feet minimum.
3. Setbacks: All buildings must be set back at least seventy-five (75) feet from the street line.
4. All industrial activities shall be conducted within a completely enclosed building.
5. Access must be via a collector street as designated by the Township Comprehensive Plan. Traffic entrances and exits shall be far enough from residential dwellings to minimize truck noise and vibration.
6. A buffer yard, at least fifty (50) feet wide, must be located along all property lines adjoining a Rural Residential Zone or residential use. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage.
7. Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odor, fumes, glare, vibration, smoke, vapor and gases, electrical emissions and industrial waste). Chemical materials may only be stored in a manner that will not create a public health hazard or nuisance and may only be stored or disposed of according to Federal and State regulations.

#### SECTION 707 CLUB ROOM, CLUB GROUNDS, LODGE, MEETING HALL

In the A-1 or RR zone and subject to the requirements of that zone except as herein modified and provided:

1. Access shall be via a collector street as designated by the Township Comprehensive Plan.
2. A buffer yard at least twenty (20) feet wide must be provided. The buffer yard shall be naturally landscaped, shall have no impervious cover, and shall not be used for building, parking, loading or storage. In addition, evergreen plantings, fences or walls may be required, if necessary to adequately protect neighboring properties.
3. All outdoor recreation/activity areas shall be set back at least fifteen (15) feet from any property line.
4. The use shall not constitute a public or private nuisance.

#### SECTION 708 CLUSTER HOUSING DEVELOPMENT

In the A-1 or RR zone and subject to the requirements of the zone in which located except as herein modified and provided:

In the case of residential developments involving ten (10) acres of land or more, an added degree of flexibility in the placement, bulk and inter-relationship of the buildings and uses within the development may be approved. The overall intensity of use and density of population shall be maintained while providing for new or additional design concepts. The gross area requirement may be waived if the proposed parcel abuts an existing cluster development, is within an appropriate zoning classification and will enable a compatible extension of the existing development. The following guidelines shall be followed:

1. The total number of permitted dwelling units shall be determined on the basis of total parcel area, exclusive of street and utility rights-of-way. In no event shall the overall density exceed the permitted density for the zone in which located.
2. The lot area may be reduced by no more than one-half (1/2), and the lot width and setback requirements may be reduced by no more than one-third (1/3) of the minimum requirement for the zone in which the development is located.
3. Height requirements shall be in accordance with the zone in which located.
4. The lot coverage for single family detached, single family semi-detached and two family dwellings shall not exceed forty-five percent (45%), and the lot coverage for single family attached dwellings shall not exceed sixty percent (60%).
5. Public or community water and public or community sewer approved by the Pennsylvania Department of Environmental Resources must be utilized.
6. An area sufficient to bring the development into conformance with applicable density standards shall be reserved for parks, woodland, playgrounds, lakes, or other suitable recreational purpose. Provisions for the future maintenance of these and all other common areas including, but not limited to, parking, shall be explicitly provided with the proposed project. The provisions and any agreements, such as by-laws for a property owners association, shall be subject to the approval of the Board of Supervisors, in addition to approval of the Zoning Hearing Board.
7. These provisions shall not apply to mobilehome parks.
8. All other provisions of this Ordinance and any other applicable ordinance of the Township shall apply to cluster developments.

#### SECTION 709 CONCENTRATED ANIMAL FEEDING OPERATION (CAFO); CONCENTRATED ANIMAL OPERATION (CAO)

1. CAFOs are permitted in the A-l Zone by special exception, and are subject to the requirements of this Section, in addition to the general standards for special exceptions in Section 604.
2. An operation shall be considered a CAFO and subject to the regulations of this section if it involves the keeping of livestock of the type listed in the table below in excess of the numbers identified in that table, confined within a building or other enclosure as set forth in subsection e) 2 of this Section:

#### Threshold Table for

**Concentrated Animal Feeding Operation**

|  |  |
| --- | --- |
| **Sector** | **More than \_\_\_\_ in number** |
| Cattle or cow/calf pairs | 300 |
| Mature dairy cattle | 200 |
| Veal calves | 300 |
| Swine (weighting 55 pounds or over when shipped off farm) | 750 |
| Swine (weighing less than 55 pounds when shipped off farm) | 3,000 |
| Horses | 150 |
| Sheep or lambs or goats | 3,000 |
| Turkeys | 16,500 |
| Laying hens or broilers (liquid manure handling system) | 9,000 |
| Chickens other than laying hens (other than a liquid manure handling system) | 37,500 |
| Laying hens (other than a liqui manure handling system) | 25,000 |
| Ducks (other than a liquid manure handling system) | 10,000 |
| Ducks (liquid manure handling system) | 1,500 |

1. To the extent that particular types of livestock are not identified in. the chart above, or a proposed use would otherwise be classified as a medium CAFO, or would be classified as a CAO by regulations of the Pennsylvania Department of Environmental Protection (DEP) or the United States Environmental Protection Agency (EPA), or other state or federal regulations or statutes, then the strictest of the standards promulgated by those agencies for a medium CAFO or a CAO shall apply, and such use will be considered a CAFO for purposes of this Section 709.
2. A CAFO shall be designed, located, and operated to minimize the negative impacts on the natural environment, neighboring residents and uses, and on Township facilities, such as public streets. The applicant and the Zoning Hearing Board shall take into account issues including but not limited to: prevailing winds; topography, including elevation; and proximity to residential buildings in the vicinity. In order to comply with this subsection, the applicant shall obtain and provide to the Township a site survey from Perm State University, and, as a condition of approval, shall be required to implement the recommendations of that survey.
3. Notwithstanding the setback requirements in Section 303, the following setbacks shall apply to all CAFOs:
   1. All manure storage facilities, as defined in the Nutrient Management Act, shall be located at a minimum:
      1. One hundred (100) feet of a perennial stream, river, spring, lake, pond or reservoir.
      2. One hundred (100) feet of a private water well, or open sinkhole.
      3. One hundred (100) feet of an active public drinking water well, unless other state or federal laws or regulations require a greater isolation distance.
      4. One hundred (100) feet of an active public drinking water source surface intake, unless other state or federal laws or regulations require a greater isolation distance.
      5. Two hundred (200) feet from any property line, unless the landowners within that distance from the facility otherwise agree and execute a waiver in a form acceptable to the state or county regulating agencies.
      6. Two hundred (200) feet of a perennial stream, river, spring, lake, pond, reservoir or any water well where these facilities (except permanent stacking and composting facilities) are located on slopes exceed eight percent (8%) or have the capacity of 1.5 million gallons or greater.
      7. Three hundred (300) feet from any property lines where any of the facilities (except permanent stacking and compost facilities) are located on slopes

exceeding eight percent (8%), where the slope is toward the property line, or have the capacity of 1.5 million gallons or greater, unless the landowners within that distance from the facility otherwise agree and execute a waiver in a form acceptable to the state or county regulating agencies.

* + 1. The strictest applicable setback requirement in this subsection e) shall apply for manure storage facilities. If the Nutrient Management Act applies to the proposed use, then the setbacks for manure storage facilities established in that Act shall apply.
  1. All buildings and open areas in which animals are kept (whether or not combined with a manure storage facility), including, but not limited to animal confinement areas of poultry houses, horse stalls, free stall barns, or bedded pack animal housing systems or similar structures (all of which shall be collectively referred to in this section as Animal Housing Buildings), excluding manure storage facilities, shall be located at a minimum:
     1. Two hundred (200) feet from any property line.
     2. Three hundred (300) feet from any property lines where any of the facilities are located on slopes exceeding eight percent (8%), where the slope is toward the property line, or have the capacity of 1.5 million gallons or greater.
     3. Three hundred (300) feet from any well, whether public or private, or water source surface intake used for human consumption in any manner.
     4. Five hundred (500) feet from any property line of land zoned Rural Residential, or from any dwelling or dwelling unit not on the property which is the subject of the application for a CAFO.
     5. Two hundred (200) feet from any public street line or right- of-way.
     6. Three hundred (300) feet from a park, wildlife refuge, natural resource management area, or wild land area.
     7. The setbacks set forth in subsections d)l.a., f., and g. shall apply to this subsection.
     8. The strictest applicable setback requirement in this subsection e)2 shall apply for every Animal Housing Building.
  2. If the CAFO equals or exceeds three (3) AEUs per acre on an annualized basis, then the setbacks required in subsection 2. shall be increased by one hundred (100) feet for the third AEU per acre, and an additional one hundred (100) feet for every AEU or portion thereof per acre above three (3).

1. Design and Location of Facilities
   1. Adequate space shall be available for the operation.
   2. Animal Housing Buildings shall be properly designed and properly located in relationship to other uses on and off the property, prevailing winds and topography.
   3. There shall be an adequate year-round supply of water, as calculated in this subsection 3. If connection to an existing public water supply system is proposed, the applicant must submit an agreement committing the public water supply system to provide such water as will be utilized by the proposed special exception use for such period of time and under such terms and conditions as the public water supply system provides water service elsewhere in its service area. If the water supply system proposed involves the utilization of water obtained from the tract proposed for the location of the special exception use or from a nearby tract, the applicant must:
      1. Establish that the groundwater recharge on the tract where the water supply system is located, after development, computed during drought conditions (periods when the precipitation is forty (40) percent below normal), will exceed projected water usage, as certified by a hydrologist or hydrogeologist properly licensed as such by the Commonwealth of Pennsylvania; and
      2. Provide calculations showing the amount of water needed, and a determination of the sufficiency of the amount available at the site as certified by a hydrologist or hydrogeologist properly licensed as such by the Commonwealth of Pennsylvania. Such determination shall in all cases include an on-site evaluation consisting of at least a determination of the flow and a draw-down test of the well which will serve the CAFO as proposed in the application, or an existing well on the property within five hundred (500) feet of the location proposed in the application, and monitoring of another well, not less than one hundred (100) feet nor more than five hundred (500) feet from the test well, either on or off the site, during such testing.
   4. The Zoning Hearing Board may require as a condition of approval that the applicant execute an agreement with the Township committing the proposed use not to utilize more groundwater on a daily basis than the groundwater recharge computed during drought conditions, and to establish procedures pursuant to which usage can be verified.
   5. The Zoning Hearing Board shall, as a condition of special exception approval, require that, prior to beginning operation of the CAFO, the applicant shall plant along both sides of each Animal Housing Building, and along the front or rear, as the case may be, to which the air inside the Animal Housing Building will be vented by fans or other venting, a screen planting consisting of coniferous trees at least five (5) feet high, of a type which is reasonably expected to grow to the full height of the Animal Housing Building within ten (10) years. Such planting shall be within fifty (50) feet

of each building, or at such other distance as the Zoning Hearing Board determines to be appropriate. Such trees shall be planted at such a distance from each other that within ten (10) years they will form a continuous screen around each Animal Housing Building. The applicant shall remove and replace all dead trees within thirty (30) days after the trees die, unless ground conditions prevent such replacement, in which case the applicant shall replace such trees within thirty (30) days after the ground thaws or such other ground conditions which prevented the immediate removal and replacement have cleared up.

1. Access; Travel Routes
   1. Vehicular access from the public street shall be adequate to support the volume, weight, and type of vehicular traffic to the facility, and there shall be adequate paved areas at or approximate to the animal housing buildings to park the types, weights, and sizes of vehicles necessary to transport the animals to and from the use. For purposes of this subsection, paving shall be adequate if it is stone of an adequate base and size to meet the particular requirements of the use, and the weights, sizes, and types of vehicles necessary to carry on the use, including transporting the animals, as certified to by an engineer, licensed by the Commonwealth of Pennsylvania, and as approved by the Township engineer
   2. Additionally the applicant shall make such improvements to the public road abutting the property as shall be necessary in the opinion of the Township Engineer to support the vehicular traffic anticipated for the use, including necessary turning radiuses into the property.
   3. The applicant shall also set out as part of the application the route which shall be used by transport vehicles for delivery of feed and for delivery and pickup of the animals. Such route shall, to extent possible, use state roads. The Zoning Hearing Board shall set a travel route as a condition of approval, consistent with the requirements of this subsection 3.
2. Pollution Controls
   1. Proper manure management is required. This shall include facilities to remove, store, transport, treat and/or dispose of all animal or poultry wastes in a manner that will not be harmful to the natural environment and so as to control odor. Calculations of the amount of manure to be produced, the amount of land needed for its disposal and proof that the applicant owns or has guarantee of the use of land needed for disposal shall be submitted, verified and approved by the Township. Compliance with the Nutrient Management Act and the Regulations as evidenced by approval of the plan and issuance of a permit by the Pennsylvania Department of Environmental Protection shall constitute compliance with this subsection, provided that a copy of such plan and permit, and any subsequent amendments to the plan or permits, are filed with the Township.
   2. Runoff, especially from open feed lots and manure storage areas, shall be controlled to prevent water pollution. An NPDES permit for a CAFO approved pursuant to Chapter 92 of Title 25 of the PA Code shall constitute compliance with this subsection, provided that a copy of such permit, and any subsequent amendments to the permit, are filed with the Township.
   3. Adequate manure storage facilities are required so that the operator can store manure during the winter, rather than applying it to frozen ground, or, alternatively, dispose of manure in an otherwise acceptable manner, such as by a daily haul. Compliance with the Nutrient Management Act and the Regulations shall constitute compliance with this subsection, provided that a copy of such plan, and any subsequent amendments to the plan, are filed with the Township, and provided that the plan addresses manure storage during the winter, and prohibits application to frozen ground.
   4. Where applicable, documentation that the location of facilities and manure storage facilities near floodplains complies with the Pennsylvania Floodplain Management Act and the East Hopewell Township Zoning and Subdivision and Land Development Ordinances.
   5. The Applicant shall submit with his application for a special exception a fly control plan proposing the use of the best available practice or procedure for fly control both at the location of the operation and at the ultimate disposal site for the animal waste if within or adjacent to East Hopewell Township. The Applicant shall also submit with the application for special exception a plan proposing the use of the best available practice and procedure for preventing or minimizing odors at the ultimate disposal site of the animal waste if within or adjacent to East Hopewell Township.
3. Plans Required: Detailed plans and drawings of the Animal Housing Buildings and manure storage facilities prepared by a registered engineer or architect and operating procedures shall be submitted. Where calculations are required, the source of the information on which they are based shall be included. Such plans and drawings for consideration by the Zoning Hearing Board shall be in sufficient detail to provide the Zoning Hearing Board with sufficient information to act on the special exception application. Additionally, prior to obtaining any zoning permits pursuant to this Ordinance, or any other permits required by any other federal, state, county, or Township statutes, rules, regulations, or ordinances, a land development plan in accordance with the requirements of the East Hopewell Township Subdivision and Land Development Ordinance, and a stormwater management plan meeting the requirements of the East Hopewell Township Stormwater Management Ordinance and any other applicable ordinances of the Township, must be submitted and approved by the Township Board of Supervisors.
4. Review: The applicant shall be required to present written documentation that:
   1. The York County Agricultural Extension Service or appropriate Extension Specialists at the Pennsylvania State University, or other similar consulting agency, have reviewed and approved the design of facilities for housing the animals and the proposed management procedures.
   2. The York County Conservation District or other designated agency has reviewed and approved the nutrient management plan, including the storage and disposal of manure and contaminated run-off.
5. The applicant shall provide written evidence that:
   1. The proposed operation meets all the requirements of the Pennsylvania Clean Streams Law and any other applicable State laws, and that any required permits have been obtained from the Pennsylvania Department of Environmental Protection, or its designee.
   2. An NPDES permit has been obtained from the U.S. Environmental Protection Agency or its designee, or that such a permit is not required for the operation; and that the requirements of any other applicable Federal and State laws and regulations have been met.
6. Additionally, every operation which qualifies as a CAFO as defined in this Section shall be required to have a Nutrient Management Plan and an Odor Management Plan which has been approved by DEP, the York County Conservation District, or their designees, in accordance with the standards set forth in the Nutrient Management Act or Chapter 5 of Title 3 of the Pennsylvania Consolidated Statutes, as amended, and the regulations promulgated pursuant to those statutes.

#### SECTION 710 COMMUNICATION TRANSMITTING AND RECEIVING FACILITY

In the A-1 or GC zone, telephone or telegraph exchange, radio or television broadcasting towers, micro-relay stations and similar facilities are permitted subject to the requirements of the zone in which located except as herein modified and provided:

1. No public business office or storage yard shall be operated in connection with such use, except in the General Commercial Zone.
2. Climbing access to the tower shall be secured from use by unauthorized persons.
3. Buffers and screens shall be provided as necessary to adequately protect neighboring properties.
4. Any exterior lighting shall be directed away from all adjacent properties.

#### SECTION 711 CONVALESCENT HOME, NURSING HOME, HOSPITAL

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

1. Lot Area: One (1) acre minimum.
2. Lot Width: One hundred fifty (150) feet minimum.
3. Setbacks: All buildings shall be located at least twenty-five (25) feet from the side and rear property lines.
4. Water and sewer facilities approved by the Pennsylvania Department of Environmental Resources must be utilized.
5. Access shall be via a collector street as designated by the Township Comprehensive Plan.
6. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes, but is not limited to, fences, walls, plantings and open spaces.

#### SECTION 712 DOMICILIARY CARE HOME

In the A-1 or RR zone and subject to the requirements of the zone in which located except as herein modified and provided:

1. The facility must be certified by the York County Area Agency on Aging prior to occupancy approval by East Hopewell Township.
2. Domiciliary care operations shall be conducted as an accessory use to the primary use of the property as a single family residence.
3. The domiciliary care home must be owner occupied and only family members residing on the premises shall provide the care associated with a domiciliary care facility.
4. No facilities for cooking or dining shall be provided in individual rooms or suites.
5. The home must comply with all local regulations including, but not limited to, fire, health and building codes.

#### SECTION 713 EXTRACTIVE OPERATIONS

In the A-1 zone and subject to the requirements of that zone except as herein modified and provided:

1. Setback: No part of the extractive operation site shall be established --
   1. Within five hundred (500) feet of any dwelling, church, school or any other building(s) which from time to time are utilized for human occupancy or within one thousand (1,000) feet of any Rural Residential zoned land.
   2. Within one hundred (100) feet of a property or street line. Where the street line is bounded on both sides by an extractive operation under single ownership, the minimal setback from the street line shall be fifty (50) feet on each side of the right-of-way.
   3. Within one thousand (1,000) feet of any existing surface water.
2. Buffer Yard: The operation must be completely encircled by a buffer yard having a minimum depth of fifty (50) feet. No activity involved in the extractive operation process shall be performed within this area.
3. Fencing: The premises shall be surrounded by a twelve (12) foot high chain-link fence, with necessary gates for entrance, to prevent the blowing of refuse materials around the site. Said fence shall be located along the required buffer zone and shall be constructed so as not to have openings larger than two (2) inches maximum dimension, to extend at least ten (10) feet above the ground and to extend at least eighteen (18) inches below the ground.
4. Buffer Planting: Evergreen trees and shrubs shall be planted to completely screen the operation from normal view and from adjacent public rights-of-way. The planting must be designed and planted so as to create a solid screen which will attain a height of six (6) feet within one (1) year of the planting.
5. All excavations shall be graded in such a way as to provide an area which is harmonious with the surrounding terrain and not dangerous to human or animal life.
6. Appropriate steps must be taken to insure that the operation does not pollute ground water and/or neighboring lakes, streams, ponds or rivers. The emissions of dust, smoke, refuse matter, odor, gas, fumes, noise or similar substances or conditions which can cause any soiling or staining of persons or property at any point beyond the property line of the extractive operation shall be prohibited.
7. Access shall be designed to minimize danger to traffic and nuisance to surrounding properties. Access drives must also comply with the requirements set forth in Section 411-d) of this Ordinance.
8. A person or persons delegated with the responsibility of insuring that the operation is adhering to all applicable regulations must be on duty at all times during the operation of the extractive process.
9. The facility shall comply with all applicable State and Federal laws and regulations.
10. Reclamation
    1. Within two (2) years after the termination of the operation, the area of excavation must be rehabilitated to a condition of reasonable physical attractiveness and, as practical, restored.
    2. A plan for reclamation of the site shall be submitted for review by the Township Planning Commission. Such plan shall take into consideration drainage, prevailing winds, soil erosion and other problems created by the operation; and it shall include a grading and re-use plan for the site.
    3. In rehabilitating the area of excavation, the owner or operator must comply with the following standards:
       1. Slope: The slope of earth material in any excavated area must not exceed the angle of slippage.
       2. Topsoil and Ground Cover: Where filling of the excavated area is desirable and economically feasible, the fill must be a kind and depth to sustain grass, plants or trees; and such vegetation must be planted.
       3. Drainage: To prevent any silt or other loose material from filling any existing drainage course or encroaching on State or Township roads, all surface drainage existing or developing by or through the topsoil must be controlled by dikes, barriers or other drainage structures. All measures to control natural drainage of flood water shall be subject to the approval of the Board of Supervisors.
       4. Removal of Plant and Equipment: Within two (2) years after termination of operations, the plant and all equipment must be removed, except where the plant and equipment are still used for processing earth material from other properties. If substantially covered, foundations and piers may be left in the ground.

#### SECTION 714 GROUP DAY CARE HOME

In the A-1 or RR zone and subject to the requirements of the zone in which located except as herein modified and provided:

1. The facility shall obtain a certificate of licensure or approval from the Pennsylvania Department of Public Welfare and shall provide a copy of the certificate to the Township.
2. Outdoor play areas for children shall be sufficiently enclosed to provide for the health and safety of the children as determined by the Zoning Hearing Board.
3. A resident of the dwelling shall operate the facility. At all times when there are more than six (6) children at the facility, a minimum of two (2) caregivers must be present. However, no more than two (2) nonresident persons may be employed as caregivers.
4. In addition to the required parking for the dwelling unit, one (1) parking space must be provided for each nonresident employee, plus at least two (2) spaces must be provided for the day care facility.
5. Day care operations shall be conducted so as to be clearly incidental and accessory to the primary use of the property as a residential dwelling.

#### SECTION 715 GROUP QUARTERS

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

1. A minimum of two hundred fifty (250) square feet of habitable floor area shall be provided for each occupant.
2. A common kitchen and dining facility shall be provided and no cooking or dining facilities shall be provided in individual rooms or suites. This provision is not intended to require such facilities if the affiliated institution provides them elsewhere.
3. The use shall be served by water and sewer facilities approved by the Pennsylvania Department of Environmental Resources.
4. Off-street parking shall be provided for each group quarters based upon one (1) parking space for each occupant.
5. All group quarters shall comply with all applicable building, health and fire codes.

#### SECTION 716 HALF-WAY HOUSE

In the A-1 zone and subject to the requirements of that zone except as herein modified and provided:

1. A minimum of two hundred fifty (250) square feet of habitable floor area shall be provided for each occupant.
2. A common kitchen and dining facility shall be provided and no cooking or dining facilities shall be provided in individual room or suites. This provision is not intended to require such facilities if the affiliated institution provides them elsewhere.
3. The facility must be served by water and sewer facilities approved by the Pennsylvania Department of Environmental Resources.
4. All half-way houses shall comply with all applicable building, health and fire codes.
5. Off-street parking shall be provided for each half-way house based upon one (1) parking space for each occupant.

#### SECTION 717 HELISTOP, HELIPORT

In the A-1 zone and subject to the requirements of that zone except as herein modified and provided:

1. This use can be considered as an accessory use to an existing or proposed principal use provided all applicable provisions for its establishment are satisfied.
2. There shall be no existing flight obstructions such as towers, chimneys or other tall structures or natural obstructions located within the proposed approach zones.
3. The proposed heliport/helistop shall be constructed, operated and maintained in accordance with the published rules and regulations of the Federal Aviation Administration, Pennsylvania Bureau of Aviation and the Nation Fire Protection Association governing the use of heliports.
4. Operation of the facility shall not be detrimental to the safety and welfare of area residents.
5. Certification that the site has been inspected and licensed by the Bureau of Aviation of the Pennsylvania Department of Transportation must be submitted to the Township prior to use of the site.

#### SECTION 718 HOME OCCUPATION

In the A-1 or RR zone and subject to the requirements of the zone in which located except as herein modified and provided:

1. Employees: No more than one (1) person, other than a resident of the dwelling, shall practice the occupation or be employed to provide secretarial, clerical or other assistance.
2. Pupils: No more than two (2) pupils may receive instruction at a time.
3. Coverage: Not more than forty percent (40%) of the ground floor area of the dwelling unit may be devoted to home occupation(s), including storage of supplies. If located in

an accessory building(s), the total area devoted to home occupation(s) shall not exceed an area equal to fifty percent (50%) of the floor area of the dwelling unit.

1. Appearance: The character or external appearance of the dwelling unit must be that of a dwelling. The external appearance of the accessory building shall be that of an accessory building typically accessory to a residential use. No display of products may be shown so as to be visible from outside the dwelling or accessory building. A sign not larger than two (2) square feet in area is permitted and may be illuminated only by indirect lighting that is shielded so as not to create glare for neighboring properties or motorists.
2. Parking: Besides the required parking for the dwelling unit, additional parking is required as follows for each home occupation:
   1. Two (2) spaces for the home occupation and one (1) space for the nonresident employee, plus;
   2. Garages shall not be considered parking area for home occupations. Each space provided shall not have direct access to the street to avoid vehicles backing into the flow of traffic.
3. Sales: There shall be no stock in trade stores nor commodities kept for sale which are not goods produced on the premises or used in connection with the permitted home occupation.
4. Outdoor Storage: If an outdoor storage area is necessary, it must be located to the side or rear of the principal building and appropriately screened from view.
5. Nuisance Effects: The occupation shall not create objectionable noise or odor that can be detected from outside the building; nor shall it create traffic or parking problems.
6. Impact on Neighborhood: A home occupation shall not in any way alter the character of a neighborhood nor in any way adversely affect the sale and comfortable enjoyment of properties in the vicinity.

#### SECTION 719 HOUSE OF WORSHIP

In the A-1 or RR zone and subject to the requirements of the zone in which located except as herein modified and provided:

1. Side Setback: Minimum side setbacks of twenty-five (25) feet each shall be provided.
2. All off-street parking areas shall be set back at least twenty-five (25) feet from any street or property line.
3. A buffer yard at least twenty (20) feet wide shall be provided along all property lines not adjacent to a public street. The buffer yard shall be naturally landscaped, shall have no impervious cover, and shall not be used for building, parking, loading or storage purposes. In addition, evergreen plantings or fences may be required if necessary to adequately protect adjoining properties.
4. Access shall be via a collector street as designated by the Township Comprehensive Plan.
5. Any associated residential use, including the parsonage, shall be located on a separate lot or parcel and shall be subject to all applicable regulations of this Ordinance.
6. Any associated educational or day care uses shall be accessory and located on the same lot as the house of worship.

#### SECTION 720 INDUSTRIAL ACTIVITIES

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

1. Lot Area: One (1) acre minimum.
2. Lot Width: One hundred fifty (150) feet minimum.
3. All industrial activities shall be conducted within a completely enclosed building.
4. All buildings shall be set back at least fifty (50) feet from any property or street line.
5. All storage shall be either within a building or in an area to the side or rear of the principal building enclosed by a six (6) foot high fence and screened from adjoining properties.
6. A buffer yard at least thirty-five (35) feet in width must be provided along all property lines not adjacent to a public or private street. The buffer yard shall be naturally landscaped, have no impervious cover, and shall not be used for building, parking, loading or storage purposes.
7. Access shall be via a collector street as identified by the Township Comprehensive Plan.
8. Points of ingress and egress shall be designed to minimize congestion and hazards and to allow free movement of traffic on adjacent roads.
9. Exterior lighting shall be directed away from all adjoining properties and roadways.
10. Satisfactory evidence must be presented to show that adequate disposal of toxic materials will be provided in a manner that will not create a public health hazard or nuisance.
11. Satisfactory provision shall be made to minimize harmful or unpleasant effects such as noise, odors, fumes, glare, vibration, smoke, vapors and gases, electrical emissions and industrial wastes.
12. Water and sewer facilities approved by the Pennsylvania Department of Environmental Resources must be utilized.
13. The use must comply with all applicable Federal, State and local laws and regulations.

#### SECTION 721 INDUSTRIAL PARK

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

1. Permitted Uses: Uses such as those listed as Industrial Activities in Section 305-c-5 of this Ordinance, and Professional, Business and Contractors' Offices as defined in this Ordinance, shall be permitted.
2. Lot Area: Minimum lot area must be provided equal to that total required if individual lots were to be subdivided and sold to tenants.
3. Lot Width: Three hundred (300) feet minimum. Individual parcels within the park shall have a lot width of at least one hundred (100) feet.
4. Individual "lots" within the park (whether or not such lots are subdivided and separately deeded) shall have minimum setbacks as follows: front, twenty-five (25) feet; each side, twenty-five (25) feet; rear, thirty (30) feet.
5. Access: Primary access shall be via a collector street as designated by the Township Comprehensive Plan. Truck traffic going to and from the industrial park shall be permitted only on nonresidential streets.
6. Buffers: When adjacent to a Rural Residential Zone, a buffer yard of not less than fifty

(50) feet shall be maintained on each side adjoining the residential zone. The buffer yard shall be naturally landscaped, have no impervious cover, and shall not be used for buildings, parking or loading.

1. Public or community water and public or community sewer facilities approved by the Pennsylvania Department of Environmental Resources must be provided to all tenants.
2. All internal streets providing access to parcels within the Park shall be a minimum of twenty (20) feet in width and be constructed to Township specifications. Such streets shall remain private.
3. Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke, vapors and gases, electrical emissions and industrial waste). Satisfactory evidence must be presented to show that adequate disposal of toxic materials will be provided in a manner that will not create a public health hazard or nuisance.
4. All uses within the Park must comply with all applicable Federal, State and local regulations.

#### SECTION 722 JUNKYARD, AUTOMOBILE DISMANTLING PLANT

In the A-1 zone and subject to the requirements of that zone except as herein modified and provided:

1. Lot Area: Five (5) acres minimum; ten (10) acres maximum.
2. Lot Width: Three hundred (300) feet minimum.
3. Setbacks: Any area used for this purpose must be at least sixty (60) feet from a street line and thirty (30) feet from side and rear property lines.
4. The area to be used must be completely enclosed with a six (6) foot high solid masonry, metal or wooden wall of a uniform design, texture and structure and shall include appropriate screening.
5. No material may be stored or stacked higher than five (5) feet.
6. No garbage or other organic waste shall be stored on the premises.
7. The premises shall be maintained so as not to constitute a public nuisance or health hazard to the community or nearby residents or to create a place for the breeding of rodents or vermin.
8. The manner of storage, arrangement of junk and the drainage facilities shall be designed so as to prevent the accumulation of stagnant water and to facilitate access for inspection purposes and fire fighting.
9. A license must be obtained from the Township in compliance with the East Hopewell Township Junkyard Ordinance prior to operation of the facility.
10. The facility must comply with all applicable local, State and/or Federal laws.

#### SECTION 723 KENNEL

In the A-1 or GC zone and subject to the requirements of the zone in which located except as herein modified and provided:

1. Lot area: Two (2) acres minimum.
2. All animal boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls, runways or fenced enclosures shall be located at least one hundred (100) feet from all property or street lines.
3. All animals must be housed within a structure except while exercising.
4. All outdoor pasture/recreation areas shall be enclosed to prevent the escape of animals.
5. Satisfactory evidence must be presented to indicate that adequate disposal of animal waste will be provided in a manner that will not create a public health hazard or nuisance.

#### SECTION 724 MINI-STORAGE FACILITY

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

1. Parking for the individual storage units shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty (20) feet wide where access to storage units is only on one (1) side of the aisle and at least twenty-four (24) feet wide where access to storage units is on both sides of the aisle.
2. If a manager/business office is established on the site, at least four (4) parking spaces must be provided adjacent to the office.
3. The servicing or repair of stored equipment shall not be conducted in the storage units or outdoor storage areas. Also, no business activities shall be conducted within the storage units.
4. The storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals is prohibited.
5. If a parking area is to be provided for the outdoor storage of recreational vehicles, such parking shall be in addition to any required parking.
6. All outdoor lights shall be shielded to direct light onto the uses established and away from adjacent property.
7. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes, but is not limited to, fences, walls, plantings and open spaces.

#### SECTION 725 MOBILEHOME PARK

In the A-1 or RR zone and subject to the requirements of the zone in which located except as herein modified and provided:

1. The minimum parcel area shall be five (5) acres.
2. Each mobilehome lot (including street right-of-way) must not be less than ten thousand (10,000) square feet in area and shall have a width of not less than sixty (60) feet at the front setback line.
3. The total number of mobilehomes shall not exceed an average density of four (4) per acre.
4. A public or community water supply system and a public or community sewerage system approved by the Pennsylvania Department of Environmental Resources must be utilized.
5. Setback Requirements - Each mobilehome shall adhere to the following minimum setback requirements:
   1. Front Setback - Twenty (20) feet.
   2. Rear Setback - Fifteen (15) feet.
   3. Side Setbacks - Fifteen (15) feet each.
6. Access to the mobilehome park shall be via a collector street as designated by the Township Comprehensive Plan.
7. The Zoning Hearing Board may require suitable screen planting, or may further restrict the proximity of mobilehomes, or other improvements, to adjoining properties, or may attach such other conditions or safeguards to the use of land for a mobilehome park as the Board may deem necessary to protect the general welfare.
8. A mobilehome park and extension thereof shall also comply with all applicable State and/or municipal regulations now in effect or hereafter enacted.

#### SECTION 726 MULTI-FAMILY DWELLING(S)

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

1. Lot Area: One (1) acre minimum.
2. Lot Width: One hundred fifty (150) feet minimum.
3. Side Setback: Minimum side setbacks of twenty (20) feet each shall be provided.
4. Density: The maximum density shall be eight (8) dwelling units per acre of lot area (exclusive of recreation, one hundred (100) year flood plain areas and highway and utility rights-of-way).
5. Distance Between Buildings: Where two (2) or more multi-family buildings are located on a single lot or parcel, the minimum distance between such buildings shall be forty (40) feet.
6. Length of Buildings: Two hundred (200) feet maximum.
7. Public or community water and public or community sewer facilities approved by the Pennsylvania Department of Environmental Resources must be utilized.
8. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes, but is not limited to, fences, walls, plantings and open spaces.
9. Any space designated for recreation shall be suitably improved and equipped by the developer and subsequently maintained by the current owner or by a homeowner's association. The provisions for maintenance and any agreements such as by-laws for a homeowner's association, shall be subject to the approval of the Zoning Hearing Board.

#### SECTION 727 MULTI-FAMILY OR TWO FAMILY CONVERSION

In the A-1 or RR zone and subject to the requirements of the zone in which located except as herein modified and provided:

1. There shall be a minimum of ten thousand (10, 000) square feet of lot area per dwelling unit.
2. Where an existing dwelling is converted to a multi-family or two family dwelling, the character of the existing structure shall be maintained. No exterior modifications shall be permitted which alter the original style of the dwelling, its doors, windows, or other details; except that outside enclosed stairways and energy saving modifications, such as double-glazed windows and airlock entries, shall be permitted if the design and materials

used are similar to, or blend well with, the original building style. Safety features, such as a fire escape, shall also be permitted, if required by law or regulation.

1. Parking, minimum habitable floor area and all other applicable requirements of this Ordinance shall be met.
2. Water and sewer facilities approved by the Pennsylvania Department of Environmental Resources must be utilized.
3. The structure shall comply with all applicable rules and regulations including, but not limited to, fire, health, safety and building codes.

#### SECTION 728 NEIGHBORHOOD GROCERY OR CONVENIENCE STORE

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

1. The ground floor area of the store shall not exceed three thousand (3,000) square feet.
2. Access shall be via a collector street as designated by the Township Comprehensive Plan.
3. A planting strip at least fifteen (15) feet wide shall be provided along the public roadway.
4. A minimum of one (1) off-street parking space for each 200 square feet of gross floor area must be provided.
5. Screens and buffers shall be provided as necessary to adequately protect neighboring properties. This includes, but is not limited to, fences, walls, plantings and open spaces.
6. If gasoline pumps are to be installed, all requirements of Section 737 shall also be met.

#### SECTION 729 NONCONFORMITY, EXPANSION OF

In any zone and subject to the requirements of the zone in which located except as herein modified and provided:

1. Expansion of the nonconformity shall be confined to the lot on which it is located on the effective date of this Ordinance or any amendment thereto creating the nonconformity.
2. The total of all such expansions of use shall not exceed an additional fifty percent (50%) of the area of those buildings or structures devoted to the nonconforming use as they existed on the date on which such buildings or structures first became nonconformities.
3. Provision for driveways, access drives, off-street parking and off-street loading shall be consistent with standards required by this Ordinance.
4. Provision for yards, building height and building area shall be consistent with the standards required for permitted uses in the zone in which the nonconformity in question is located.
5. Appearance should be harmonious with surrounding properties. This feature includes, but is not limited to, landscaping, enclosure of principal and accessory uses, height control, sign control, architectural control and maintenance in good condition of all improvements and open spaces.
6. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes, but is not limited to, fences, walls, plantings and open spaces.
7. The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities.

#### SECTION 730 NONPROFIT RECYCLING COLLECTION CENTER

In all zones and subject to the requirements of the zone in which located except as herein modified and provided:

1. Not more than six (6) containers shall be permitted, and each such container shall not be larger than two (2) cubic yards in size.
2. All containers must be closed containers.
3. The recycling collection area must be totally enclosed with a fence or wall meeting the requirements of Section 403-c) of this Ordinance.
4. The center must be secured at all times when supervision is not on site.
5. Specific hours of operation must be designated and posted on the site. Such hours shall be subject to the approval of the Zoning Hearing Board.

#### SECTION 731 OUTDOOR COMMERCIAL RECREATIONAL ESTABLISHMENT

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

1. Setbacks: The area to be used for recreational purposes must be set back at least fifty (50) feet from any property or street line.
2. The use must have access via a collector street as designated by the Township Comprehensive Plan.
3. Exterior lighting shall be directed away from all adjoining properties.
4. All facilities shall be kept in a neat and well maintained condition.
5. Where an outdoor recreational use, other than a golf course, adjoins a residential use, trees or shrubs must be planted on the site of this use so as to form an effective visual barrier between the outdoor recreational use and adjoining residential properties.
6. Depending upon the specific nature of the proposed use, additional screening or buffering may be required to protect adjoining properties.
7. Existing trees and vegetation shall be preserved, to the extent possible, to keep the area natural.
8. A public swimming pool shall meet all applicable requirements of Section 401-f) of this Ordinance.

#### SECTION 732 OUTDOOR TRAP, SKEET, RIFLE, PISTOL OR ARCHERY RANGE

In the A-1 zone and subject to the requirements of that zone except as herein modified and provided:

1. Lot Area: Five (5) acres minimum.
2. Lot Width: Five hundred (500) feet minimum.
3. Adjacent areas must be predominantly undeveloped and the range area must be at least two hundred (200) feet from any property or street line. The use must also be located at least one thousand (1,000) feet from any existing residential dwelling that is not on the same property.
4. Except for trap and skeet ranges, an earthen background berm must be provided within twenty (20) feet of the farthest target post to prevent wild or ricochetting bullets or wild or stray arrows. Such berm shall have a slope of not less than one (1) - vertical to two (2)

- horizontal and must extend at least eight (8) feet above the ground level of the highest target. The crest of the berm at the eight (8) foot minimum height limit shall be at least four (4) feet in width as measured between the wall of the berm facing the range and the opposite wall.

1. Earthen side berms must be provided immediately adjacent to the range and shall extend from the firing line to the background berm. The side berms shall meet the same design qualifications as set forth for background berms in Subsection d) above.
2. All fixed targets shall be on separate posts and must be at least two (2) feet off the ground.
3. Warning signs must be posted at least ten (10) feet from the outside of the berms.
4. The firing range shall be free of gravel and other hard surface materials and be adequately drained.
5. Adult supervision must be provided for children under sixteen (16) years of age.

#### SECTION 733 PARK OR OTHER RECREATION AREA OF A NONPROFIT NATURE

In the A-1 or RR zone and subject to the requirements of the zone in which located except as herein modified and provided:

1. Consideration shall be given to traffic problems. If the nature of the park or open space area is such that it will generate a high volume of vehicular traffic then access should be via an arterial or collector street as designated in the Township's Comprehensive Plan.
2. The Zoning Hearing Board shall decide the appropriateness of the design of parking, lighting, and similar features of the proposed use. The Board may require such conditions and safeguards as are necessary to minimize adverse impacts on adjacent properties.
3. Existing trees and vegetation shall be preserved, to the extent possible, to keep the area natural.

#### SECTION 734 PERSONAL CARE BOARDING HOME

In the A-1 or GC zone and subject to the requirements of the zone in which located except as herein modified and provided:

1. The applicant must secure a license from the Pennsylvania Department of Public Welfare and submit a copy of the license to the Township prior to occupancy approval by East Hopewell Township.
2. No kitchen or dining facilities shall be permitted in individual rooms or suites.
3. The facility must meet all applicable fire, health, safety and building codes.
4. Water and sewer facilities approved by the Pennsylvania Department of Environmental Resources must be utilized.
5. At least one (1) parking space for each employee, plus one (1) parking space for each bedroom, shall be provided.

#### SECTION 735 PUBLIC BUILDINGS AND FACILITIES

In the A-1 or RR zone and subject to the requirements of the zone in which located except as herein modified and provided:

a) Setbacks: All buildings and facilities shall be set back at least fifty (50) feet from a street line or front property line and at least thirty-five (35) feet from a side or rear property line.

1. Outdoor storage of materials, vehicles and related equipment shall be prohibited in the Rural Residential Zone. Outdoor storage in the A-1 Zone shall be completely enclosed with a six (6) foot high fence and screened from view of adjoining streets and properties.
2. Consideration shall be given to traffic problems. If the nature of the public building or facility is such that it will generate a high volume of vehicular traffic then access should be via an arterial or collector street as designated by the Township Comprehensive Plan.

#### SECTION 736 PUBLIC UTILITY BUILDING AND/OR SERVICE STRUCTURE

In the A-1 or RR zone and subject to the requirements of the zone in which located except as herein modified and provided:

1. In the Rural Residential Zone, the storage of vehicles or equipment used in the maintenance of a utility shall not be permitted. In all other zones, all outdoor storage shall be enclosed with a fence or wall not less than six (6) feet in height which shall be so constructed as not to have holes, openings or gaps larger than six (6) inches in any dimension. If adjacent to a residential use or Rural Residential Zone, such fence or wall must be surrounded by evergreen plantings.
2. Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, vibration, smoke and odor). No equipment causing unreasonable noise, vibration, smoke, odor, or hazardous effect shall be installed in the Rural Residential Zone.
3. The external design of the building (to the extent possible) shall be in conformity with the buildings in the surrounding area.
4. There shall be no specific minimum lot size or lot width, however, each lot shall provide front, side and rear setbacks in accordance with the zone in which located.
5. There shall be no maximum lot coverage, provided that a stormwater management plan for the site is approved by the Township Engineer.

#### SECTION 737 RACQUET SPORTS CLUB, HEALTH CLUB

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

1. Access shall be via a collector street as designated by the Township Comprehensive Plan.
2. Off-street parking shall be provided as follows: a minimum of one (1) off-street parking space for every two (2) persons of total capacity, plus one (1) space for each full-time employee and every two (2) part-time employees; or a minimum of one (1) space for each one hundred (100) square feet of gross floor area, which ever is greater.
3. The use shall not constitute a public or private nuisance, and vegetative screening shall be provided as deemed necessary to protect nearby residential properties.

#### SECTION 738 ROOMING HOUSE, BOARDING HOUSE

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

1. A rooming house or boarding house shall be owner-occupied and shall be an accessory use to a single family dwelling.
2. Any dwelling proposed for use as a rooming house or boarding house shall have a habitable floor area, in addition to the habitable floor area required for the principal dwelling, of three hundred (300) square feet for each roomer or boarder; provided, however, that each room to be used for sleeping purposes by a single person shall contain at least seventy-two (72) square feet of floor area and each room to be occupied by two

(2) or more persons shall contain at least sixty-eight (68) square feet of floor area per occupant.

1. No facilities for cooking or dining shall be provided in individual rooms or suites.
2. All rooming houses and boarding houses shall comply with all applicable Federal, State and local laws and regulations including, but not limited to, fire, health, safety and building codes.

#### SECTION 739 SERVICE STATION

In the RR or GC zone and subject to the requirements of the zone in which located except as herein modified and provided:

1. Buildings must be set back at least forty (40) feet from the street line.
2. Pumps must be set back at least fifteen (15) feet from the street line.
3. All access drives must meet the requirements of Section 411-c). In addition, no access drive shall exceed thirty-five (35) feet in width at the street line.
4. Except at entrances of access drives, a concrete curb eight (8) inches in height must be placed along all street lines.
5. All lights must be diverted toward the service station or downward on the lot.
6. No outdoor stockpiling of tires or outdoor storage of trash is permitted. An area enclosed by a wall, fence or vegetative material and screened from view of adjoining properties shall be provided whenever outdoor storage is required. No materials may be stored so as to create a fire hazard.
7. At least ten (10) percent of the lot on which the facility is situated must be devoted to natural landscaping.
8. Storage of materials shall conform to all applicable State and Federal regulations.

#### SECTION 740 SHOPPING CENTER OR MALL

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

1. Lot Area: Two (2) acres minimum.
2. Lot Width: Two hundred fifty (250) feet minimum.
3. All buildings must be set back at least fifty (50) feet from any property or street line.
4. Access must be via a collector street as designated by the Township Comprehensive Plan.
5. A buffer yard at least thirty-five (35) feet wide must be provided along all property lines not adjacent to a public or private street. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage purposes.
6. The Zoning Hearing Board may require that suitable screen planting or fencing be provided and maintained along the property lines to adequately protect neighboring properties.

#### SECTION 741 SOLID WASTE PROCESSING AND/OR DISPOSAL FACILITY

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

1. Such facility shall provide for the processing and/or disposal only of municipal or residual solid waste as defined in the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988, and 25 PA Code Chapters 271, 273, 275, 277, 279, 281, 283 and 285 as amended, supplemented or revised.
2. Hazardous wastes, as defined by the Pennsylvania Department of Environmental Resources, shall not be disposed of within the facility.
3. Any processing of solid waste including, but not limited to, incineration, composting, shredding, compaction, material separation, recycling, refused derived fuel and pyrolysis shall be conducted within a wholly-enclosed building.
4. No solid waste shall be deposited or stored within five hundred (500) feet, and no building or structure shall be located within two hundred (200) feet, of any property or street line.
5. No solid waste shall be deposited, either temporarily or permanently, within one thousand (1,000) feet of any pond, lake, stream or watercourse, or within one thousand (1,000) feet of any wetland meeting the definitions of the Pennsylvania Department of Environmental Resources, U.S. Environmental Protection Agency, U.S. Army Corps. of Engineers, U.S. Soil Conservation Service or the U.S. Fish and Wildlife Service.
6. A buffer yard, at least fifty (50) feet wide, shall be located along all property lines. No structures, storage, parking or any other related activity or operation shall be permitted within this area. The buffer shall be naturally landscaped and have no impervious cover.
7. Any area used for the unloading, transfer, storage, processing, incineration or disposal of solid waste must be completely screened from ground-level view at the property line. (The use of an earthen berm is encouraged where practicable). In addition, such areas must also be completely enclosed by an eight (8) foot high fence, with no openings greater than four (4) inches in any direction.
8. All uses shall provide sufficiently long stacking lanes into the facility, so that vehicles waiting to be weighed will not back-up onto public roads.
9. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against indiscriminate and unauthorized dumping, all areas of the site shall be protected by locked barricades, fences at gates or other positive means designed to deny access to the area at unauthorized times or locations.
10. The unloading, processing and transfer of solid waste shall be continuously supervised by a qualified facility operator.
11. Any waste that cannot be used in any disposal process, or material that is to be recycled, shall be stored in leak and vector proof containers. Such containers shall be designed to prevent their being carried by wind or water.
12. All storage of solid waste shall be indoors in a manner that is leak and vector proof. During normal operation, no more solid waste shall be stored on the property than is needed to keep the facility in constant operation; but, in no event for more than seventy-two (72) hours.
13. A contingency plan for the disposal of solid waste during a facility shutdown shall be submitted to the Township.
14. The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources indicating quantity of water required. If the source is from a municipal system the applicant shall submit documentation that the public authority will supply the water needed.

In addition, a water feasibility study must be provided to enable the Township to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility study shall be reviewed by the Township engineer.

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

A water feasibility study shall include the following information:

* 1. calculations of the projected water needs;
  2. a geologic map of the area with a radius of at least one (1) mile from the site;
  3. the location of all existing and proposed wells within one thousand (1,000) feet of the site, with notation of the capacity of all high yield wells;
  4. the location of all existing on-lot sewage disposal systems within one thousand (1,000) feet of the site;
  5. the location of all streams within one thousand (1,000) feet of the site and all known point sources of pollution;
  6. based on the geologic formation(s) underlying the site the long term safe yield shall be determined;
  7. a determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and the groundwater table; and
  8. a statement of the qualifications and the signature(s) of the person(s) preparing the study.

1. The applicant shall provide an analysis of the physical conditions of the primary road system serving the proposed use. The analysis shall include information on current traffic flows on this road system, and projections of traffic generated by the proposed use. Improvements to the road shall be provided by the applicant to insure safe turning movements to and from the site and safe through movement on the existing road.
2. A detailed plan for site restoration following any solid waste disposal (landfill) activities must be submitted. Emphasis shall be placed upon reuse of the land; and a time table indicating the phases of site restoration shall be included.
3. No use and occupancy permit shall be issued for a solid waste processing and\or disposal facility until the operator shall have submitted to the Zoning Officer proof that the facility complies with the regulations of the Department of Environmental Resources and has been permitted in writing by said agency.

#### SECTION 742 TEMPORARY OUTDOOR AMUSEMENT OR EVENT

In all zones and subject to the requirements of the zone in which located except as herein modified and provided:

1. Lot Area: Five (5) acres minimum.
2. The use shall not be located within any required setback or street right-of-way areas and must be at least three hundred (300) feet from any existing residence on adjacent land.
3. Any booths or structures used for the collection of admission, parking or any other fees shall be set back and arranged to prevent vehicle back ups on adjoining roads during peak arrival times.
4. Any exterior lighting shall be directed away from all adjoining properties, and the effect and use of any audio or visual equipment or materials shall not interfere with the use and enjoyment of adjoining property.
5. Access to the activity shall consist of two (2) separate access points for ingress and egress. Any new access drives shall be constructed in accordance with the access drive requirements set forth in Section 411-d) of this Ordinance.
6. Consideration shall be given to traffic problems. If the nature of the campground or recreational vehicle park is such that it will generate a high volume of vehicular traffic, then access should be via a collector street as designated by the Township Comprehensive Plan.
7. Parking: A minimum of one (1) space for each five hundred (500) square feet of active use area must be provided. Parking on any public street shall not be permitted. "No Parking" signs must be posted along the property's street frontage.
8. Signs shall be in accordance with the requirements for temporary signs set forth in Section 408-c) of this Ordinance. (See Sign Chart B, #T-7).
9. The temporary outdoor amusement or event shall only operate from nine (9) a.m. to eleven (11) p.m. on weekdays (Monday through Thursday); and from nine (9) a.m. to twelve (12) a.m. on weekends (Friday through Sunday).
10. Sufficient evidence must be provided to show that the landowner/operator has arranged for, or is providing directly, facilities for the collection and storage of trash.
11. A permit must be obtained and prominently displayed throughout the amusement or event. Any permit issued shall be for a period not to exceed six (6) continuous days or one (1) weekend (Friday through Sunday). Each separate parcel of land may be issued either two (2) six (6) day permits, four (4) weekend permits, or one (1) six (6) day permit and two (2) weekend permits, in any one (1) calendar year. No amusement or event shall be conducted for more than six (6) continuous days.
12. Prior to issuance of the permit, the applicant must demonstrate to the Township that he has contracted for, and will have available at all times during the event, sufficient police, security and medical personnel.
13. Prior to issuance of the permit, the applicant must also provide evidence that separate toilet facilities will be provided in such quantity, and at such locations, so as to meet the existing requirements of the Pennsylvania Department of Environmental Resources; or in lieu of such requirements, as shall be determined necessary by the Sewage Enforcement Officer of East Hopewell Township.

#### SECTION 743 TRUCK OR MOTOR FREIGHT TERMINAL

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

1. Access shall be via a collector street as designated by the Township Comprehensive plan.
2. A buffer yard at least one hundred (100) feet wide must be located on the terminal site in all situations where the site adjoins a Rural Residential Zone or residential use. The

buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for parking, building, loading or storage purposes.

1. Storage of materials shall conform to all applicable State and Federal regulations.
2. Satisfactory provision shall be made to minimize harmful or unpleasant effects such as noise, odors, smoke, fumes, glare and vibration.

#### SECTION 744 VEHICLE SALES, SERVICE AND/OR REPAIR FACILITY

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

1. All service and/or repair activities shall be conducted within a wholly-enclosed building.
2. All vehicles shall be placed at least thirty (30) feet from any street line.
3. All exterior vehicle storage areas shall be screened from view of any adjoining Rural Residential Zone or residential use.
4. The storage of unlicensed vehicles on the premises is prohibited, except for new or used vehicles that are "for sale."
5. All merchandise, except vending machines, shall be stored within a building.
6. If gasoline pumps are to be installed, all special exception requirements for a service station, as set forth in Section 739 of this Ordinance, shall be satisfied.
7. No outdoor stockpiling of tires or outdoor storage of trash is permitted. An area enclosed by a wall or fence, screened from view of adjoining properties, shall be provided whenever outdoor storage is required. No materials may be stored so as to create a fire hazard.
8. Satisfactory provision shall be made to minimize harmful for unpleasant effects such as noise, odors, fumes, glare, vibration and smoke.

#### SECTION 745 VEHICLE WASHING FACILITY

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

1. All structures housing washing apparatus shall be set back at least fifty (50) feet from any street line and twenty-five (25) feet from any side property line.
2. Trash receptacles must be provided and routinely emptied to prevent the scattering of litter.
3. Access shall be via a collector street as identified by the Township Comprehensive Plan.
4. Sufficient stacking lanes shall be provided to prevent vehicle back-up on adjoining roads.
5. Sewer and water facilities approved by the Pennsylvania Department of Environmental Resources must be utilized.
6. A water feasibility study must be submitted to assure that adequate water supply is available and will not adversely affect neighboring properties.

#### SECTION 746 WHOLESALE VEHICLE SALES TERMINAL OR AUCTION

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

1. Access shall be via a collector street as designated by the Township Comprehensive Plan.
2. A buffer yard, at least one hundred (100) feet wide, must be located on the terminal site in all situations where the site adjoins a Rural Residential Zone. This yard shall be naturally landscaped, have no impervious cover, and shall not be used for parking, building, loading or storage purposes.
3. Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke).
4. Vehicle loading and unloading is prohibited between 11:00 p.m. and 6:00 a.m.

#### SECTION 747 PRINCIPAL USE AS AN ACCESSORY USE

In an A-1, RR or GC zone and subject to the requirements of those zones, except as herein modified and provided.

a) If any principal use permitted in an A-1, RR or GC zone is proposed as an accessory use to another permitted principal use, permission to establish such proposed accessory use shall be granted only by Special Exception upon demonstration by clear and convincing evidence that such use is related to, supporting of, yet clearly incidental to the principal use.

**ARTICLE VIII**

**ADMINISTRATION AND ENACTMENT**

#### SECTION 801 PERMITS

1. **Zoning Permits**
   1. When Required: A zoning permit, which must be obtained from the Zoning Officer, shall be required for the erection, enlargement, repair, alteration, moving or demolition of any structure, except temporary signs and fences.

### Duration Of Permit: Work authorized by the permit shall begin within six (6) months, and must be completed within one (1) year from the date of issuance of the zoning permit or the permit shall expire. However, the permit may be extended by an additional two (2) periods of six (6) months each. Each such time extension must be requested in writing by the applicant. Additional requests for extension may be made in writing to the Board of Supervisors, and shall include a detailed explanation of the reason for the need for extension, and the stated reason must be for good cause. Each such extension request shall be at the sole discretion of the Board of Supervisors and shall be for a period not to exceed six

(6) months. No permit shall be transferable, except upon approval by the Board of Supervisors upon written request.

* 1. Application: The permit application must be accompanied by a site plan showing, as necessary to demonstrate conformity to this Ordinance, --
     1. Lot: The location and dimensions of the lot.
     2. Streets: Names and widths of abutting streets and highways.
     3. Structures and Yards: Locations, dimensions, and uses of existing and proposed structures and yards on the lot and, as practical, of any existing structures within one hundred (100) feet of the proposed structure but off the lot.
     4. Improvements: Proposed off-street parking and loading areas, driveways, access drives and walks. Proposed sewage disposal system.

For lots less than one half (1/2) acre, the site plan must be at the scale of one (1) inch equals twenty (20) feet; for larger lots, the site plan must be at scale of one

* + - 1. inch equals forty (40) feet. The north point must be shown on all site plans.
  1. Compliance: All work shall conform to the approved application and plans for which the permit has been issued, the approved subdivision and/or land development plan, and all applicable provisions of this Ordinance.
  2. Erosion and Sedimentation Control Plan: No permit required under this Section or any other Ordinance of the Township or state statute which requires a permit for the erection, enlargement, alteration, moving or demolition of any structure, shall be issued until the permit applicant complies with Section 421 of this Ordinance.

#### Certificates of Use and Occupancy

* 1. When Required: A certificate of use and occupancy, certifying compliance with this Ordinance, must be obtained from the Zoning Officer for any new structure, or for any change of use of a structure or land, as set forth below, before such new structure or use, or change of use, is occupied or established:
     1. Use of a structure erected, structurally altered or enlarged, or moved after the effective date of this Ordinance when such work requires a zoning permit.
     2. Use of vacant land, except for agricultural purposes.
     3. Any change in a conforming use of a structure or land.
     4. Any change from a nonconforming use of a structure or land to a conforming use.
     5. Any change in the use of a structure or land from that permitted by any variance granted by the Zoning Hearing Board.
     6. The establishment of any use to which the Supplementary Regulations of Article V are applicable.
  2. Application: An application for a certificate of use and occupancy must include a statement of the intended use and any existing use of the structure or land.
  3. Requirements: Prior to issuance of the certificate of use and occupancy, all requirements of this Ordinance, as well as the Township Building Code, must be satisfied.
  4. Duration of Permit: The certificate continues in effect as long as the use of the structure or land for which it is granted conforms with this Ordinance.
  5. Completion of Improvements: No certificate required under this subsection b) shall be issued, or use or occupancy of a structure permitted, until all improvements required by any permits issued pursuant to this or any other Township Ordinance or state statute have been substantially completed in the sole discretion of the Zoning Officer. Substantial completion shall include, in addition to substantial completion of the structure, all required exterior improvements, including final grading and seeding, driveways, curbs, and sidewalks, where required.
  6. Temporary Certificate
     1. Partial Completion: Upon request of a holder of a zoning permit, the Zoning Officer may issue a temporary certificate of use and occupancy for a structure and/or land, or portion thereof, before the entire work covered by the permit shall have been completed, provided such structure and/or land, or portion thereof, may be used and/or occupied safely prior to full completion of the work without endangering life or public welfare.

In the event that a temporary certificate is requested under this subsection a., the Township, at its sole discretion, may require the applicant to post a performance bond in an amount to be determined by and in a form suitable to the Township sufficient to assure substantial completion of all portions of the required improvements which are not completed at the time of the issuance of the temporary certificate.

* + 1. Temporary Use: A temporary certificate of use and occupancy shall be required for such nonconforming temporary uses as tents, carnivals, rodeos, flea markets or roadside sales, use of land for religious or other public or semi-public purposes, and similar temporary uses. Such temporary certificates shall be for a period of time to be determined by the Zoning Officer, but, in no case for a period exceeding one (1) month. No certificate shall be issued for a use that would constitute a public nuisance.

However, the Zoning Officer shall not issue a temporary certificate, but instead, shall require the applicant to seek a temporary special exception (see Section 604-

b) if any of the following conditions exist:

1. The temporary use is proposed for a period exceeding one (1) month.
2. The use involves the erection of a permanent structure.
3. The use is listed as a special exception use in one (1) of the zoning districts.
   1. Erosion and Sedimentation Control Violations: No certificate required by this subsection b) shall be issued, and no use or occupancy of any structure for which a permit is required shall be permitted, so long as any notices alleging violations of the Erosion and Sedimentation Control Plan or of the York County Conservation District or DEP regulations have been issued, until all violations have been cured and any and all penalties or fines for such violations, or for violation of Section 421 of this Ordinance or Section 814 of the East Hopewell Township Subdivision and Land Development Ordinance have been paid.

#### SECTION 802 ENFORCEMENT - ZONING OFFICER

1. **Appointment and Powers:** For the administration of this Ordinance, a Zoning Officer, who may not hold any elective office in the Township, shall be appointed by the Board of Supervisors. The Zoning Officer shall meet qualifications established by the Township and shall be able to demonstrate, to the satisfaction of the Township, a working knowledge of municipal zoning. The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance. The Zoning Officer is the enforcement officer for this Ordinance. He issues all zoning permits, certificates of use and occupancy, and at the direction of the Zoning Hearing Board, special exceptions and variances. The Zoning Officer may identify and register nonconforming uses and nonconforming structures; if registered, the reasons why they were identified as nonconformities must be included. The Zoning Officer may conduct inspections and surveys to determine compliance or noncompliance with the terms of this Ordinance with consent of the owner.
2. **Deputy:** In the absence of the Zoning Officer, the Board of Supervisors may appoint a Deputy Zoning Officer who may exercise all powers of the Zoning Officer.
3. **Compensation:** The compensation of the Zoning Officer and the Deputy Zoning Officer shall be determined by the Board of Supervisors.
4. **Forms:** The Zoning Officer must provide a form or forms approved by the Township Solicitor for --
   1. Appeals.
   2. Zoning permits.
   3. Certificates of use and occupancy.
   4. Special exceptions.
   5. Special permits.
   6. Registration of nonconforming uses and nonconforming structures.
   7. Variances.
5. **Transmittal of Papers:** Upon receipt of an application for a special exception, variance or a notice of appeal, the Zoning Officer must transmit to the Secretary of the Zoning Hearing Board, and to the Township Planning Commission, copies of all papers constituting the record upon the special exception, variance or appeal.
6. **Action on Zoning Permits:** Within fifteen (15) days, except for holidays, after receipt of an application for a zoning permit, the Zoning Officer must grant or refuse the permit. If the application conforms to the applicable requirements of the East Hopewell Township Zoning Permit Ordinance and this Ordinance, the Zoning Officer must grant a permit. If the permit is not granted, he must state in writing the grounds for his refusal.

The Zoning Officer shall require that the application for a zoning permit contain all information necessary to determine whether the proposed building, alteration, or use is located in an approved land development. No zoning permit shall be issued unless the Zoning Officer certifies that the site complies with all provisions of this Ordinance and conforms to the site description as indicated on the approved and recorded final plan.

1. **Action on Certificates of Use and Occupancy:** Within fifteen (15) days, except for holidays, after receipt of an application for a certificate of use and occupancy, the Zoning Officer must grant or refuse the certificate. If the specifications and intended use conform in all respects with the provisions of this Ordinance, he must issue a certificate to that effect. Otherwise, he must state in writing the grounds for his refusal.
2. **Revoking Permits/Approvals:** The Zoning Officer shall revoke a permit or approval issued under the provisions of this Ordinance in the case of any false statement or misrepresentation of fact in an application or on the plans on which the permit or approval was based. Any permit issued in error shall in no case be construed as waiving any provision of this Ordinance and such permit may be revoked.
3. **Civil Enforcement Proceeding:** Upon determining that a violation of any of the provisions of this Ordinance exists, the Zoning Officer may initiate civil enforcement proceedings. To initiate a civil enforcement proceeding, the Zoning Officer must send an enforcement notice to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record. An enforcement notice shall state at least the following:
   1. The name of the owner of record and any other person against whom the Township intends to take action.
   2. The location of the property in violation.
   3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance.
   4. Steps for compliance must be commenced within fifteen (15) days of the date of this notice and must be completed within thirty (30) days of the date of this notice.
   5. The recipient of the notice has the right to appeal to the Zoning Hearing Board within fifteen (15) days of the date of this notice in accordance with procedures set forth in Article VI.
   6. Failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, and sanctions may be imposed, including judgment of five hundred dollars ($500) per day, court costs, attorney's fees, sheriff's sale or judicial sale of your property in the event of nonpayment of such judgment, and equitable relief and injunction.
4. **Records:** The Zoning Officer must keep record of --
   1. All applications for zoning permits, certificates of use and occupancy, special exceptions and variances and all actions taken on them, together with any conditions imposed by the Zoning Hearing Board.
   2. All complaints of violations of provisions of this Ordinance and the action taken on them.
   3. All plans submitted.
   4. Nonconforming uses and nonconforming structures that have been identified and registered.

All such records and plans shall be available for public inspection.

1. **Reports:** At intervals of not greater than six (6) months, the Zoning Officer must report to the Board of Supervisors --
   1. The number of zoning permits and certificates of use and occupancy issued, including the number issued, property locations and names of applicants.
   2. The number of complaints of violations received and the action taken on these complaints.
2. **Other Actions:** Nothing herein contained shall restrict, nor in any manner be construed to restrict, the Township of East Hopewell from instituting any appropriate action or proceeding, in equity or at law, or otherwise, to prevent, restrain, correct or abate, or seek damages, costs, fees and expenses for the same, for any violation of this Ordinance.

#### SECTION 803 AMENDMENTS

1. **Authority:** The Board of Supervisors may from time to time amend, supplement or repeal any of the regulations and provisions of this Ordinance.
2. **Public Hearing(s):** Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In the case of an amendment other than that prepared by the Planning Commission, the Board of Supervisors shall submit each such amendment to the Planning Commission at least thirty

(30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations. If after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

1. **County Planning Commission Review:** At least thirty (30) days prior to the Board of Supervisors public hearing on any amendment, the Township shall submit the proposed amendment to the County Planning Commission for recommendations.
2. **Amendments Involving Zoning Map Changes:** If the proposed amendment involves a Zoning Map change, notice of the required public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.

Additionally, notice of the public hearing shall be mailed by the Township at least thirty

(30) days prior to the date of the hearing by first class mail to the addressees to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Township. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this subsection This requirement of written notice shall not apply when the rezoning constitutes a comprehensive rezoning.

### **Amendments Involving Zoning Map Changes:** If the proposed amendment involves a Zoning Map change, notice of the public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.

* 1. A copy thereof shall be supplied to the newspaper in general circulation in the Township at the time the public notice is published, and
  2. An attested copy of the proposed ordinance shall be filed in the County Law Library or other County offices designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing the Ordinance.

In the event substantial amendments are made in the proposed amendment, before voting upon enactment, the Board of Supervisors shall, at least ten (10) days prior to enactment, readvertise in one (1) newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

Within thirty (30) days after enactment of any amendment to the Zoning Ordinance, a copy of the amendment shall be forwarded to the County Planning Commission.

1. **Landowner Curative Amendments:** A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided for, and in

accordance with the procedures set forth, in Section 609.1 of the Pennsylvania Municipalities Planning Code, as reenacted and amended.

1. **Municipal Curative Amendments:** If the Township determines that its Zoning Ordinance or any portion thereof is substantially invalid, the Township shall declare by formal action, its Zoning Ordinance or portions thereof substantially invalid and proposed to prepare a curative amendment to overcome such invalidity as provided for, and in accordance with the procedures set forth, in Section 609.2 of the Pennsylvania Municipalities Planning Code, as reenacted and amended. All hearings required to be held, or held, by the Board of Supervisors shall conform to the requirements of Section 609.1(B) of the Pennsylvania Municipalities Planning Code, 53 P.S.§10609.1.

#### SECTION 804 FEES

The Board of Supervisors shall by resolution establish fees for all applications, permits, or appeals provided for by this Ordinance to defray the costs of advertising, mailing notices, processing, inspecting, and copying applications, permits, and certificates of use and occupancy. The fee schedule shall be available at the Township Office for inspection.

#### SECTION 805 APPEALS

Any person aggrieved or affected by provision of this Ordinance or decision of the Zoning Officer, Township Engineer, Zoning Hearing Board or Board of Supervisors may appeal in the appropriate manner as set forth in either Article IX or X-A of the Pennsylvania Municipalities Planning Code, as amended, whichever is applicable.

#### SECTION 806 REPEALER

ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT with this Zoning

Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

#### SECTION 807 INTERPRETATION

The provisions of this Ordinance shall be held to be minimum requirements to meet the purposes of this Ordinance. When provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, or regulations, the provisions of this Ordinance shall prevail. When provisions of any statute, other ordinance or regulation impose greater restrictions than those of this Ordinance, the provisions of such statute, ordinance or regulation shall prevail.

#### SECTION 808 VIOLATIONS

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

#### SECTION 809 PENALTIES

Any person, partnership or corporation who or which has violated or permitted the violation of the provision of this Ordinance shall upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars ($500) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.

All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to the Township.

#### SECTION 810 VALIDITY

If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by a recognized court of the Commonwealth, such decision shall not affect the legality of the remaining sections, clauses, provisions or portions of this Ordinance.

#### SECTION 811 EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption and publication according to law.

Ordinance No. 1992-1, amending Ordinance No. 84-1, adopted by the Board of Supervisors of East Hopewell Township, York County, Pennsylvania into an ordinance the 4th day of November, 1992.

Attest: Board of Supervisors

East Hopewell Township York County, Pennsylvania

/s/ By: /s/ Martha J. Miller, Secretary Harry L. Miller, Jr., Chr.

East Hopewell Township

/s/ Jay D. Miller, Supervisor

/s/ Dan Buttorff, Supervisor

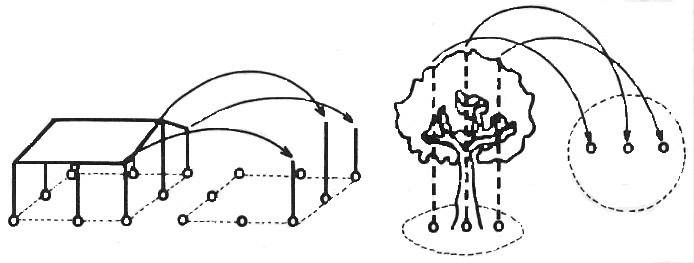
**ARTICLE IX APPENDICES**

**APPENDIX 1**

**DETERMINING SHADOW PATTERN**

#### APPENDIX 1 DETERMINING SHADOW PATTERN

The shadow pattern for a building, (or tree) can be determined by treating the building as a number of poles:



The shadow lengths for each pole are laid out for the critical times of day. The composite of all shadows for all poles yields the pattern for the building.

� North Latitude) the shadow lengths are laid out for 9:00 a.m., noon and 3:00 p.m. On short winter days this is when the most solar energy is available. For instance, on December 21st, the shortest day of the year, 90% of the day’s sunlight would fall during these six hours.

For York County (40

Use the following steps to determine the shadow length for December 21st. An example is given as an illustration.

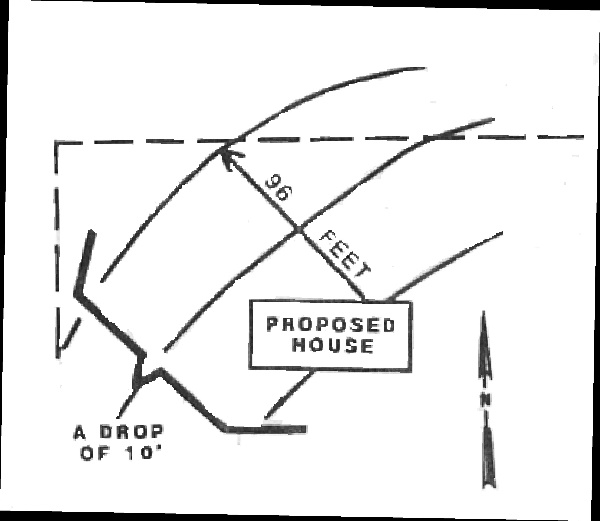
#### DETERMINING SHADOW PATTERN

Example

Step 1. Determine building height Proposed building is 9’ high at at the corners and the roof ridge. eaves and 12’ at peak.

Step 2. Draw an overhead plan of the building using a series of poles.

Example



Step 3. Figure the downhill slope of the yard on the north side of the proposed building.

Slope is the vertical distance divided by the horizontal distance (“rise over run”).

Yard slopes downhill to the northwest. The topographical map shows that 96 feet away from the proposed house the land has dropped 10 feet.

Slope = Vertical distance

Horizontal distance

Slope = 10’ = .104

96’

Slope = about 10%

For 10% slope to the northwest:

Step 4. From the Shadow Length Table find SHADOW LENGTH the shadow length values for a.m., noon,

and p.m. Multiply these ratios times the a.m. noon p.m.

height of the poles (9.1) (2.3) (4.8)

81.9’

20.7’

43.2’

109.2’

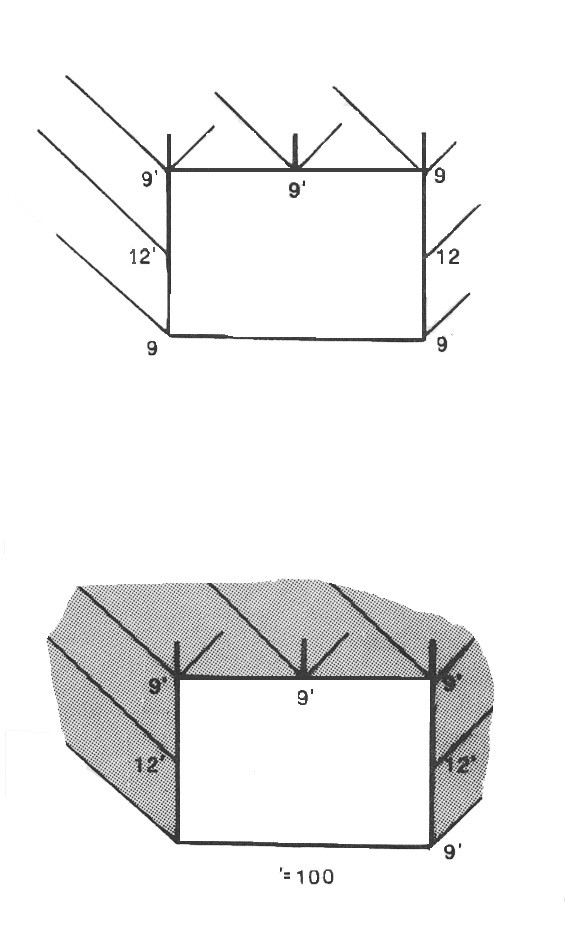
27.6’

57.6’

9’ pole

12’ pole

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Shadow Length Table**  LATITUDE 40� North | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | **N** |  |  | **NE** |  |  | **E** |  |  | **SE** |  |  | **S** |  |  | **SW** |  |  | **W** |  |  | **NW** |  |
| Slope | AM | Noon | PM | AM | Noon | PM | AM | Noon | PM | AM | Noon | PM | AM | Noon | PM | AM | Noon | PM | AM | Noon | PM | AM | Noon | PM |
| 0% | 4.8 | 2.0 | 4.5 | 4.8 | 2.0 | 4.8 | 4.8 | 2.0 | 4.8 | 4.8 | 2.0 | 4.8 | 4.8 | 2.0 | 4.8 | 4.8 | 2.0 | 4.8 | 4.8 | 2.0 | 4.8 | 4.8 | 2.0 | 4.8 |
| 5% | 5.7 | 2.2 | 5.7 | 4.8 | 2.2 | 6.2 | 4.1 | 2.0 | 5.7 | 3.8 | 1.9 | 4.8 | 4.1 | 1.8 | 4.1 | 4.8 | 1.9 | 3.8 | 5.7 | 2.0 | 4.1 | 6.2 | 2.2 | 4.8 |
| 10% | 7.2 | 2.5 | 7.2 | 4.8 | 2.3 | 9.1 | 3.6 | 2.0 | 7.2 | 3.2 | 1.8 | 4.8 | 3.6 | 1.7 | 3.6 | 4.8 | 1.8 | 3.2 | 7.2 | 2.0 | 3.6 | 9.1 | 2.3 | 4.8 |
| 15% | 9.6 | 2.9 | 9.6 | 4.8 | 2.6 | 16.6 | 3.2 | 2.0 | 9.1 | 2.8 | 1.7 | 4.8 | 3.2 | 1.6 | 3.2 | 4.8 | 1.7 | 2.8 | 9.6 | 2.0 | 3.2 | 16.6 | 2.6 | 4.8 |
| 20% | 14.5 | 3.4 | 14.5 | 4.8 | 2.8 | 97.5 | 2.8 | 2.0 | 14.5 | 2.4 | 1.6 | 4.8 | 2.8 | 1.5 | 2.8 | 4.8 | 1.6 | 2.4 | 14.5 | 2.0 | 2.8 | 97.5 | 2.8 | 4.8 |

Step 5. Draw the shadow lengths to scale Example on the overhead view of the building

Shadow lines

* Draw a.m. shadows 45 degrees west of north.
* P.M. shadows should be laid out 45 degrees east of north.
* Draw noon shadows due north.

Step 6. Connect the end points of Building shadow pattern the shadow lines. This shows

the approximate area of ground shaded by the building between

9 a.m. and 3 p.m. on December 21st.

If the diagram was accurately drawn to scale, it will now be easy to tell whether the proposed building will shade the south-facing wall of any nearby buildings.

**APPENDIX 2**

**SOLAR ACCESS EASEMENTS**

#### APPENDIX 2

**SOLAR SKYSPACE EASEMENTS**

**INTRODUCTION**

In order to operate effectively, a solar energy system should receive direct sunlight for most of the day. The more the collector area is shaded, the less energy the system will supply.

This Zoning Ordinance includes provisions that protect solar collectors and south-facing walls from shading (see Sections 303-f), 304-f), and 305-f). However, a solar skyspace easement can provide additional protection from shading and offers the individual a greater degree of control over factors that affect his or her property. The purpose of this Appendix is to explain in more detail (1) what a solar skyspace is, and (2) what should be included in a solar skyspace easement.

#### SOLAR SKYSPAGE: WHAT IS IT?

A solar skyspace is the portion of the sky that a collector (solar panel, south-facing glass area, etc.) must “see” to perform effectively. It is this skyspace, which is based on the sun’s position in the sky, that must be protected from shading by trees, buildings or other obstructions.

Because of the earth’s movement in relationship to the sun, the sun’s position in the sky varies throughout the year. On December 21st, the shortest day of the year, the sun rises several degrees south of true east, and reaches a height of 27 degrees above the horizon. By the longest day of the year, June 21st, the sun’s path has shifted considerably: it rises several degrees north of true east, and reaches the highest altitude above the horizon, 73 degrees. (These figures are for 40 degrees north latitude, which is York County’s approximate location. See Figure 1).

An object casts its longest shadow when the sun is lowest in the sky. Thus, if a collector is protected from shading on December 21st, when the sun is lowest in the sky, it should be protected the year round.

1

The critical hours for protection on December 21st are from about 9:00 a.m. to about 3:00 p.m. Standard Time. During these hours, most (90%) of the sun’s radiation for that day falls on the earth. It is not necessary to protect solar collectors from sunrise to sunset: when the sun is low in the sky, its rays are very indirect, and most of the solar radiation is absorbed or blocked by the atmosphere, clouds or smog.

Another way to express the 9:00 a.m. to 3:00 p.m. time period is to refer to the sun’s position at those times. On December 21st at about 9:00 a.m., the sun is 45 degrees east of south; and at about 3:00 p.m. it is 45 degrees west of south. (At true solar noon, which is the time halfway between sunrise and sunset, the sun is directly to the south.) Figures 2 and 3 are two ways of drawing a solar skyspace using the 45 degree position (azimuth). Figure 4 shows more simplified drawings that could be used to describe skyspace in a solar easement.

1 One exception could be a deciduous tree that casts very little shadow when it is bare in winter but shades extensively during the summer.

#### FIGURE 1

**PATHS OF THE SUN AT WINTER AND SUMMER SOLSTICES**

� **NORTH LATITUDE**

**AT 40**

**SUMMER WINTER**

**SUNRISE** �

**SUNRISE**

**-59**

**S**

**SUMMER 121 W** � **WINTER SUNSET SUNSET**

**FIGURE 2 FIGURE 3**

**SOLAR SKYSPACE SOLAR SKYSPACE (PLAN VIEW) (ISOMETRIC VIEW)**

**N**

SUMMER SUN PATH

SUMMER SUN PATH

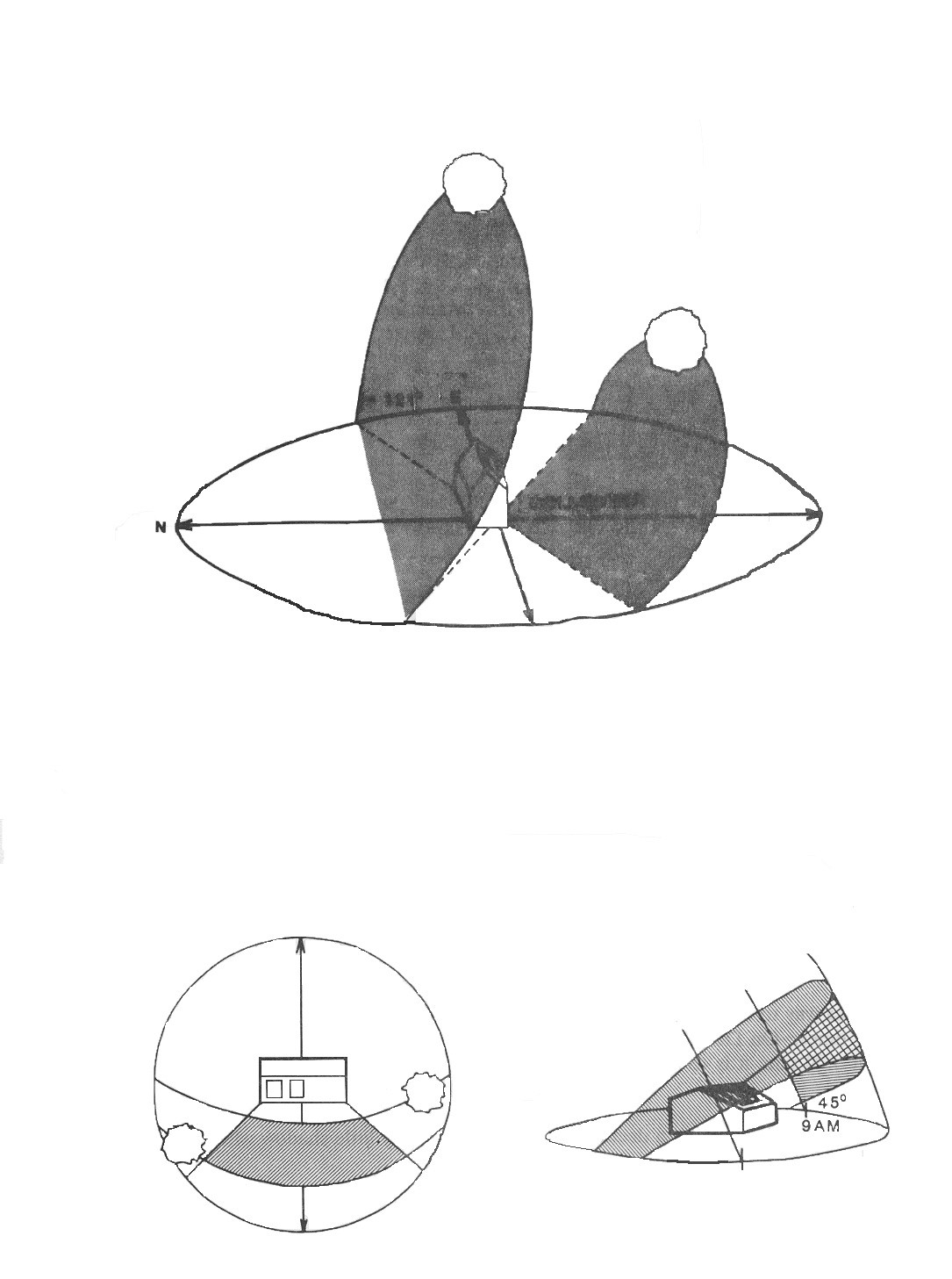
WINTER 0

SUN PATH NOON

� 45

### � 45 �

45 WINTER



SUN PATH

### 3 PM

Exactly how much protection a solar system owner wishes to have will vary. First, the collector height above ground level must be considered. Solar panels on the roof, south-facing windows on the first floor, and a solar greenhouse with glazing that extends down to ground level will each need a different skyspace.

Secondly, the owner may recognize that providing full protection from shading may unfairly limit the development of the neighboring property. This problem could occur m an area where lots are small and houses are built close together. Also, it may be difficult to avoid shading when the property to the south is uphill from the solar collectors (see Figure 5). In these instances, the owner seeking solar access protection may settle for fewer hours of sunlight, such as 10:00 a.m. to 2:00 p.m.

#### SOLAR SKYSFACE EASEMENT

A solar skyspace easement is a private agreement between two adjoining property owners. It should be drawn up, conveyed and recorded in the same manner as other types of easements. A skyspace easement should run with the land being protected and with the land being burdened with the easement. To properly and accurately draw up an easement, it may be helpful to consult a lawyer, surveyor and/or a solar consultant.

The easement could include the following:

1. The location of the solar collector(s) on the owner’s property.
2. The boundaries of the solar skyspace that is being protected; that is, the area of sky over the neighboring property that the neighboring property owner agrees not to use. There are several ways of defining this area, such as:
   1. Using a height restriction. “All space over the neighboring property (or over a certain portion of the neighboring property at a height greater than \_\_\_ feet.” In other words, the neighbor granting the easement will not build a structure or allow vegetation to grow higher than the height stated in the easement.
   2. Using a variable height restriction. The closer an object is to your property, the farther its shadow will fall across your property. Therefore, an easement could define a 93stair step94 skyspace, by increasing the maximum height for areas of the neighboring property that are farther from the solar collector.
   3. Using times of day. This method of describing a skyspace may be used along or in combination with (a) or (b) above. For example, “No shadow shall be cast from 3 hours before noon to 3 hours after noon from September 22nd through March 21st” - which would protect the collectors during the heating season. If year-round protection is needed for a domestic hot water system, add to that “...and from 4 hours before noon to 4 hours after noon from March 22nd through September 21st.” OR simply state that no shadows shall be cast “...from 3 hours before noon to 3 hours after noon on December 21st,” since protection from shadows on the shortest day of the year will probably insure protection for the whole year.

#### FIGURE 4

**SOLAR SKYSPACE (PLAN VIEW)**

� angles represent the angles off due south.

The 45

#### FIGURE 5

**SHADOW LENGTHS ARE SHORTER AND HIGHER DENSITIES EASIER ON SOUTH SLOPES**

FLAT NORTH SLOPE Y SOUTH SLOPE Z X

Distance “X” on a flat slope is less than distance “Y“ on a North slope, for identical poles. Distance “Z” on a South slope is the least.

Another type of solar skyspace easement is called a “solar plane easement.” It is similar to the stairstep technique in that it allows a building or tree on the neighboring property to be higher if it is farther away from the area that needs protection.

Figures A and B are drawings of one homeowner’s solar plane easement. The owner planned to build a Trombe Wall (a type of passive solar system) on the wall that faced 20 degrees east of true south. He obtained an easement in which the neighboring owner agreed that no structures or vegetation would be allowed above a 21 degree plane that began at the base of the Trombe wall area (4 1/2 feet above the ground). From side to side, this plane extended from the edges of the Trombe wall (which covered the whole side of the house) 43 degrees east and west of true south.

This easement did not give the solar system the maximum protection from shading that would have been obtained from a 12 or 15 degree plane extending 45 degrees east and west of south (protection from 9:00

a.m. to 3:00 p.m. on December 21st). However, it was the best that could be obtained from the adjoining owner and the permitted amount of shading would not substantially impair the effectiveness of the system.

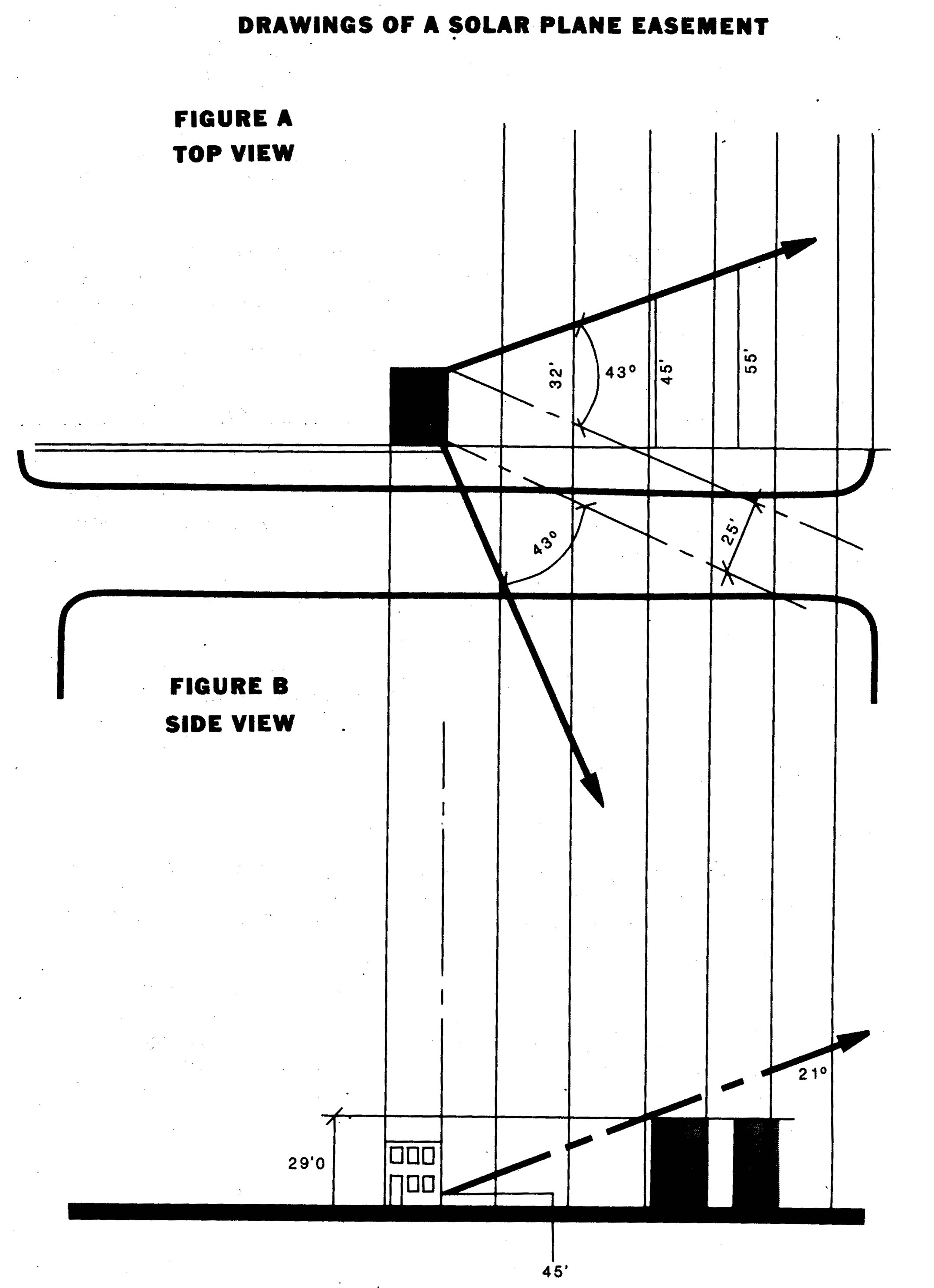
The owner in this case used the following model easement. It is included as an example of how to prepare an easement. Note that the base point used in this easement should be a point at the bottom corner of the solar collector area. In other words, it is the highest point above the ground that shadows could fall without shading the collector.

#### MODEL SOLAR PLANE EASEMENT

Explanation

The model solar easement is intended as a proposal for easement drafting. Since the substantive law in each state may vary, no representation or legal opinion is made as to enforceability of this proposal. Use of the form without further legal research or competent legal advice tailored to the specific circumstances is not recommended.

The model solar easement attaches to the land. Therefore, it may be created without the existence of actual solar energy systems. Since easements run with the land, are transferable as interests in land, and should be permanently identifiable, this is the preferred approach. Some efforts have been made to describe solar easements from collector locations. Although the model solar easement could be easily adaptable to such an approach, the solar collector itself must then be defined and permanent.



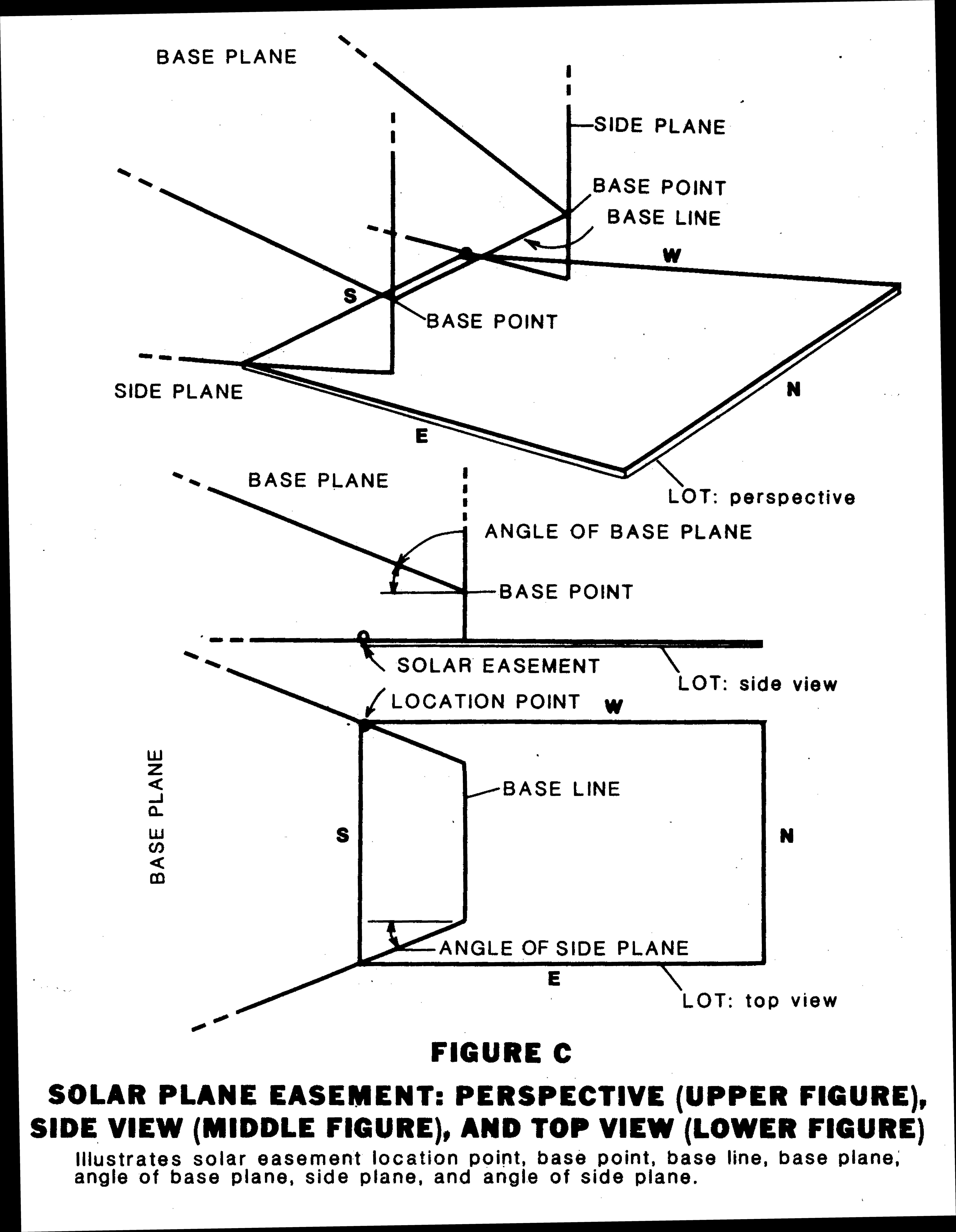
Property owners securing solar easements should first determine over which neighboring properties easements are desirable, considering property lines, topography, and future. use. The dominant property to which the solar easement attaches and confers benefits shall be called the “Solar Lot.” The description of the solar easement granted the solar lot generally will not change. Only the names of the grantors and legal descriptions of the grantor’s servient property will vary.

Review the model solar easement and accompanying figures before beginning preparation of a solar easement. Decide approximately what area of the solar lot (including airspace) is to be provided direct solar access. Rough sketching is helpful. As the collector is elevated from ground level, the solar easement burdens on grantor’s servient properties decrease. Most solar easements will be designed for rooftop collectors with an elevated base line running due east or west coincident with the base of the solar collectors, and side planes projecting from the base line at angles that provide designed protection.

Proposed Form

The following directions refer to the model solar easement in the pages following. Complete the blanks an the model solar easement proposal as follows:

1. Insert names of owners of property over which solar easement will pass (Cirantors).
2. Set out legal description of grantor’s property over which solar easement will pass.
3. Insert names of owners of solar lot (Grantees).
4. Set out legal description of solar lot.
5. Select a solar easement location point. It is important that the vertical distance be measured from a permanent, identifiable point of reference, since development or construction could change ground level elevation on some portions of the lot, thus changing the elevation of the solar easement. The United States Coast and Geodetic Survey (commonly referred to as USGS) has established benchmarks throughout the United States maintained by the Department of Interior. They are brass caps set in concrete with identified sea level elevation and location, generally at every section corner in cities, making such a pin within one-half mile of any lot. Any governmental entity maintaining a public works function has established benchmarks of latitude, longitude and elevation at locations creating identifiable elevation points within several hundred feet of any lot. Such permanently established benchmarks may be used as a solar easement location point. An alternative is to establish a relative elevation of zero on the property itself by permanently placing a benchmark in concrete at grade surface level, or identified on a building foundation or other permanent location so that it will not be disturbed in the future. Such a benchmark may easily be made by pouring concrete in a hole and placing a nail, pin, or other such identifiable permanent mark in the top surface. All elevations may then be taken from this permanent point without involving complex calculations or costly surveying. If a relative benchmark is used, tie back into an identifiable elevation if possible.
6. The beginning point is best located in the southwesterly (or southeasterly) corner of the solar lot. From this point, describe a path to a point on the solar lot vertically under the westerly (or easterly) most point of the base line. Then project vertically a fixed distance to a point which shall be the base point.
7. Describe a horizontal line extending east (or west) from the base point. The line generally needs to be no longer than the horizontal length of the proposed solar collectors. It will generally be within the lot setback requirements.
8. Describe an angle (or angles) which generally will be the horizontal angle the sun travels (azimuth) from the time you wish protection to begin, until 12 noon. The same angle would then protect for the same time period after 12 noon. If different morning and afternoon protection times are desirable, two different angles (azimuths) must be used.
9. Describe an angle which generally will be some average of the vertical sun angle (altitude) on December 21st (winter solstice) at the latitude of the solar lot during the protected hours. The farthest time from noon will be the smallest angle.



#### SOLAR EASEMENT

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ PROPOSED FORM**

1. A Good Neighbor, hereinafter called Grantor, is the owner of the following described property:
2. (Legal Description of Grantor’s Property)

Now therefore, in consideration of One Dollar and other good and valuable considerations, the receipt of which is hereby acknowledged, Grantor does hereby grant, bargain, sell and convey unto

1. Sonny Sunright, hereinafter called the Grantee, an easement and right-of-way for access to direct sunlight in the airspace above the surface of Grantor’s property extending to an infinite height and described as follows:

Definitions used in this Solar Easement

Solar Lot - shall mean the lot benefited and owned by the Grantee. In this Solar Easement the Solar Lot benefited is:

1. Lot 1. Block 1. Sunnyside Estates

Solar Easement Location Point - shall mean a permanent, identifiable point of reference. In this Solar Easement, the Solar Easement location point shall be:

1. The concrete benchmark located at the southwesterly corner of the Solar Lot, which is three feet hither in elevation than the U.S.G.S. Benchmark at the SW corner of Section X. Municipality Y. Range Z.

Base Point - shall mean a point in space above the Solar Lot. In this Solar Easement, Base Point shall be located as follows:

1. Beginning at the southwesterly corner of the Solar Lot, thence easterly along the southerly lot line eight feet. thence angle - north 20 feet. then angle 90 degrees vertically ten feet above the Solar Easement Location Point to the Base Point.

Base Line - shall mean the horizontal line created by extending the Base Point east or west. In this Solar Easement the Base Line shall be:

1. A horizontal line extending cast from the Base Point 30 feet.
2. Side Planes - Shall be the planes created from each end of the Base Line by the vertical projection of a horizontal line from the east end of the Base Line extending south (8) 30 degrees east, and from the west end of the Base Line extending south (8) 30 degrees west.
3. Base Plane shall mean the lowest boundary plane of the Solar Lot. In this Solar Easement, Base Plane shall be a plane extending upward southerly from the Base Line at an angle of (9) 22 degrees from the horizontal.

Solar Easement - The Solar Easement shall be that airspace above that portion of the Base Plane lying between the two Side Planes.

No tree, building or other obstruction of any kind or nature shall be allowed to encroach within the airspace described. This Solar Easement is an interest in land, shall run with the land benefited and burdened and shall terminate only on the conditions stated herein or as provided by law. This Solar Easement may be enforced by an action for injunctive relief, damages, or both, plus reasonable attorney’s fees and costs for enforcement. This Easement shall be binding on the heirs, successors and assigns of all parties.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal

this day of, , 19

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Grantor

STATE OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ )

ss

COUNTY OF\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

On this the day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 19, before me personally appeared known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

Witness my hand and official seal.

Notary Public

My commission expires:

**APPENDIX 3 TRANSPORTATION PLAN**

