

CHAPTER 27

ZONING

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PART 1**TITLE, PURPOSE AND INTERPRETATION****§ 27-101. Title. [Ord. 11/4/1996, § 100]**

An ordinance permitting, prohibiting, regulating, restricting and determining uses of land, watercourses and other bodies of water; size, height, bulk, location, erection, construction, repair, maintenance, alteration, raising, removal and use of buildings, structures, and signs; areas and dimensions of land and bodies of water to be occupied by uses and structures as well as areas, courts, yards, and other open spaces and distances to be left unoccupied by uses and structures; density of population and intensity of use; creating zoning districts for said purposes and establishing the boundaries thereof; and providing for the administration, amendment and enforcement of this Chapter in accordance with the provisions of the Second Class Township Code, as amended, and the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

§ 27-102. Short Title. [Ord. 11/4/1996, § 101]

This Chapter shall be known and may be cited as the "Earl Township Zoning Ordinance of 1996."

§ 27-103. Purposes. [Ord. 11/4/1996, § 102; as amended by Ord. 3-2005, 9/6/2005, § 1(1)]

These zoning regulations are enacted for the following purposes:

- A. To promote, protect and facilitate the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements.
- B. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use, and to preserve environmentally sensitive lands.
- C. To prevent overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers. This Chapter is made in accordance with an overall program, the community development objectives as set forth in the Comprehensive Plan, and with consideration for the character of the Township, its various parts, and the suitability of the various parts for particular uses and structures, and with the view to conserving the value thereof and encouraging the most appropriate use of land throughout the Township.

§ 27-104. Interpretation. [Ord. 11/4/1996, § 103]

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

§ 27-105. Application. [Ord. 11/4/1996, § 104]

The provisions, regulations, limitations and restrictions of this Chapter shall apply to all structures, buildings, land uses and signs in the Township. Nothing in this Chapter shall require any change in plans or construction of a lawful use for which a building permit has been heretofore issued prior to the effective date of this Chapter; provided, however, that construction shall be substantially completed within one year of the effective date of this Chapter. If construction is not completed within one year of the effective date of this Chapter, a new building permit must be secured from the Zoning Officer.

§ 27-106. Uses Not Provided For. [Ord. 11/4/1996, § 105; as amended by Ord. 3-2005, 9/6/2005, § 1(2)]

If a use is neither specifically permitted nor prohibited under this Chapter and an application is made by a landowner to the Zoning Officer for such use, the Zoning Officer shall inform the applicant that such use may be authorized by special exception if such use meets the requirements of this Section. If the applicant applies to the Zoning Hearing Board for a special exception, the Zoning Hearing Board shall permit the use or deny the use in accordance with the standards for the consideration of special exceptions contained herein. The use may be permitted if it is of the same general character as the enumerated permitted uses in the zoning district, in accordance with the intended purpose of the zoning district, compatible with the permitted uses in the zoning district, and shall comply with all performance standards applicable to such permitted uses. The duty to present evidence and the burden of proof shall be on the applicant to demonstrate that the proposed use is of the same general character in accordance with the intended purpose of the zoning district, compatible with the permitted uses in the zoning district, and shall comply with all performance standards applicable to such permitted uses in the zoning district.

§ 27-107. Statement of Community Development Objectives. [Ord. 11/4/1996, § 106]

In implementing the purposes stated in § 27-103 of this Chapter, the Board of Supervisors of Earl Township hereby states the policy goals of the Township as listed in the following community development objectives:

- A. Promote and protect the agricultural, rural and environmentally sensitive areas of the Township in those areas inappropriate or not designated for other types of development.
- B. Insure that the varied land uses within the Township are logically located in their relationship to one another.
- C. Promote good quality and well-designed housing of sufficient size to produce a healthful and satisfying living environment.
- D. Provide safe, quiet and attractive residential development with ample open space for normal daily living.
- E. Encourage a variety of housing types to meet the needs of Township residents, including newly formed households, growing families and senior citizens.
- F. Provide for commercial growth to meet the needs of the Township residents and by promoting safe and convenient access, attractive and healthful environments and locations compatible with surrounding land uses and community facilities.
- G. Provide for industrial growth at locations served by suitable transportation facilities and adequate utilities, having a location and arrangement so external effects will not adversely influence adjacent uses and areas, and providing a physical environment appropriate for the operation of each use.
- H. Insure the safe, efficient and convenient movement of people and goods.
- I. Provide adequate public utilities, protection, open space, privacy, services and facilities in the most efficient manner.
- J. Coordinate types and intensities of land uses according to regional and local comprehensive planning objectives.



PART 2
DEFINITIONS

§ 27-201. Purpose. [Ord. 11/4/1996, § 200]

Unless otherwise stated, the following words and phrases shall be construed throughout this Chapter to have the meaning herein indicated:

- A. Words in the present tense include the future tense.
- B. Words in the singular include the plural, and words in the plural include the singular.
- C. The words "shall" and "must" are mandatory. The word "may" is permissive.
- D. The word "person" shall include a corporation, partnership and association as well as the individual.
- E. Use of the masculine gender shall include the feminine gender and the neuter.
- F. The word "lot" shall include the word "plot" or "parcel."
- G. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

Terms not herein defined shall have the meaning customarily assigned to them.

§ 27-202. Terms. [Ord. 11/4/1996, § 201; as amended by Ord. 2-1999, 5/3/1999, § 2; by Ord. 1-2003, 4/7/2003, § 1; by Ord. 2-2005, 5/2/2005, § 11; by Ord. 3-2005, 9/6/2005, § 2; and by Ord. 2011-02, 8/1/2011]

ACCESS DRIVE — A cartway designed and constructed to provide for vehicular movement between a public road and a tract of land containing any use other than one single-family dwelling unit or a farm.

ADULT ORIENTED BUSINESS — Any business offering for sale, lease, or hire products, materials, or inventory or any business that provides any adult oriented services. Any business which restricts its clientele to persons over the age of 17 in order to comply with the Pennsylvania Crimes Code shall be considered an adult oriented business.

ADULT ORIENTED PRODUCT — Anything which depicts, describes, presents or displays human nudity or humans engaging in sexual foreplay or intercourse and appearing to have at least a significant motivation for such depiction, presentation or display the sexual stimulation or sexual gratification of the consumer of same. Also included within this definition is any object which is intended or may be used by the consumer for purposes of

sexual stimulation or gratification. Movies having received an R or PG-13 rating, or the literary equivalent of same, shall not be considered adult oriented products.

ADULT ORIENTED SERVICE — Any action performed, for consideration, by one or more persons to or for the benefit of another person or persons where at least one motivation for such action is the sexual stimulation or gratification of either the performer or the recipient.

AGRICULTURE — The commercial production and preparation for market of crops, livestock and livestock products, and in the production, harvesting, and preparation for market or use of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

AGRI-TAINMENT — A farm-based activity, enterprise or business that combines the elements and characteristics of agriculture and tourism, which is not necessarily located in an existing building and may have more than one full-time equivalent employee. Examples of agricultural entertainment include: corn mazes, hay rides, sleigh rides, petting farms, on-farm tours, agricultural-related museums, demonstrations of farming practices, techniques and methods, fee-based fishing and hunting, horseback riding, nature trails, haunted barns and similar activities. Any such activities shall not exceed 45 days per calendar year in the aggregate and may include incidental preparation and sale of beverages, food, and souvenirs. **[Added by Ord. 2013-07, 5/6/2013]**

ALTERATION — An exterior change to a building or structure, a change or an enlargement by extending on a side or by increasing in height, the moving from one location or position to another, or any renovation to a building which would change its use classification.

ANAEROBIC DIGESTION — The process in which microorganisms, in the absence of oxygen, convert the energy stored in volatile acids in livestock and poultry, manure or other organic materials into biogas. **[Added by Ord. 2013-07, 5/6/2013]**

ANSI — The American National Standards Institute. **[Added by Ord. 2013-07, 5/6/2013]**

ANTENNA OR TOWER HEIGHT — The vertical distance measured from the base of the tower or support structure at grade to the highest point of the tower or antenna structure. If the support structure is on a slope grade, the average height between the highest and lowest grades shall be used in calculating the tower or antenna height.

ANTENNA OR TOWER SITE — A tract or parcel of land that contains the communications tower or antenna, its support structure, equipment shelter, accessory buildings, and parking, and may include other uses associated with and ancillary to transmission of the communications frequency.

ANTENNA OR TOWER SUPPORT STRUCTURE — Any pole, telescoping mast, tower, tripod, equipment shelter or any other structure which supports a device used in the transmitting or receiving of radio frequency energy or other frequency utilized in the communications industry.

APCA — The Air Pollution Control Act. **[Added by Ord. 2013-07, 5/6/2013]**

APPURTENANCES — The visible, functional, or ornamental objects accessory to and part of buildings. **[Added by Ord. 2013-07, 5/6/2013]**

ASTM — The American Society for Testing and Materials (ASTM). **[Added by Ord. 2013-07, 5/6/2013]**

AUTOMOBILE FILLING STATION — A facility which offers the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including the retail sales of motor vehicle accessories. Automobile filling stations shall not include the sale or rental of motor vehicles, nor major repairing, body work, painting or automatic car washes.

AUTOMOBILE/TRUCK SERVICE AND REPAIR FACILITIES — Facilities which offer the retail repair, servicing, maintenance and reconstruction of automobiles and trucks, not including commercial automobile and truck washing facilities.

AXIS OF A LOT — A line joining the midpoints of the front and rear lot lines. A corner lot shall have two axis, each of which shall be defined as a line joining the midpoints of a front lot line and the opposite side lot line. In the event that a front or rear lot line is not a straight line, the midpoint of such lot line shall be determined as the midpoint of a straight line drawn between each terminus of the front or rear lot line.

BED AND BREAKFAST ESTABLISHMENT — An owner occupied single-family detached dwelling where between one and five rooms are rented to overnight guests. A bed and breakfast establishment may operate year-round; however, the length of stay for any overnight guest shall not exceed one continuous week. Meals, if offered, are only to registered overnight guests.

BEDROOM — A room or space designed to be used for sleeping purposes with two means of egress (one of which may be a window acceptable under the Building Code), and in close proximity to a bathroom. Spaces used for eating, cooking, bathrooms, toilet rooms, closets, halls, storage or utility rooms and similar uses are not considered bedrooms. Space used or intended for general and informal everyday use, such as a living room, den, sitting

room or similar room is not to be considered a bedroom. **[Added by Ord. No. 2021-01, 6/7/2021]**

BILLBOARDS — Signs for advertising purposes either printed, posted or lettered, freestanding or attached to a building or other structure and conveying messages to advertise products, services or businesses at a location other than the premises being advertised.

BIOGAS — A fuel consisting of methane, carbon dioxide, and small amounts of water and other compounds produced as part of anaerobic digestion processes. **[Added by Ord. 2013-07, 5/6/2013]**

BOARDING HOUSE — A dwelling, or part thereof, in which lodging is provided, for compensation, by the owner to more than three boarders other than family members of the owner, and in which meals and other services may be provided to said registered boarders. In no case shall more than eight rooms be available for the lodging of boarders.

BUILDING — Any structure constructed or used for a residence, business, industry or other public or private purposes, or accessory thereto, and including swimming pools, greenhouses, stables, garages, roadside stands, manufactured homes, patios, decks, paved terraces, porches, carports and similar structures, whether stationary or movable, but excluding fences and walls which are part of the landscaping, signs and awnings.

ATTACHED — A building which has two or more party walls in common.

DETACHED — A building which has no party wall.

SEMIDETACHED — A building which has only one party wall.

BUILDING, ACCESSORY — A detached subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

BUILDING CODE — The Township Uniform Construction Code Ordinance, Ordinance No. 2 of 2004, as amended. **[Added by Ord. 2013-07, 5/6/2013]**

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

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

BUILDING, PRINCIPAL — A building which is enclosed within exterior walls or firewalls, built, erected and framed of component structural parts,

designed for housing, shelter, enclosure and support of individuals, and is the main structure on a given lot.

BUILDING SETBACK LINE — A line within a lot which is equidistant from a front lot line and which represents the minimum separation distance between the street right-of-way and the front building line as determined by the yard requirements of this Chapter. If any portion of the front lot line is not within a street right-of-way, such distance shall be measured between such portions of the front line and the front building line.

CARTWAY — The surface of a road or street available for vehicular traffic.

CENTER LINE — The center of the surveyed street, road, lane, alley or alley right-of-way or, where not surveyed, the center of the traveled cartway.

CENTRAL WATER SUPPLY — A water supply system which provides water for human consumption to more than one lot or dwelling unit which complies with all applicable regulations for public water systems.

CHURCHES AND RELATED USES — Any building, structure or group of buildings or structures, primarily used or intended for use for public worship, including accessory uses such as rectories, parsonages, convents, and church-related educational and/or day care facilities. The term "church" shall also include temple, synagogue, mosque and other similar places of worship.

CLEAN WOOD — Natural wood that has no paint, stains or other types of coatings, and natural wood that has not been treated with preservatives or chemicals, including but not limited to copper, chromium arsenate, creosote or pentachlorophenol. **[Added by Ord. 2013-07, 5/6/2013]**

CLUB (LODGE FOR FRATERNAL OR SOCIAL ORGANIZATIONS) — A building for use by an organization comprised of members and their guests which involves buildings for meetings, recreation and administrative purposes not conducted for profit. The definition of club shall include, but not be limited to, service and political organizations, labor unions and social and athletic clubs.

COMMERCIAL ANIMAL BREEDING OPERATION — An operation involving the breeding of dogs or cats which involves no more than 12 animals, including puppies, at any given time.

COMMERCIAL DAY CARE FACILITY — A facility, licensed by the Commonwealth of Pennsylvania, providing supervision of minors or special needs adults by individuals other than family members and operated for profit. A day care facility shall not provide overnight accommodations.

COMMERCIAL RECREATION FACILITY — A gainful activity or business, open to the public for the purpose of public recreation or entertainment including, but not limited to, bowling alleys, motion picture theaters, health clubs, miniature golf courses, etc.

CONCENTRATED ANIMAL OPERATION — An agricultural operation where the animal density exceeds two AEU's per acre on an annualized basis.

CONTRACTOR AND VEHICLE STORAGE — A building and/or series of buildings divided into separate storage units for individuals to store personal property, boats, cars, recreational vehicles and similar goods and equipment or for use by businesses that provide services related to excavating, building construction, cement, masonry, painting, roofing, siding, landscaping, paving, HVAC, plumbing, electrical, carpentry or uses of similar nature. Storage units may be utilized as a workshop by the individual or contractor leasing the unit. **[Added by Ord. No. 2022-04, 11/10/2022]**

CUSTOM AGRICULTURAL SERVICES — A commercial agricultural business offering contract services, including, but not limited to, the tillage, planting, spraying, and/or harvesting of agricultural products.

DECISION — Final adjudication of any board or other body granted jurisdiction under any land use ordinance or the MPC to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the municipality lies.

DENSITY — The number of dwelling units per acre, exclusive of all street rights-of-way.

DETERMINATION — A final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- A. The Board of Supervisors.
- B. The Zoning Hearing Board.
- C. The planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions.

Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

DRIVEWAY — The vehicular method of entrance or egress to a single-family dwelling unit.

DWELLING — A building or portion thereof designed for and used primarily for residential occupancy, including those listed below but not including hospitals, hotels, boarding, rooming and lodging houses, institutional houses, tourist courts and the like, offering overnight accommodations for guests or patients. Dwellings may include prefabricated units which are capable of being transported to a site in whole or in part; provided, that the unit is permanently affixed to the ground by means of a hard surfaced foundation

that will not heave, shift or settle unevenly because of frost action, inadequate drainage, vibration or other forces acting on the superstructure. In addition, in order to qualify as a dwelling, all of the following standards and conditions must be complied with:

- A. The foundation for the dwelling shall be an entire perimeter wall, either of concrete or masonry construction, extending from below the frost line to the underside of the dwelling house.
- B. The dwelling house must be attached to the foundation wall by anchor bolts or similar attachments approved by the Zoning Officer as contrasted with the mere setting of the dwelling unit on the foundation wall system.



- C. In the event the dwelling house formerly was a manufactured home as defined herein, the entire running gear, as contrasted with just the wheels, must be removed as well as the towing hitch.

Specific types of dwellings include:

DWELLING UNIT — One or more sleeping or living rooms arranged for use of a family.

DWELLING UNIT ACCESSORY — A dwelling unit that is secondary to and located upon the same lot as a principal dwelling unit, the occupancy of which is limited to blood-related (by birth or adoption) elderly, handicapped or disabled persons or an adult child serving as a caregiver.

DWELLING, SINGLE-FAMILY — A dwelling on a single lot designed and occupied exclusively as a residence for one family.

DWELLING, MULTIPLE-FAMILY — A building divided into two or more dwelling units, including:

APARTMENT — Any dwelling unit, other than those defined below, which is located within a single structure along with at least one other dwelling unit, each having a separate location within such structure.

DWELLING, DUPLEX — A building divided horizontally into two dwelling units.

DWELLING, SEMIDETACHED — A building consisting of two dwelling units separated by a vertical party wall.

TOWNHOUSE — One of three or more dwelling units divided by vertical party or partition walls but with no horizontal division.

ECHO HOUSING — An additional dwelling unit placed on a property for temporary occupancy by either an elderly, handicapped or disabled individual related to the occupants of the principal dwelling by blood, marriage or adoption.

EPA — The United States Environmental Protection Agency or any agency successor thereto. **[Added by Ord. 2013-07, 5/6/2013]**

FAA — The United States Federal Aviation Administration or any agency successor thereto. **[Added by Ord. 2013-07, 5/6/2013]**

FAMILY — Any one or more of the following:

- A. A single individual occupying a dwelling unit and maintaining a separate housekeeping unit.
- B. Two or more persons related by blood, marriage or adoption within and including the degree of first cousins occupying a dwelling unit and using common cooking facilities.
- C. Not more than three unrelated persons occupying a dwelling unit as a single housekeeping unit.

- D. Not more than eight related or unrelated persons who are the functional equivalent of a family in that they live together, participate in such activities as meal planning, shopping, meal preparation and the cleaning of their dwelling unit together, and who are part of a community based residential home which qualifies as a community living arrangement licensed by the Pennsylvania Department of Public Welfare or other appropriate Federal or State agency having jurisdiction, where the persons occupying the home are handicapped persons under the terms of the Fair Housing Amendments Act of 1988, and where the operator of the home provides room and board, personal care, rehabilitative services and supervision in a family environment. The presence of staff persons in a home meeting this definition shall not disqualify the group of persons occupying the dwelling unit as a family.

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

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

FARM — A parcel of land 10 acres or more, devoted to the cultivation of land or other agricultural uses.

FLOOD — Refer to Part 9, "FP - Floodplain District."

FLOOR AREA, GROSS — The sum of the floor areas of a building as measured to the outside surfaces of exterior walls or the center line of party walls, and including all areas intended and designed for the conduct of a business or industrial use.

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

GARAGE — An enclosed space for the storage of one or more private motor vehicles provided that no business, occupation or service is conducted nor space therein leased to a nonresident of the premises for commercial purposes.

GARAGE, PRIVATE — An accessory building used for the storage of motor vehicles which may include one commercial vehicle; owned and operated by the owner or occupant of the premises, and for the storage of not more than three private noncommercial vehicles owned and operated by the owner or occupants of the premises.

GEOHERMAL TERMS — [Added by Ord. 2013-07, 5/6/2013]

- A. **CLOSED HORIZONTAL LOOP GEOTHERMAL SYSTEM** — A mechanism for heat exchange which consists of the following basic elements: underground loops of piping; heat fluid; a heat pump; and an air distribution system. An opening is made in the earth. A series of pipes are installed into the opening and connected to a heat exchange system in the building. The pipes form a closed loop and are filled with a heat transfer fluid. The fluid is circulated through the piping from the opening into the heat exchanger and back. The system functions in the same manner as the open loop system except there is no pumping of groundwater. A horizontal closed loop system shall be no more than 20 feet deep.
- B. **CLOSED VERTICAL LOOP GEOTHERMAL SYSTEM** — A borehole that extends beneath the surface. Pipes are installed with U-bends at the bottom of the borehole. The pipes are connected to the heat exchanger, and heat transfer fluid is circulated through the pipes.
- C. **GEOHERMAL BOREHOLES** — A hole drilled or bored into the earth into which piping is inserted for use in a closed vertical loop geothermal system.
- D. **GEOHERMAL ENERGY SYSTEM** — An energy-generating system that uses the earth's thermal properties in conjunction with electricity to provide greater efficiency in the heating and cooling of buildings.

E. OPEN LOOP GEOTHERMAL SYSTEM — Water is pumped from a water well or other water source into a heat exchanger located in a surface building. The water drawn from the earth is then pumped back into the ground through a different well or, in some cases, the same well, also known as "reinjection." Alternatively, the groundwater could be discharged to a surface water body, also known as a "pump and dump." In the heating mode, cooler water is returned to the earth, and in the cooling mode, warmer water is returned to the surface water body or well.

HEARING — An administrative proceeding conducted by a board pursuant to § 909.1 of the MPC.

HOME OCCUPATION — A business or commercial activity other than a no-impact home-based business or rural occupation that is conducted as an accessory use to a single-family detached dwelling.

HORTICULTURE — The growing of fruit, vegetables, flowers, ornamental plants or trees for a profit.

HYDRIC SOIL — Any soil classified by the USDA-SCS as being comprised of major hydric components which include the following soil types:

- A. Baile silt loam (Ba).
- B. Bowmansville silt loam (Bo).
- C. Holly silt loam (Hg).

IGSHPA — The International Ground Source Heat Pump Association.
[Added by Ord. 2013-07, 5/6/2013]

JUNK — Any worn, cast-off, discarded or stored material including, but not limited to, unlicensed vehicles, machinery and equipment ready for destruction or which has been collected for salvage or conversion to some use.

JUNKYARD — The use of more than 100 square feet of the area of any lot, or 400 square feet in the case of a farm, in all zoning districts except the I-Industrial District, for the storage, keeping or abandonment of junk. The deposit or storage on any lot of one or more unlicensed, wrecked or disabled vehicles, or the major part thereof, shall be deemed to constitute a junkyard. A disabled vehicle is one that is not operable under its own power for any reason, or a vehicle that does not have a valid current registration plate, or that has an inspection certification which is more than 60 days beyond the expiration date, and which is not intended for use, restoration or removal within one year of the date upon which the vehicle was deemed disabled. Any vehicle stored in accordance with the above criteria shall not be located within the front yard area of any property.

KENNEL — A structure on any lot on which animals (except livestock, horses, or poultry) are kept, boarded, raised, treated, or trained for a fee, including, but not limited to, dog or cat kennels.

LANDSCAPING — Landscaping shall include, but not be limited to, grass and other plantings such as trees, shrubs and bushes.

LAND USE ORDINANCE — Any ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI and VII of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended (MPC).

LARGE MANURE DIGESTER — A manure digester principally used to convert biogas into electricity, heat, and water. Large manure digesters accept livestock and poultry manure (primary catalyst) generated off site or from more than one farm. Large manure digesters may include "co-digestion," in which the livestock and poultry manure (primary catalyst) may be mixed with other organic materials (secondary catalysts). **[Added by Ord. 2013-07, 5/6/2013]**

LARGE SOLAR ENERGY PRODUCTION FACILITY — An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy. Large solar energy production facilities consist of one or more freestanding ground- or roof-mounted solar collector devices, solar-related equipment and other accessory structures and buildings, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities. A facility is considered a large solar energy production facility if it supplies electrical or thermal power primarily for off-site use. **[Added by Ord. 2013-07, 5/6/2013]**

LARGE WIND ENERGY PRODUCTION FACILITY — An area of land or other area used for a wind energy conversion system principally used to capture wind energy and convert it to electrical energy. Large wind energy production facilities consist of one or more wind turbines, tower, and associated control or conversion electronics and other accessory structures and buildings including substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities. A facility is considered a large wind energy production facility if it supplies electrical power primarily for off-site use. **[Added by Ord. 2013-07, 5/6/2013]**

LINE, LOT — Lines forming the front, rear and sides of lots as described in the title ordered. Any lot line which abuts a street or other public way shall be measured from the street right-of-way.

LINE, PROPERTY — A recorded boundary of a plot. Any property line which abuts a street or other public way shall be measured from the right-of-way.

LINE, REAR LOT — Rear lot line shall mean that lot line which is opposite and most distant from the front line. In the case of corner lots, the owner shall, for the purpose of this Chapter, have the privilege of selecting any lot

line; other than one of the front lot lines, to be the rear lot line; provided, that such choice in the opinion of the Zoning Officer will not be injurious to the existing or the desirable future development of adjacent property. The rear lot line of any irregular or triangular lot shall, for the purpose of this Chapter, be a line entirely within the lot, 10 feet long.

LOADING SPACE — A space accessible from a street or right-of-way, in a building or on a lot for the temporary use of vehicles while loading or unloading merchandise or materials.

LOT — A designated parcel, tract or area of land to be used, developed or built upon as a unit, described by a metes and bounds description which is recorded in the Office of the Recorder of Deeds of Lancaster County by deed description or by an approved subdivision plan. The area and depth of a lot shall be measured to the legal right-of-way line of the abutting public or private street.

LOT AREA — The area of horizontal plane bounded by the vertical planes within the front, side and rear lot lines. For the purposes of calculating the minimum lot area necessary to comply with the requirements of this Chapter, the following areas shall be excluded from such calculations:

- A. Any area within a street or other transportation right-of-way.
- B. Any area within a right-of-way used for gas, oil, natural gas, electric or communication transmission facilities, whether below or above ground, that do not serve the lot traversed.
- C. Wetlands.
- D. Any area comprising a stormwater management basin.

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

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

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

LOT LINE, FRONT — A lot line separating the front of the lot from the street. On a corner lot, all lot lines which abut a street shall be front lines. On a through lot, the front lot line shall be the lot line which abuts the street providing the primary access to the lot.

LOT LINE, REAR — A lot line which does not intersect a front lot line and is most distant from, and most parallel to, a front lot line. For the purposes of this Chapter, where the side lot lines of an interior lot meet in a point, the

rear lot line shall be assumed to be a line not less than 10 feet long drawn within the lot between the two side lot lines, which is parallel to, or in the event of a curved front lot line, equidistant to the front lot line.

LOT LINE, SIDE — Any lot line which is not a front or rear lot line.

LOT, THROUGH — A lot abutting two road rights-of-way which is not located at the intersection of such two roads.

LOT WIDTH — In the case of an interior lot, lot width shall be the horizontal distance measured at the minimum building setback line between the side lot lines. In the case of a corner lot, lot width shall be the horizontal distance measured at the minimum building setback line between each front lot line and its opposite side lot line. Such distance shall be measured along a straight line which is at right angles to the axis of a lot.

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

MANUFACTURED HOME LOT — A parcel of land in a manufactured home park, improved with the necessary appurtenances necessary for the erection thereon of a single manufactured home.

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

MANUFACTURED HOME PARK OPERATOR — The person responsible for the operation of a manufactured home park.

MANURE DIGESTER — A facility whose main purpose is to use anaerobic digestion processes to convert livestock and poultry manure (primary catalyst) into biogas, which is generally burned on site to produce electricity, heat, and water, as well as to manage livestock and poultry manure. Manure digesters may include "co-digestion," in which the livestock and poultry manure (primary catalyst) may be mixed with other organic materials (secondary catalysts). Types of manure digesters include covered anaerobic lagoons, plug-flow, and/or complete mix (or continually stirred tank reactor), along with other appurtenant sites, structures and buildings, electrical infrastructure, transmission lines and other appurtenant structures and facilities. **[Added by Ord. 2013-07, 5/6/2013]**

MANURE STORAGE FACILITY — A structure built to store manure for future use including, but not limited to, underground storage, in-ground storage, trench silos, earthen banks, stacking areas and above ground storage. Commercial waste storage facilities are those which are owned and operated for profit to provide animal waste storage services to the agricultural community.

MEDIATION — A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating a written agreement which the parties themselves create and consider acceptable.

MINI-WAREHOUSE — A building and/or series of buildings divided into separate storage units for personal property and/or property associated with some business or other organization. These units shall be used solely for dead storage and no processing, manufacturing, sales, research and development, testing, service and repair or other nonstorage activities shall be permitted.

MOTEL — A building, or group of buildings, containing individual rooms or apartment accommodations primarily for transients, each of which is provided with a separate exterior entrance and a parking space, and offered principally for rental and use by motor vehicle travelers. The term "motel" includes, but is not limited to, auto courts, motor courts, motor inns, motor lodges, roadside hotel or resort hotels.

MPC — The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

MUNICIPAL USE — Any use owned or operated by the Township or an authority created by the Township.

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

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use including, but not limited to, parking, signs or lights.

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

NONCONFORMING LOT — A lot, the area or dimension of which was lawful prior to the adoption or amendment of this Chapter, 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 Chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

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

NUTRIENT MANAGEMENT PLAN — A plan for the correct management and safe disposal of agricultural waste products or manure generated by livestock operations and approved by the Lancaster County Conservation District. Guidelines for said plan shall be in accordance with the "Manure Management Manual for Environmental Protection" published by the Bureau of Soil and Water Conservation within the Department of Environmental Protection. Figures used on compilation shall be the most recent printing of the "Penn State University Agronomy Guide."

OCCUPANT — A person staying at the short-term rental facility overnight. A person located on the short-term rental facility premises shall be deemed an occupant unless established otherwise by the owner, person in charge or tenant. **[Added by Ord. No. 2021-01, 6/7/2021]**

OUTDOOR STORAGE — The keeping of any goods, junk, material, merchandise or vehicles in an area which is unroofed and not wholly enclosed for more than 24 hours.

OUTDOOR WOOD-FIRED BOILER — A fuel-burning device, also known as an "outdoor wood-fired boiler or furnace," "outdoor solid fuel-burning appliance," and "outdoor wood-burning appliance," designed: **[Added by Ord. 2013-07, 5/6/2013]**

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

OWNER — The individual, entity, or entities, holding legal title to a particular property. **[Added by Ord. No. 2021-01, 6/7/2021]**

PARKING LOT — An off-street surfaced area designed solely for the parking of motor vehicles, including driveways, passageways and maneuvering space appurtenant thereto.

PARKING SPACE — An off-street space available for the parking of one motor vehicle and measuring a minimum of 180 feet, exclusive of driveways, passageways and maneuvering space appurtenant thereto.

PERSON — Any natural person, association, partnership, firm, corporation or other legally recognized entity.

PHASE 2 OUTDOOR WOOD-FIRED BOILER — An outdoor wood-fired boiler that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million British thermal units output and is labeled accordingly. Phase 2 outdoor wood-fired boiler models will be identified with a white hangtag. **[Added by Ord. 2013-07, 5/6/2013]**

PRIVATE SCHOOL — A nonprofit educational institution offering a curriculum approved by the Department of Education and which is not administered by the Eastern Lancaster County School District.

PROPERTY LINE — A recorded boundary of a lot. However, any property line which abuts a "street" or other public or quasi-public way shall be measured from the legal street right-of-way line.

QUARRYING — The extraction of minerals by surface mining.

RECREATIONAL AREA — A specific area or areas designated and usable for play, open space and recreational purposes by the residents of the manufactured home park. This area shall not include manufactured home lots, streets, parking areas or accessory buildings.

RECREATIONAL VEHICLE — A transient dwelling, containing less than 400 square feet of gross floor area, including automotive drawn trailers or motorized coaches, which are designed primarily for vehicular mobility.

RECYCLING CENTER — Any facility which is used and intended for use primarily for the separating, collecting, storing and eventual distribution of paper, glass and metal products, including the collection and storage of such materials on site following recycling.

RENT or RENTAL — An arrangement whereby one or more persons obtains permission to occupy a property or portion thereof for a specific period of time, regardless of whether compensation or other consideration is passed by a transient visitor to the owner or an agent of the owner. **[Added by Ord. No. 2021-01, 6/7/2021]**

REPORT — Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

RIGHT-OF-WAY — The total width of any land granted, reserved or dedicated as a street, alley, crosswalk or for other public or semi-public purposes, such as utility installations, stormwater installations or sanitary sewer installations.

RURAL OCCUPATION — A commercial activity that is conducted as an accessory use to the primary residential use of a lot or on any farm between the area of 10 and 25 acres by a resident of the lot, which activity is clearly incidental and subordinate to the agricultural or residential use of the lot and which is conducted in an accessory structure on the lot.

SEWER, PRIVATE — An on-lot septic tank disposal system approved by the Pennsylvania Department of Environmental Protection generally providing for disposal of effluent for only one building or group of buildings on a single lot.

SEWER, PUBLIC — A wastewater collection, conveyance and treatment system, whether publicly or privately owned, serving two or more lots, or two or more equivalent dwelling units. Such systems require a permit from the Pennsylvania Department of Environmental Protection, and shall include "community on-lot sewage systems" and "community sewerage systems" as defined by 25 Pa. Code § 71.1.

SCHOOL — A nonprofit public or privately owned educational institution offering a curriculum approved by the Pennsylvania Department of Education.

SHOPPING CENTER — A group of stores planned and designed for the site on which they are built, functioning as a unit with off-street parking provided on the property as an integral part of the unit.

SHORT-TERM RENTAL FACILITY — A property or portion thereof used pursuant to this chapter for the purpose of short-term rentals including, but not limited to, Airbnb and VRBO. Short-term rental facilities do not include a hotel or a bed-and-breakfast as such terms are used and defined in the Earl Township Zoning Ordinance. **[Added by Ord. No. 2021-01, 6/7/2021]**

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

SMALL MANURE DIGESTER — A manure digester used to convert biogas into electricity, heat, and water, and which is intended to primarily reduce on-site consumption of utility power. A system is considered a small manure digester only if it supplies electrical or thermal power for on-site use, except that when a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company. Small manure digesters use livestock and poultry manure generated on site from one farm and are designed and intended solely to generate power to offset utility costs. Small manure digesters may include "co-digestion," in which the livestock and poultry manure (primary catalyst) may be mixed with other organic materials (secondary catalysts). **[Added by Ord. 2013-07, 5/6/2013]**

SMALL SOLAR ENERGY SYSTEM — A solar collection system consisting of one or more roof-mounted and/or ground-mounted solar collector devices and solar-related equipment, and which is intended to primarily reduce on-site consumption of utility power. A system is considered a small solar energy system only if it supplies electrical or thermal power solely for on-site use, except that when a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company. **[Added by Ord. 2013-07, 5/6/2013]**

SMALL WIND ENERGY SYSTEM — A wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion

electronics, and which is intended to primarily reduce on-site consumption of utility power. A system is considered a small wind energy system only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company. **[Added by Ord. 2013-07, 5/6/2013]**

SOLAR COLLECTION SYSTEM — A solar photovoltaic cell, panel, or array, or solar hot air or water collector device which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat. **[Added by Ord. 2013-07, 5/6/2013]**

SOLAR-RELATED EQUIPMENT — Items including a solar photovoltaic cell, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations used for or intended to be used for collection of solar energy. **[Added by Ord. 2013-07, 5/6/2013]**

SPECIAL EXCEPTION — A land use that would not be appropriate generally or without restrictions throughout the district, but which, if controlled as to number, area, location and/or relation to the neighborhood would be a suitable use for the district.

STACK — Any vertical structure enclosing a flue or flues that carries off smoke or exhaust from a furnace, especially that part of a structure extending above a roof. **[Added by Ord. 2013-07, 5/6/2013]**

STREET — A strip of land, serving as a public or private right-of-way, including the entire right-of-way, serving primarily as a means of vehicular and pedestrian travel, and furnishing access to abutting properties, which may also be used to provide space for sewers, public utilities, stormwater management facilities, shade trees and sidewalks.

STREET, PRIVATE — A thoroughfare including a street, road, lane, alley, court or space which has not been offered for dedication or whose dedication was not accepted by the Township. Private streets shall not be permitted unless they meet the standards of the applicable subdivision and land development ordinance or Township road ordinance.

STREET, PUBLIC — A public thoroughfare including a street, road, lane, alley, court or public space which has been dedicated or deeded to the public or public use and which affords principal means of access to abutting property.

STRUCTURE — Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. The word "structure" shall be construed, where the context allows, as though followed by the words "or part thereof."

TRANSIENT VISITOR — An individual who rents a short-term rental facility. [Added by Ord. No. 2021-01, 6/7/2021]

TURBINE HEIGHT — The distance measured from the highest point of the wind turbine rotor plane to the ground level. [Added by Ord. 2013-07, 5/6/2013]

USE — The purpose for which land, structure, sign or a building is arranged, designed or intended, or which either land, structure, sign or a building is or may be used, occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use and shall permit a maximum of one permitted use per lot.

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

PRINCIPAL USE — The main or primary purpose for which land, a structure, building, and/or sign, or use thereof is designed, arranged, or intended or for which they may be occupied or maintained under this Chapter.

UTILITY — Any utility coming under the jurisdiction of the Public Utility Commission of Pennsylvania.

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

VETERINARY OFFICE/CLINIC — An establishment offering veterinary services for all types of animals and which may include outdoor and overnight boarding of animals.

WATER FACILITIES, PUBLIC — Any Township or privately owned water system in which water is secured from a common source and distributed to individual lots or buildings.

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

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

towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities. **[Added by Ord. 2013-07, 5/6/2013]**

WINDMILL — A device that runs on the energy generated by a wheel of adjustable blades or slats rotated by the wind. **[Added by Ord. 2013-07, 5/6/2013]**

WIND TURBINE — A device that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower and pad transformer, if any. **[Added by Ord. 2013-07, 5/6/2013]**

WIND TURBINE TOWER — The vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground. **[Added by Ord. 2013-07, 5/6/2013]**



WOODLANDS — Areas characterized by dense and extensive tree cover growing closely together so that the drip lines touch or overlap, and which there is more than one viable tree of a diameter of six inches or greater per 1,500 square feet of lot area. This definition includes groves of flowering or sub-canopy trees, such as dogwood trees, and young forests where the immature branches may not yet be interlocking. To determine if an area has a minimum of one viable tree of six inches or greater caliper per 1,500 square feet, the total area of land in question (in square feet) shall be divided by 1,500. If the result is equal to or less than the number of viable trees of the diameter of six inches or greater, and meets the other stated characteristics, the area in question is considered woodland.

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

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

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

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

ZONING OFFICER — The agent or official designated by the Board of Supervisors to administer and enforce this chapter.

ZONING MAP — The Earl Township Zoning Map, as amended.

ZONING ORDINANCE — The Earl Township Zoning Ordinance, this Chapter.



PART 3
ZONING DISTRICTS

§ 27-301. Types of Zoning Districts. [Ord. 11/4/1996, § 300]

For the purpose of this Chapter, Earl Township is hereby divided into the following districts:

- A. AG — Agricultural District.
- B. RR — Rural Residential District.
- C. R — Residential District.
- D. C — Commercial District.
- E. I — Industrial District.
- F. FP — Floodplain District.

§ 27-302. Official Zoning Map. [Ord. 11/4/1996, § 301]

1. The boundaries of the zoning districts shall be as shown on the Zoning Map which is on file in the office of the Board of Supervisors. Said map and all notations, references and data shown thereon are hereby incorporated by reference into this Chapter, and shall be as much a part of this Chapter as if all were fully described herein.
2. The Zoning Map shall be so labeled, and identified by the signature of the Chairman of the Board of Supervisors and attested by the Secretary of the Board of Supervisors, and bear the seal of the Township.

§ 27-303. District Boundaries. [Ord. 11/4/1996, § 302]

1. The district boundary lines, with the exception of the floodplain district, shall be shown on the Zoning Map. District boundary lines are intended to coincide with lot lines. Center lines of streets and alleys, railroad rights-of-way, beds of streams existing at the time of passage of this Chapter, the corporate boundary of the Township, or as dimensioned on the Official Zoning Map. Where dimensions are shown on the map between a street and a district boundary line, they indicate that the district boundary line runs parallel to the center line of the street, a distance equivalent to the number of feet so indicated. Distances not specifically indicated on the map shall be determined by the scale of the map.
2. In the event of dispute about the location of the boundary of any district, the Zoning Officer shall investigate and render a decision on the location of the

line. Appeals from the determination of the Zoning Officer shall be made to the Zoning Hearing Board.

§ 27-304. Boundary Tolerances. [Ord. 11/4/1996, § 303]

Where a district boundary line divides a lot at the effective date of this Chapter, the use regulations applicable to the less restricted district shall extend over the portion of the lot in the more restricted district a distance of not more than 50 feet beyond the district boundary line.

§ 27-305. District Dimensional Requirements; Table of Dimensional Requirements. [Ord. 11/4/1996, § 304]

To facilitate the use of this Chapter, the dimensional requirements for each district are noted in the chart on the following page. These requirements are also listed within the article of each respective zoning district. In the event of any conflict of the below provisions with any other text portion of this Chapter, the text portion of the Chapter shall apply.

Table of Dimensional Requirements

Zoning District	Minimum Lot Size	Minimum Lot Width	Minimum Lot Depth	Minimum Yards			Max. Lot Coverage	Max. Building Height
				Front	Side	Rear		
AG	1 acre ¹	100' ²	150'	65' ^{3,4}	20'	50'	20%	35' ²¹
RR	1 acre ⁵	150'	150'	65' ^{3,4}	20'	50'	20%	35'
R	1 acre ⁴	150'	125'	60' ^{3,4}	7	30'	20%	35'
	15,000 s.f. ⁹	100'	125'	60' ^{3,4}	7	30'	25%	35'
	10,000 s.f. ¹⁰	75'	125'	60' ^{3,4}	7	30'	30%	35'
	5,000 s.f. ¹¹	35'	125'	60' ^{3,4}	7	30'	50%	35'
	2,500 s.f. ¹²	13	125'	60' ^{3,4}	7	30'	60%	35'
	5,000 s.f. ¹³	100'	125'	60' ^{3,4}	7	30'	50%	35'
C	13	100' ²⁶	150'	65' ^{3,4,37}	10' ³⁸	30'	80%	40'
I	15	100'	150'	65' ^{3,4,37}	20' ²⁰	30' ²⁰	80%	40'

FOOTNOTES:

- ¹ The maximum lot area shall be determined by the Department of Environmental Protection as the maximum necessary for approval of sewage disposal facilities. If public sewer is available, the minimum and maximum lot areas shall be 10,000 square feet and 15,000 square feet respectively.
- ² The maximum lot width shall be 200 feet. NOTE: Lot widths in all districts are measured at the building setback line.
- ³ The front yard distance is measured from the center line of the abutting street.
- ⁴ The minimum front yard for lots abutting PA Route 23 and US Route 322 shall be the greater of 100 feet from the center line of the road or 50 feet from the existing right-of-way line.
- ⁵ Where the lot is serviced by either or both public sewer and public water facilities, the minimum lot area shall be 20,000 square feet.
- ⁶ Lots are served by neither public sewer nor public water.
- ⁷ Side yard requirements are subject to the various requirements stated in § 27-604.4B of this Chapter.
- ⁸ Apartment buildings with more than four dwelling units shall have rear yard of 50 feet.
- ⁹ Lots are served by either public sewer or public water.
- ¹⁰ Lots are served by both public sewer and public water.
- ¹¹ For semidetached dwellings with public sewer and public water.

FOOTNOTES:

- ¹² For each townhouse unit, if served by both public sewer and public water and provided the density does not exceed eight dwelling units/acre.
- ¹³ Twenty feet for interior townhouse units, 35 feet for end townhouse units.
- ¹⁴ Per dwelling unit for apartments, if served by both public sewer and public water, provided that the minimum lot size shall be 16,000 square feet.
- ¹⁵ The minimum lot area for each principal use shall be 20,000 square feet or the minimum area as dictated by the Department of Environmental Protection as being necessary for approval of sewage disposal facilities, with the exception that shopping centers or multiunit commercial/office complexes shall contain a minimum lot area of two acres.
- ¹⁶ Shopping centers or multiunit commercial/office complexes shall contain a minimum lot width of 200 feet.
- ¹⁷ In developed areas where existing buildings are located closer to the street than is permitted by these regulations, a new building may be located at the same setback distance as the adjacent buildings. If the adjacent buildings have varying setbacks, the proposed building shall not be located closer to the street than the average setback distance of the two existing adjacent buildings.
- ¹⁸ Except where adjacent to the residential or agricultural districts, in which case side yards shall be 25 feet. In the case of a shopping center or a multiunit commercial/office complex, the minimum side yard shall be 30 feet.
- ¹⁹ When a Residential District is across the street from the I — Industrial District, the minimum building setback line for lands in the I — Industrial District shall be 100 feet from the center line of the street.
- ²⁰ This required may be waived when a rail siding is to be provided. Additionally, when lands within the I-Industrial District are adjacent to another type of district, there shall be a minimum side yard and rear yard requirement of 50 feet along such adjacent side, except that the Zoning Hearing Board may grant a variances of this requirement when it is clearly evidence that this required would create a hardship b prohibiting the use of the tract of ground because of its limited size.
- ²¹ See § 27-1402.1 and 27-1402.2 for height limit exceptions for certain buildings and structures.



PART 4**AG — AGRICULTURAL DISTRICT****§ 27-401. Intent. [Ord. 11/4/1996, § 400]**

The purpose of the AG — Agricultural District is to encourage the preservation of large rural areas for agricultural, forest and conservation purposes. This district seeks to eliminate those land uses not compatible with agriculture and allowing for on-farm occupations to provide supplemental income to the Township's farmers in residence. Residential uses are limited, and any future inhabitants in this zone must be willing to accept the impacts associated with daily farming practices and related businesses.

§ 27-402. Permitted Uses. [Ord. 11/4/1996, § 401; as amended by Ord. 3-1998, 5/4/1998, § 1; by Ord. 1-2003, 4/7/2003, § 2; and by Ord. 3-2005, 9/6/2005, § 3(1-6)]

Lands and buildings in the AG — Agricultural District shall be used only for the following purposes:

- A. Agricultural, horticultural and forestry uses.
- B. Farm buildings, provided that any building used for the keeping or raising of livestock or poultry shall be located not less than 100 feet from any street or other property line.
- C. Single-family detached dwellings.
- D. Accessory uses and structures incidental and secondary to single-family detached dwellings.
- E. Woodland or game preserve, wildlife sanctuary or other conservation purpose.
- F. Township uses, parks and playgrounds.
- G. Home occupations, provided that the home occupation complies with the criteria stated in § 27-1314 of this Chapter.
- H. Family-farm support businesses, provided that:
 - (1) The primary economic activity of the subject tract shall be agricultural and shall be at least 25 acres in area.
 - (2) The family-farm support business shall be secondary to the primary agricultural use which does not change or reduce the exterior farm character.
 - (3) The family-farm support business shall be located within existing accessory buildings on the farm and shall not utilize a land area

(including all buildings, parking, and storage areas) in excess of 1/2 acre. No new buildings or additions to existing buildings shall be permitted.

- (4) When the farm containing a family-farm support business is located adjacent to lands within a residential zoning district, no part of the business activity shall be located within 100 feet of the adjacent zoning boundary.
 - (5) The family-farm support business shall be conducted and owned by the farmer in residence on the property, and only family members that include children and parents living on the farm shall be employed in the minor on-farm occupation.
 - (6) There shall be no outside storage of materials associated with a family-farm support business located between the building and the street. Exterior storage of goods and materials shall be permitted only within a completely enclosed and screened area which shall not be visible from any adjoining residential lot.
 - (7) A family-farm support business shall have a minimum seventy-five-foot long gravel or paved access apron extending into the farm parcel to prevent tracking of mud and manure onto the public road. Any access drive provided shall be of sufficient length to accommodate the off-road stacking of delivery vehicles.
 - (8) All driveway intersections, whether existing or proposed, shall conform to the sight distance requirements of the Pennsylvania Department of Transportation.
 - (9) Signs which advertise the farm support business shall not exceed six square feet in area.
 - (10) The owner and/or operator of the farm support business shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor. Additionally, the farm support business shall be conducted in a manner which does not allow the accumulation of trash and debris.
 - (11) Only one family-farm support business shall be permitted per farm. For the purposes of this section, a farm shall be defined as an area of land employed by the farmer as a single economic enterprise, regardless of the contiguity or number of parcels, plots, or tracts comprising such enterprise.
 - (12) The applicant shall obtain a zoning permit for a family-farm support business in accordance with § 27-1709 of this Chapter.
- I. Public and private schools having a total enrollment of no more than 50 students.

- J. Concentrated animal operations, provided that the applicant provides the Zoning Officer with proof of compliance with the applicable requirements for filing a nutrient management plan.
- K. Manure storage facilities, provided that the applicant provides the Zoning Officer with proof of compliance with the applicable requirements for the location, construction and operation of a manure storage facility. The applicant shall obtain a zoning permit under §§ 27-1704 through 27-1708 of this Chapter and shall comply with all State and local regulations concerning the construction, installation and usage of manure storage facilities.
- L. The display and sale of farm or nursery products as an accessory use to the principal farm use, provided that:
- (1) At least half of all farm and nursery products sold must be grown, raised or harvested on the premises.
 - (2) Any permanent structure used to display and sell such goods shall be located at least 50 feet from any property line and the legal right-of-way line of any street. The sale of farm products from a portable stand shall be located a minimum of 25 feet from the street right-of-way and shall be removed at the end of the growing season. Mobile stands (i.e., farm wagons, pickup trucks, etc.) shall be located outside the street right-of-way.
 - (3) The structure and necessary parking area shall together not occupy more than 4,000 square feet of area for each farm.
 - (4) All vehicular parking facilities shall be located outside of the street right-of-way.
- M. Echo housing, provided that:
- (1) The applicant shall provide documentation that addresses the requirements of the Township's subdivision and land development ordinance.
 - (2) Upon the proper installation of the proposed dwelling, the Zoning Officer shall issue a temporary building permit. This permit shall be reviewed during the month of January of each year until such time that the dwelling is to be removed.
- N. Temporary farm employee housing, provided that:
- (1) The applicant shall demonstrate that additional help is required for the farm operation or that the dwelling will house an immediate member of the family that is actively engaged in the operation of the farm. The applicant shall be the owner of the farm, and the dwelling shall be located on the property that is commercially farmed.

- (2) The temporary dwelling shall be occupied by one farm laborer and his family or by an immediate family member and his family.
 - (3) The applicant shall provide evidence that the proposed method of sewage disposal and water supply comply with Department of Environmental Protection requirements.
 - (4) Two off-street parking spaces shall be required for the proposed dwelling unit.
 - (5) If the proposed dwelling is a manufactured home, it shall be placed on the lot in accordance with the foundation and anchoring requirements of § 27-1002(26) and (27), respectively, of this Chapter.
 - (6) The proposed dwelling unit shall be provided with properly designed utility connections.
 - (7) The applicant shall provide documentation that addresses the requirements of the Township's subdivision and land development ordinance.
 - (8) Upon the proper installation of the dwelling, the Zoning Officer shall issue a zoning and use permit. This permit shall be reviewed during the month of January of each year until such time that the dwelling is to be removed.
- O. No-impact home-based businesses.
- P. Custom agricultural services, provided that:
- (1) The business shall be located on a parcel of land of two acres or more.
 - (2) Vehicles, equipment, and supplies associated with the service shall either be stored in a fully enclosed building or be screened from abutting properties.
 - (3) There shall be a minimum seventy-five-foot long gravel or paved access apron extending into the property to prevent tracking of mud onto the public road.
 - (4) A turnaround area shall be provided to prohibit the backing out of vehicles onto the abutting roadway.
- Q. Forestry activities.
- R. Outdoor wood-fired boilers.
- [Added by Ord. 2013-07, 5/6/2013]**
- S. Geothermal uses.

[Added by Ord. 2013-07, 5/6/2013]

T. Small manure digesters.

[Added by Ord. 2013-07, 5/6/2013]

U. Small solar energy systems.

[Added by Ord. 2013-07, 5/6/2013]

V. Small wind energy systems.

[Added by Ord. 2013-07, 5/6/2013]

§ 27-403. Special Exceptions. [Ord. 11/4/1996, § 402; as amended by Ord. 3-2005, 9/6/2005, § 3(7-9)]

The establishment and/or expansion of the following uses are permitted when special exceptions are granted by the Zoning Hearing Board in conformance with Part 16 and other provisions of this Chapter.

- A. Bed and breakfast establishments (conversion of existing residential structures only).
- B. Churches.
- C. Communications towers and antennas for the purpose of facilitating communications services and attendant support structures in accordance with § 27-1412.
- D. Facilities for the sales, repair and service of agricultural equipment, vehicles, feed or supplies.
- E. Kennels, including commercial animal breeding operations.
- F. On-farm occupations.
- G. Outdoor recreational uses with no permanent buildings or structures.
- H. Public and private schools having a total enrollment of more than 50 students.
- I. Retail sale of nursery and garden materials.
- J. Riding school or commercial horse boarding stable.
- K. Wholesale agricultural produce sales, stockyards and buying stations.
- L. Family-farm support businesses which do not meet the criteria of § 27-402H of this Chapter.
- M. Family-farm support businesses proposing mini-warehouse units.

- N. Accessory dwelling units.
- O. Custom agricultural services on parcels of land less than two acres in area.
- P. Rural occupations.
- Q. Agri-tainment uses.
[Added by Ord. 2013-07, 5/6/2013]
- R. Large manure digesters.
[Added by Ord. 2013-07, 5/6/2013]
- S. Short-term rental facility subject to the requirements of § 27-1605. [Added by Ord. No. 2021-01, 6/7/2021]

§ 27-404. Area and Dimensional Regulations. [Ord. 11/4/1996, § 403; as amended by Ord. 1-2001, 3/5/2001, § 1; by Ord. 3-2005, 9/6/2005, § 3(10-13); and by Ord. 2011-01, 1/3/2011]

1. Area Requirements.

- A. Single-family detached dwellings and agricultural subdivisions shall be permitted on tracts of contiguous land in single ownership in accordance with the following requirements:

Size of Tract of Land (in acres)	Number of Single-Family Detached Dwellings, Other New Principal Uses, New Subdivided Lots, or Agricultural Subdivisions Permitted in Addition to the Existing Farm Dwelling (in acres)
3 but less than 50	1
50 but less than 100	2
100 and over	3

For the purposes of this section, an agricultural subdivision, as stated above, shall refer to the subdivision of any existing farm into two or more separate farms.

- B. A single family detached dwelling may be erected, a new principal use established, a new lot subdivided, and an agricultural subdivision may occur on any single lot of record existing as of November 18, 1980, notwithstanding the limitations imposed by Subsection 1A of this Section. Such lot must be in single ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements of area or width, or both, that are applicable to this district, provided that yard dimensions and requirements other than those applying to area or

width, or both, of the lot shall conform to the regulations of this district.



- C. Any subsequent owner of a lot after November 18, 1980, the effective date of the Earl Township Zoning Ordinance which established the number of permitted single-family dwellings, new principal uses, new subdivided lots, and agricultural subdivisions in the AG-Agricultural District, shall be bound by the actions of his predecessor. A lot add-on shall not increase the property owner's right to subdivide additional lots, establish new principal uses, create an agricultural subdivision, or develop additional single-family detached dwellings.
 - D. The minimum lot area for each single-family detached dwelling or new subdivided lot shall be one acre and the maximum area shall be as dictated by the Department of Environmental Protection as the maximum necessary for approval of sewage disposal facilities. If other permitted uses in this district are subject to other minimum or maximum lot area requirements, then those standards shall apply. If public sewer is available, the minimum and maximum lot areas shall be 10,000 square feet and 15,000 square feet, respectively.
 - E. The maximum lot area for other permitted uses where such lot area is not specified shall be three acres.
2. Exemptions From § 27-404.1A. The following types of subdivisions shall not be counted against the development quota established by § 27-404.1A.
- A. The transfer of land to increase the size of a tract being used for agricultural purposes.
 - B. The transfer of nonprime agricultural land to increase the size of a tract not being used for agricultural purposes, provided maximum lot area requirements are not exceeded.
 - C. A subdivision to create a lot which will be transferred to the Township or a municipal authority created by the Township.
3. Lot Width, Depth and Yard Requirements.
- A. Minimum lot width: 100 feet at the building setback line.
 - B. Minimum lot depth: 150 feet.
 - C. Front, Yard Minimum Depth. The minimum building setback line for lands abutting PA Route 23 and US Route 322 shall be the greater of either 100 feet from the center line of the road or 50 feet from the existing right-of-way line. The minimum building setback line from all other streets shall be 65 feet from the center line of the street.
 - D. Side Yard. There shall be two side yards, neither of which shall be less than 20 feet.
 - E. Rear Yard. A minimum of 50 feet in depth.

4. Lot Coverage and Height Requirements.
 - A. Maximum Lot Coverage. 20%.
 - B. There are no height restrictions on general farm buildings and silos, however, single-family detached dwellings and other permitted uses shall not exceed 35 feet in height.

§ 27-405. Supplemental Regulations. [Ord. 11/4/1996, § 404]

Refer to separate Parts of this Chapter which address signs, off-street parking, residential accessory uses, general regulations and nonconforming uses, structures, buildings and lots for additional use regulations and requirements.

PART 5**RR — RURAL RESIDENTIAL DISTRICT****§ 27-501. Intent. [Ord. 11/4/1996, § 500]**

The RR — Rural Residential District seeks to promote a continuation of the rural character of the area, providing for lower density single-family rural residential development where public sewer and water facilities are not likely and where prime agricultural soils are not predominant. This district is characterized by a mixture of sparsely developed residential uses and will continue these development trends, but will include additional protection for rural residences from the impacts of other nonresidential uses. Because these areas are not likely to be served by public sewer or water facilities within the immediate future, larger lot sizes and only single-family detached dwellings are permitted residential land uses. However, standards are provided within this district for smaller lot sizes should public sewer and/or water facilities become available.

§ 27-502. Permitted Uses. [Ord. 11/4/1996, § 501; as amended by Ord. 1-2003, 4/7/2003, § 3; and by Ord. 3-2005, 9/6/2005, § 4(1-6)]

Land and buildings in the RR — Rural Residential District shall be used only for the following purposes:

- A. Farm buildings, farming and agricultural uses, provided that:
 - (1) Poultry houses for housing more than 500 birds shall not be located closer than 300 feet from all property lines and street right-of-way lines except as provided for in Subsection A(3) of this Section.
 - (2) Structures for housing more than 25 head of livestock shall not be located closer than 300 feet from all property lines and street right-of-way lines except as provided for in Subsection A(3) of this Section.
 - (3) If the owner of the proposed structure owns the land on the other side of the road opposite the location of the proposed structure, such structure need only be setback 100 feet from the street right-of-way line; provided, however, that the structure shall not be closer than 300 feet to the property line.
- B. Single-family detached dwellings.
- C. Municipal uses, including firehouses, parks and playgrounds.
- D. Home occupations, provided that the home occupation complies with the criteria stated in § 27-1314 of this Chapter.

- E. Concentrated animal operations, provided that the applicant provides the Zoning Officer with proof of compliance with the applicable requirements for filing a nutrient management plan.
- F. Manure storage facilities provided that the applicant provides the Zoning Officer with proof of compliance with the applicable requirements for the location, construction and operation of a manure storage facility.
- G. The display and sale of farm or nursery products as an accessory use to the principal farm use provided that:
 - (1) At least half of all farm and nursery products sold must be grown, raised or harvested on the premises.
 - (2) Any permanent structure used to display and sell such goods shall be located at least 50 feet from any property line and the legal right-of-way line of any street. The sale of farm products from a portable stand shall be located a minimum of 25 feet from the street right-of-way and shall be removed at the end of the growing season. Mobile stands (i.e. farm wagons, pickup trucks, etc.) shall be located outside the street right-of-way.
 - (3) The structure and necessary parking area shall together not occupy more than 4,000 square feet of area for each farm.
 - (4) All vehicular parking facilities shall be located outside of the street right-of-way.
- H. Echo housing, provided that:
 - (1) The applicant shall provide documentation that addresses the requirements of the Township's subdivision and land development ordinance.
 - (2) Upon the proper installation of the proposed dwelling, the Zoning Officer shall issue a temporary building permit. This permit shall be reviewed during the month of January of each year until such time that the dwelling is to be removed.
- I. Family-farm support businesses, provided that:
 - (1) The primary economic activity of the subject tract shall be agricultural and shall be at least 25 acres in area.
 - (2) The family-farm support business shall be secondary to the primary agricultural use which does not change or reduce the exterior farm character.
 - (3) The family-farm support business shall be located within existing accessory buildings on the farm and shall not utilize a land area

(including all buildings, parking, and storage areas) in excess of 1/2 acre. No new buildings or additions to existing buildings shall be permitted.

- (4) When the farm containing a family-farm support business is located adjacent to lands within a residential zoning district, no part of the business activity shall be located within 100 feet of the adjacent zoning boundary.
- (5) The family-farm support business shall be conducted and owned by the farmer in residence on the property, and only family members that include children and parents living on the farm shall be employed in the minor on-farm occupation.
- (6) There shall be no outside storage of materials associated with a family-farm support business located between the building and the street. Exterior storage of goods and materials shall be permitted only within a completely enclosed and screened area which shall not be visible from any adjoining residential lot.
- (7) A family-farm support business shall have a minimum seventy-five-foot long gravel or paved access apron extending into the farm parcel to prevent tracking of mud and manure onto the public road. Any access drive provided shall be of sufficient length to accommodate the off-road stacking of delivery vehicles.
- (8) All driveway intersections, whether existing or proposed, shall conform to the sight distance requirements of the Pennsylvania Department of Transportation.
- (9) Signs which advertise the farm support business shall not exceed six square feet in area.
- (10) The owner and/or operator of the farm support business shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor. Additionally, the farm support business shall be conducted in a manner which does not allow the accumulation of trash and debris.
- (11) Only one family-farm support business shall be permitted per farm. For the purposes of this Section, a farm shall be defined as an area of land employed by the farmer as a single economic enterprise, regardless of the contiguity or number of parcels, plots, or tracts comprising such enterprise.
- (12) The applicant shall obtain a zoning permit for a family-farm support business in accordance with § 27-1709, of this Chapter.

J. Temporary farm employee housing, provided that:

- (1) The applicant shall demonstrate that additional help is required for the farm operation or that the dwelling will house an immediate member of the family that is actively engaged in the operation of the farm. The applicant shall be the owner of the farm, and the dwelling shall be located on the property that is commercially farmed.
 - (2) The temporary dwelling shall be occupied by one farm laborer and his family or by an immediate family member and his family.
 - (3) The applicant shall provide evidence that the proposed method of sewage disposal and water supply comply with Department of Environmental Protection requirements.
 - (4) Two off-street parking spaces shall be required for the proposed dwelling unit.
 - (5) If the proposed dwelling is a manufactured home, it shall be placed on the lot in accordance with the foundation and anchoring requirements of § 27-1002BB and CC, respectively, of this Chapter.
 - (6) The proposed dwelling unit shall be provided with properly designed utility connections.
 - (7) The applicant shall provide documentation that addresses the requirements of the Township's subdivision and land development ordinance.
 - (8) Upon the proper installation of the dwelling, the Zoning Officer shall issue a zoning and use permit. This permit shall be reviewed during the month of January of each year until such time that the dwelling is to be removed.
- K. Accessory buildings and uses customarily incidental to the above permitted uses when located on the same lot.
- L. No-impact home-based businesses.
- M. Custom agricultural services, provided that:
- (1) The business shall be located on a parcel of land of two acres or more.
 - (2) Vehicles, equipment, and supplies associated with the service shall either be stored in a fully enclosed building or be screened from abutting properties.
 - (3) There shall be a minimum seventy-five-foot long gravel or paved access apron extending into the property to prevent tracking of mud onto the public road.

- (4) A turnaround area shall be provided to prohibit the backing out of vehicles onto the abutting roadway.

N. Forestry activities.

O. Geothermal uses.

[Added by Ord. 2013-07, 5/6/2013]

P. Small solar energy systems.

[Added by Ord. 2013-07, 5/6/2013]

Q. Small wind energy systems.

[Added by Ord. 2013-07, 5/6/2013]

§ 27-503. Special Exceptions. [Ord. 11/4/1996, § 502; as amended by Ord. 3-2005, 9/6/2005, § 4(7-8)]

The establishment and/or expansion of the following uses are permitted when special exceptions are granted by the Zoning Hearing Board in conformance with Part 16 and other provisions of this Chapter:

A. Animal hospitals and veterinary facilities.

B. Bed and breakfast establishments.

C. Boarding houses.

D. Churches and related uses.

E. Club or lodge for fraternal or social purposes.

F. Nursing, rest or retirement homes.

G. Family-farm support businesses which do not meet the criteria of § 27-502(1) of this Chapter.

H. Public and private schools having a total enrollment of more than 50 students.

I. Riding school or commercial horse boarding stables.

J. Accessory dwelling units.

K. Custom agricultural services on parcels of land use than two acres in area.

L. Rural occupations.

M. Short-term rental facility subject to the requirements of § 27-1605. **[Added by Ord. No. 2021-01, 6/7/2021]**

§ 27-504. Area and Dimensional Regulations. [Ord. 11/4/1996, § 503; as amended by Ord. 1-1997, 2/3/1997, § 1]

1. Minimum Lot Area. One acre 43,560 square feet for lots having on-lot sanitary sewage disposal. Where the lot is serviced by either or both public sewer and public water facilities, the minimum lot area shall be 20,000 square feet.
2. Minimum Lot Width Requirements.
 - A. The minimum lot requirement for lots having on-lot sanitary sewage disposal shall be 150 feet at the building setback line.
 - B. The minimum lot width requirement for lots serviced by either or both public sewer and public water facilities shall be 100 feet at the building setback line.
3. Minimum Lot Depth. One 150 feet.
4. Front Yard Minimum Depth. The minimum building setback line for lands abutting PA Route 23 and US Route 322 shall be the greater of either 100 feet from the center line of the road or 50 feet from the existing right-of-way line. The minimum building setback line from all other streets shall be 65 feet from the center line of the street.
5. Side Yard. There shall be two side yards, neither of which shall be less than 20 feet.
6. Rear Yard. A minimum of 50 feet in depth.
7. Maximum Lot Coverage. Twenty percent.
8. Height Regulations. No building shall exceed 35 feet in height except as provided in § 27-1402 of this Chapter.

§ 27-505. Supplemental Regulations. [Ord. 11/4/1996, § 504]

Refer to separate Parts of this Chapter which address signs, off-street parking, residential accessory uses, general regulations and nonconforming uses, structures, buildings and lots for additional use regulations and requirements.

PART 6**R — RESIDENTIAL DISTRICT****§ 27-601. Intent. [Ord. 11/4/1996, § 600]**

The R — Residential District provides for all types and densities of residential development where public sewer and water facilities can be provided and are necessary for development.

§ 27-602. Permitted Uses. [Ord. 11/4/1996, § 601; as amended by Ord. 8-2002, 10/7/2002, § 1; by Ord. 1-2003, 4/7/2003, § 4; and by Ord. 3-2005, 9/6/2005, § 5(1-3)].

Land and buildings in the R — Residential District shall be used only for the following purposes:

- A. Single-family detached dwellings.
- B. Multiple-family dwellings.
- C. Municipal uses, including firehouses, parks and playgrounds.
- D. Home occupations, provided that the home occupation complies with the criteria stated in § 27-1314 of this Chapter.
- E. Echo housing, provided that:
 - (1) The applicant shall provide documentation that addresses the requirements of the Township's subdivision and land development ordinance.
 - (2) Upon the proper installation of the proposed dwelling, the Zoning Officer shall issue a temporary building permit. This permit shall be reviewed during the month of January of each year until such time that the dwelling is to be removed.
- F. Public and private schools, provided that:
 - (1) All height, area, setback and coverage standards within the applicable zoning district shall apply.
 - (2) All off-street parking facilities shall be setback 25 feet and screened from adjoining property lines.
 - (3) All structures shall be setback at least 100 feet from any adjoining land within a residential zone.
 - (4) Recreational areas shall be provided for all educational facilities below the college level at a scale of 100 square feet per individual enrolled. Off-street parking areas shall not be utilized as recreational areas,

and such recreation areas shall not be located within the front yard and must be setback at least 25 feet from all property lines. Outdoor recreation areas shall be screened from adjoining residentially zoned properties by means of fences, plantings or decorative enclosures sufficient to screen activities from adjacent lots. Fencing shall be provided at all locations where public safety is at issue. Any vegetative materials located within the recreation area shall be nonharmful (i.e., thorny, poisonous, allergenic, etc.). All outdoor recreation areas shall provide a means of shade either by the planting of shade trees or the construction of pavilions. Enrollment, for the purposes of this Section, shall be defined as the largest number of students on the site at any one time during a seven day time period.

- (5) Passenger drop-off and pickup areas shall be provided and designed so that there is no cross-traffic pedestrian circulation.
- G. Accessory buildings and uses customarily incidental to the above permitted uses when located on the same lot.
- H. No-impact home-based businesses.
- I. Forestry activities.
- J. Geothermal uses.
[Added by Ord. 2013-07, 5/6/2013]
- K. Small solar energy systems.
[Added by Ord. 2013-07, 5/6/2013]
- L. Small wind energy systems.
[Added by Ord. 2013-07, 5/6/2013]

§ 27-603. Special Exceptions. [Ord. 11/4/1996, § 602; as amended by Ord. 8-2002, 10/7/2002, § 2; and by Ord. 3-2005, 9/6/2006, § 5(4)].

The establishment and/or expansion of the following uses are permitted when special exceptions are granted by the Zoning Hearing Board in conformance with Part 16 and other provisions of this Chapter:

- A. Bed and breakfast establishments.
- B. Boarding houses.
- C. Churches and related uses.
- D. Cluster developments.
- E. Club or lodge for fraternal or social purposes.

- F. Retirement communities, subject to the provisions in Part 16 and specifically § 27-1605 of this Chapter.
- G. Short-term rental facility subject to the requirements of § 27-1605. [Added by Ord. No. 2021-01, 6/7/2021]

§ 27-604. Area and Dimensional Regulations. [Ord. 11/4/1996, § 603]

1. Area Requirements.

- A. The minimum lot area per dwelling unit or other permitted use where served by neither public sanitary sewer nor public water facilities shall be one acre 43,560 square feet).
- B. The minimum lot area per dwelling unit or other permitted use where served by either public sanitary sewer or public water facilities shall be 15,000 square feet.
- C. The minimum lot area for single-family detached dwellings or other permitted use shall be 10,000 square feet, if served by both public sanitary sewer and public water facilities.
- D. The minimum lot area for semidetached dwellings shall be 5,000 square feet for each dwelling unit, if served by both public sanitary sewer and public water facilities.
- E. The minimum lot area for townhouse dwellings shall be 2,500 square feet for each dwelling unit if served by both public sewer and public water facilities, provided the density does not exceed eight dwelling units per acre.
- F. The minimum lot area for apartments shall be based on a minimum of 5,000 square feet per dwelling unit, if served by both public sanitary sewer and public water facilities and provided that the minimum lot size shall be 16,000 square feet.

2. Lot Width Requirements.

- A. The minimum lot width for those lots which are served by neither public sanitary sewer nor public water facilities shall be 150 feet at the building setback line.
- B. The minimum lot area per dwelling unit or other permitted use where served by either public sanitary sewer or public water shall be 100 feet at the building setback line.
- C. The minimum lot width for single-family detached dwellings or other permitted use shall be 75 feet at the building setback line, if served by both public sanitary sewer and public water facilities.

- D. The minimum lot width for semidetached dwellings shall be 35 feet at the building setback line for each dwelling unit, provided both public sanitary sewer and public water are utilized.
 - E. The minimum lot width for townhouse dwellings shall be 20 feet at the minimum building setback line for an interior dwelling unit and 35 feet at the building line for an end dwelling unit, provided both public sanitary sewer and public water are utilized.
 - F. The minimum lot width for apartment buildings shall be 100 feet at the building setback line, provided both public sanitary sewer and public water are utilized.
3. Lot Depth Requirements.
- A. The minimum lot depth shall be 125 feet.
4. Yard, Lot Coverage and Height Requirements.
- A. Front Yard Minimum Depth. The minimum building setback line for lands abutting PA Route 23 and US Route 322 shall be the greater of either 100 feet from the center line of the road or 50 feet from the existing right-of-way line. The minimum building setback line from all other streets shall be 60 feet from the center line of the street.
 - B. Side Yard.
 - (1) Single-family detached dwellings and other permitted uses shall have two side yards, neither of which shall be less than 10 feet in width.
 - (2) Semidetached dwellings shall have one side yard per dwelling unit which shall be a minimum of 10 feet in width.
 - (3) Each end unit of a townhouse grouping shall have one side yard of not less than 14 feet.
 - (4) Apartment houses with four dwelling units or less shall have two side yards, neither of which shall be less than 14 feet in width.
 - (5) Apartment houses with more than four dwelling units shall be setback a minimum of 50 feet from all lot boundaries.
 - C. Interior Yards (open space between buildings) shall be provided as follows:
 - (1) When front to front, rear to rear or front to rear, parallel buildings shall have 50 feet between faces of the building. If the front or rear faces are obliquely aligned, the above distance

may be decreased by as much as 10 feet at one end if increased by similar or greater distance at the other end.



- (2) A yard space of 50 feet is required between end walls of buildings. If the buildings are at right angles to each other, the distance may be reduced to a minimum of 25 feet.
- (3) A yard space of 50 feet is required between end walls and front or rear faces of buildings.
- D. Rear Yards. Rear yards shall be a minimum of 30 feet in depth, except that apartment buildings with more than four dwelling units shall have a rear yard of 50 feet.
- E. Maximum lot coverage shall be permitted as follows:
 - (1) Land uses on a minimum of one acre of land — 20%.
 - (2) Land uses on minimum 15,000 square foot lots — 25%.
 - (3) Land uses on minimum 10,000 square foot lots — 30%.
 - (4) Semidetached dwellings and apartments — 50%.
 - (5) Townhouses. Sixty percent.
- F. Height Regulations. Single-family detached dwellings and other permitted uses shall not exceed 35 feet in height, except as provided in § 27-1402 of this Chapter.

§ 27-605. (Reserved) [Reserved by Ord. 8-2002, 10/7/2002, § 3]

§ 27-606. Supplemental Regulations. [Ord. 11/4/1996, § 605]

Refer to separate Parts of this Chapter which address signs, off-street parking, residential accessory uses, general regulations and nonconforming uses, structures, buildings and lots for additional use regulations and requirements.



PART 7**C — COMMERCIAL DISTRICT****§ 27-701. Intent. [Ord. 11/4/1996, § 700]**

The C — Commercial District seeks to provide reasonable standards for the orderly development of commercial and business uses, which, due to the nature of their activities, are primarily located along major roads within the Township.

§ 27-702. Permitted Uses. [Ord. 11/4/1996, § 701; as amended by Ord. 1-2003, 4/7/2003, § 5; by Ord. 3-2005, 9/6/2005, § 6(1); and by Ord. 2011-02, 8/1/2011]

Land and buildings in the C — Commercial District shall be used only for the following purposes:

A. Automobile filling stations, provided that:

- (1) The subject property shall be at least 300 feet from the property line of any parcel containing a school, day care facility, playground, library, or nursing, rest or retirement home.
- (2) Any vehicle not receiving repair work within the preceding seven days shall be removed.
- (3) Gasoline pump islands shall be at least 30 feet from the street right-of-way line.
- (4) Entrances and exits shall be a minimum of 30 feet in width.
- (5) All ventilation equipment associated with fuel storage tanks shall be at least 100 feet from any adjoining residential property or residentially zoned property.
- (6) All uses involving drive-through service shall provide sufficient on-site stacking lanes to prevent vehicle backups on adjoining roads.

B. Automobile, truck, boat, farm equipment and other motor vehicle sales, service, and repair facilities, provided that:

- (1) All sales, service and/or repair activities shall be conducted within a single, wholly enclosed building.
- (2) No outdoor storage of parts, equipment, lubricants, fuel or other materials used or discarded as part of the service operation shall be permitted. Materials discarded as part of the service operation shall be contained within wholly enclosed dumpster equipment.
- (3) All exterior vehicle storage areas shall be screened from adjoining residential and residentially zoned property.

- (4) All ventilation equipment associated with fuel storage tanks shall be at least 100 feet and oriented away from any adjoining residential property or residentially-zoned property.
 - (5) All vehicles shall be repaired and removed from the premises as promptly as possible. Any vehicle not receiving repair work within the preceding seven days shall be removed.
 - (6) The demolition or storage of junked vehicles is prohibited.
- C. Banks and other similar financial institutions, medical/dental clinics and professional offices, provided that:
- (1) The applicant shall demonstrate that access to and the design of the parking facilities shall not create vehicle backups onto existing abutting streets.
 - (2) All parking facilities shall be constructed and maintained with a paved surface of concrete or bituminous material, or other dust-free surface as approved by the Board of Supervisors.
 - (3) The maximum building coverage shall be no greater than 25%.
 - (4) The maximum lot coverage shall be no greater than 70%.
 - (5) The minimum landscape area shall be no less than 30%.
 - (6) No building shall be placed closer than 30 feet to any property line. Where there exists a more stringent requirement, such requirement shall apply. Off-street parking shall not be permitted within side and rear yard setback areas.
- D. Car washes, provided that:
- (1) Public sewer and water facilities shall be provided.
 - (2) Each car wash bay shall allow for a stacking of three vehicles.
 - (3) All structures shall have a minimum setback of 100 feet from any street right-of-way line, 50 feet from any rear property line, and 25 feet from any side lot line.
 - (4) The site shall be kept debris and trash free with the owner or manager of the car wash responsible for site maintenance.
 - (5) All lighting facilities shall be designed and located so as to not produce a glare or direct illumination onto abutting properties.
- E. Club or lodge for fraternal or social purposes, provided that:

- (1) The chief activity of such use shall not be one which is customarily carried on as a business, and the building and services shall be primarily for the use of members and their guests only.
- (2) Off-street parking shall be provided at least 25 feet from all street rights-of-way, and parking compounds shall be at least 30 feet from any adjoining residential property.
- (3) Any outdoor recreational facilities shall be located at least 50 feet from any property line.
- (4) Screening shall be provided adjacent to any residential land use.

F. Commercial day care facilities, provided that:

- (1) The permit application shall be accompanied by a plan which demonstrates that adequate outdoor recreation facilities are being provided.
- (2) Enrollment shall be defined as the largest number of children under day care supervision at any one time during a seven-day period.
- (3) Passenger drop-off areas shall be provided on site so that they do not have to cross traffic lanes on or adjacent to the site.
- (4) One off-street parking space shall be provided for each six children enrolled.

G. Commercial greenhouses, including outdoor sale of nursery stock and lawn and garden care products, provided that:

- (1) All driveways, parking areas and loading zones shall be surfaced and maintained in a manner prescribed by the Board of Supervisors. Adequate parking and loading areas shall be provided and shall not be permitted on or along any public road.
- (2) All outdoor display areas shall be setback at least 25 feet from the street right-of-way line.
- (3) All structures and parking and loading facilities shall be screened from residentially zoned properties.

H. Commercial recreation facilities, provided that:

- (1) Uses involving extensive outdoor activities shall provide sufficient screening and/or landscaping measures to prevent any reasonable harm on adjoining properties.
- (2) Any structures exceeding the maximum permitted height may be permitted so long as they are setback from all property lines at least

the horizontal distance equal to their height, plus an additional 50 feet. Such structures shall not be used for occupancy.

- (3) Required parking shall be based upon the requirements of Part 12 of this Chapter. When deemed necessary, the Zoning Officer may forward the application to the Board of Supervisors for the purpose of determining if an unimproved grassed overflow parking area is necessary for peak period use, located and designed in a manner which prohibits vehicles from crossing adjoining properties and directly accessing adjoining roads.
 - (4) All entrances to the commercial recreation facility shall be designed so that vehicle backup on abutting roads does not occur.
 - (5) The application for a special exception shall be accompanied by a working plan for the cleanup and disposal of litter and the prevention of loitering on the subject property.
- I. Contractor shops, including plumbing, heating, electrical and carpentry, provided that:
- (1) All inventory that is not stored within a fully enclosed building shall be screened from abutting properties.
- J. Contractor and vehicle storage, provided that: **[Added by Ord. No. 2022-04, 11/10/2022¹]**
- (1) 0.5 off-street parking space shall be provided for each storage unit, plus one space per 250 square feet of office or kiosk space, provided, however, that no off-street parking spaces shall be required for a self-service kiosk.
 - (2) Except for permitted outdoor vehicle and equipment storage, all storage shall be kept within an enclosed building.
 - (3) The following shall be expressly prohibited on the site:
 - (a) The storage of living organisms or illegal substances.
 - (b) The occupancy or use of any part or portion of the interior or exterior of the storage facility for human habitation.
 - (c) Auctions (except as provided in the Self-Service Storage Facilities Act²), commercial wholesale or retail sales not related to the storage facility.

1. Editor's Note: This ordinance also redesignated former Subsections J through AB as Subsections K through AC, respectively.

2. Editor's Note: See 73 P.S. § 1901 et seq.

- (d) The idling of trucks or other vehicles.
 - (e) Any use that is noxious or offensive because of odors, dust, noise, fumes or vibrations.
- (4) The assembly, processing, repairing and light fabrication of equipment, goods and items are permitted by right, provided, however, that such activities shall be conducted within an enclosed storage unit.
- (5) An outdoor storage area may be provided for the storage of cars, travel trailers, recreational vehicles, semi-trailers, boats, and similar equipment owned by individuals or businesses, subject to the following conditions:
- (a) The outdoor storage area shall be located behind the minimum front yard setback line.
 - (b) There is no requirement for the individuals or entities using the outdoor storage to lease a storage unit.
 - (c) No repair, construction, reconstruction or fabrication activities shall be conducted in the outdoor storage area.
 - (d) Outdoor storage areas shall be enclosed by fencing with a minimum height of six feet.
 - (e) This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, inoperative or unlicensed/unregistered vehicles.
- (6) Public sewer and water shall be utilized.
- (7) All lighting facilities shall be designed and located so as to not produce a glare or direct illumination onto abutting properties.
- (8) Accessory uses and structures to a contractor storage facility shall be permitted, including, without limitation, front office or kiosk space, conference rooms and restrooms.
- (9) All buildings, outdoor storage areas and parking lots shall be screened from adjoining residentially zoned properties. Screening may include a chain-link fence with a minimum height of six feet, provided that privacy slats shall be incorporated to conceal the use of the property. Any screening shall be of a sufficient height and material to create a visual barrier between the buildings, outdoor storage areas and parking lots and the adjoining residentially zoned properties.
- (10) An on-site manager is permitted but not required.

- (11) Where multiple buildings containing contractor and vehicle storage are proposed to be constructed on a single lot, the requirements of § 27-1404.2 of this Zoning Ordinance shall not be applicable. Any contractor and vehicle storage use including both storage units and outdoor storage areas as authorized herein shall be construed as a single principal use.

K. Drive-through and fast food restaurants, provided that:

- (1) The permit application shall be accompanied by a working plan for the cleanup and disposal of litter and the prevention of loitering on the subject project property.
- (2) Drive-through lanes shall be separated from the internal circulation system for the parking facilities.
- (3) The applicant shall demonstrate that any external-internal microphone system shall not operate in a manner which causes an objectionable noise impact to abutting properties.
- (4) Exterior seating and/or play areas shall be completely enclosed by a three-foot high fence.
- (5) No part of any structure on the subject property shall be located within 200 feet of an existing residential structure.
- (6) All lighting within the subject tract shall be designed and located so as not to produce a glare or direct illumination onto abutting properties.

L. Dry cleaners, laundries and laundromats, provided that: (1) Public sewer and water shall be utilized.

- (1) Public sewer and water shall be utilized.
- (2) All activities shall be within completely enclosed buildings.
- (3) All windows and doors on walls facing adjoining residential properties shall be kept closed during hours of operation and occupancy.
- (4) Exhaust and ventilation equipment shall discharge away from any adjoining residential properties.

M. Farm buildings, farming and agricultural uses, provided that:

- (1) Poultry houses for housing more than 500 birds shall not be located closer than 300 feet from all property lines and street right-of-way lines except as provided for in Subsection A(3) of this Section.

- (2) Structures for housing more than 25 head of livestock shall not be located closer than 300 feet from all property lines and street right-of-way lines except as provided for in Subsection A(3) of this Section.
 - (3) If the owner of the proposed structure owns the land on the other side of the road opposite the location of the proposed structure, such structure need only be setback 100 feet from the street right-of-way line; provided, however, that the structure shall not be closer than 300 feet to the property line.
- N. Funeral homes, provided that:
 - (1) Public sewer and water shall be utilized.
 - (2) The applicant shall demonstrate that sufficient off-street parking is being provided so that no traffic backups occur onto adjoining roads.
- O. Home improvement and building supply showrooms and/or stores, provided that:
 - (1) All inventory that is not stored within a fully enclosed building shall be screened from abutting properties.
- P. Hotels and motels, provided that:
 - (1) The applicant shall demonstrate that access to and the design of the parking facilities shall not create vehicle backups onto existing abutting streets.
 - (2) All parking facilities shall be constructed and maintained with a paved surface of concrete or bituminous material, or other dust-free surface as approved by the Zoning Officer.
 - (3) No building shall be placed closer than 30 feet to any property line. Where there exists a more stringent requirement, such requirement shall apply. Off-street parking shall not be permitted within side and rear yard setback areas.
- Q. Municipal uses, including firehouses, parks and playgrounds.
- R. Repair shops for home appliances, jewelry and similar items.
- S. Restaurants and nightclubs, provided that:
 - (1) No part of the subject property shall be located within 200 feet of any residential property.
 - (2) The applicant shall provide a working plan which demonstrates that the proposed land use will not create excessive light, noise, litter and loitering with respect to abutting properties.

- (3) The applicant shall furnish evidence identifying how the use will be controlled and will not constitute a nuisance due to noise, light or loitering outside the building.
 - (4) A working plan for the cleanup of litter shall be furnished and implemented by the applicant.
- T. Retail sales within a building no larger than 20,000 square feet, provided that:
 - (1) The applicant shall demonstrate that access to and the design of the parking facilities shall not create vehicle backups onto existing abutting streets.
 - (2) All parking facilities shall be constructed and maintained with a paved surface of concrete or bituminous material, or other dust-free surface as approved by the Zoning Officer.
 - (3) No building shall be placed closer than 30 feet to any property line. Where there exists a more stringent requirement, such requirement shall apply. Off-street parking shall not be permitted within side and rear yard setback areas.
- U. Veterinary office which may include a kennel when attached to the office, provided the kennel is completely enclosed within a building, and provided that:
 - (1) Animal boarding buildings that are not wholly-enclosed and any outdoor animal pens, stalls or runways shall be located within the rear yard.
 - (2) Outdoor running areas shall be fenced in a manner which restricts access and provides for a full enclosure.
 - (3) The owner/operator of the veterinary office shall be responsible to exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt or odor. The noise level at lot lines shall not exceed 55 dBA continuously for 10 minutes.
 - (4) The applicant shall provide the Zoning Officer with a plan for the disposal of deceased animals by either controlled incinerator or to remove them from the premises in a sanitary manner within 24 hours of their death.
 - (5) All animals shall be housed in an enclosed all-weather protective structure between the hours of 8:00 p.m. and 7:00 a.m. each day.

- V. Single-family dwellings, provided that the dwelling unit is an integral part of a building which has its principal use as one of the permitted uses in this district.
- W. Home occupations in existing single-family dwellings, provided that the home occupation complies with the criteria stated in § 27-1314 of this Chapter.
- X. Accessory buildings and uses customarily incidental to the above permitted uses when located on the same lot.
- Y. No-impact home-based businesses.
- Z. Forestry activities.
- AA. Geothermal uses.
[Added by Ord. 2013-07, 5/6/2013]
- AB. Small solar energy systems.
[Added by Ord. 2013-07, 5/6/2013]
- AC. Small wind energy systems.
[Added by Ord. 2013-07, 5/6/2013]

§ 27-703. Special Exceptions. [Ord. 11/4/1996, § 702; as amended by Ord. 2-2005, 5/2/2005, § 11; and by Ord. 3-2005, 9/6/2005, § 6(2)]

The establishment and/or expansion of the following uses are permitted when special exceptions are granted by the Zoning Hearing Board in conformance with Part 16 and other provisions of this Chapter.

- A. Communications towers and antennas for the purpose of facilitating communications services and attendant support structures in accordance with § 27-1412.
- B. Retail stores in excess of 20,000 square feet.
- C. Shopping centers.
- D. Manufactured home parks, subject to the provisions of Part 10 of this Chapter.
- E. Light manufacturing, processing and assembly, including, by way of example and not limitation, agricultural equipment repair, welding, small machine repair, painting service, fencing service, sharpening service, canning and baking, craftsmanship shops, woodworking and cabinetry shops, metalworking, leatherworks, blacksmith shops, carriage shops, toolmaking, handmade arts and crafts, quilts and kindred traditional arts and crafts,

manufacturing of outdoor equipment, manufacturing of lawn furniture and garden/lawn ornaments, shoe repair and appliance repair.

[Added by Ord. 2013-04, 5/6/2013]

- F. Large solar energy production systems.

[Added by Ord. 2013-07, 5/6/2013]

- G. Large wind energy production systems.

[Added by Ord. 2013-07, 5/6/2013]

- H. Short-term rental facility subject to the requirements of § 27-1605. **[Added by Ord. No. 2021-01, 6/7/2021]**

§ 27-704. Area and Dimensional Regulations. [Ord. 11/4/1996, § 703]

1. Minimum Lot Area. The minimum lot area for each principal use shall be 20,000 square feet or the minimum area as dictated by the Department of Environmental Protection as being necessary for approval of sewage disposal facilities, with the exception that shopping centers or multiunit commercial/office complexes shall contain a minimum lot area of two acres.
2. Minimum Lot Width. One hundred feet at the building setback line, with the exception that shopping centers or multiunit commercial/office complexes shall contain a minimum lot width of 200 feet.
3. Minimum Lot Depth. One hundred and fifty feet.

4. Yards. Part of the required yard area may be used for the purpose of meeting off-street parking requirements subject to the requirements of § 27-1202(8). Yards of the following minimum sizes shall be provided:
 - A. Front Yard Minimum Depth.
 - (1) Front Yard Minimum Depth. The minimum building setback line for lands abutting PA Route 23 and US Route 322 shall be the greater of either 100 feet from the center line of the road or 50 feet from the existing right-of-way line. The minimum building setback line from all other streets shall be 65 feet from the center line of the street.
 - (2) In developed areas where existing buildings are located closer to the street than is permitted by these regulations, a new building may be located at the same setback distance as the adjacent buildings. If the adjacent buildings have varying setbacks, the proposed building shall not be located closer to the street than the average setback distance of the two existing adjacent buildings.
 - B. Side Yard. The minimum side yard shall be 10 feet except where adjacent to the residential or agricultural districts, in which case the side yards shall be 25 feet. In the case of a shopping center or a multiunit commercial/office complex, the minimum side yard shall be 30 feet.
 - C. Rear Yard. A minimum of 30 feet in depth.
5. Maximum Lot Coverage. Not more than 80% shall be covered by buildings, parking facilities, pedestrian ways or other impervious areas.
6. Height Regulations. No building shall exceed 40 feet in height except as provided in § 27-1402 of this Chapter.

§ 27-705. Commercial Performance Standards. [Ord. 11/4/1996, § 704]

All commercial operations or activities are subject to the criteria established in § 27-805 of this Chapter.

§ 27-706. Landscaping and Screening. [Ord. 11/4/1996, § 705]

1. Landscaping and planting shall be provided for a depth of 10 feet along all residential lots, district boundaries and street rights-of-way exclusive of access locations. Landscape screening shall be provided along the side and rear of any commercial lot adjoining any residential lot and shall include a suitable and uninterrupted evergreen planting of sufficient height and density to give maximum screening. Landscape screening shall also be provided around outside storage areas with the commercial property.

2. The landscape screen shall be composed of evergreen shrubs and trees arranged to form both a low level and high level screen within a strip of land with a minimum width of 10 feet. The high level screen shall consist of evergreen trees of not less than four feet in height at the time of planting, planted at intervals of not more than 10 feet. The low level screen shall consist of evergreen shrubs of not less than two feet in height at the time of planting, planted at intervals of not more than five feet. The screening shall be permanently maintained, and any plants and screening materials which have been dead for more than six months shall be replaced.
3. Any part or portion of a site which is not used for building or other structures, loading, parking spaces and aisles, sidewalks and designated storage areas shall be planted with an all season ground cover. It shall be maintained to provide an attractive appearance and all nonsurviving plants shall be promptly replaced.

§ 27-707. Supplemental Regulations. [Ord. 11/4/1996, § 706]

Refer to separate Parts of this Chapter which address signs, off-street parking, general regulations and nonconforming uses, structures, buildings and lots for additional use regulations and requirements.

PART 8**I — INDUSTRIAL DISTRICT****§ 27-801. Intent. [Ord. 11/4/1996, § 800]**

The I — Industrial District seeks to provide areas in the Township for various types of industrial uses, including both light and heavy industrial uses. These land uses are subject to industrial performance standards whereby public health and safety shall be maintained through controls on noise, smoke, odors or other potentially hazardous or dangerous conditions. Additional screening and landscaping controls exist to promote a safe and attractive site design and to minimize objectionable impacts associated with industrial uses.

§ 27-802. Permitted Uses. [Ord. 11/4/1996, § 801; as amended by Ord. 3-1999, 5/3/1999, § 1; by Ord. 3-2005, 9/6/2005, § 7(1-3); and by Ord. 2011-02, 8/1/2011]

Land and buildings in the I — Industrial District shall be used only for the following purposes:

A. Administrative office buildings, provided that:

- (1) The applicant shall demonstrate that access to and the design of the parking facilities shall not create vehicle backups onto existing abutting streets.
- (2) All parking facilities shall be constructed and maintained with a paved surface of concrete or bituminous material, or other dust-free surface as approved by the Board of Supervisors.
- (3) The maximum building coverage shall be no greater than 25%.
- (4) The maximum lot coverage shall be no greater than 70%.
- (5) The minimum landscape area shall be no less than 30%.
- (6) No building shall be placed closer than 30 feet to any property line. Where there exists a more stringent requirement, such requirement shall apply. Off-street parking shall not be permitted within side and rear yard setback areas.

B. Automobile filling stations, provided that;

- (1) The subject property shall be at least 300 feet from the property line of any parcel containing a school, day care facility, playground, library or nursing, rest or retirement home.
- (2) Any vehicle not receiving repair work within the preceding seven days shall be removed.

- (3) Gasoline pump islands shall be at least 30 feet from the street right-of-way line.
 - (4) Entrances and exits shall be a minimum of 30 feet in width.
 - (5) All ventilation equipment associated with fuel storage tanks shall be at least 100 feet from any adjoining residential property or residentially-zoned property.
 - (6) All uses involving drive-through service shall provide sufficient on-site stacking lanes to prevent vehicle backups on adjoining roads.
- C. Automobile, truck, boat, farm equipment, and other motor vehicle sales, service and repair facilities, provided that:
- (1) All sales, service and/or repair activities shall be conducted within a single, wholly-enclosed building.
 - (2) No outdoor storage of parts, equipment, lubricants, fuel or other materials used or discarded as part of the service operation shall be permitted. Materials discarded as part of the service operation shall be contained within wholly-enclosed dumpster equipment.
 - (3) All exterior vehicle storage areas shall be screened from adjoining residential and residentially-zoned property.
 - (4) All ventilation equipment associated with fuel storage tanks shall be at least 100 feet and oriented away from any adjoining residential property or residentially-zoned property.
 - (5) All vehicles shall be repaired and removed from the premises as promptly as possible. Any vehicle not receiving repair work within the preceding seven days shall be removed.
 - (6) The demolition or storage of junked vehicles is prohibited.
- D. Car washes, provided that:
- (1) Public sewer and water facilities shall be provided.
 - (2) Each car wash bay shall allow for a stacking of three vehicles.
 - (3) All structures shall have a minimum setback of 100 feet from any street right-of-way line, 50 feet from any rear property line, and 25 feet from any side lot line.
 - (4) The site shall be kept debris and trash free with the owner or manager of the car wash responsible for site maintenance.
 - (5) All lighting facilities shall be designed and located so as to not produce a glare or direct illumination onto abutting properties.

E. Farm buildings, farming and agricultural uses, provided that:

- (1) Poultry houses for housing more than 500 birds shall not be located closer than 300 feet from all property lines and street right-of-way lines except as provided for in Subsection A(3) of this Section.
- (2) Structures for housing more than 25 head of livestock shall not be located closer than 300 feet from all property lines and street right-of-way lines except as provided for in Subsection A(3) of this Section.
- (3) If the owner of the proposed structure owns the land on the other side of the road opposite the location of the proposed structure, such structure need only be setback 100 feet from the street right-of-way line; provided, however, that the structure shall not be closer than 300 feet to the property line.

F. Grain and feed processing operations, provided that:

- (1) The applicant shall demonstrate that the grain and feed processing operation allows for the safe and efficient movement of all vehicles associated with the operation.
- (2) All proposed entrances and exits to the grain and feed processing operation shall be designed and improved in a manner which does not allow mud or gravel to be deposited or accumulate on or along abutting public streets.
- (3) Any commercial structure in excess of 35 feet shall be set back from all property lines a distance of two times the height of the structure.
- (4) When determined by the Board of Supervisors, suitable buffering shall be provided when any structure, access drive, and parking, loading, or unloading areas are located within 150 feet of adjacent residential structures.

G. Laboratories for scientific or industrial research and development.

- (1) The applicant shall demonstrate compliance with all applicable industrial performance standards stated in § 27-805 of this Chapter.
- (2) All animals used in research shall be housed in an enclosed all-weather protective structure between the hours of 8:00 p.m. and 7:00 a.m. each day.

H. Mini-warehouses, provided that.

- (1) One off-street parking space shall be provided for each 25 storage units, plus one space per 250 square feet of office space.

- (2) Parking shall also be provided along the driving lanes adjacent to the building(s). These lanes shall be at least 26 feet wide when storage units open onto one side of the lane only, and at least 30 feet wide when storage units open onto both sides of the lane.
- (3) Additional external storage area may be provided for the storage of privately-owned travel trailers and/or boats, so long as such external storage area is screened from adjoining residential and/or residentially-zoned property and adjoining roads and is located behind the minimum front yard setback line. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, inoperative or unlicensed/unregistered vehicles.
- (4) All storage shall be kept within an enclosed building, except that the storage of flammable, highly combustible, explosive or hazardous chemicals shall be prohibited. Any fuel tanks and/or machinery or other apparatus relying upon such fuels shall only be stored in an external storage area as described above.
- (5) The repair, construction or reconstruction of any boat, engine, motor vehicle or furniture is prohibited.
- (6) The applicant shall demonstrate how any door openings for any mini-warehouse storage unit facing any residential and/or residentially-zoned property shall not have an adverse effect upon that property.
- (7) Mini-warehouses shall be used solely for the dead storage of property. The following are examples of uses expressly prohibited upon the site:
 - (a) Auctions, commercial wholesale or retail sales or garage sales.
 - (b) The servicing, repair or fabrication of motor vehicles boats, trailers, lawn mowers, appliances or other similar equipment.
 - (c) The operation of power tools, spray-painting equipment, table saws, lathes, compressors welding equipment, kilns or other similar equipment.
 - (d) The establishment of a transfer and storage business.
 - (e) Any use that is noxious or offensive because of odors, dust, noise, fumes or vibrations.
- (8) The applicant shall adequately demonstrate that all mini-warehouse rental and/or use contracts shall specifically prohibit these uses.

I. Municipal uses.

- J. Accessory buildings and uses customarily incidental to the above permitted uses when located on the same lot.
- K. Industrial activities involving processing, production, repair, packaging, or testing of materials, goods and/or products involving those industries primarily performing conversion, assembly or nontoxic chemical operations.
- L. Wholesale distribution of industrial products, including lumber and coal yards, building material storage yards, contractors' equipment and storage yards and commercial warehouses.
- M. Forestry activities.
- N. Geothermal uses.
[Added by Ord. 2013-07, 5/6/2013]
- O. Small solar energy systems.
[Added by Ord. 2013-07, 5/6/2013]
- P. Small wind energy systems.
[Added by Ord. 2013-07, 5/6/2013]

§ 27-803. Special Exceptions. [Ord. 11/4/1996, § 802; as amended by Ord. 3-1999, 5/3/1999, § 2; and by Ord. 3-2005, 9/6/2005, § 7(4)]

The establishment and/or expansion of the following uses are permitted when special exceptions are granted by the Zoning Hearing Board in conformance with Part 16 and other provisions of this Chapter:

- A. Adult-oriented businesses.
- B. Communications towers and antennas for the purpose of facilitating communications services and attendant support structures in accordance with § 27-1412.
- C. Junkyards.
- D. Recycling centers.
- E. Truck or motor freight terminal.
- F. Large solar energy production systems.
[Added by Ord. 2013-07, 5/6/2013]
- G. Large wind energy production systems.
[Added by Ord. 2013-07, 5/6/2013]

§ 27-804. Area and Dimensional Regulations. [Ord. 11/4/1996, § 803; as amended by Ord. 3-1997, 6/2/1997, § 1]

1. Minimum Lot Area. The minimum lot area for each principal use shall be 20,000 square feet or the minimum area as dictated by the Department of Environmental Protection as being necessary for approval of sewage disposal facilities.
2. Minimum Lot Width. One hundred feet at the building setback line.
3. Minimum Lot Depth. One hundred and fifty feet.
4. Yards. Part of the required yard area may be used for the purpose of meeting off-street parking requirements subject to the requirements of § 27-1202(8). Yards of the following minimum sizes shall be provided:
 - A. Front Yard Minimum Depth. The minimum building setback line for lands abutting PA Route 23 and US Route 322 shall be the greater of either 100 feet from the center line of the road or 50 feet from the existing right-of-way line. The minimum building setback line from all other streets shall be 65 feet from the center line of the street. When a residential district is across the street from the I — Industrial District, the minimum building setback line for lands in the I — Industrial District shall be 100 feet from the center line of the street.
 - B. Side Yard. The minimum side yard shall be 20 feet except that this requirement may be waived when a rail siding is to be provided to serve two properties and further as provided for in Subsection D of this Section.
 - C. Rear Yard. Rear yards shall be a minimum of 30 feet in depth, except that this requirement may be waived when a rail siding is to be provided, and further as provided in Subsection D of this Section.
 - D. When lands within the I — Industrial District are adjacent to another type of district, there shall be a minimum side yard and rear yard requirement of 50 feet along such adjacent side, except that the Zoning Hearing Board may grant a variance of this requirement when it is clearly evident that this requirement would create a hardship by prohibiting the use of the tract of ground because of its limited size.
 - E. Maximum Lot Coverage. Not more than 80% shall be covered by buildings, parking facilities, pedestrian ways or other impervious areas.
 - F. No building shall exceed 40 feet in height except as provided in § 27-1402 of this Chapter.

§ 27-805. Industrial Performance Standards. [Ord. 11/4/1996, § 804]

1. All industrial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal government regulations as required by the most recent regulations made available from these governmental bodies.
2. In addition, no building may be erected, altered or used, and no lot or premises may be used for any use, except for farming in its usual sense, which is noxious or offensive by reason of odor, dust, smoke, vibration, illumination or noise; or which constitutes a public hazard whether by fire, explosion or otherwise in the immediately surrounding area.
 - A. In determining whether a proposed use is or may become noxious, hazardous or offensive, the applicant shall demonstrate compliance with the below standards:
 - (1) The proposed activity shall not constitute a nuisance, or damage to health, livestock, vegetables or any other property by reason of noxious, toxic or corrosive fumes, gases, smoke, odor or dust in the immediately surrounding area.
 - (2) The proposed activity shall not result in noise or vibration clearly exceeding the average intensity of noise or vibration occurring from other causes at the property line.
 - (3) The proposed activity shall not endanger surrounding areas by reason of fire or explosion.
 - (4) The proposed activity shall not produce objectionable heat or glare beyond the property line.
 - (5) The proposed activity shall not result in electrical disturbance or adversely affect the operation of equipment other than on the property on which the disturbance is located.
 - (6) The proposed activity shall not discharge any untreated sewage or industrial waste into any stream, or onto any land, or otherwise contribute to the pollution of surface or underground waters.
 - (7) The proposed activity shall not create an objectionable condition on a public street or in an adjacent area.
 - (8) The proposed activity shall not endanger the underground water level or supply to other properties.
 - (9) The proposed activity shall not create any other objectionable condition which will endanger the public health and safety or be detrimental to the proper use of the surrounding area.

- B. The applicant shall demonstrate that adequate provisions will be made to reduce and minimize any potentially objectionable elements to the degree necessary to insure that the proposed use will not be noxious, hazardous or offensive as defined above.

§ 27-806. Landscaping and Screening. [Ord. 11/4/1996, § 805]

1. Landscaping and planting shall be provided for a depth of 15 feet along all residential lots, district boundaries and street rights-of-way exclusive of access locations. Landscape screening shall be provided along the side and rear of any industrial lot adjoining any residential lot and shall include a suitable and uninterrupted evergreen planting of sufficient height and density to give maximum screening. Landscape screening shall also be provided around outside storage areas with the commercial property.
2. The landscape screen shall be composed of evergreen shrubs and trees arranged to form both a low level and high level screen within a strip of land with a minimum width of 10 feet. The high level screen shall consist of evergreen trees of not less than four feet in height at the time of planting, planted at intervals of not more than 10 feet. The low level screen shall consist of evergreen shrubs of not less than two feet in height at the time of planting, planted at intervals of not more than five feet. The screening shall be permanently maintained, and any plants and screening materials which have been dead for more than six months shall be replaced.
3. Any part or portion of a site which is not used for building or other structures, loading, parking spaces and aisles, sidewalks and designated storage areas shall be planted with an all season ground cover. It shall be maintained to provide an attractive appearance and all nonsurviving plants shall be promptly replaced.

§ 27-807. Supplemental Regulations. [Ord. 11/4/1996, § 806]

Refer to separate Parts of this Chapter which address signs, off-street parking, general regulations and nonconforming uses, structures, buildings and lots for additional use regulations and requirements.

PART 9

FP — FLOODPLAIN DISTRICT

§ 27-901. Purpose and Intent. [Ord. 11/4/1996, § 900; as amended by Ord. 2016-03, 3/17/2016]

1. The purpose of the Floodplain District is to prevent development in areas unfit therefor by reason of flooding; to minimize danger to public health by protecting water supply and natural drainage; to promote health, safety and welfare of residents and property owners in or near streams and areas subject to flooding; and to provide for the preservation of natural drainageways while providing for such uses and development as are compatible with these objectives.
2. The intent of the Floodplain District under this Zoning Ordinance is to coordinate the use of land in the identified floodplain areas within Earl Township and as defined in the Earl Township Floodplain Management Ordinance,¹ as may be amended.

§ 27-902. Definitions. [Ord. 11/4/1996, § 901; as amended by Ord. 1-1999, 4/5/1999, § 1; and by Ord. 2-2005, 5/2/2005, § 1]

Unless specifically defined below or in Part 2 of this Chapter, words and phrases used in this Part shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Chapter its most reasonable application. The present tense shall include the past and future tenses. Words used in the singular include the plural, and the words used in the plural include the singular. The words "shall" and "will" are mandatory, and the words "may" and "should" are permissive. The following specific definitions of words and phrases are intended to supplement the definitions contained in Part 2 and are intended to be applicable to this Part only:

ACCESSORY USE OR STRUCTURE — A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

BASEMENT — Any area of the building having its floor below ground level on all sides.

BUILDING — A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.²

¹Editor's Note: See Ch. 8, Floodplain Management.

²Editor's Note: The former definitions of "channel," "channel flow," "completely dry space," and "conservation plan," which immediately followed this definition, were repealed by Ord. 2016-03, 3/17/2016.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including, but not limited to, the construction, reconstruction, renovation, repair, expansion or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading, and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.³

FIVE-HUNDRED-YEAR FLOOD BOUNDARY — The outer boundary of an area of land that is likely to be flooded once every 500 years (i.e., that has a 1/5 of 1% chance of being flooded each year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this boundary.⁴

FLOOD — A temporary inundation of normally dry land areas.⁵

FLOOD INSURANCE RATE MAP (FIRM) — The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the Township. [Added by Ord. 2016-03, 3/17/2016]

FLOOD INSURANCE STUDY (FIS) — The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood. [Added by Ord. 2016-03, 3/17/2016]

FLOODPLAIN — A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source. [Amended by Ord. 2016-03, 3/17/2016]

FLOODPROOFING — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.⁶

HISTORIC STRUCTURE — Any structure that is:

³Editor's Note: The former definitions of "driveway," "essentially dry space," "fill," and "five-hundred-year flood," which immediately followed this definition, were repealed by Ord. 2016-03, 3/17/2016

⁴Editor's Note: The former definition of "five-hundred-year flood elevation," which immediately followed this definition, was repealed by Ord. 2016-03, 3/17/2016.

⁵Editor's Note: The former definition of "flood of record," which immediately followed this definition, was repealed by Ord. 2016-03, 3/17/2016.

⁶Editor's Note: The former definition of "hazardous material," which immediately followed this definition, was repealed by Ord. 2016-03, 3/17/2016.

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

IDENTIFIED FLOODPLAIN AREA — All of the areas within which the Township has selected to enforce floodplain regulations as defined in the Township Floodplain Management Ordinance.⁷ It includes the area identified as the special flood hazard area on the Flood Insurance Rate Maps and Flood Insurance Study.⁸ **[Amended by Ord. 2016-03, 3/17/2016]**

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

MANUFACTURED HOME PARK or SUBDIVISION — A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.⁹ **[Amended by Ord. 2016-03, 3/17/2016]**

MINOR REPAIR — The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements nor shall; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent,

⁷Editor's Note: See Ch. 8, Floodplain Management.

⁸Editor's Note: The former definition of "land development," which immediately followed this definition, was repealed by Ord. 2016-03, 3/17/2016.

⁹Editor's Note: The former definitions of "maximum flood elevation" and "mean sea level," which immediately followed this definition, were repealed by Ord. 2016-03, 3/17/2016.

or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after December 2, 1980, and includes any subsequent improvements thereto.¹⁰

ONE-HUNDRED-YEAR FLOOD — A flood that, on the average, is likely to occur once every 100 years (i.e., that has 1% chance of occurring each year, although the flood may occur in any year).

ONE-HUNDRED-YEAR FLOOD BOUNDARY — The outer boundary of an area of land that is likely to be flooded once every 100 years (i.e. that has a 1% chance of being flooded each year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this boundary.

ONE-HUNDRED-YEAR FLOOD ELEVATION — The water surface elevations of the one-hundred-year flood.

PERSON — An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.¹¹

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

REGULATORY FLOOD ELEVATION — The base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of 1 1/2 feet. **[Amended by Ord. 2016-03, 3/17/2016]**

REPETITIVE LOSS — Flood related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25% of the market value of the structure before the damages occurred.¹²

¹⁰Editor's Note: The former definition of "obstruction," which immediately followed this definition, was repealed by Ord. 2016-03, 3/17/2016.

¹¹Editor's Note: The former definitions of "pesticide," "petroleum product," and "radioactive material," which immediately followed this definition, were repealed by Ord. 2016-03, 3/17/2016.

¹²Editor's Note: The former definitions of "soil survey" and "solid waste," which immediately followed this definition, were repealed by Ord. 2016-03, 3/17/2016.

SPECIAL FLOOD HAZARD AREA (SFHA) — An area in the floodplain subject to a one-percent or greater chance of flooding in any given year. **[Added by Ord. 2016-03, 3/17/2016]**

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

STRUCTURE — A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. **[Amended by Ord. 2016-03, 3/17/2016]**

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

SUBSTANTIAL DAMAGE — Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would be equal or exceed 50% or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. **[Amended by Ord. 2016-03, 3/17/2016]**

UNIFORM CONSTRUCTION CODE — The statewide building code adopted by the Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party, or the Department of Labor and Industry. Applicable to residential and commercial buildings, the Code, adopted the International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various section of the IRC and the IBC.¹³

¹³Editor's Note: The former definitions of "watercourse" and "watershed," which immediately followed this definition, were repealed by Ord. 2016-03, 3/17/2016.

§ 27-903. Lands in District Defined. [Ord. 11/4/1996, § 902; as amended by Ord. 2-2005, 5/2/2005, § 2; and by Ord. 2016-03, 3/17/2016]

The Floodplain District is hereby defined and established to be the low area adjoining and including any water or drainage course or body of water subject to periodic flooding or overflow, and those areas are identified in the Earl Township Floodplain Management Ordinance, as amended.¹⁴ It further includes all areas of Earl Township classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated April 5, 2016, and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.

§ 27-904. Boundary Disputes. [Ord. 11/4/1996, § 903; as amended by Ord. 2-2005, 5/2/2005, § 3]

1. Should a dispute concerning any boundary of the FP — Floodplain District arise, the initial determination of the Zoning Officer may be appealed to the Zoning Hearing Board. The burden of proof in such an appeal shall be on the property owner. The property owner shall pay all costs associated with the hearing before the Zoning Hearing Board, including all costs for advertising public notice, for fees to Zoning Hearing Board members, for fees to the Township Solicitor, and for all stenographic records including the attendance of a stenographer and, when necessary, the transcription of the record.¹⁵

§ 27-905. Relationship to Other Articles and Ordinances. [Ord. 11/4/1996, § 904; as amended by Ord. 2016-03, 3/17/2016]

The applicable regulations of the Earl Township Floodplain Management Ordinance¹⁶ are incorporated herein by reference. The provisions of this Part create an overlay zoning district which is applicable within floodplains in all other zoning districts established in this chapter. In the event of any conflict, the more restrictive provisions shall apply.

§ 27-906. Permitted Uses (Excluding All Structures). [Ord. 11/4/1996, § 905; as amended by Ord. 1-1999, 4/5/1999, § 2; by Ord. 2-2005, 5/2/2005, §§ 4-6; and by Ord. 2016-03, 3/17/2016]

1. The following uses and no others are permitted in the Floodplain District, and they are permitted only if done under and in accordance with the provisions of the Earl Township Floodplain Management Ordinance,¹⁷ all other applicable provisions of this Zoning Ordinance, and any other applicable local, state or federal regulations:
 - A. Agriculture and horticulture.

¹⁴Editor's Note: See Ch. 8, Floodplain Management.

¹⁵Editor's Note: Former Subsection 2, regarding changes to the boundaries of the Floodplain District, was repealed by Ord. 2016-03, 3/17/2016.

¹⁶Editor's Note: See Ch. 8, Floodplain Management.

¹⁷Editor's Note: See Ch. 8, Floodplain Management.

- B. Park and recreation areas.
- C. Campgrounds (excluding campsites).
- D. Country club and golf course.
- E. Yards and open space areas.
- F. One- or two-strand fences.
- G. Water-monitoring devices.

§ 27-907. through § 27-909. (Reserved)¹⁸

§ 27-910. Design and Performance Standards. [Ord. 11/4/1996, § 909; as amended by Ord. 1-1999, 4/5/1999, § 5; and by Ord. 2016-03, 3/17/2016]

All uses and structures within the Floodplain District shall comply with the regulations of the Earl Township Floodplain Management Ordinance.¹⁹

§ 27-911. through § 27-914. (Reserved)²⁰

¹⁸Editor's Note: Former §§ 27-907, Special Exception Uses and Variances (Ord. 11/14/1996, § 906, as amended); 27-908, Prohibited Uses (Ord. 11/14/1996, § 907, as amended); and 27-909, Nonconforming Uses and Structures in the FP-Floodplain District (Ord. 11/4/1996, § 908, as amended) were repealed by Ord. 2016-03, 3/17/2016.

¹⁹Editor's Note: See Ch. 8, Floodplain Management.

²⁰Editor's Note: Former §§ 27-911, Zoning Permits (Ord. 11/4/1996, § 910, as amended); 27-912, Township Liability (Ord. 11/4/1996, § 911); 27-913, Abrogation and Greater Restrictions (Ord. 2-2005, 5/2/2005, § 9), and 27-914, Uniform Construction Code Coordination (Ord. 2-2005, 5/2/2005, § 10) were repealed by Ord. 2016-03, 3/17/2016.



PART 10
MANUFACTURED HOME PARK REGULATIONS

§ 27-1001. General Description. [Ord. 11/4/1996, § 1000; as amended by Ord. 2-2005, 5/2/2005, § 11]

Manufactured homes have become an increasingly popular form of housing, and the design and appearance of manufactured homes are now more varied. However, because of their limited size, relative mobility, and type of construction, this type of housing requires the availability of supporting installations and services to provide the occupants with a healthful, safe, convenient and attractive residential environment. The following restrictions and regulations are adopted as part of this Chapter establishing the circumstances and conditions under which manufactured home parks may be established.

§ 27-1002. Manufactured Home Park Requirements. [Ord. 11/4/1996, § 1001; as amended by Ord. 2-2005, 5/2/2005, § 11]

Manufactured home parks are permitted only in the Commercial District as a special exception subject to the following requirements:

- A. Minimum Tract Area. The minimum tract area for a manufactured home park shall be five acres.
- B. Maximum Density. The density of a manufactured home park shall not exceed five units per acre.
- C. Bulk Requirements. With the exception of corner lots, manufactured home lots shall contain a front yard, two side yards, and a rear yard. Corner lots shall contain two front yards and two side yards. Each manufactured home lot shall conform with the following requirements:
 - (1) The minimum manufactured home lot area and required front yard shall be measured from the edge of pavement of the interior roads within the manufactured home park.
 - (2) The minimum lot area for a manufactured home lot shall be 5,000 square feet.
 - (3) The minimum front yard shall be 25 feet.
 - (4) The minimum side yard shall be five feet provided that no manufactured home shall be within 20 feet of any other manufactured home or building on an adjacent lot.
 - (5) The minimum rear yard shall be 15 feet.
 - (6) The minimum lot width shall be 40 feet.

- D. Separation Distances for Accessory Structures. All accessory buildings, patios, porches, awnings and decks shall not be located within any required front, side or rear yard.
- E. Other Uses. No part of the manufactured home park shall be used for a nonresidential purpose, except such uses that are specifically required for the direct servicing and well-being of manufactured home park residents, for management and maintenance of the manufactured home park or those uses permitted by this Chapter.
- F. Service Buildings and Facilities. The following requirements shall apply to service buildings, recreation buildings and other community service facilities:
- (1) Facilities.
 - (a) Every manufactured home park shall have a structure clearly designated as the office of the manufactured home park manager.
 - (b) Service and accessory buildings located in a manufactured home park shall be used only by the residents and employees of the manufactured home park and guests of residents.
 - (2) Structural Requirements for Buildings. All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such materials and be so constructed as to prevent entrance or penetration of moisture and weather.
- G. Outdoor Storage. The outdoor storage of boats, unlicensed vehicles, recreational vehicles and travel trailers exceeding 10 feet in height or 20 feet in length, or any other type of trailer of any height or length shall not be permitted within manufactured home parks. Likewise, there shall be no outdoor storage areas within the manufactured home park. The manufactured home park operator may provide occupants of each manufactured home lot with enclosed storage space, or the manufactured home park operator shall inform occupants of the prohibition of outdoor storage and the requirement to obtain a permit from the Township if the occupant desires to install a storage building. The land development plan shall clearly depict any centralized storage facilities.
- H. Impervious Surfaces. The total area of all impervious surfaces shall not exceed 60% of the gross area of the manufactured home park.
- I. Screening. All manufactured home parks shall be screened from view of all adjacent properties from ground level to a minimum height of six feet. Such screening may consist of an earthen berm or evergreen plantings with trees having a minimum size of six feet in height at the time of planting. Such

screening shall be provided along the interior portion of a perimeter landscape buffer with a minimum width of 50 feet.

- J. Required Recreation Area. Not less than 15% of the gross acreage of the manufactured home park shall be set aside as a contiguous recreational area for the use of all manufactured home park residents. Service buildings or offices shall not be attributable to the minimum recreational area requirement. Recreational facilities other than walking or nature trails shall not be located within any of the required boundary, screen or buffer. Responsibility for the maintenance of the recreational areas shall be with the landowner. Such recreational area shall be maintained with a durable vegetative cover that is capable of preventing soil erosion and the emanation of dust during dry weather. Impervious surfaces may be used in the recreation area only for the purpose of athletic courts used for specific sports.
- K. Maintenance of Manufactured Home Park Recreation Area. The owner and/or operator of the manufactured home park shall be responsible for the maintenance of the recreational area. Failure to properly maintain the recreational area shall constitute a nuisance. In the event that the recreational area is not maintained, the Township may proceed to remedy such deficiency by enforcement of any applicable Township ordinance, by injunctive relief or by performing the necessary maintenance and assessing the cost of such maintenance, plus a penalty fee in the amount of 15% of the cost of such maintenance, against the owner and/or operator and filing such cost and penalty as a municipal claim against the property. Maintenance of the recreational area by the Township shall not relieve the owner and/or operator from prosecution or penalties under this Chapter or other applicable ordinances.
- L. Manufactured Home Park Roads and Parking Spaces. Interior manufactured home park roads shall provide access to all manufactured homes. All roads located within manufactured home parks shall remain private and shall be maintained by the manufactured home park operator or owner. All roads and parking spaces within the manufactured home park, and providing access to the manufactured home park, shall be macadam blacktop, well drained and clearly marked. Such roads shall be at least 24 feet wide for two way roads, and 12 feet wide for one way roads. If on-street parking is provided, such minimum widths shall be increased by 10 feet for each lane of parking. On-street parking lanes shall be of the same material as the abutting road.
- M. Parking. Adequate paved parking spaces shall be provided to accommodate residents, guests and employees of the manufactured home park according to the following requirements:
 - (1) A minimum of two parking spaces per manufactured home space shall be provided within, or adjacent to, each manufactured home space.
 - (2) A minimum of one visitor space shall be provided for every three manufactured home spaces (or fraction thereof). All visitor parking

spaces shall be located within 200 feet of the manufactured home spaces which are to be served.

- (3) Manufactured home park offices shall have a minimum of two visitor spaces and one space for every employee working the largest shift.
- (4) Direct driveway access from a manufactured home lot to existing or proposed public streets shall not be permitted, but shall be by way of an internal manufactured home park street.
- (5) All parking spaces shall be independently accessible from the private road within the manufactured home park.
- (6) The size of all parking spaces shall comply with the requirements of the Lancaster County Subdivision and Land Development Ordinance.

N. Sidewalks. Each manufactured home lot shall have a sidewalk with a minimum width of three feet extending from the manufactured home to the parking spaces provided on, or adjacent to the manufactured home space.

O. Public Water Supply. A potable water supply shall be supplied to all dwellings within a manufactured home park. The manufactured home park shall be served by one central water supply as defined by this Part. Such system shall be designed and installed according to the requirements and standards of the Pennsylvania Department of Environmental Protection. In addition to such requirements, the water distribution system shall be constructed in accordance with the following:

- (1) Individual water-riser pipes shall be located within the confined area of the manufactured home stand at a point where the water connection will approximate a vertical position.
- (2) The water-riser pipe shall extend at least four inches above ground elevation. The pipe shall be at least 3/4 inch. The water outlet shall be capped when a manufactured home does not occupy the lot.
- (3) Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipe and to protect risers from heaving and thawing actions of ground during freezing weather. Surface damage shall be diverted from the location of the riser pipe.
- (4) A shutoff valve below the frost line shall be provided near the water-riser pipe of each manufactured home lot.
- (5) Underground stop and waste valves shall not be installed on any water service.

P. Stormwater Management. The manufactured home park shall be graded and equipped to drain surface water and prevent flooding in a safe and efficient manner. All stormwater management and floodplain controls shall be

designed to conform with the Lancaster County Subdivision and Land Development Ordinance.

Q. Public Sewers and Required Evaluation. Manufactured home parks shall be served by a public sewer system. If the public sewer system is privately-owned, the owner of the manufactured home park shall prepare an evaluation of the various sewage disposal alternatives which addresses the following and shall provide financial assurances for the repair or replacement of the privately-owned system.

- (1) The cost of extending existing public sewers to the site. This shall address the length of the extension, potential methods of conveyance and the ability of the existing public sewer system to accommodate flows from the site.
- (2) The cost of the privately-owned public sewer system, including installation, operation and maintenance costs, in comparison to the costs associated with the extension of existing sewer lines to the site. This shall also provide adequate justification for the selection of the privately-owned public sewer system.

R. Required Approvals of Public Sewer System. All public sewer systems require approval and permitting by the Pennsylvania Department of Environmental Protection. In addition, the design of a privately-owned public sewer system for a manufactured home park shall be subject to the approval of the Earl Township Board of Supervisors following the review of the design by the Township Engineer. The design of a public sewer system which represents an extension of an existing public sewer system, owned and operated by a municipal authority, shall be subject to the approval of the applicable municipal authority following the review of the authority's engineer.

S. Electrical Distribution System. Every manufactured home park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with local electrical power company specifications regulating such systems.

- (1) Power Distribution Lines.
 - (a) All power lines shall be placed underground at least 18 inches below the ground surface and shall be insulated and specifically designed for such installation. Such lines shall be located not less than one foot from any other utility lines, facility or installation.
 - (b) Meter poles shall have a maximum height of six feet.
- (2) Individual Electrical Connections. Each manufactured home lot shall be provided with an approved disconnecting device and over current

protective equipment. The minimum service per outlet shall be 120/240 volt AC, 200 amperes.

- (3) **Required Grounding.** Each manufactured home connection to this electrical distribution system shall be inspected by an approved underwriters' electrical agency and shall be grounded in accordance with the electrical power company specifications and the National Electric Code prior to the electric power being energized. All exposed noncurrent-carrying metal parts of the manufactured homes and all other equipment shall be grounded by means of an approved ground conductor run with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for manufactured homes or other equipment.

T. Fuel Supply and Storage.

- (1) **Natural Gas System.**

- (a) Natural gas piping systems, when installed in manufactured home parks, shall be maintained in conformity with the specifications of the gas company serving the area.
- (b) Each manufactured home lot provided with piped gas shall have an approved shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

- (2) **Liquefied Petroleum Gas Systems.** Liquefied petroleum gas (LPG) systems provided for manufactured homes, service buildings or other structures when installed shall be maintained in conformity with any applicable rules and regulations and shall include the following:

- (a) Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
- (b) Systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the manufactured home and shall be maintained in effective operating condition.
- (c) All LPG piping located outside of the manufactured home shall be well supported and protected against mechanical injury.
- (d) Vessels of more than 12 and less than 60 U.S. gallons gross capacity may be installed on a manufactured home lot and shall be securely but not permanently fastened to prevent accidental overturning.

- (e) No LPG vessel shall be stored or located inside or beneath any storage cabinet, carport, manufactured home or any other structure unless such installations are specifically approved by the authority having jurisdiction.
- (3) Fuel Oil Supply Systems.
 - (a) All fuel oil supply systems provided for manufactured homes, service buildings and other structures shall be installed and maintained in conformity with any applicable rules and regulations.
 - (b) All piping from outside fuel storage tanks or cylinders to manufactured homes shall be securely, but not permanently fastened in place.
 - (c) All fuel oil supply systems provided for manufactured homes, service buildings and other structures shall have shutoff valves located within five inches of storage tanks.
 - (d) Storage tanks located in areas subject to traffic shall be protected against physical damage.
- U. Other Utilities. Any other utility, such as telephone or cable, servicing a manufactured home park shall be installed underground, as applicable, and maintained in accordance with the respective utility company specifications regulating such systems.
- V. Refuse Handling. The storage, collection and disposal of refuse in the manufactured home park shall be the responsibility of the manufactured home park owner or manager and shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution and shall comply with all applicable Township and State regulations. Provisions shall be made by the manufactured home park operator to have garbage and waste collected at least once every week and shall be deposited at an approved disposal site.
- W. Insect and Rodent Control. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall comply with all applicable Township, State and Federal regulations.
- X. Fire Protection.
 - (1) Local Regulations. The manufactured home park area shall be subject to any local fire protection rules and regulations.
 - (2) Litter Control. Manufactured home park areas shall be kept free of litter, rubbish and other flammable materials.

- (3) Fire Extinguisher. Portable fire extinguisher of a type approved by the fire prevention authority shall be kept in public service buildings under manufactured home park control and a sufficient number shall be maintained throughout the manufactured home park in readily accessible and well-marked positions.
- (4) Fire Hydrants.
 - (a) The water supply and fire hydrants, if appropriate, or a fire pond, shall provide fire protection in accordance with the standards of the National Fire Protection Association.
 - (b) Adequate water capacity for fire protection shall be stored within, or immediately adjacent to, the manufactured home park.
 - (c) Fire hydrants shall be located within 600 feet of any home, service building or other structure in the manufactured home park and shall be installed in accordance with all applicable Township specifications.
 - (d) The manufactured home park management shall give the Township Zoning Officer or other authorized Township representative free access to all manufactured home lots, service buildings and other community service facilities for inspection purposes.
- Y. Outdoor Lighting. All manufactured home parks shall be furnished with outdoor lighting units which do not produce an objectionable glare on adjacent properties. Such lighting units shall be spaces and equipped with luminaries placed at mounting heights which will provide illumination for the safe movement of pedestrians and vehicles at night including:
 - (1) All parts of the manufactured home park road system.
 - (2) Potentially hazardous locations, such as major street intersections, steps or step ramps.
- Z. Foundations for Manufactured Homes. Each manufactured home shall be set upon and securely fastened to a foundation of block or concrete, with concrete footings extending at least 36 inches below finished grade.
- AA. Anchoring of Manufactured Homes. The manufactured home foundation shall be provided with devices for anchoring the manufactured home to the foundation to prevent the overturning or uplifting of the manufactured home. Anchoring devices shall be in the form of anchor bolts, auger anchors or cables which are of adequate size and material to prevent such forces and shall be fastened securely to the base frame of the manufactured home. If auger anchors are utilized, a minimum of six auger anchors shall be utilized.

If anchor bolts or cable are utilized, they shall be anchored to the footing with adequate anchor plates or hooks.

- BB. Skirting. Skirting shall be provided between the manufactured home and the finished grade and shall be comprised of the same color and material as the manufactured home.
- CC. Contents of Land Development Plan for Manufactured Home Parks. The land development plan for a manufactured home park shall demonstrate compliance with the provisions of this Chapter as well as the Lancaster County Subdivision and Land Development Ordinance. The land development plan shall clearly indicate the location and maximum manufactured home dimensions for each lot.
- DD. Approval of Manufactured Home Park. The Township shall not issue any zoning permits within the manufactured home park until the applicant has secured all necessary approvals from the Lancaster County Planning Commission, the Pennsylvania Department of Environmental Protection and any other applicable agencies, and the applicant has demonstrated full compliance with this Chapter to the satisfaction of the Board of Supervisors.
- EE. Zoning Permits Required. The owner of the manufactured home park shall make certain that zoning permits are obtained prior to the construction or placement of all structures on the premises.



PART 11
SIGN REGULATIONS

§ 27-1101. Intent. [Ord. 11/4/1996, § 1100]

Any sign hereafter erected or maintained shall conform with the provisions of this Part and any other ordinance or regulation of Earl Township.

§ 27-1102. General Sign Regulations. [Ord. 11/4/1996, § 1101]

The following regulations shall apply to all sign uses.

- A. The area of a sign shall be construed to include all lettering, working and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.
- B. The area of a sign painted upon or applied to a building shall be considered to include all lettering, wording and accompanying designs or symbols together with any backing associated with the sign.
- C. Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters and symbols.
- D. In computing square foot area of a double-face sign, only one side shall be considered, provided both faces are identical.
- E. No sign that is part of or supported by a building shall be erected upon the roof of such building, nor shall such sign extend above the height of the building. Freestanding signs shall not extend higher than 20 feet above the predevelopment grade.
- F. No signs shall be permitted which are posted, stapled, nailed or otherwise mechanically attached to public utility poles or trees within a street right-of-way.
- G. No sign shall be placed in such a position that it will cause danger to vehicular or pedestrian traffic on a street by obscuring the view.
- H. No sign or sign-bearing structure other than official traffic signs and public utility signs necessary for the operation, identification or protection of public utility facilities shall be erected within or extend into the right-of-way of a street unless authorized by the Zoning Hearing Board as a special exception.
- I. No sign shall contain or use flashing, intermittent or rotation illumination, except official traffic control signs, and those parts of the sign which show time and/or temperature.

- J. In addition to the above requirements of this Part, every sign referred to in this Part must be constructed of durable materials, must be kept in good condition and repair, and shall not be allowed to become dilapidated. Signs not in proper repair shall be repaired within 90 days of notice by the Zoning Officer. If the sign is not repaired, the sign shall be removed.

§ 27-1103. Signs in the Agricultural and Residential Districts. [Ord. 11/4/1996, § 1102; as amended by Ord. 3-2005, 9/6/2005, § 8]

In the AG — Agricultural, RR — Rural Residential and R — Residential Districts, the following types of signs and no other shall be permitted.

- A. Official traffic signs, street name signs and any other signs required by law or erected by any governmental agency.
- B. Professional, accessory use, home occupation or name signs, indicating the name, profession, historic significance, or activity of the occupant of a dwelling, and trespassing signs, or signs indicating the private nature of a driveway or premises, provided that the area on one side of any such sign shall not exceed four square feet.
- C. Identification signs for schools, churches, hospitals or similar institutions, and for clubs, lodges, farms, estates, apartment buildings or similar uses, provided that the area on one side of any such sign shall not exceed 15 square feet and not more than two such signs shall be placed on any one property for any one street frontage.
- D. Real estate signs, including signs advertising the sale or rental of premises, provided that the area on one side of any such sign shall not exceed 12 square feet, and signs indicating the location and direction of premises in the process of development, provided the area on one side of any such sign shall not exceed 24 square feet.
- E. Temporary signs of contractors, architects, mechanics and artisans, provided that such signs shall be removed promptly upon completion of the work.
- F. Signs erected in conjunction with a roadside stand and advertising the sale of farm products when permitted by this Chapter, provided (a) the size of any such sign shall not exceed six square feet, (b) not more than two such signs shall be used for any one business, and (c) such signs shall displayed only when products are on sale.
- G. Signs advertising a lawful nonconforming use, provided that (a) the total area of all such signs relating to a use at the effective date of this Chapter, or at the effective date of any amendment of this Chapter by which any such sign shall be made nonconforming, shall not be increased, and (b) any such sign shall be erected only on the premises on which such nonconforming use is located.

- H. Temporary signs advertising a sale or event sponsored by a civic or religious group, provided that such signs shall not be displayed in excess of one month. Such signs shall be located on the property where the activity which is the subject of the sign is located and shall be removed within 48 hours after the completion of the sale or event.
- I. Special temporary promotional devices, signs, or displays, including banners, pennants, and portable signs located on the property where the activity is the subject of the sign is located. Such signs shall not exceed six square feet in area and not more than one such sign shall be placed on a property held in single and separate ownership. Signs shall not be displayed for a period greater than 21 consecutive days. Such signs shall remain off display for a period of 30 days prior to being redisplayed.
- J. Signs directing patrons, members, or audience to temporary exhibits, shows, or events and signs erected in conjunction with a political election, subject to the following requirements:
- (1) No such sign shall exceed six square feet in area.
 - (2) Signs shall be removed within 24 hours after the date of the exhibit, show, event, or election. The Township may remove such signs if they remain after the time allowable and may assess the costs of such removal to the individuals or organizations who initially located the sign.
 - (3) No such sign shall be posted earlier than 30 days before the occurrence of the event, show, exhibition, or election.
- K. Off-premise signs which are used for directing patrons, members, or audience to service clubs, churches, or other nonprofit organizations may be erected subject to the following requirements. No permit is required, unless the sign is composed of permanent materials:
- (1) A sign shall indicate only the name of the organization and the direction to the facility.
 - (2) Only one such sign shall be erected prior to each intersection turning movement necessary to reach such facility.
 - (3) No more than four such signs shall be erected for each facility.
 - (4) Signs shall not exceed six square feet in area.
 - (5) When the sign is composed of permanent materials, permission from the abutting property owner shall be obtained prior to the issuance of the permit.

§ 27-1104. Signs in the C — Commercial and I — Industrial Districts. [Ord. 11/4/1996, § 1103]

The following signs, and no others, are permitted in the C — Commercial and I — Industrial Districts:

- A. Advertising signs that relate to a business conducted on the premises in which the sign is located are permitted, provided that the following conditions and those conditions set forth in § 27-1102 are complied with.
- (1) Side Yard Prohibition. The sign shall not be located within the side yard setback requirements for the district in which the sign is located.
 - (2) Signs for commercial or industrial establishments of two or less commercial or industrial establishments shall conform to the following:
 - (a) Square Footage. The square footage of all signs related to any commercial or industrial premises occupied by two or less commercial or industrial establishments, shall not exceed 200 square feet, to which may be added 40 square feet for each commercial and/or industrial establishment in excess of one; provided, however, that the square footage of all signs may be increased to an area equal to 1/5 of the area of the front face of the building(s). The sign on the front face of the building(s) shall not exceed 1/10 of the area of the face, and the balance of the sign area may be utilized in the identification of signs.
 - (b) Number of Signs. One identification may be erected between the commercial or industrial building(s) and the street right-of-way, and one additional sign may be erected for each commercial and/or industrial sign located on the premises; provided, however, that said additional sign shall contain only one side and shall be so located or fixed to the face of the building that the actual sign shall not protrude more than six feet therefrom. The identification sign may contain two sides.
 - (3) Signs for commercial or industrial establishments of three or more commercial or industrial establishments shall conform to the following:
 - (a) Square Footage and Number of Signs. Where three or more commercial or industrial establishments are erected contiguously or as a part of a complex (which for the purpose of this Section shall be considered a commercial park or shopping center in the case of a commercial enterprise and an industrial park in the case of an industrial enterprise), said commercial or industrial park shall be entitled to the following area and number of signs:

- 1) The square footage for a sign identifying the commercial or industrial park shall not exceed 200 square feet in size, to which may be added 40 square feet for each commercial or industrial enterprises, as the case may be, in excess of one.
 - 2) In addition to the identifying signs of the commercial or industrial park, each commercial or industrial enterprise in the complex shall be permitted to erect a sign on one side of its building, which sign shall not exceed 1/10 of the square footage of the face of the building on which it is erected or placed. The sign erected on the face of the building as immediately above provided shall only contain one side and shall be so located or affixed to the real estate that the actual sign shall not protrude more than six feet therefrom.
 - (4) Permitted Increase in the Number of Signs. In the event a single lot contains more than 300 feet of lot frontage, two identification signs shall be permitted; provided however, that the total area of the identification signs as above provided in § 27-1104A(2) and (3) shall not be increased.
- B. Real Estate Signs. Signs advertising the sale or rental of premises are permitted, provided that they conform to the following:
- (1) Such signs shall be erected only on the premises to which they relate.
 - (2) The area on one side of any sign shall not exceed 40 square feet.
 - (3) Not more than one such sign shall be placed on any lot or premises; provided, however, that two such signs shall be permitted where the lot frontage of said premises exceeds 300 feet.
- C. Any sign permitted in the AG — Agricultural, the RR — Rural Residential and the R — Residential Districts subject to the same conditions.
- D. Billboards. Signs advertising a product or service other than those which are found on the premises on which the sign is located are permitted, provided the following conditions, as well as other applicable conditions, are complied with:
- (1) The surface of the sign shall not exceed 300 square feet in area on one side; provided, however, that a sign containing two sides shall be permitted.
 - (2) No more than one panel (two sides) shall be permitted.
 - (3) No panel-type sign shall be erected within 600 feet of existing residences.

- (4) No panel-type sign shall be erected within 1,500 feet of any other panel-type sign.
- (5) If lighted, a nonglare lighting fixture designated for outdoor use must be used.
- (6) No part of the sign shall be more than 25 feet in height.
- (7) All signs shall be setback a minimum distance of 30 feet from the street right-of-way line.

§ 27-1105. Expansion, Continuity and Damage to Nonconforming Signs. [Ord. 11/4/1996, § 1104]

1. Expansion of Nonconforming Signs. Notwithstanding any of the provisions of this Chapter to the contrary, no expansion of a nonconforming sign shall be permitted; provided, however, that the utilization of both front and back surfaces of a sign is permitted.
2. Continuity of Nonconforming Signs. No nonconforming sign may be reestablished after it has been discontinued for 90 days.
3. Damage to Nonconforming Signs. A nonconforming sign which is partially or entirely damaged or destroyed may be rebuilt, provided that the reconstructed sign shall not be larger than the prior sign and that the reconstruction shall begin within 90 days from the time of damage to the sign.

§ 27-1106. Signs for Nonconforming Buildings and Uses. [Ord. 11/4/1996, § 1105]

A sign may be erected to advertise a nonconforming building or use, provided a special exception is granted by the Zoning Hearing Board after hearing, and provided the following conditions and requirements, the provisions of § 27-1102 of this Chapter and any other conditions or requirements imposed by the Zoning Hearing Board are complied with:

- A. The number of signs and the size of the sign shall not be greater than the permitted number of signs and the area of signs in the district in which the nonconforming building or use is located or the permitted number of signs and area of signs in the district in which such building or use is a permitted use, whichever is the more restrictive.
- B. The sign must be erected on the premises upon which the nonconforming building or use is erected or upon a private right-of-way leading to the premises and shall not be used to advertise a product sold off of the premises.
- C. The sign shall not be located within the side yard setback required for the district in which the nonconforming building or use is located, but the same

may be erected within the limits of a private right-of-way servicing the subject premises.



PART 12
OFF-STREET VEHICLE PARKING AND LOADING

§ 27-1201. Intent. [Ord. 11/4/1996, § 1200]

It is the intent of these requirements that adequate off-street parking and loading facilities be provided for each use of land. These requirements are intended to be based on the demand created for each use and shall apply to all uses in all districts.

§ 27-1202. Design Requirements for Parking Facilities. [Ord. 11/4/1996, § 1201]

1. **Size.** The size of a parking space for one vehicle shall not be less than 180 square feet. For purposes of computing the number of parking spaces available in a given area, the ratio of 180 square feet per space shall be used. Only the area actually used for parking, not access or driving lanes, shall be considered. The provisions of this sentence shall not apply to single-family detached, semidetached and row house dwellings.
2. **Slope.** No parking facility shall be designed to contain a slope of greater than 5%.
3. **Access and Egress.** Parking facilities shall be designed so that each vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle. Additionally, driveways and parking areas for nonresidential uses shall include, within the property lines, turning areas so constructed and surfaced that a vehicle entering or leaving the property is not required to back onto the street.
4. **Surface.** Except as otherwise expressly provided in this Chapter, parking facilities and all facilities for the outdoor storage of vehicles shall be provided and maintained with a dust-free, "all-weather" surface which may include stone, concrete or bituminous material.
5. **Joint Use.** The required parking space for two or more uses may be provided in a common parking facility, provided that the number of spaces is not less than the sum of spaces required for each individual use. However, a variance may be requested to allow a reduction in the number of spaces required for separate uses when the various activities or uses are conducted at substantially different times.
6. **Location.** All parking spaces shall be provided on the premises, or in common parking facilities located adjacent to the premises except, that after Zoning Hearing Board approval, all or part of the required number of spaces may be provided on a separate lot or lots within 200 feet from such premises. For residential uses, all off-street parking spaces shall be located behind the street right-of-way line nor within five feet of any property line. For all other uses, off-street parking spaces shall not be located within the area of

required landscaping, and all turning areas shall be so constructed that a vehicle entering or leaving the property is not required to back onto the abutting street.

7. Lighting. All illumination on parking facilities shall be shielded so as not to produce light upon abutting properties, or impair the vision for vehicular circulation within and adjacent to the parking facilities.
8. Greenbelt. In the C — Commercial and I — Industrial Districts and in other districts when additional parking is required for a home occupation, or any other nonresidential use, there shall be a minimum distance of 10 feet between all parking areas and/or driveways or accessways and all street right-of-way lines and a minimum distance of 10 feet between all parking areas and/or driveways or accessways and side and rear property lines. These ten-foot wide areas shall be planted in grass, shrubbery, trees or other types of plant material. In no case shall these areas be paved or covered with an impervious surface. It is the intent of this provision that said ten-foot wide areas must be reserved as "greenbelts."

§ 27-1203. Minimum Parking Requirements. [Ord. 11/4/1996, § 1202; as amended by Ord. 2011-02, 8/1/2011]

The following parking requirements shall apply for the below listed land uses unless more specific requirements are identified in the criteria for the land uses permitted by special exception in § 27-1605 of this Chapter. Additionally, if parking computations result in fractions, any fraction below 1/2 may be disregarded, and any fraction over 1/2 shall be construed to require a full space:

- A. Dwelling. Two spaces for each dwelling unit, rental room or suite.
- B. Motel, Motor Inn, Hotel. One space for each rental unit, plus one additional space for each full-time employee on the premises at one time.
- C. Theater, Auditorium, Church, Stadium, Membership Club, Lodge Hall and Funeral Home. One space for each four permanent seats; and for establishments without permanent seats, one space for every 50 square feet of floor area used for assembly purposes.
- D. Eating/Drinking Establishments. One space for every four seats, plus one per space each employee on the largest shift.
- E. Medical/Dental Clinics. Four spaces for each doctor engaged at the clinic or office.
- F. Retail Store or Office Use. One off-street parking space for each 200 square feet of gross floor area.
- G. Industrial and Research Uses. One space for every two employees on the largest shift.

- H. Automobile/Truck Service and Repair Facilities. One space for every employee and one space for each service bay.
- I. Institutions. One off-street parking space for each patient or resident bed (excluding bassinets), plus one space for each full-time employee on the premises at one time. However, hospitals, sanitariums or convalescent homes primarily providing long-term custodial care for patients need not provide more than one space for each four patient beds.
- J. For other uses which do not fit in one of the above categories, determination of the adequate off-street parking space requirement shall be made by the Zoning Officer. The Zoning Officer shall take into consideration the projected number of employees and the extent of anticipated public activity for the proposed land use. It is the intent of those requirements that adequate off-street parking and loading facilities be provided for each use of land.
- K. For all uses, including those specified above, a plan shall accompany the application for the permit which shall provide relevant data to show that the parking spaces to be provided will meet all anticipated need for the projected number of employees and visitors that would utilize the facility.

§ 27-1204. Off-Street Loading Requirements. [Ord. 11/4/1996, § 1203]

Adequate off-street loading and unloading space sufficient to accommodate the maximum demand generated by the use of the lot shall be provided on the same premises with every building or part thereof hereafter erected, altered or occupied for any use which involves large volume receipt or distribution of materials or merchandise by motor vehicle. All off-street loading and unloading spaces shall have an all-weather surface to provide safe and convenient access and use during all seasons. This space shall be so placed and arranged as to not interfere with the free movement of vehicles and pedestrians over a public or private road.

- A. Required Loading Spaces. Every building or structure, lot or land hereafter put to a business or industrial use or existing building or structure enlarged shall provide one off-street truck loading space for the first 10,000 square feet or less of gross floor area, plus a minimum of one additional off-street truck loading area for each additional 40,000 square feet of gross floor area.
- B. Size of Truck Loading Space. An off-street truck loading space shall have a minimum of 12 feet in width, a minimum of 35 feet in length, and a minimum clear height of 14 feet.
- C. Design of Loading Area. Loading areas shall be designed so that a vehicle entering or leaving the property is not required use the abutting street for backing into or out of the property.
- D. Lighting. All illumination in loading areas shall be shielded so as not to produce light upon abutting properties.

§ 27-1205. Parking, Storage and Maintenance of Vehicles. [Ord. 11/4/1996, § 1204]

1. **Parking and Storage.** Automotive vehicles or recreational vehicles, including boats and trailers of any kind or type, without current license plates and/or current inspection stickers shall not be parked or stored on any public street or on any residentially zoned property other than in completely enclosed accessory buildings. The requirement of this Section shall not be applicable to implements and other vehicles not normally used as conveyances on the public highways.
2. **Outside Storage of Vehicles.** Except as expressly permitted by this Chapter as a permitted use or by special exception, outdoor storage of vehicles is prohibited in every zoning district except as an accessory use to the principal use of the same lot and shall not be the principal use of any lot.
3. **Services.** No repair to or maintenance of vehicles of any kind, except for emergency repair, shall be permitted in any accessory parking facility.

§ 27-1206. Frontage Development. [Ord. 11/4/1996, § 1205]

In all districts, each parking area shall be separated from the public street or highway by a raised curb, planting strip or other suitable barrier against unchanneled motor vehicle entrance or exit, except for necessary accessways. In the case of a planned shopping center, any multiple-unit commercial or industrial development or in any other case where practicable, buildings shall front upon a marginal street or a common parking area and not directly upon a public street. Each such use shall have no more than two accessways to any one street or highway for each 300 feet of frontage. All points of vehicular access to and from a public street shall be located not less than 100 feet from the intersection of any street lines, and all parking areas or lots shall provide adequate storage area and distribution facilities upon the lot to prevent the backup of vehicles on a public street while awaiting entry into the site.

PART 13
RESIDENTIAL ACCESSORY USE REGULATIONS

§ 27-1301. General Intent and Application. [Ord. 11/4/1996, § 1300]

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

§ 27-1302. Detached Private Garages and Other Accessory Buildings. [Ord. 11/4/1996, § 1301; as amended by Ord. 3-1997, 6/2/1997, § 2; by Ord. 3-2005, 9/5/2005, § 9(1),(2); and by Ord. 08-2006, 11/6/2006, § 1]

1. General. When an existing or proposed dwelling in a nonagricultural zoning district is located within 100 feet or less from the street right-of-way line, no accessory building other than a detached private garage shall be permitted between the minimum building setback line and the front wall of the dwelling.
2. Detached Private Garages. Detached private garages accessory to a dwelling shall be permitted in any zoning district provided the following requirements are met:
 - A. One detached private garage may be constructed on any residential lot. Said garage shall have a maximum capacity of three cars and shall not exceed 1,200 square feet of floor area.
 - B. Maximum Height - 20 feet. However, the height may be increased to no greater than 24 feet, provided that the required footage for the front, side, and rear yard setback is increased one foot for each one foot of additional building height.
 - C. No temporary structure shall be permitted.
 - D. No structure shall be permitted between the building setback line and the street right-of-way line.
 - E. No structure shall be located within 10 feet of the side yard property line.
 - F. No structure shall be located within six feet of the rear property line.
 - G. No structure shall occupy more than 25% of the rear yard area.
3. Other Residential Accessory Buildings. In addition to the construction of detached private garages as indicated above, other residential accessory buildings shall be permitted in any zoning district on any residential lot. The total square footage for all accessory buildings not used exclusively as a detached private garage or for a horse and carriage barn as permitted below shall not exceed 1,200 square feet of floor area, provided that the lot

coverage requirement of the underlying zoning district is met. The following additional requirements shall apply:

- A. Minimum distance between buildings: 15 feet.
- B. Maximum height: 20 feet. However, the height may be increased to no greater than 24 feet, provided that the required footage for the front, side, and rear yard setback is increased one foot for each one foot of additional building height.
- C. No structure shall be within 15 feet of any property line.
- D. No structure shall be permitted between the building setback line and the street right-of-way.
- E. Horse and carriage barns. Horse and carriage barns are residential accessory buildings constructed for the sole purpose of sheltering horses and storing carriages used as a means of primary transportation. Horse and carriage barns shall be permitted on all residential lots in the AG — Agricultural District and the RR — Rural Residential District and shall include stalls for horses with carriage and hay storage areas, subject to the following requirements:
 - (1) The building footprint for a horse and carriage barn shall not exceed 2,400 square feet.
 - (2) Minimum distance between buildings: 20 feet.
 - (3) Maximum height: 30 feet.
 - (4) No horse and carriage barn shall be within 20 feet of any property line.
 - (5) No horse and carriage barn shall be located within 100 feet of any dwelling on a neighboring property.
 - (6) No horse and carriage barn shall be permitted between the building setback line and the street right-of-way.
 - (7) Any fence designed to contain carriage horses shall be no closer than 10 feet from the neighboring property line.
 - (8) The lot coverage requirement of the respective zoning districts shall be met.
 - (9) Commercial and/or industrial uses of the horse and carriage barn are not permitted.
- F. Accessory storage sheds. The following regulations apply to unattached accessory storage sheds, provided that the shed does not

exceed 12 feet by 24 feet or not exceed 288 square feet, and a height of eight feet to the square.

- (1) No accessory storage shed shall be located between the front wall of the principal building and the building setback line of the subject parcel.
- (2) Minimum side and rear yard setbacks: four feet.
- (3) A residential lot of 10,000 square feet or less may have one shed in accordance with the above size and area requirements. No more than two such sheds shall be permitted on any other residential lot. In addition, the total square footage of sheds on any lot shall not exceed 600 square feet, and the lot coverage requirements shall be maintained at all times.

G. Detached residential accessory buildings having a maximum gross floor area of 120 square feet or less are permitted on lots containing multiple-family dwellings, provided that:

- (1) They are located no closer to the front lot line than the rear wall of the principal building,
- (2) They are located a minimum of three feet from any side property line formed by a building party wall, and
- (3) They conform with all other applicable setbacks.

§ 27-1303. Animals and Animal Shelters. [Ord. 11/4/1996, § 1302; as amended by Ord. 3-2005, 9/6/2005, § 9(3-6)]

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

- A. It is permitted to maintain up to three each of dogs and cats and litters of puppies or kittens up to six months in age as domestic animals provided the following conditions are met:
- (1) Maintaining dogs and cats shall be on a noncommercial basis.
 - (2) The area within which a shelter and/or exercise pen is maintained must be suitably enclosed and located in the rear yard at least 10 feet from any lot line, and is not closer than 50 feet to the nearest dwelling other than that of the owner.
 - (3) The area within which a shelter and/or exercise pen is maintained shall be kept in suitable grass cover and shall not be allowed to degrade to an erodible condition.

- (4) The owner of the animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt or odor.

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

- (1) Maintaining small domestic animals shall be within the rear yard area.
- (2) Maintaining small domestic animals shall be on a noncommercial basis and be strictly as an incidental use.
- (3) The area around which small domestic animals are kept shall be enclosed by a fence designed for containment, no closer than 10 feet from the neighboring property line and not closer than 100 feet to the nearest dwelling other than that of the owner.
- (4) The area within which small domestic animals are maintained shall be kept in a suitable grass cover and shall not be allowed to degrade to an erodible condition.
- (5) The owner of the small domestic animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt or odor.

For the purposes of this subsection, small domestic animals shall include animals such as rabbits, guinea pigs, and chinchilla, and fowl such as chickens, turkeys, geese, ducks and pigeons.

C. The ownership of large domestic animals, with the exception of carriage horses, shall not exceed 1 1/2 animals per acre provided the following conditions are met:

- (1) Maintaining large domestic animals shall be within the rear yard area.
- (2) Maintaining large domestic animals shall be on a noncommercial basis and be strictly as an incidental use.
- (3) The area within which large domestic animals are kept shall be enclosed by a fence designed for containment, no closer than 10 feet from the neighboring property line and not closer than 100 feet to the nearest dwelling other than that of the owner.
- (4) The area within which large domestic animals are maintained shall be kept in a suitable grass cover of at least one acre in area and shall not be allowed to degrade to an erodible condition.

- (5) The owner of the large domestic animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt or odor.

For the purposes of this subsection, large domestic animals shall include animals of the bovine, equine, swine and sheep families.

D. Carriage horses are animals that are kept for the sole purpose of providing primary transportation for its owners via a carriage or "buggy." When the owner of carriage horses cannot comply with the requirements of § 27-1303C, above, the owner shall comply with the following:

- (1) The number of carriage horses permanently maintained shall not exceed two per carriage.
- (2) Maintaining carriage horses shall be within a fully enclosed building located within the rear yard area of the lot. The fully enclosed building may be utilized for the sheltering of additional carriage horses of visitors and guests.
- (3) When a grazing area is provided, it shall be fully enclosed by a fence located no closer than 10 feet from the neighboring property line.
- (4) The owner shall provide a suitable plan for the disposal of animal waste.
- (5) The owner of the carriage horse(s) shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt or odor.

§ 27-1304. Fences and Walls. [Ord. 11/4/1996, § 1303; as amended by Ord. 3-2005, 9/6/2005, § 9(7)]

No permanent fence or wall shall be erected which is over six feet in height, and no closed fence or wall exceeding three feet in height shall be erected between the front wall of any building and the abutting street unless higher screening or fencing is required by other provisions of this Chapter. No electrified or barbed wire fencing shall be permitted between two residential properties. Additionally, no fence or wall shall block motorist view of vehicles entering or exiting the property.

§ 27-1305. Patios, Decks and Paved Terraces. [Ord. 11/4/1996, § 1304; as amended by Ord. 3-2005, 9/6/2005, § 9(8)]

Patios, decks and paved terraces may be located no closer than five feet to a side or rear property line, provided that no deck within this area shall be constructed to a height greater than 30 inches above the preconstruction grade. In the case of attached or semidetached dwellings, the setback distance may be reduced to not less than three feet from a side property line formed by a building wall.

§ 27-1306. Parking Area Reservation. [Ord. 11/4/1996, § 1305; as amended by Ord. 3-2005, 9/6/2005, § 9(9)]

1. All off-street parking areas shall be reserved and used for automobile parking only, with no sales, dead storage, repair work, dismantling or servicing of any kind on residential dwelling lots in the RR — Rural Residential District and the R — Residential District.
2. The parking of one commercial vehicle is permitted by the property owner/operator for his livelihood for a business not conducted on the premises, provided it is parked off-street. This vehicle shall not be parked within any Township right-of-way.
3. One recreational vehicle is permitted for storage purposes only and is not to be used for sleeping, recreational or living purposes at any time or in any way, shape or form.
4. No boats, campers, recreational vehicles and trailers shall be parked within any front yard area.

§ 27-1307. Lighting Requirements. [Ord. 11/4/1996, § 1306]

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

§ 27-1308. Site Improvements and Surface Water Runoff. [Ord. 11/4/1996, § 1307]

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

§ 27-1309. Swimming Pools; In Ground and Above-Ground. [Ord. 11/4/1996, § 1308]

1. No swimming pool shall be permitted without a filtering system.
2. No swimming pool shall be permitted unless it is enclosed by a permanent fence containing no vertical interspace of more than two inches and having a self-closing gate which is at least four feet in height and conforms to other requirements listed in § 27-1304. This requirement shall not apply to aboveground pools having a wall measuring four feet in height and having a retractable ladder.
3. No swimming pool, including filters and other mechanical equipment, shall be within 15 feet of any property line.
4. No water from a pool shall be discharged onto any public street or alley.

5. Any lights used in conjunction with the pool shall be shielded in such a manner to prevent glare on adjoining properties.
6. All pool electricity shall have a ground fault receptacle.

§ 27-1310. Tennis Courts. [Ord. 11/4/1996, § 1309]

1. A permanent open mesh fence 10 feet in height shall be provided behind each baseline. This fence shall be parallel to the baseline and at least 10 feet beyond the playing surface unless the entire court is enclosed.
2. Lighting fixtures, if provided, shall not create objectionable glare on abutting properties.

§ 27-1311. Satellite Dish Antennas. [Ord. 11/4/1996, § 1310]

1. Satellite dish antennas are subject to all accessory use standards.
2. Satellite dish antennas shall be used only for receiving video format data.

§ 27-1312. Alternative Energy Sources. [Ord. 11/4/1996, § 1311]

1. Wind assisted energy conversion facilities shall not be permitted in the front yard area of any property. Height regulations do not apply to these facilities provided the height of the structure is not greater than the shortest horizontal distance to any lot line or adjacent building.
2. Solar energy units shall be permitted on any residential lot and are subject to the requirements of the respective zoning district.

§ 27-1313. Garage/Yard and Private Vehicle Sales. [Ord. 11/4/1996, § 1312]

Within any zone, an owner and/or occupant of any dwelling may conduct no more than two garage/yard sales within a twelve-month period subject to the below conditions:

- A. No garage or yard sale shall be conducted for a period longer than two consecutive days.
- B. Garage/yard sales may offer for sale only personal possessions. No import or stocking of inventory shall be permitted.
- C. Signs for garage/yard sales shall be limited to a four square foot sign advertising such sale. The sign must be located upon the premises where the sale occurs and shall be removed promptly upon the completion of the sale.
- D. In no case shall any aspect of the garage/yard sale be conducted within any street right-of-way. Additionally, vehicular parking at any garage/yard sale

shall not occur in a manner which obstructs or hinders vehicles passing the garage/yard sale site.

- E. Private vehicle sales shall include the sale of any vehicle requiring licensing by the Commonwealth of Pennsylvania. No more than one private vehicle may be displayed at any given time on a residential lot and be offered for sale, and such vehicle offered for sale shall be owned by a resident of the residential lot.

§ 27-1314. Home Occupations. [Ord. 11/4/1996, § 1313]

1. Purpose. Home occupations shall be permitted subject to all applicable criteria listed in this Section. The provisions contained within this Section shall assure that home occupations are:
 - A. Compatible with other uses permitted in the respective zoning district.
 - B. Incidental and secondary to the use of the property as a residential lot.
 - C. Maintaining and preserving the residential character of the neighborhood.
 - D. Promoting the efficient use of public services and facilities by assuring these services are provided to the residential population for which they are planned and constructed, rather than as commercial uses.
2. Criteria. Home occupations shall be permitted provided the applicant demonstrates compliance with the criteria listed below.
 - A. Such use shall be conducted entirely within the dwelling unit, provided that the area of such home occupation shall not be greater than 25% of the floor area of the dwelling unit or 500 square feet, whichever is less. If the resident conducting the home occupation is a tenant and not the owner of the property, the owner shall be party to the permit application for the home occupation. There shall be one home occupation per dwelling unit.
 - B. No more than two nonresident employees shall be permitted. However, in the case of occupations in the building trades and similar fields, the use of the dwelling as an office for business activity conducted off-site may have other employees provided they are not employed on site, they do not park on or near the dwelling site, and they do not visit the dwelling during the course of business.
 - C. Such occupations shall be incidental or secondary to the use of the property as a residence and are limited to those occupations

customarily conducted within a dwelling unit. These uses shall include:

- (1) Artists, craftspersons and sculptors.
 - (2) Authors and composers.
 - (3) Beauticians and barbers.
 - (4) Office facilities, excluding medical offices and dental offices.
 - (5) Individual tutoring.
 - (6) Preparation of food or food products to be sold or served off-site.
 - (7) Individual musical instrument instruction, provided that no instrument, other than an organ, shall be amplified.
 - (8) Telephone solicitation work.
 - (9) Family child day care involving no more than six children unrelated to the operator and provided the following items are met:
 - (a) The minimum size of the lot containing the day care facility shall be one acre.
 - (b) Passenger drop-off and pickup areas shall be provided on site and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site.
 - (c) There shall be an outside activity/recreation area which shall be buffered from all adjoining properties with screening of evergreens, walls, fencing or other materials acceptable to the Zoning Officer. Any wall or fence shall not be constructed of corrugated metal, corrugated fiberglass, woven chain link or sheet metal. Screening shall be arranged to block the ground level views between grade and the height of six feet. Landscape screens shall achieve this visual blockage within two years following installation.
 - (10) Dressmaking, sewing and tailoring.
 - (11) Uses not listed that, in the determination of the Zoning Officer, are considered to be of the same general character as the home occupations permitted.
- D. The exterior appearance of the structure or premises is constructed and maintained as a residential dwelling.

- E. The home occupation shall not be conducted in a manner which would cause the premises to differ from its residential character.
- F. The business of selling items of merchandise, supplies or products shall not be conducted on the premises except for the following:
 - (1) The sale of items subordinate to the conducting of the home occupation or items used in the home occupation such as the sale of beauty supplies used by the proprietor is permitted provided that there are no direct sales of products from display shelves or racks.
 - (2) Orders previously made by telephone, by appointment or at a sales party may be filled at the site of the home occupation. There shall be no direct sales of products from display shelves or racks, but a person may pick up an order placed earlier as described above. Additionally, "parties" for the purpose of selling merchandise or taking orders shall not be held more than one time each month at the site of the home occupation.
- G. No storage or display of goods shall be visible from the outside of the building.
- H. The applicant shall demonstrate that adequate off-street parking will be provided for both the home occupation and the dwelling unit, but in no event shall the parking spaces provided be less than two for the home, one for each nonresident employee, and such other parking spaces as required Part 12 of this Chapter. Such parking spaces shall be screened from adjoining properties.
- I. Manufacturing, repairing or other mechanical work shall be performed in such a way that noise, odor, vibration, electromagnetic interference or smoke shall not affect neighboring properties or be noticeable at or beyond the property line. No explosive or highly combustible materials shall be used or stored on the premises.
- J. No external storage of materials or products shall be permitted. No storage of materials or products in accessory structures or attached garages shall be permitted.
- K. The use shall not require the delivery of materials and goods by trucks larger than standard panel trucks.
- L. A home occupation shall not generate waste products or material of a quality or quantity not normally associated with a residential use.
- M. A home occupation shall not increase water or sewer use so that either is significantly more than the average for residences in the neighborhood.

- N. One nonilluminated sign, not to exceed two square feet in display area, shall be permitted.
3. Home Occupation Application Requirements. Any proposal for a home occupation shall require an approved zoning permit application from the Zoning Officer.
- A. The permit application shall be accompanied by the required filing fee as adopted by the Board of Supervisors and a description of all activities involved in the business and how the business will operate.
 - B. Upon receipt of the application, the Zoning Officer shall examine the same and respond in accordance with the procedure identified in § 27-1706 of this Chapter.
4. Effect of Home Occupation Permits. While the home occupation permit shall be issued in the name of the resident conducting the home occupation, the resident may transfer the home occupation to a new resident upon the submission of evidence to the Zoning Officer sufficient to demonstrate compliance with this Section. Unless otherwise requested, the permit shall be automatically revoked upon the earliest of any one of the following: the death of the individual conducting the home occupation, the individual moves from the premises where the permit was granted or otherwise discontinues the home occupation, or the individual fails to maintain the purpose of the home occupation and conducts it in a manner contrary to the requirements of this Section or any conditions of permit approval.



PART 14
GENERAL REGULATIONS

§ 27-1401. General Intent and Application. [Ord. 11/4/1996, § 1400]

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

§ 27-1402. Height. [Ord. 11/4/1996, § 1401]

1. Height Limit Exception. All buildings and structures shall be subject to the maximum height regulations specified within each zoning district, except chimneys, church spires, belfries, cupolas and domes not intended for human occupancy, monuments, public utility lines, smokestacks, poles, antennas, towers, water storage tanks, signs, elevators, penthouses, flagpoles, silos, windmills and farm accessory buildings; provided, however, that no penthouse, roof structure or any space above the height limit specified for each zoning district shall be used for the purpose of providing additional floor space for residential or commercial use; provided, further that the height of any such structure or projection shall not exceed 85 feet. However, communications towers and antennas for the purpose of facilitating communications services and attendant support structures shall not be subject to the height restriction of 85 feet, but shall be subject to the requirements of § 27-1412, "Communication Towers and Antennas."
2. Height and Open Space. In any district, any building may be erected to a height in excess of that specified for the district provided that the required footage for the front, side and rear yard is increased one foot for each one foot of additional height, up to a maximum of 45 feet.

§ 27-1403. Yards. [Ord. 11/4/1996, § 1402]

1. Permanence of Yards and Other Open Spaces. Space applied or necessary under this Chapter to satisfy the yard and area requirements in relation to any building, whether now or substantially built, shall not be counted as part of a required yard or of the required area in relation to any other building.
2. Accessory Building. Accessory buildings may not occupy more than 25% of the rear yard.

§ 27-1404. Erection of More than One Principal Structure on a Lot. [Ord. 11/4/1996, § 1403]

1. Single-Family Detached Dwellings. On any lot where there exists a single-family detached dwelling, and an additional single-family detached dwelling is proposed, the following criteria shall apply:

- A. The yard and other requirements of the applicable zoning district shall be met for the additional dwelling as though it were on an individual lot, and the dwelling meets the requirements of all applicable ordinances.
 - B. Water and sewage disposal facilities shall be approved by required Township and State sanitation officials and shall be completely separate from the principal dwelling facilities.
 - C. The building permit application shall be accompanied by either (1) evidence of the recording of a land development plan at the office of the Lancaster County Recorder of Deeds, or (2) notification from the applicable administrative body that a land development plan is not required for the additional principal structure.
2. Nonresidential Structures. In any district, more than one nonresidential structure having a permitted or permissible principal use may be erected on a single lot subject to the following provisions:
 - A. The yard and other requirements of the applicable zoning district shall be met for the additional nonresidential structure as though it were on an individual lot, and the nonresidential structure meets the requirements of all applicable ordinances.
[Amended by Ord. 2013-07, 5/6/2013]
 - B. Water and sewage disposal facilities shall be approved by required Township and State sanitation officials.
 - C. The building permit application shall be accompanied by either (1) evidence of the recording of a land development plan at the office of the Lancaster County Recorder of Deeds, or (2) notification from the applicable administrative body that a land development plan is not required for the additional principal structure.

§ 27-1405. Prohibited Uses. [Ord. 11/4/1996, § 1404; as amended by Ord. 4-1999, 6/7/1999, § 1]

No building may be erected, altered or used, and no lot or premises may be used for any activity that is noxious, injurious or offensive by reason of dust, smoke, refuse matter, odor, gas, fumes, noise, vibration, illumination or similar substances or conditions. No use shall create any other objectionable condition in an adjoining area or property which will endanger public health and safety, or which will be detrimental to the proper use of the surrounding area.

§ 27-1406. Corner Lots; Yard and Vision Obstruction Requirements. [Ord. 11/4/1996, § 1405]

1. In all zoning districts, a corner lot shall be provided with front yards along each street on which the corner lot abuts in accordance with the front yard

requirements of the underlying zoning district. All other yards shall be considered side yards.

2. On any corner lot, no wall, fence or other structure shall be erected or altered, and no hedge, tree, shrub, crops, or other growth shall be maintained which may cause danger to vehicles or pedestrians on a public road by obscuring the view. Visual obstructions shall be limited to a height of not more than three feet above street level. The area to be kept free of encroachment shall form a triangle with a line of sight between points measuring 100 feet from the center line intersection of the adjacent streets.

§ 27-1407. Access to Structures. [Ord. 11/4/1996, § 1406]

Every building hereafter erected or moved shall be on a lot adjacent to a public road or with guaranteed access to an improved private road. It is the purpose of the following regulations to maintain that all structures be located on lots so as to provide safe and convenient access for servicing, fire protection and required off-street parking:

A. Driveway Requirements for a Single-Family Dwelling.

- (1) Number Per Lot. The number of driveways intersecting a street shall not exceed two per lot frontage.
- (2) Driveway Intersection Separation Distances. Driveways shall not intersect a street within 30 feet of the right-of-way lines of any abutting street, nor within five feet of a fire hydrant or adjoining lot lines.
- (3) Clear Sight Triangle. Driveways shall be located and constructed so that a clear sight triangle of 75 feet measured along the street center line and 10 feet along the driveway center line, measured from the street right-of-way, is maintained. No permanent obstructions more than three feet in height shall exist or be placed within this area.
- (4) Slope. A driveway shall not exceed a slope of 8% within 25 feet of the street right-of-way line.
- (5) Road Classification. Driveway access shall be provided to the street of lesser classification when there is more than one street classification involved.
- (6) Driveway Width. No driveway shall result in a curb cut which exceeds a width of 24 feet.
- (7) PA DOT Permit. Any driveway intersecting a State-owned road shall require the acquisition of a highway occupancy permit from the Pennsylvania Department of Transportation.

B. Access Drive Requirements for Land Uses Other Than a Single-Family Dwelling.

- (1) Number Per Lot. The number of access drives intersecting a street shall not exceed two per lot frontage.
- (2) Access Drive Width. Access drives with two lanes of traffic and without on-street parking shall contain a cartway width of 24 feet. Off-street parking lots shall be provided in accordance with Part 12 of this Chapter, and the prohibition of on-street parking must be identified along the cartway. Access drives with one lane of traffic and without on-street parking shall contain a cartway width of 12 feet. The one-way direction of traffic must be identified along the cartway.
- (3) Access Drive Intersection Separation Distances. Distances between access drives and street intersections and between two access drive intersections, measured from center line to center line shall be as follows:
 - (a) Intersection separation distances along PA Route 23 and US Route 322 shall be two 200 feet.
 - (b) Intersection separation distances along any other street classification shall be 125 feet.
- (4) Distance From Side and Rear Property Lines. Access drives shall be at least 15 feet from side and rear property lines, with the exception that the requirement can be waived when a joint parking compound is shared by abutting properties.
- (5) Clear Sight Triangle. Clear sight triangles shall be measured along the street center line and the access drive center line as follows. No permanent obstruction more than three feet in height shall exist or be placed within this area.
 - (a) PA Route 23 and US Route 322 — 100 feet along the street center line and 25 feet along the access drive center line.
 - (b) Local Streets. Seventy-five feet along the street center line and 25 feet along the access drive center line.
- (6) Slope. An access drive shall not exceed a slope of 4% within 50 feet of the street right-of-way.
- (7) Surfacing. All access drives shall be paved with concrete or bituminous paving material or with a material suitable to the Board of Supervisors.
- (8) Access Drive Width. No driveway shall result in a curb cut which exceeds a width of 36 feet.

- (9) PA DOT Permit. Any driveway intersecting a State-owned road shall require the acquisition of a highway occupancy permit from the Pennsylvania Department of Transportation.

§ 27-1408. Cluster Development Provisions. [Ord. 11/4/1996, § 1407]

1. Cluster development regulations allow for the reduction in lot area and other bulk requirements so that dwellings may be grouped in certain areas of the development, while the remainder of the site is set aside as common open space.
2. Cluster development is encouraged by the Township and is permitted by special exception in the R — Residential District in order to promote the efficient use of undeveloped land while preserving and using open space lands for recreational and aesthetic purposes. Cluster developments shall be provided with public sewer and public water systems as defined in § 27-202 of this Chapter.
 - A. Permitted Uses. Cluster housing developments may consist of any residential use permitted in the R — Residential District.
 - B. Density and Lot Requirements.
 - (1) Minimum Development Size. The minimum area for a cluster development shall be five acres and shall be provided with public sewer and water.
 - (2) Density. The overall density of a cluster development in the R — Residential District shall not be greater than the density of conventional development in that district as stated in § 27-604(1) of this Chapter. If the proposed development is to be constructed in phases, no phase shall be developed at densities greater than permitted above.
 - (3) Density Bonus. If the proposed common open space area in a cluster development proposal exceeds the required minimum area requirements as stated in § 27-1408(3) of this Chapter, one additional dwelling unit may be provided for each acre of open space provided in excess of the minimum required.
 - (4) Lot and Yard Requirements. Specific lot and yard requirements may be reduced in accordance with the chart provided below:

Dwelling Types	Min. Area	Lot Requirements		Min. Depth	Yard Requirements	
		Min. Width at Street Line	Min. Width at Setback Line		Side Yard Width	Rear Yard Depth
Single-family detached	7,500 s.f.	45 ft.	75 ft.	100 ft.	8 ft.	25 ft.
Duplex	4,000 s.f. per d.u.	45 ft.	75 ft.	100 ft.	8 ft.	25 ft.

Dwelling Types	Min. Area	Lot Requirements			Yard Requirements	
		Min. Width at Street Line	Min. Width at Setback Line	Min. Depth	Side Yard Width	Rear Yard Depth
Semidetached	4,000 s.f. per d.u.	30 ft.	45 ft.	85 ft.	8 ft.	25 ft.
Townhouses	2,000 s.f. per d.u.	16 ft.	20 ft.	80 ft.	8 ft.	25 ft.
Apartments	3,000 s.f. per d.u.	60 ft.	60 ft.	100 ft.	20 ft.	35 ft.

- (5) The minimum front yard requirement shall be that distance established in Part _____¹ of this Chapter between the right-of-way line of a public or private road and the building line.

C. Common Open Space Requirements.

- (1) The minimum area required for common open space land shall be 30% of the tract. In no case shall lands which are unusable because of inaccessibility, excessive smallness or narrowness, or other factors rendering such lands unacceptable for building be proposed to satisfy such requirement. The requirement of this Section shall be in addition to (a) any land required to be dedicated as open space by any other applicable ordinance or resolution and (b) the greenways requirements set forth below.
- (2) Unless otherwise specified by the Board of Supervisors, a minimum of 60% of the common open space shall be concentrated and used for active recreation. Active recreation shall include any activity that requires some physical exertion on the part of the participant. Active recreation areas shall include, but not be limited to, basketball, volleyball and tennis courts, soccer and football fields, baseball diamonds, swimming pools, tot lots, jogging trails, bicycle paths and playgrounds. This land shall be relatively flat, dry ground not exceeding the average percent of slope of the development and be suitable to the intended purpose.
- (3) Common open space shall be suitably improved for its intended use; however, natural features such as woodlands, steep slopes, rock outcrops, wetlands and similar areas worthy of preservation shall remain in a natural state. All such features shall be shown on the plan and shall be preserved and incorporated into the common open space.
- (4) In addition to the significant natural features, land in common open space may contain land surrounding historically

¹Editor's Note: Blank existed in Ord. 11/4/1996 as enacted.

significant structures and sites, archaeological sites and land suitable for recreational uses.

- (5) Recreation areas within the common open space are intended to serve all residents in a residential cluster development. Recreation areas shall be connected by greenways, sidewalks or similar linkages. Open space shall be accessible to all residents without the necessity to travel on street cartways (except where necessary to cross streets) or upon private property.
- (6) Greenways shall be established around and adjacent to housing clusters. These greenways may include bikeways, pedestrian paths and other forms of linkages. All pedestrian ways within common open space areas shall be adequately lighted. Greenways shall be so designed as to be adjacent to as many lots as possible, while connecting the major recreation areas within a cluster development. The requirements of this provision shall be in addition to the open space requirements set forth above.
- (7) Wetlands shall not be part of any calculated open space. In addition, no more than 25% of the common open space shall consist of floodplains or stormwater detention and/or retention basins.
- (8) All common open space areas may be offered for dedication to and for no consideration to be paid by the Township. The Township may have the option to accept all or any portion of the common open space at any time within 10 years of the recording of the final subdivision plan. If the Township accepts any or all open space, such action shall be evidenced by a recorded instrument, the terms of which shall be subject to the approval of the Township. If the Township does not accept any or all of the open space as Township property, the balance or the open space shall be retained by the developer or ownership transferred to a chartered corporation or other entity acceptable to the Township created to administer the open space areas. In any event, an endorsement upon the deed and recorded in the Lancaster County Recorder of Deeds office shall indicate that all common open space land is restricted for use as open space in perpetuity. The developer shall make adequate provision for the access to and maintenance of open space and facilities within the open space area. Said provisions shall be subject to the approval by the Board of Supervisors and the Township Solicitor and shall be contained in deed restrictions which shall be subject to the approval of the Board of Supervisors. Before the corporation or other entity acceptable to the Township that is owned by the homeowners shall receive the open space, the developer shall enter into a maintenance

agreement with the Township, binding upon the corporation or other approved entity providing for the maintenance of the open space and any improvements situated thereon. This agreement shall be completed prior to approval of the final subdivision plan.

D. Supplemental Requirements.

- (1) Within any cluster development, two off-street parking spaces per dwelling unit shall be provided. Some of this additional parking may be provided within separate parking areas. Any separate parking areas are to be located convenient to the housing clusters intended to be served by this parking. Any parking related to a recreation area within a cluster development may be located within the common open space. The developer shall provide one off-street parking space for each acres of open space, which parking spaces shall be adjacent to the open space area to which they are associated. Off-street parking shall also be provided adjacent to active recreations areas with the number of spaces being subject to the approval by the Zoning Hearing Board and based upon the character and intensity of the active recreation use.
- (2) The applicant shall provide a landscape plan of the development and the open space which shall include, but not be limited to, street plantings, parking lot landscaping and screening, where appropriate. Said plan shall be sealed by a landscape architect licensed to practice in the Commonwealth of Pennsylvania and shall follow the below listed criteria:
 - (a) Yard Groundcover. Any part of the site which is not used for buildings, other structures, parking areas or aisles, sidewalks, designated storage areas and any natural area acceptable as open space shall be planted with an all-season groundcover approved by the Zoning Hearing Board (i.e. grass, ivy, vetch, pachysandra, etc). Said groundcover shall be maintained to provide an attractive appearance, and all nonsurviving plants shall be replaced promptly.
 - (b) Landscaping Materials. Landscaping materials shall include, but not be limited to, a combination of deciduous trees, groundcovers, evergreens, shrubs, vines, flowers, rocks, gravel, earth mounds, berms, walls, fences, screens, sculptures, fountains, sidewalk furniture or other approved materials. Artificial plants, trees and shrubs may not be used to satisfy any requirement for landscaping or screening. No less than 80% of the

required landscape area shall be vegetative in composition.

- (c) Street and Lot Plantings. Street plantings may either be shade trees or ornamental trees and shall be provided along all streets and access drives within a cluster development. Street trees shall be spaced no farther than 100 feet measured along the center line of the street or access drive. In addition, one tree per lot shall be provided for each single-family detached, duplex and semidetached lot in a cluster development. Street plantings shall be deciduous and shall have a clear trunk at least five feet above finished grade. Evergreen plantings may be utilized as lot plantings and shall have a minimum planted height of six feet.
 - (d) Screening Requirements. All single-family detached areas shall be protected with screening from any permitted more dense clustering, and all residential uses shall be screened from adjacent parking compounds and active recreation areas. The location of screening shall be subject to the approval of the Zoning Hearing Board. Materials which may be used for screening purposes include evergreens (trees, hedges, or shrubs), walls, fences, earth berms or other approved similar materials. Any wall or fence shall not be constructed of corrugated metal, corrugated fiberglass, woven chain link or sheet metal. Screening shall be arranged to block the ground level views between grade and the height of six feet. Landscape screens shall achieve this visual blockage within two years following installation.
 - (e) Selection of Plant Materials. Trees and shrubs shall be typical of their species and variety, have normal growth habits, well-developed branches, be densely foliated, vigorous, fibrous root systems. They shall have been grown under climatic conditions similar to those in the locality of the project or properly acclimated to conditions of the locality of the project. Any tree or shrub which dies within 18 months of planting shall be replaced.
- (3) A mix of dwelling unit types is desirable to promote a balanced cluster development. The following standards shall be used to achieve this mix:

Number of Dwelling Unit Types	Maximum Percent Any One Type	Minimum Percent Any One Type
2	60	40
3	40	20
4	40	5

E. Procedural Requirements.

- (1) Prior to application for a special exception for a cluster development plan proposal to the Zoning Hearing Board, the applicant shall submit the proposal to the Township Planning Commission for review and comment. The Planning Commission shall prepare a report containing its comments which shall accompany the special exception application made to the Zoning Hearing Board. In addition to conforming with the provisions of this Chapter, the cluster development proposal shall also be processed under the provisions of the applicable subdivision and land development ordinance and shall adhere to all requirements thereof. Because of the nature of cluster developments, applicants are encouraged to submit plans for a pre-application review prior to the submission of any formal application.

§ 27-1409. Unenclosed Storage. [Ord. 11/4/1996, § 1408]

1. Outdoor Stockpiling. In all zoning districts, no outdoor stockpiling of any material or outdoor storage of trash is permitted in the front yard. In any residential zone, the outdoor stockpiling of materials (except firewood) for more than one year, is prohibited.
2. Trash, Garbage. Refuse or Junk. The outdoor accumulation of trash, garbage, refuse or junk for a period exceeding 15 days is prohibited unless such outdoor accumulation is part of a junkyard operating in accordance with the provisions of this Chapter.

§ 27-1410. Lot Size Reductions. [Ord. 11/4/1996, § 1409]

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per dwelling unit, lot width or other requirements of this Chapter are not maintained. This shall not apply when a portion of a lot is acquired for a public purpose.

§ 27-1411. Utility Exemption. [Ord. 11/4/1996, § 1410]

This Chapter shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public

hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

§ 27-1412. Communications Towers and Antennas. [Ord. 11/4/1996, § 1411]

Communications towers and antennas are permitted in the AG — Agricultural District, the C — Commercial District and the I — Industrial District subject to the following:

- A. A communications tower or antenna that is mounted on an existing structure and which does not extend more than 10 feet higher than the structure on which it is located is permitted as of right. All other uses associated with the communications tower or antenna including, but not limited to, a maintenance facility, or vehicle and equipment storage shall not be located on the property unless such use is permitted within the zoning district and all appropriate permits and approvals are obtained.
- B. A communications tower or antenna that is either not mounted on an existing structure or is more than 10 feet higher than the structure on which it is mounted is permitted by special exception subject to compliance with the applicable criteria in Part 16 of this Chapter.

§ 27-1413. Woodland Preservation. [Ord. 11/4/1996, § 1411; as added by Ord. 2-1999, 5/3/1999, § 1]

The following provisions shall apply to woodlands as defined herein which are located in the Agricultural and Rural Residential Zoning Districts:

- A. No more than 20% of woodlands located in environmentally sensitive areas shall be altered, regraded, cleared or built up. Environmentally sensitive areas shall include floodplains, hydric soils, slopes in excess of 15% and wetlands.
- B. No more than 50% of woodlands not located within environmentally sensitive areas (as defined in Subsection A, above) shall be altered, regraded, cleared or built upon.
- C. Construction, development, grading or clearing operations shall not increase the amount of stormwater which runs off the lot to levels which exceed the stormwater runoff which flowed from the lot prior to such activities.
- D. Stormwater management facilities and sedimentation and erosion control facilities shall be provided on lots where construction, development, grading or clearing has increased the rate of the storm water runoff above the rate that flowed from the lots prior to such activities.
- E. If a subdivision or land development plan is not required to be approved by the Board of Supervisors, a plan showing all proposed development, construction or alteration of the land shall be required to be submitted by the landowner to the Board of Supervisors prior to the issuance of a building

permit for such activities which affect more than three acres, which shall be calculated cumulatively from the effective date of this Section of this Part. The Supervisors may also require stormwater calculations, performed by an individual registered in the Commonwealth of Pennsylvania to perform such calculations, to be submitted with the plan. The Zoning Officer may request the Township Engineer to review the plan and stormwater calculations and to make recommendations within 30 days on the content and accuracy of said plan and calculations. Any landowner whose property is so studied shall pay all costs for the review of these studies by the Township Engineer.

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

§ 27-1414. Alternative Energy Systems Permitted by Right. [Ord. 2013-07, 5/6/2013]

The following alternative energy systems are approved by right and require a zoning permit. These alternative energy systems are also subject to approval pursuant to the Township's building code, as may be applicable:

- A. **Geothermal Energy Systems.** Open loop geothermal systems shall not be permitted in Earl Township. Closed loop geothermal systems shall be permitted in all zoning districts upon approval of a zoning and building permit subject to the following regulations:
- (1) The design and installation of geothermal systems and related boreholes for geothermal heat pump systems shall conform to applicable industry standards, including those of the ANSI, the IGSHA, ASTM, the ARI, or other similar certifying organizations, and shall comply with the Building Code and with all other applicable Township requirements. The manufacturer specifications shall be submitted as part of the application, and the applicant shall provide documentation to demonstrate that the design complies with, and the installation shall comply with, applicable industry standards.
 - (2) In all closed loop geothermal systems relying upon circulating fluids, only nontoxic, biodegradable circulating fluids such as food grade propylene glycol shall be permitted.
 - (3) All parts of the geothermal system shall be located a minimum distance of 10 feet from any property line.
- B. **Small Solar Energy Systems.** Small solar energy systems shall be permitted in all zoning districts as additions or modifications to any building or as accessory structures upon approval of a zoning and building permit, subject to the following regulations:

- (1) The design and installation of small solar energy systems shall conform to applicable industry standards, including those of the ANSI, Underwriters' Laboratories (UL), the ASTM, or other similar certifying organizations, and shall comply with the Building Code and with all other applicable firesafety and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
 - (2) All small solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent lots as well as adjacent street rights-of-way.
 - (3) All on-site utility and transmission lines extending to and from the small solar energy system shall be placed underground.
 - (4) No part of any small solar energy system shall be located within or above any front yard, along any street frontage, or within any required setback of any lot.
 - (5) Small solar energy systems mounted on the roof of any building shall be subject to the maximum height regulations specified within each zoning district. The owner shall provide evidence, in the form of stamped plans certified by a professional engineer, that the roof is capable of holding the load.
 - (6) Small solar energy systems which are ground-mounted shall not exceed 15 feet in height. The footprint dimensions of all ground-mounted solar energy facilities shall be included when determining lot coverage.
 - (7) The owner shall provide a copy of the letter from the electric utility company indicating that it has received and processed an application for interconnection of renewable generation equipment with the application for a zoning permit. The owner shall provide a copy of the final inspection report or other final approval from the electric utility company to the Township prior to the issuance of a certificate of use and occupancy for the small solar energy system. Off-grid systems shall be exempt from this requirement.
- C. Small Wind Energy Systems. Small wind energy systems shall be permitted in all zoning districts as accessory uses and accessory structures upon approval of a zoning and building permit, subject to the following regulations:
- (1) The design and installation of all small wind energy systems shall conform to applicable industry standards, including those of the ANSI, Underwriters' Laboratories (UL), Det Norske Veritas, Germanischer Lloyd Wind Energies, the ASTM, or other similar certifying organizations, and shall comply with the Building Code and with all

other applicable firesafety and life safety requirements. The manufacturer specifications shall be submitted as part of the application.

- (2) No more than one small wind energy system shall be permitted per lot.
- (3) Small wind energy systems shall not generate noise which exceeds 55 decibels measured at any property line.
- (4) Small wind energy systems shall not be artificially lighted, except to the extent required by the FAA.
- (5) All on-site utility and transmission lines extending to and from the small wind energy system shall be placed underground.
- (6) No part of any small wind energy system shall be located within or above any front yard, along any street frontage, nor within any required setback of any lot.
- (7) All small wind energy systems shall be independent of any other structure and shall be located a minimum distance of 1.1 times the turbine height from any inhabited structure, property line, street right-of-way, or overhead utility line.
- (8) The maximum height of any small wind energy system shall not exceed 50 feet, except that the maximum height shall be increased to 85 feet in the AG - Agricultural District.
- (9) No portion of any small wind energy system shall extend over any public use such as parking areas, access drives, driveways or sidewalks.
- (10) The minimum height of the lowest position of the wind turbine shall be 12 feet above the ground.
- (11) All small wind energy systems shall be completely enclosed by a minimum eight-foot high fence with a self-locking gate, or the wind turbine's climbing apparatus shall be limited to no lower than 12 feet from the ground, or the wind turbine's climbing apparatus shall be fully contained and locked within the tower structure.
- (12) Small wind energy systems shall not display advertising, except for reasonable identification of the small wind energy system's manufacturer. Such sign shall have an area of less than four square feet.
- (13) When an accessory building is necessary for storage cells or related mechanical equipment, the accessory building shall not have a floor area exceeding 200 square feet, and it shall comply with the accessory

building requirements specified within each zoning district. Accessory buildings shall not be located within any front yard or along any street frontage, nor within any required setback of any lot.

- (14) The owner shall provide a copy of the letter from the electric utility company indicating that it has received and processed an application for interconnection of renewable generation equipment with the application for a zoning permit. The owner shall provide a copy of the final inspection report or other final approval from the electric utility company to the Township prior to the issuance of a certificate of use and occupancy for the small wind energy system. Off-grid systems shall be exempt from this requirement.
- (15) The owner of the small wind energy system shall, at the owner's expense, complete decommissioning within 12 months after the end of the useful life of the small wind energy system. It shall be presumed that the wind turbine is at the end of its useful life if no electricity is generated for a continuous period of 12 months.
- (16) The owner of the small wind energy system shall provide evidence that the owner's insurance policy has been endorsed to cover damage or injury that might result from the installation and operation of the small wind energy system.

D. Small Manure Digesters.

- (1) Small manure digesters shall be permitted as accessory uses and/or accessory structures to agricultural and farm uses upon approval of a zoning and building permit and shall be located no closer than 75 feet to any property line.
- (2) The owner shall provide a copy of the letter from the electric utility company indicating that it has received and processed an application for interconnection of renewable generation equipment with the application for a zoning permit. The owner shall provide a copy of the final inspection report or other final approval from the electric utility company to the Township prior to the issuance of a certificate of use and occupancy for the small manure digester. Off-grid systems shall be exempt from this requirement.

E. Outdoor Wood-fired Boilers.

- (1) Outdoor wood-fired boilers are permitted only in the AG - Agricultural District upon approval of a zoning and building permit. The below criteria apply to all outdoor wood-fired boilers and appliances within Earl Township (hereinafter "boilers").
- (2) Applicability.

- (1) The below criteria shall not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- (2) The below criteria shall not apply to burning in a stove, furnace, fireplace or other heating device within a building or structure used for human or animal habitation.
- (3) The below criteria shall not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.
- (3) Fuel Requirements for New and Existing Outdoor Wood-fired Boilers. No person that operates a new or existing outdoor wood-fired boiler shall use a fuel other than the following:
 - (1) Clean wood.
 - (2) Wood pellets made from clean wood.
 - (3) Home heating oil, natural gas or propane that complies with all applicable sulfur limits and is used as a starter or supplemental fuel for dual-fired outdoor wood-fired boilers.
 - (4) Other fuels as approved by Earl Township.
- (4) Prohibited Fuels for New and Existing Outdoor Wood-fired Boilers. No person shall burn any of the following items in an outdoor wood-fired boiler:
 - (1) Any material not listed in Subsection E(3) above.
 - (2) Treated or painted wood.
 - (3) Furniture.
 - (4) Garbage.
 - (5) Tires.
 - (6) Lawn clippings or yard waste.
 - (7) Material containing plastic.
 - (8) Material containing rubber.
 - (9) Waste petroleum products.
 - (10) Paints and paint thinners.
 - (11) Chemicals.

- (12) Any hazardous waste.
 - (13) Coal.
 - (14) Glossy colored paper.
 - (15) Construction and demolition debris.
 - (16) Plywood.
 - (17) Particleboard.
 - (18) Saltwater driftwood.
 - (19) Manure.
 - (20) Animal carcasses.
 - (21) Asphalt products.
- (5) Existing outdoor boilers shall be considered as lawful nonconforming uses and, upon the effective date of this section, shall burn only those fuels specified in Subsection E(3) above. However, if a nonconforming boiler is changed in any manner, it shall comply with all design and performance criteria of this section.
- (6) Specific requirements for boilers.
- (1) A boiler shall not be used to burn any of the prohibited materials listed in Subsection E(3) above.
 - (2) Boilers shall be located on lots of no less than five acres and shall not be less than 200 feet from any lot line.
 - (3) All boilers shall have a minimum stack height of 20 feet above grade or the maximum height allowable by the manufacturer. If the stack height is less than 20 feet, the applicant shall provide the Township with documentation from the manufacturer confirming the restriction. In addition, the stack height shall be increased by at least two feet above the highest peak of a residence that is located less than 500 feet from the boiler.
 - (4) No person shall install an outdoor wood-fired boiler that is not a Phase 2 outdoor wood-fired boiler.
 - (5) All boilers shall be installed, operated, and maintained in strict compliance with the manufacturer's instructions and guidelines for the boiler. In the event that a conflict arises between the manufacturer's instructions and regulations and the

regulations contained herein, the stricter instructions or regulations shall apply.

- (6) All ashes or waste may be disbursed on the property where the appliance is located. Any large accumulation of ashes or waste must be disposed of in a manner approved by Earl Township and/or the DEP.
 - (7) All boilers shall be used for the sole purpose of furnishing heat and/or hot water to a dwelling or other structure pursuant to a permit issued hereunder, including residential swimming pools on the site parcel.
 - (8) In the event that the boiler is damaged more than 50%, or it is physically deteriorated or decayed, the boiler must be removed and/or replaced with a new unit within 60 days of the date that notice is received from Earl Township. In such event, all provisions contained herein, including, but not limited to, permitting procedures, shall be complied with.
 - (9) Boilers on lots of less than 20 acres shall not be operated between the dates of May 15 and September 15. Any boiler on lots of 20 acres or more may be operated throughout the year.
- (7) Permits.
- (1) No person shall install, start or maintain any boiler without first obtaining a zoning permit pursuant to the requirements of this Zoning Ordinance and a building permit issued pursuant to all applicable requirements of the Earl Township Building Code.
 - (2) A site plan is required, drawn to scale, showing the location of the proposed boiler on the property, the location and height of all existing structures on the property, and the distances from the boiler to existing structures on the property and to all property lines. The manufacturer's specifications and instructions shall also be furnished as part of the permit application packet.
 - (3) A permit shall be issued only upon the applicant's demonstration of compliance with all procedures and requirements stated herein.
 - (4) Any violation of any of the provisions contained herein shall be subject to the enforcement remedies stated in Part 20 of this Zoning chapter.
 - (5) Permit and inspection fees shall be based upon the fee schedule as adopted by the Earl Township Board of Supervisors.

- (8) Liability. Any person utilizing or maintaining a boiler shall be responsible for all fire suppression costs, cleanup costs, repair and remediation costs, and any other liability resulting from damage caused by fire or emissions from the boiler.
- (9) Regulatory Requirements for New and Existing Outdoor Wood-fired Boilers. No person shall use or operate a new or existing outdoor wood-fired boiler unless it complies with all existing state and local regulations. Some regulations of the Commonwealth of Pennsylvania that could apply include:
 - (1) 25 Pa. Code § 121.7, Prohibition of air pollution.
 - (2) 25 Pa. Code § 123.1 et seq., Fugitive Emissions.
 - (3) 25 Pa. Code § 123.31, Odor Emissions.
 - (4) 25 Pa. Code § 124.41 et seq., Visible Emissions.
 - (5) Section 8 of the APCA, 35 P.S. § 4008, Unlawful conduct.
 - (6) Section 8 of the APCA, 35 P.S. § 4013, Public nuisances.
- (10) Right of Entry. If deemed necessary, any authorized officer, agent, employee or representative of the Earl Township Zoning and Codes Office who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of the aforesaid requirements. If access is denied, access shall be obtained pursuant to applicable laws of the Commonwealth of Pennsylvania.



PART 15**NONCONFORMING USES, STRUCTURES, BUILDINGS AND LOTS****§ 27-1501. Continuance of a Nonconformity. [Ord. 11/4/1996, § 1500]**

From the effective date of this Chapter, a nonconforming use, structure or structure may be continued, maintained and repaired, except as otherwise provided for in this Chapter.

§ 27-1502. Nonconforming Uses of Buildings and Land. [Ord. 11/4/1996, § 1501]

1. Alteration, Extension and Expansion of Nonconforming Uses. A nonconforming use shall not be altered, extended or expanded unless an appeal has been filed with the Zoning Hearing Board and approved as a special exception. The Board shall apply the following criteria:
 - A. Such alteration, extension or expansion shall be permitted only upon the same lot as in existence at the date the use became nonconforming.
 - B. Such alteration, extension or expansion shall comply with all provisions of this Chapter with respect to height, area, width, yard and coverage requirements.
 - C. The proposed expansion shall not exceed 50% of the square foot area of the usable floor space of any building or any unenclosed area or 50% of the cubic footage of any building or any unenclosed area in use at the time the lot, building or use became nonconforming.
 - D. The expansion of a nonconforming use of open land shall be limited to a distance of 250 feet in any direction from the existing nonconforming use or to an area equal to 100% of the existing nonconforming use, whichever is the lesser.
 - E. The expansion of a nonconforming building or use shall be limited to the lot limits which existed for the property in question at the time that the building or use became nonconforming.
 - F. The proposed expansion shall not cause an increased detrimental effect on surrounding properties.
2. Continuance of Nonconforming Use. The lawful use of any building, structure or land existing at the effective date of this Chapter may be continued, although such use does not conform with the provisions of this Chapter except as otherwise provided in this Part. To avoid undue hardship, nothing in this Chapter shall be deemed to require a change in the plans, construction or designated use of any building or structure on which actual

construction was lawfully begun prior to the effective date of adoption or amendment of this Chapter and on which actual building construction has been diligently carried on. No nonconforming use may be re-established after it has been discontinued for two years. Vacation of land or buildings or the nonoperative status of the use normally carried on upon the property shall be evidence of discontinuance.

3. Substitution of Nonconforming Use. No nonconforming use or structure may be changed to any other nonconforming use or structure unless the Zoning Hearing Board grants a special exception. The Zoning Hearing Board may specify such appropriate conditions and safeguards as may be required in connection with such change and the granting of the special exception and shall require that the applicant demonstrate the following:
 - A. The applicant shall show that the nonconforming use cannot reasonably be changed to a use permitted in the district where such nonconforming use is located.
 - B. The proposed substitution will be less objectionable in external effects than the existing nonconforming uses with respect to (1) traffic generation and congestion, including truck, passenger car and pedestrian traffic, (2) noise, smoke dust, noxious matter, heat, glare and vibration, (3) storage and waste disposal, and (4) appearance.
 - C. The proposed use shall not have longer hours of operation than the existing nonconforming use.
 - D. The proposed use shall be permitted in a zoning district in which the existing nonconforming use would be permitted or in a more restrictive zoning district.
 - E. The proposed use cannot increase the number of existing nonconforming uses.
 - F. The proposed substitution does not increase any dimensional nonconformities.
 - G. The proposed substitution shall comply with all off-street parking design and performance requirements.
4. Elimination of a Nonconforming Use. If a nonconforming use or structure is proposed to be eliminated and a conforming use or structure substituted, but certain land regulations cannot be met (such as area, yard, etc.), the Zoning Hearing Board, with such appropriate conditions and safeguards as the Board may deem appropriate, may grant a special exception to permit such conforming use or structure.
5. Displacement. No nonconforming use shall be enlarged or extended to displace a conforming use.

§ 27-1503. Nonconforming Buildings and Structures. [Ord. 11/4/1996, § 1502; as amended by Ord. 3-2005, 9/6/2005, § 10(4)]

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

§ 27-1504. Increase of Nonconformity. [Ord. 3-2005, 9/6/2005, § 15(5)]

A nonconforming building or structure may not be enlarged or altered in a way which increases its nonconformity with respect to height, area, and yard

requirements as established by other provisions of this Chapter with the exception of the following:

- A. Expansion of dimensionally nonconforming residential and agricultural buildings and structures - front yard. A building or structure which is located within the required front yard setback area of the district in which it is located is permitted to expand, provided that the expanded part of the building or structure will not extend nearer to the street than that part of the existing building or structure which is nearest to the street, the minimum side yard and rear yard setbacks areas of the district are complied with, there is no driveway access between the front of the proposed addition and the abutting street, and the use of the building or structure is a permitted use in the district in which it is located.
- B. Expansion of dimensionally nonconforming residential and agricultural buildings and structures - side yard. A building or structure which is located within the required side yard setback area of the district in which it is located is permitted to expand, provided that the expanded part of the building or structure is limited to one story and having a maximum height of 16 feet, the square footage of said expansion shall be no greater than 25% of the first floor area of said original building or structure, said expansion shall not extend nearer to the side yard property line, and the required rear yard setback shall be maintained.

§ 27-1505. Nonconforming Lots. [Ord. 11/4/1996, § 1503; as amended by Ord. 3-2005, 9/6/2005, § 10(5)]

Any lot represented on the effective date of this Chapter by an existing recorded deed which does not meet the minimum area requirements of the zoning district in which it is located shall be regarded as nonconforming and may be used for any use permitted in that district.

§ 27-1506. Nonconforming Signs. [Ord. 11/4/1996, § 1504; as amended by Ord. 3-2005, 9/6/2005, § 10(5)]

All nonconforming signs and billboards shall be subject to the provisions of § 27-1105 of this Chapter.

§ 27-1507. Previously Expanded Nonconforming Uses and Structures. [Ord. 11/4/1996, § 1505; as amended by Ord. 3-2005, 9/6/2005, § 10(5)]

1. Notwithstanding any provision of this Chapter to the contrary, no provision of this Chapter shall be construed to enable or permit the expansion of a building, structure, sign or use of land which existed as a nonconforming building, structure, sign or use of land pursuant to the provisions of any prior zoning regulation or ordinance, in excess of the limits of expansion for a nonconforming building, structure, sign or use of land authorized by said prior zoning regulation or structure.

2. It is the express intent and purpose of this Chapter that if a building, structure, sign or use of land was expanded to the limits of expansion for a nonconforming building, structure, sign or use of land as authorized by a prior zoning regulation or ordinance, no further expansion of said building, structure, sign or land shall be authorized, and in the event a nonconforming building, structure, sign or use of land was expanded to a portion of the limits of expansion authorized by a prior zoning regulation or ordinance, additional expansion, if permitted by this Chapter, shall only be authorized to the amount of expansion not previously utilized pursuant to said prior zoning regulation or ordinance.

§ 27-1508. Extraction of Natural Resources. [Ord. 11/4/1996, § 1506; as amended by Ord. 3-2005, 9/6/2005, § 10(5)]

In view of the special characteristics of the extractive industry, the operations of an existing quarry or similar extractive use which involves no processing other than is necessary to render the product suitable for transportation from the site may be expanded upon land held in the same ownership, or upon a tract of land within 1,500 feet of a tract used for quarrying as of November 18, 1980, provided that all portions of any such land are located in the AG — Agricultural or I — Industrial District and are contiguous except for a street or road.

§ 27-1509. Unsafe or Unlawful Structures or Buildings. [Ord. 11/4/1996, § 1507; as amended by Ord. 3-2005, 9/6/2005, § 10(5)]

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

§ 27-1510. District Change. [Ord. 11/4/1996, § 1508; as amended by Ord. 3-2005, 9/6/2005, § 10(5)]

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

§ 27-1511. Registration of Nonconforming Uses and Structures. [Ord. 11/4/1996, § 1510]

To facilitate the administration of this Chapter, the Zoning Officer may prepare and maintain an accurate listing of uses and structures in all districts not permitted by right in that district, and for which no special exception or variance has been issued, and which does not otherwise comply with all sections of this Chapter. Such a listing shall be a matter of public record and shall constitute sufficient notice of

the nonconforming status of said use and the limitations therein expressed and implied to any transferee acquiring any right to use or own such property.

PART 16
SPECIAL EXCEPTIONS

§ 27-1601. General Description. [Ord. 11/4/1996, § 1600]

Special exceptions are deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth in this Part, in addition to all other requirements of this Chapter. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case. The Board may grant approval of a special exception provided that the applicant complies with the standards for special exceptions set forth in this Part and demonstrates that the proposed special exception shall not be detrimental to the health, safety and welfare of the neighborhood. The burden of proof shall rest with the applicant. In granting a special exception, the Board may attach such reasonable conditions and safeguards in addition to those expressed in this Chapter as it may deem necessary to implement the purposes of this Chapter.

§ 27-1602. Procedure. [Ord. 11/4/1996, § 1601]

The procedure for consideration of a special exception shall follow the procedure for hearings as stated in Part 19 of this Chapter.

§ 27-1603. Plan Requirements. [Ord. 11/4/1996, § 1602]

In addition to any plan informational requirements for a specific land use identified in § 27-1605, the special exception application shall be accompanied by a scaled drawing of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Chapter and shall include the following:

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

§ 27-1604. General Standards for All Special Exception Applications. [Ord. 11/4/1996, § 1603]

In order to receive a special exception, the applicant shall establish by credible evidence that:

- A. The proposed use is consistent with the purpose and intent of this Chapter.

- B. The proposed use does not detract from the use and enjoyment of adjoining or nearby properties.
- C. The application complies with all criteria established for the respective land use proposal addressed in § 27-1605.
- D. The proposed use does not substantially impair the integrity of the Township's Comprehensive Plan.
- E. The required front yard, side yards, open space areas and height limitations for the applicable zoning district have been met.
- F. The off-street parking provisions are in conformance with those specified in Part 12 of this Chapter.
- G. Points of vehicular access to the lot are provided at a distance from intersections and other points of access and in number sufficient to prevent undue traffic hazards and obstruction to the movement traffic.
- H. The location of the site with respect to the existing roads giving access to it is such that the safe capacity of those roads is not exceeded by the estimated traffic generated or attracted is not out of character with the normal traffic using said public road.
- I. The pedestrian access from the off-street parking facilities is separated from vehicular access and sufficient to meet the anticipated demand.
- J. The proposed use is not incompatible with the existing traffic conditions and adjacent uses and will not substantially change the character of the immediate neighborhood.
- K. Facilities are available to adequately service the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water, and other utilities, etc.).
- L. Screening of the proposed use from adjacent uses is sufficient to prevent the deleterious impact of the uses upon each other.
- M. The use of the site complies with the requirements of any other public agency having jurisdiction over the proposed use.
- N. Operations in connection with a special exception use will not be more objectionable to nearby properties by reason of noise, odor, fumes, vibration, glare or smoke than would be the operations of any permitted use.

§ 27-1605. Land Uses Permitted by Special Exception; Additional Criteria.
[Ord. 11/4/1996, § 1604; as amended by Ord. 3-1999, 5/3/1999, § 3; by Ord.

8-2002, 10/7/2002, § 4; by Ord. 3-2005, 9/6/2005, § 11; and by Ord. 2011-02, 8/1/2011]

Each of the following land uses contains criteria which shall be addressed by the applicant and reviewed by the Zoning Hearing Board in addition to those items required by §§ 27-1603 and 27-1604:

A. Accessory Dwelling Units.

- (1) The accessory dwelling unit shall be physically connected to the principal dwelling unit or shall be a converted existing detached building which maintains the same footprint and which conforms to the prevailing front, side, and rear yard setback requirements.
- (2) If the accessory dwelling unit is an apartment within the structure housing the principal dwelling unit on the lot, the accessory dwelling unit may be located in a single-family detached dwelling or a single-family semidetached dwelling. Accessory dwelling units shall not be permitted when an apartment dwelling unit is the principal dwelling unit.
- (3) The accessory dwelling unit shall share the same sewage disposal and water supply systems as the principal dwelling unit.
- (4) Upon proper installation of an accessory dwelling unit, the Zoning Officer shall issue a temporary certificate of use and occupancy. Such certificate shall be renewed between January 1 and January 31 of each year, until such time as the accessory dwelling unit is required to be removed. A fee, in the amount to be set by the Earl Township Board of Supervisors, shall be paid by the landowner upon each renewal of the temporary certificate of use and occupancy.
- (5) A minimum of one off-street parking space shall be provided for the accessory dwelling unit in addition to the off-street parking spaces required for the principal dwelling unit.
- (6) The landowner shall submit documentation on how the accessory dwelling unit will be incorporated into the floor plan of the principal dwelling unit once the use is abandoned or document how the accessory dwelling unit will be removed from a detached building.
- (7) The accessory dwelling unit shall be removed within six months after it is no longer occupied by a person who qualifies for the use or the petitioner shall provide a statement of intended future use that conforms with this Chapter for a single-family dwelling unit.
- (8) The accessory dwelling unit shall be occupied by a maximum of two people.

B. Adult Oriented Businesses.

- (1) An adult oriented business shall not be permitted within 1,000 feet of any other adult oriented business.
- (2) An adult oriented business shall not be permitted within 1,000 feet of any public or private school, day care facility, public recreation facility, commercial recreation or entertainment facility, library, museum or church. No adult oriented business may be established within 200 feet of any residentially-zoned land.
- (3) No materials, merchandise or film offered for sale, rent, lease, loan or for view within the premises shall be exhibited or displayed outside of a building or be visible from outside the building or structure.
- (4) Any building or structure used and occupied as an adult oriented business shall be windowless, or have an opaque covering over all windows and doors where materials, merchandise or film are exhibited or displayed.
- (5) No sign shall be located upon the premises which depicts a visual representation of the type of materials, merchandise or film being offered therein.
- (6) All entrances to the premises shall be posted with notices that persons under the age of 18 years are not permitted to enter and warning all other persons that they may be offended by the materials, merchandise or film exhibited or displayed therein.
- (7) No adult oriented business may change to another adult oriented business except upon approval by an additional special exception.
- (8) The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate.
- (9) No unlawful sexual activity or conduct shall be permitted.
- (10) No more than one adult oriented business may be located within one building.

C. Animal Hospitals and Veterinary Clinics.

- (1) Such facilities shall conform with the criteria in § 27-702T of this Chapter.

D. Bed and Breakfast Establishments.

- (1) No external modifications which would alter the residential character of the dwelling, with the exception of fire escapes, are permitted.
- (2) All floors above ground level shall have an emergency escape access to ground level.

- (3) One off-street parking space shall be provided for each proposed rental unit, in addition to the required spaces for the existing dwelling.
- (4) All parking areas shall be at least 25 feet from all property lines.
- (5) One sign may be erected which shall be no larger than 12 square feet in size and which shall be no less than 10 feet from all property lines.
- (6) A bed and breakfast shall not include more than five rooms for rent; and meals, if offered, shall be available only for registered overnight guests.
- (7) In the absence of public sewer facilities, the applicant shall provide written notice from the Township Sewage Enforcement Officer that the existing sanitary sewage facilities are adequate to treat the anticipated sewage or a permit for a new or modified subsurface sewage disposal system.

E. Billboards.

- (1) Billboards shall conform to the criteria in § 27-1104(4) of this Chapter.

F. Boarding Houses.

- (1) The applicant shall furnish evidence that systems for sanitary sewage disposal and water supply have been approved by the appropriate agencies.
- (2) No external modifications which would alter the residential character of the dwelling, with the exception of fire escapes, are permitted.
- (3) All floors above ground level shall have a direct means of emergency escape to ground level.
- (4) One off-street parking space shall be provided for each room available for rent, in addition to the required spaces for the existing dwelling unit.
- (5) All parking areas shall be at least 25 feet from all property lines.
- (6) Meals shall be offered only to registered tenants.

G. Churches and Related Uses.

- (1) Churches in the AG — Agricultural District.
 - (a) The maximum lot area for any church in the AG — Agricultural District shall be two acres. All activities of the church shall be limited to the subject parcel.

- (2) Churches in Any Other Zoning District.
 - (a) The minimum lot area shall be two acres, and the minimum lot width shall be 200 feet.
 - (b) A side yard setback of 50 feet shall be maintained on each side.
 - (c) All off-street parking facilities shall be at least 25 feet from the street right-of-way line.
- (3) Church-Related Residences.
 - (a) Residences located on the same parcel as the church shall be subject to the same standards for detached single-family dwellings in the underlying district.
- (4) Church-Related Educational or Day Care Facilities.
 - (a) If educational facilities are offered below the college level, the applicant shall provide an outdoor plan for recreation which shall be acceptable to the Zoning Hearing Board and which shall include appropriate screening and buffering from adjacent residential properties.
 - (b) The application for a special exception shall be accompanied by a plan which demonstrates that adequate outdoor recreational facilities are being provided.
 - (c) Student and child drop-off areas shall be designed to eliminate the need to cross traffic lanes within or adjacent to the site.
 - (d) The applicant shall provide a parking plan which justifies that the proposed parking facilities are sufficient for the intended use.

H. Club or Lodge for Fraternal or Social Purposes.

- (1) The chief activity of such use shall not be one which is customarily carried on as a business, and the building and services shall be primarily for the use of members and their guests only.
- (2) Off-street parking shall be provided at least 25 feet from all street rights-of-way, and parking compounds shall be at least 30 feet from any adjoining residential property.
- (3) Any outdoor recreational facilities shall be located at least 50 feet from any property line.
- (4) Screening shall be provided adjacent to any residential land use.

I. Cluster Developments.

- (1) Cluster developments shall conform to the criteria in § 27-1408 of this Chapter.

J. Communications Towers and Antennas.

- (1) The applicant shall be required to demonstrate, using technological evidence, that the communications tower or antenna is best located at the site proposed in order to satisfy the function of the communications tower or antenna within the larger communications system.
- (2) The applicant must demonstrate that the communications tower or antenna is the minimum height required to function satisfactorily.
- (3) If a tower is to be constructed, (as opposed to mounting the antenna on an existing structure, the applicant is required to demonstrate that all owners of all tall structures within a 1/4 mile radius of the proposed site were contacted, were asked for permission to install the antenna on those structures, and were denied for reasons other than economic reasons. Tall structures shall include, but not be limited to, smokestacks, water towers, tall buildings, antenna support structures of other cellular phone companies, other communications towers and farm silos.
- (4) If a new communications tower or antenna support structure is constructed (as opposed to not being the tower or antenna on an existing structure), the minimum distance between the base of the support structure or any guy wire anchors and any property line shall be the largest of the following:
 - (a) Thirty percent of the height of the support structure.
 - (b) The minimum setback in the underlying zoning district.
 - (c) Forty feet.
- (5) The applicant shall demonstrate that the proposed tower or antenna support structure is safe and that the surrounding area will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields or radio frequency interference.
- (6) A fence and screening shall be required around the tower or antenna support structure and other equipment, unless the tower or antenna is mounted on an existing structure. The fence shall have a minimum height of eight feet. The following landscaping shall be required to screen as much of the support structure as possible, the fence surrounding the tower or antenna support structure, and any other ground level features (such as a building).

- (a) An evergreen screen shall be required to surround the site. The screen can be either a hedge or a row of evergreen trees. The evergreen screen shall be a minimum height of six feet at planting, and shall grow to a minimum of 15 feet at maturity.
- (b) In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
- (7) The applicant must be licensed by the Federal Communications Commission.
- (8) No tower or antenna may be artificially lighted except when required by the Federal Aviation Administration.
- (9) All other uses associated with the communications tower or antenna, such as a business office, maintenance depot or vehicle storage, shall not be located on the tower or antenna site unless the use is otherwise permitted in the zoning district in which the tower or antenna is located.
- (10) Prior to the issuance of a zoning permit, the applicant shall verify for the Township that the communications tower or antenna plans have been reviewed by a licensed engineer and that the communications tower or antenna is to be constructed in accordance with published industry standards.

K. Custom Agricultural Services.

- (1) The business shall be located on a parcel of land of two acres or less.
- (2) Vehicles, equipment, and supplies associated with the service shall either be stored in a fully enclosed building or be screened from abutting properties.
- (3) There shall be a minimum seventy-five-foot long gravel or paved access apron extending into the property to prevent tracking of mud onto the public road.
- (4) A turnaround area shall be provided to prohibit the backing out of vehicles onto the abutting roadway.

L. Facilities for the Sales, Repair and Service of Agricultural Equipment, Vehicles or Supplies.

- (1) Activities and services provided by the land use should address the needs of those engaged in local farming. The facility should be directed at providing materials and services needed to farm rather than the distribution of goods produced on the farm.

- (2) Vehicular and pedestrian traffic to and from the use shall not create undue congestion or hazards within the general neighborhood.
- (3) Structures shall be located at least 50 feet from all property lines.
- (4) The maximum lot coverage shall be not greater than 20%.
- (5) Screening and/or landscaping as may be determined by the Zoning Hearing Board shall be provided.
- (6) All driveways, parking areas and loading zones shall conform to the requirements of Part 12 of this Chapter.

M. Junkyards.

- (1) The minimum lot area requirement shall be two acres.
- (2) The outdoor junk storage area shall be completely enclosed by an eight-foot high, sight-prohibitive fence which shall be setback at least 50 feet from all property lines.
- (3) All buildings used to store junk shall be wholly-enclosed and setback at least 50 feet from all property lines.
- (4) No material shall be stored or stacked in a manner that it is visible from adjoining properties and roads.
- (5) All additional Federal and State laws shall be satisfied.
- (6) The setback area between the fence and property line shall be kept free of weeds and all scrub growth.
- (7) All junk shall be stored or arranged to permit access by firefighting equipment and to prevent the accumulation of water. Junk or scrapped automobiles shall not be piled to a height of more than 10 feet from the ground. Stormwater shall be drained in a manner which does not result in chemical residues being discharged from the site.
- (8) No oil, grease, tires, gasoline or other similar material shall be burned at any time.
- (9) No garbage or organic waste shall be permitted to be stored in any junkyard.
- (10) No junkyard shall be located on lands with an average slope of greater than 5%.
- (11) The applicant shall demonstrate compliance with all applicable industrial performance standards stated in § 27-805 of this chapter.

N. Kennels, Including Commercial Animal Breeding Operations.

- (1) Breeding kennels shall not be permitted on tracts of less than 10 acres. Boarding kennels may be located on tracts of land of two acres or greater provided that such facilities are limited to not more than 25 adult dogs. The minimum lot size for boarding kennels housing more than 25 adult dogs must be increased by one additional acre for every 25 adult dogs or portion thereof.
- (2) The maximum building size and/or floor area for any boarding or breeding kennel shall not exceed 4,000 square feet.
- (3) Setbacks.
 - (a) No kennel facility may be located within 250 feet of a residential district or existing residential use.
 - (b) No waste shall be stored within 100 feet of a property line.
- (4) All floor surfaces of outdoor pens and exercise areas shall be constructed of an impervious material and shall be located within the rear yard areas of the property.
- (5) All dogs shall be located indoors from sunset to sunrise.
- (6) Off-street parking shall provided pursuant to Part 12 of this Chapter.
- (7) The applicant shall acknowledge the existence of the Earl Township Noise Control Ordinance and provide testimony as to how the proposed kennel will comply with the provisions of that ordinance.
- (8) The applicant shall furnish copies of applicable state and/or federal licenses, including renewals to the Township.
- (9) All facilities, including buildings, floors, cages, exercise runs, and all operations, of the kennel shall be in accordance with applicable state and federal regulations.
- (10) The applicant shall furnish plans of the facilities to the Township which demonstrate compliance with the above regulations.
- (11) The applicant shall allow the Township Zoning Officer and/or other authorized Township representative to inspect the kennel(s) during normal business hours on at least an annual basis. Inspections of the interior of the kennel(s) shall not occur without the authorization of the kennel owner/operator. The Township shall provide at least a twenty-four-hour notification to the kennel owner/operator prior to any inspection.
- (12) The applicant shall allow the Township Zoning Officer and/or other authorized Township representative access to examine any and all records pertaining to the kennel operation.

- (13) The applicant shall meet provisions of all other applicable Township ordinances.

O. Manufactured Home Parks.

- (1) Manufactured home parks shall conform to the requirements in Part 10 of this Chapter.

P. Family-Farm Support Businesses.

- (1) The primary economic activity of the subject tract shall be agricultural and shall be at least 25 acres in area.
- (2) The land area of the proposed family-farm support business shall not utilize more than one acre including all buildings, parking and storage areas. Exterior storage of goods and materials shall be permitted only within a completely enclosed and screened area which shall not be visible from any adjoining residential lot.
- (3) The occupation shall be conducted and owned by the farmer in residence on the property.
- (4) The applicant shall demonstrate to the Zoning Hearing Board that the proposed family-farm support business will not be detrimental to the agricultural uses of the AG - Agricultural District and does not interfere or conflict with the continuation and perpetuation of agricultural activities and the health, safety, and welfare of the community. Additionally, the Zoning Hearing Board may require that impact studies be furnished which evaluate the effect of the proposed occupation and land use upon the subject tract of land, the abutting properties, and the community in general.
- (5) The applicant shall acknowledge as part of the special exception application that additional Township, county, commonwealth, and federal requirements may exist, and that it is his responsibility to comply with any additional requirements.
- (6) In the case where the farm support business requires the construction of new buildings or additions to existing buildings, the applicant shall provide information justifying that the location of the proposed construction does not unnecessarily utilize existing agricultural lands and/or does not have an adverse effect upon the existing agricultural uses of the farm.
- (7) The land area of the farm support business shall not, at any time, be permitted to be subdivided from the farm.
- (8) No more than two nonfamily members shall be employed in the farm support business.

- (9) A family-farm support business shall have a minimum seventy-five-foot long gravel or paved access apron extending into the farm parcel to prevent tracking of mud and manure onto the public road. Any access drive provided shall be of sufficient length to accommodate the off-road stacking of delivery and customer vehicles.
- (10) The applicant shall demonstrate that the farm support business and land use provide for the safe and efficient movement of traffic by addressing anticipated changes in vehicular movements. All driveway intersections, whether existing or proposed, shall conform to the sight distance requirements of the Pennsylvania Department of Transportation.
- (11) Any new structure used for the farm support business shall be located at least 100 feet from any property line and the legal right-of-way line.
- (12) Signs which advertise the farm support business shall not exceed six square feet in area.
- (13) If determined by the Zoning Hearing Board, suitable buffering shall be provided when the farm support business is located within 100 feet of an adjacent residential structure.
- (14) The applicant shall acknowledge the existence of the performance standards in § 27-805 of this Chapter and shall be prepared to address these standards as they might be applicable to the application.
- (15) The owner and/or occupant of the farm support business shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor. Additionally, the farm support business shall be conducted in a manner which does not allow the accumulation of trash and debris.
- (16) When there is a change in the ownership or occupancy of the farm where there exists a farm support business, or when there is a change in the management of the farm support business, the continuation of the farm support business shall be subject to a new special exception use approval for such continuation.
- (17) Only one farm support business shall be permitted per farm. For purposes of this Section, a farm shall be defined as an area of land employed by the farmer as a single economic enterprise, regardless of the contiguity or number of parcels, plots, or tracts comprising such enterprise.
- (18) The applicant shall obtain a zoning permit for a family-farm support business in accordance with § 27-1709 of this Chapter.

Q. Family-Farm Support Businesses Proposing Mini-Warehouses.

- (1) The primary economic activity of the subject tract shall be agricultural and shall be at least 25 acres in area.
- (2) The applicant shall demonstrate to the satisfaction of the Board that the existing building intended for the mini-warehouse use is not suitable as an agricultural building. New buildings or additions to existing buildings shall not be permitted for a mini-warehouse use associated with a farm support business.
- (3) One off-street parking space shall be provided for each 25 storage units, plus one space per 250 square feet of office space.
- (4) Parking shall also be provided along the driving lanes adjacent to the building(s). These lanes shall be at least 26 feet wide when storage units open onto one side of the lane only, and at least 30 feet wide when storage units open onto both sides of the lane.
- (5) All storage shall be kept within an enclosed building, except that the storage of flammable, highly combustible, explosive or hazardous chemicals shall be prohibited. Any fuel tanks and/or machinery or other apparatus relying upon such fuels shall only be stored in an external storage area as described above.
- (6) The repair, construction or reconstruction of any boat, engine, motor vehicle or furniture is prohibited.
- (7) The applicant shall demonstrate how any door openings for any mini-warehouse storage unit facing any residential and/or residentially-zoned property shall not have an adverse effect upon that property.
- (8) Mini-warehouses shall be used solely for the dead storage of property. The following are examples of uses expressly prohibited upon the site:
 - (a) Auctions, commercial wholesale or retail sales or garage sales.
 - (b) The servicing, repair or fabrication of motor vehicles boats, trailers, lawn mowers, appliances or other similar equipment.
 - (c) The operation of power tools, spray-painting equipment, table saws, lathes, compressors welding equipment, kilns or other similar equipment.
 - (d) The establishment of a transfer and storage business.
 - (e) Any use that is noxious or offensive because of odors, dust, noise, fumes or vibrations.
- (9) The applicant shall adequately demonstrate that all mini-warehouse rental and/or use contracts shall specifically prohibit these uses.

R. Outdoor Recreational Uses With No Permanent Buildings or Structures.

- (1) Such outdoor recreational use shall not effect a change in the character of the subject property's neighborhood.
- (2) The proposed recreational use shall not detract from the use and enjoyment of adjoining or nearby properties.
- (3) The site of the proposed recreational use, if such recreational use is abandoned or discontinued, shall be restored to the condition that existed prior to the establishment of the recreational use. The Zoning Hearing Board may require a working plan for restoration of the site to predevelopment conditions. This plan may include, but not be limited to, identifying the location and extent of topsoil stockpiling, proposed site grading, and provisions for vehicular circulation, off-street parking stormwater management and erosion and sedimentation control.
- (4) All proposed sanitary sewage disposal facilities shall conform to the requirements of the Department of Environmental Protection and the use of existing sanitary sewage facilities, when required, shall be certified by the Township Sewage Enforcement Officer prior to such use.
- (5) Signs for any outdoor recreational use shall not exceed six square feet, and no more than two such signs shall be placed on any one property for any one street frontage.
- (6) Permanent structures or buildings for the sole purpose of providing sanitary disposal facilities are permitted, if such facilities are required by the Pennsylvania Department of Environmental Protection.

S. Public and Private Schools Having a Total Enrollment of More Than 50 Students.

- (1) All height, area, setback and coverage standards within the applicable zoning district shall apply.
- (2) All off-street parking facilities shall be setback 25 feet and screened from adjoining property lines.
- (3) All structures shall be setback at least 100 feet from any adjoining land within a residential zone.
- (4) Recreational areas shall be provided for all educational facilities below the college level at a scale of 100 square feet per individual enrolled. Off-street parking areas shall not be utilized as recreational areas, and such recreation areas shall not be located within the front yard and must be setback at least 25 feet from all property lines. Outdoor recreation areas shall be screened from adjoining residentially-zoned

properties by means of fences, plantings or decorative enclosures sufficient to screen activities from adjacent lots. Fencing shall be provided at all locations where public safety is at issue. Any vegetative materials located within the recreation area shall be nonharmful (i.e., thorny, poisonous, allergenic, etc.). All outdoor recreation areas shall provide a means of shade either by the planting of shade trees or the construction of pavilions. Enrollment, for the purposes of this Section, shall be defined as the largest number of students on the site at any one time during a seven day time period.

- (5) Passenger drop-off and pickup areas shall be provided and designed so that there is no cross-traffic pedestrian circulation.

T. Recycling Centers.

- (1) All operations, including collection, shall be conducted within a wholly-enclosed building.
- (2) There shall be no outdoor storage of used or generated materials generated from the operation.
- (3) Vehicles delivering or picking-up materials shall be unloaded and loaded within the site with adequate stacking lanes provided to prevent vehicle backup on adjoining roads.
- (4) The applicant shall provide an explanation of the scope of operation and any measures used to mitigate problems associated with noise, fumes, dust, litter and vector control.
- (5) The applicant shall assure regular maintenance of the site to assure the immediate collection of stray debris.

U. Retail Stores in Excess of 20,000 Square Feet.

- (1) The subject tract shall front on and gain access from either PA Route 23 or US Route 322, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.
- (2) The applicant shall provide a traffic impact study for the proposed project. Said traffic study shall be prepared in accordance with the requirements stated in § 27-605.4E of this Chapter.
- (3) All access drives, parking areas and loading zones shall conform to the requirements of Part 12 of this Chapter.
- (4) The minimum landscaped area shall be no less than 30%.
- (5) No building shall be placed closer than 30 feet to any property line. Where there exists a more stringent requirement, such requirement

shall apply. Off-street parking shall not be permitted within side and rear yard setback areas.

V. Retail Sale of Nursery and Garden Materials.

- (1) All access drives, parking areas and loading zones shall conform to the requirements of Part 12 of this Chapter.
- (2) The display and sale of items not grown on the premises shall be incidental to the nursery operation. The display area for these items shall not exceed 25% of the total gross display and sales area on the subject property. The display, sale or repair of motorized nursery or garden equipment shall not be permitted.
- (3) All outdoor display areas shall be setback at least 25 feet from the street right-of-way line.
- (4) All structures and parking and loading facilities shall be screened from residentially-zoned properties.
- (5) One sign may be erected on the premises permitting the identification of the business. Such sign shall not exceed 12 square feet in size and must be setback at least 10 feet from all lot lines.

W. Riding School or Commercial Horse Boarding Stable.

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

X. Rural Occupations.

- (1) The rural occupation shall be compatible with other uses permitted in the respective zoning district.

- (2) The rural occupation shall be conducted as an accessory use to the primary residential use of a lot or on any farm between the area of 10 and 25 acres by a resident of the lot. The commercial activity of the rural occupation shall be clearly incidental and subordinate to the residential or agricultural use of the lot.
- (3) The rural occupation shall maintain and preserve the residential and/or agricultural character of the neighborhood.
- (4) The rural occupation shall promote the efficient use of public services and facilities by assuring these services are provided to the residential population for which they are planned and constructed, rather than as commercial uses.
- (5) Only one rural occupation may be conducted on the same property as the owner's principal residence. The gross floor area of the rural occupation shall follow the below scale:
 - (a) Lot area up to 10 acres - 1,200 square feet.
 - (b) Lot area of 10 acres or greater - 2,500 square feet.

In addition, the operator of a rural occupation is permitted to utilize no more than 500 square feet of any building for fully enclosed storage of materials used in the rural occupation.
- (6) A rural occupation shall only be conducted within a conforming and completely enclosed accessory building, with the exception of a separate building used for the storage of materials. If a new building is constructed for the rural occupation, it shall be located to the side or rear of the principal residence.
- (7) Where a rural occupation is located adjacent to the R - Residential District boundary, no part of the rural occupation shall be within 100 feet of that district boundary.
- (8) In no case shall the required maximum lot coverage be exceeded by those impervious surfaces associated with the principal residence, rural occupation, and/or other accessory uses.
- (9) All off-street parking and loading spaces shall conform to Part 12 and shall be screened from adjoining roads and properties.
- (10) Materials, products or supplies comprising any part of the rural occupation shall be contained within an enclosed building, unless by request and upon review, the Zoning Hearing Board allows outside storage for the particular application. In no case shall outside storage be permitted in the required side, front or rear yard setback area, nor shall materials be stacked to a height greater than six feet. The Board

shall also determine what buffering from adjoining properties is necessary when outside storage is permitted.

- (11) The use of one commercial vehicle up to two axles is permitted as part of the rural occupation.
- (12) A rural occupation shall have a minimum seventy-five-foot long gravel or paved access apron extending into the subject parcel to prevent tracking of mud onto the public road. Any access drive provided shall be of sufficient length to accommodate the off-road stacking of delivery and customer vehicles. A vehicular turnaround shall also be provided to prohibit the backing out of vehicles onto the abutting roadway. The turnaround area shall not be utilized as an off-street parking area.
- (13) One nonilluminated sign not exceeding eight square feet shall be permitted and must be set back a distance at least equal to its height from every lot line.
- (14) The maximum number of employees that do not reside on the site shall not exceed two full-time positions. For the purposes of this Section, employees shall be defined as those involved in the on-site conduct of the rural occupation.
- (15) Rural occupations shall only be conducted between the hours of 6:00 a.m. and 9:00 p.m., Monday through Saturday, unless otherwise specified by the Board.
- (16) When a rural occupation involves retail sales, the sales and display area shall not exceed 15% of the permitted area of the rural occupation as stated in Subsection 5 above.
- (17) No manufacturing, mechanical or industrial uses shall be permitted which causes any noise, odor, glare, fumes, smoke, dust, vibration, electromagnetic interference, or other hazard that is noticeable at or beyond the closest property line. Excluding wastewater treatment, no use that requires application or permitting by the PA DEEP for the handling of hazardous waste or other substances shall be permitted.
- (18) A planting screen, when required, shall initially and perpetually meet the physical performance standards of this Chapter, even though such standards are established primarily for commercial and industrial districts within the Township.
- (19) The applicant shall acknowledge the existence of the performance standards of § 27-805 of this Chapter. The applicant shall be prepared to address these standards as they might apply to the application should any questions or concerns be raised at the hearing.

- (20) The applicant shall furnish evidence that an approved means of sewage disposal shall be utilized, and further that such means is part of the same system in use for the principal residence.
- (21) All trash dumpsters shall be located within a side or rear yard and be completely enclosed within a masonry or fenced enclosure equipped with a self-latching door or gate.
- (22) The applicant shall obtain a certificate of use and occupancy for a rural occupation in accordance with § 27-1709 of this Chapter.

Y. Shopping Centers.

- (1) The subject tract shall front on and gain access from either PA Route 23 or US Route 322, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.
- (2) The applicant shall provide a traffic impact study for the proposed project. Said traffic study shall be prepared in accordance with the requirements stated in § 27-605.4E of this Chapter.
- (3) The following types of commercial and commercial-related establishments shall be permitted:
 - (a) Grocery store.
 - (b) Banks and similar financial institutions.
 - (c) Drugstore.
 - (d) Retail sale of goods, provided the total sales and/or display area is less than 1,500 square feet.
 - (e) Retail services, including barber/beauty salons, music, dance, art or photographic studios, repair of small appliances, and laundromat and dry cleaning collection stations.
 - (f) Professional offices.
 - (g) Restaurants and taverns.
 - (h) Any other establishment which in the opinion of the Board is of the same general character as any of the above identified uses.
- (4) All access drives, parking areas and loading zones shall conform to the requirements of Part 12 of this Chapter.
- (5) The minimum landscaped area shall be no less than 30%.

- (6) No building shall be placed closer than 30 feet to any property line. Where there exists a more stringent requirement, such requirement shall apply. Off-street parking shall not be permitted within side and rear yard setback areas.

Z. Truck or Motor Freight Terminal.

- (1) The applicant shall demonstrate compliance with all applicable industrial performance standards stated in § 27-805 of this Chapter.
- (2) Screening requirements shall be determined by the Zoning Hearing Board upon its review of the proposed design and vehicular circulation plan.

AA. Wholesale Agricultural Produce Sales, Stockyards and Buying Stations.

- (1) The subject tract shall front on and gain access from either PA Route 23 or US Route 322 or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.
- (2) While the maximum lot area for the land use shall not exceed five acres in area, the use shall be of appropriate size and design so that vehicular and pedestrian traffic to and from the use will not create undue congestion or hazards within the general neighborhood.
- (3) All access drives, parking areas and loading zones shall conform to the requirements of Part 12 of this Chapter.
- (4) The owner and/or operator of the land use shall be responsible for removing any mud from public roads caused by vehicles traveling to and from the facility.
- (5) The Zoning Hearing Board shall establish the permissible days and hours of operation for the land use.
- (6) Soil erosion, sedimentation and stormwater runoff shall be controlled in accordance with all applicable laws and regulations.
- (7) Screening and/or landscaping as may be determined by the Zoning Hearing Board shall be provided.
- (8) The application for a special exception shall be accompanied by a working plan for the cleanup and disposal of litter on the subject property.
- (9) All outdoor loudspeaker and lighting systems shall be designed, arranged and operated to prevent a nuisance on adjoining properties.

- (10) No building or parking facility shall be located within 100 feet of any adjacent residential property.

BB. Retirement Communities.

- (1) Definition. A retirement community shall be defined as follows:

RETIREMENT COMMUNITY — A residential development consisting of living units exclusively for unmarried persons who are 55 years of age or older and for married couples with one spouse or both spouses being 55 years of age or older with facilities for health care, physical therapy and other such ancillary services. Such facilities shall furnish to an individual board and lodging (and in the case of intermediate and skilled care facilities, nursing services, medical services or other health-related services), regardless of whether or not the lodging and services are provided at the same location and pursuant to an agreement effective for the life of the individual or for a period in excess of one year, including mutually terminable contracts, and whether or not in consideration of the payment of an entrance fee with or without other periodic charges. The development, which shall not be subdivided, shall be owned and maintained by one entity including, but not limited to, a person, partnership, limited partnership and/or corporation; provided, however, that nothing herein shall prevent the sale of life rights or other similar interests in individual units as contemplated by the Pennsylvania Continuing Care Provider Registration Act, as amended. Such facilities may include single-family detached, single-family semidetached, single-family attached and multifamily independent living units, assisted living units, personal care units and nursing care units. Such facilities may also include an array of support services and accessory uses.

- (2) Retirement Communities. In a retirement community, a building or buildings may be erected, altered or used and a lot or premises may be used or occupied for any of the following individual or combination of uses:
 - (a) Independent Dwelling Units. Single-family detached dwellings, single-family semidetached dwellings, two-family detached dwellings and single-family attached dwellings. Each dwelling unit shall contain complete kitchen, toilet and bathing facilities and shall have at least one outside window.
 - (b) Apartment Housing Units. Multifamily dwellings in which each group of apartment units is associated with one or more common areas designated for the exclusive benefit of the group. Each apartment unit shall contain at least one outside window. Each apartment unit shall provide space and facilities for cooking and related kitchen activities, bathing and toilet

functions. Common areas may also be provided for recreation, relaxation, clothes washing, bulk storage and similar activities.

- (c) **Personal Care Facilities.** For the purposes of retirement communities only, premises, or a portion thereof, in which food, shelter and when licensed personal assistance or supervision are provided for residents requiring supervision and assistance in such matters as dressing, bathing, diet or medication prescribed for self-administration but not requiring hospitalization or skilled nursing care. Facilities shall include a living/sleeping area and a private powder room, although a shared bath shall be permitted.
 - (d) **Skilled Care or Nursing Care Facilities.** For the purposes of retirement communities only, premises or a portion thereof used to house and care for persons requiring continuous, intermediate or skilled nursing care.
 - (e) **Accessory Uses.** Offices, activity areas, craft, woodworking and hobby shops, recreation facilities, gift shops, personal services facilities, dining facilities, health care facilities, maintenance facilities, bank, library, central kitchen and dining room, snack bar, village store, pharmacy, chapel and similar uses incidental to the main or principal uses are allowed as accessory uses. The total square footage of all accessory uses within the retirement village shall not exceed 20% of the square footage of all buildings within the retirement village. This percentage shall not be exceeded in any one phase of the development. No individual retail accessory use may exceed 2,000 square feet in size.
 - (f) **Prohibited Uses.** No building shall be erected, altered or used, and no premises shall be used for any activity which is continuously noxious, injurious or offensive by reason of dust, smoke, odor, fumes, noise, vibration, gas, illumination or similar substances or conditions.
- (3) **Development Regulations.** The following building coverage area, width and yard regulations shall apply for a retirement community:
- (a) **Minimum Acreage.** The minimum area for the development shall be 50 acres.
 - (b) **Building Coverage.** Total coverage of the site by buildings shall not exceed 30% of the total gross area of the tract.
 - (c) **Density.** The sum total of the number of independent living dwelling units, apartment housing units, personal care beds

and skilled nursing care beds shall not exceed 12 per acre of the gross area of the tract.

- (d) Open Space. A substantially contiguous area of not less than 25% of the gross area of the tract developed as a retirement community shall be retained as open space. Open space may not include areas with a horizontal dimension between buildings of less than 40 feet but may include any required buffer areas, floodplain areas, stormwater basins or wetlands.
- (e) Setbacks. The following minimum setbacks shall be observed:
 - 1) Apartment Housing Units, Skilled Care Facilities, Personal Care Facilities and Accessory Uses. Fifty feet from any property line except where a building crosses possible mortgage lot lines within the tract or where two buildings meet or join at a mortgage lot line within the tract, in which case no setback shall be required.
 - 2) Independent Dwelling Units and Accessory Uses. Forty feet from any perimeter property line of the development.
 - 3) Fifty feet from any perimeter public street right-of-way.
 - 4) In recognition of the fact that from a stormwater management perspective, the design of a comprehensive and coordinated stormwater management plan for the entire tract is preferable to a piecemeal approach, and in order to facilitate such comprehensive and coordinated planning for a large land area stormwater management facilities such as detention basins and related structures, swales, culverts, ditches, streams, ponds, stormwater conveyance systems and similar facilities shall not be deemed to be "structures" with respect to setbacks from a lot line within the tract for the purposes of this Part, and otherwise applicable setback and/or buffer yard requirements shall not apply to, or otherwise restrict, the location of such stormwater management facilities.
 - 5) The following minimum distances between the faces of buildings shall be maintained:

Side to side:	20 feet
Side to rear:	30 feet
Side to front:	30 feet
Front to front:	50 feet
Front to rear:	50 feet

Rear to rear: 50 feet
Bldg. corner to bldg. corner: 20 feet

- 6) Buildings shall be set back a minimum of 20 feet from any parking area exceeding four spaces, alley or street, except that canopies over paved surfaces will be permitted.
- (f) Height of Buildings. The maximum median height for any building in the retirement community shall not exceed 35 feet except that the maximum height of apartment housing units, skilled care facilities or personal care facilities shall not exceed three stories or 45 feet. The height of apartment housing units, skilled care facilities or personal care facilities may be increased to five stories or 65 feet with an additional setback of one foot for each additional foot of height. The height measurements shall not include chimneys, spires, tanks, equipment, screens, elevator and equipment, penthouses, antennae, architectural features such as towers, domes, atria parapets, turrets, stairwells and other similar structures not designed for human habitation or other similar projections. The application for a zoning permit shall contain a letter from the appropriate fire department certifying that the fire department has sufficient equipment and water supply to manage a fire on a building of that height.
- (g) Access to Structures. Every building erected shall be on a lot adjacent to a public street or have access to an approved internal driveway. All structures shall be located so as to provide safe and convenient access for servicing fire protection and off-street parking.
- (4) General Requirements.
- (a) Common Areas and Facilities. Where facilities serving the entire development such as parking lots, pedestrian ways, driveways, alleys, lighting facilities, landscape planting areas, buffers open spaces and recreation areas are provided in common areas, provisions for their perpetual ownership, maintenance and care will be demonstrated and provided in an agreement satisfactory to the Township that may at the discretion of the Township be recorded in the Lancaster County Recorder of Deeds. In the event that the owner of the retirement community fails to maintain the common areas and facilities, the Township, after proper notice to the owner, may undertake such maintenance at the expense of the owner. If not paid by the owner within 30 days of billing, such expense may be lienied by the Township on the real estate. Said maintenance

shall not constitute a taking, nor vest in the public any rights to use the common areas and/or facilities.

- (b) **Lighting Facilities.** Lighting facilities shall be provided as needed and arranged in a manner which shall protect the highway and neighboring properties and streets from unreasonable direct glare or hazardous interferences of any kind. Lighting facilities shall be required where deemed reasonably necessary for the safety and convenience of the retirement community development. Lighting facilities shall be provided in accordance with the Earl Township Subdivision and Land Development Ordinance [Chapter 22]. The Board of Supervisors may specify lighting facilities that will meet the safety needs of residents of the retirement village.
- (c) **Signs.** Identification signs are permitted, provided that no more than one such sign shall be erected to each exterior public street access to the retirement complexes. No such sign shall be closer than 10 feet to a lot line, and the area on one side of any such sign shall not exceed 50 square feet. No part of any sign shall exceed 10 feet in height. Interior directional signs and facility identification signs are permitted. Directional signs shall not exceed six square feet in area or six feet in height. Facility identification signs shall not exceed 10 square feet in area. All facility identification signs must be 50 feet from the perimeter of the development. The provisions for facility identification signs shall apply to accessory retail uses. Entire faces of any sign may not be lit from an interior light source. Faces of an illuminated sign must be blocked so that only individual letters and logos may shine through the face of the sign, or the illuminated sign must be blocked so that only individual letters and logos may shine through the face of the sign or the illuminated signs must be opaque and lit from an exterior light source that will light the face of the sign without creating glare to surrounding areas.
- (d) **Minimum Parking Standards.** The following minimum parking standards shall apply to the development of the retirement community.
 - 1) **Independent Dwelling Units.** One and one-half spaces for each independent dwelling unit to be used primarily by the residents of such units, plus one space for every five independent dwelling units to be used primarily by visitors to such units. For purposes of calculating parking requirements for single-family units, a garage and a driveway shall each be considered a parking space.

- 2) Apartment Housing Units. One and one-half spaces for each dwelling unit in apartment housing to be used primarily by the residents of such units and their visitors.
 - 3) Intermediate and Skilled Care Facilities and Personal Care Facilities. One space for every four beds in skilled care and personal care facilities.
 - 4) Staff Parking. One space for each staff doctor.
 - 5) Employee Parking. One space for each employee working on the largest shift.
 - 6) The size of the parking spaces shall be as provided in § 27-1202(1) of this Chapter.
- (e) Traffic. The applicant shall submit a traffic study prepared by a professional traffic engineer with the following minimum elements:
- 1) A description of the traffic impact area (TTA), including its major roads and potential traffic generation rates to be determined by current land use planning references.
 - 2) Existing twenty-four-hour and peak hour traffic volume data for all streets which provide access to the proposed development and for the collectors and arterials which will serve it, as well as, any major intersection within the impact area.
 - 3) Estimates of the total number of vehicle trips to be generated by the development for a typical twenty-four-hour period, and including typical a.m. and p.m. peak periods.
 - 4) Assignment of future twenty-four-hour and peak hour volumes to the collectors and arterials, and other streets that will serve the proposed use based on the projections of increased traffic volumes within the traffic impact area, to be determined by an extrapolation of former development trends and the amounts of usable area already planned and/or zoned within the traffic impact area. Any previously approved projects within the TIA that have not yet been occupied should also be factored in these future traffic volume projections.
 - 5) Projected twenty-four-hour and peak hour turning movement data for all access points for the proposed use.

- 6) Capacity/level of service analysis on major intersections which will be impacted by the additional volumes generated by the proposed use.
- 7) Recent data about existing accident levels at the above intersections categorized by accident type for each intersection.

CC. Light Manufacturing, Processing and Assembly.
[Added by Ord. 2013-04, 5/6/2013]

- (1) A single-family detached dwelling shall be considered a permitted accessory use when situated on premises subject to the light manufacturing, processing and assembly special exception within the Commercial District and occupied by the owner of the permitted use. Subdivision and land development of the dwelling whereby it is separated, divided or subdivided from the industrial use is strictly prohibited.
- (2) Retail sales of goods manufactured, assembled or processed on the premises and/or supplies related to services provided on the premises is permitted, subject to the following provisions:
 - (a) Stand-alone retail stores shall be permitted.
 - (b) Retail sales area (either stand-alone or being part of the light manufacturing, processing and assembly use) shall be limited to no more than 40% of the total floor area of the building(s). If multiple buildings are on the lot, the 40% limit shall be calculated based on the total square footage of all buildings, excluding the residence.
- (3) The lot area shall be a minimum of five acres and a maximum of 10 acres.
- (4) Outdoor storage of supplies, materials and products is permitted in the area between the rear of the commercial building(s) and the rear lot line but shall be screened from adjoining roads and residential districts or uses.
- (5) The display of goods manufactured, assembled or processed on the premises shall be allowed in the areas adjacent to the commercial building(s) and in the area between the front of the commercial building(s) and the front lot line.
- (6) All nonresidential uses shall comply with the performance standards of Part 8, § 805 of this Chapter.

DD. Agri-tainment and Alternative Energy Systems to be Permitted by Special Exception.

[Added by Ord. 2013-07, 5/6/2013]**(1) Agri-tainment Uses.**

- (a) An agri-tainment use is permitted only in the AG - Agricultural District by special exception and upon approval of a zoning and building permit.
- (b) No new permanent buildings shall be permitted.
- (c) Proposed activities shall be located so that the amount of land capable of being used for agricultural production that is proposed to be converted is minimized.
- (d) Any areas used for farming and/or the keeping of farm animals shall be subject to all the applicable regulations of the AG - Agricultural District.
- (e) All buildings, structures, off-street parking and loading areas shall be set back at least 100 feet from any adjoining property lines and 300 feet from any adjoining residences or residentially zoned property.
- (f) The applicant shall furnish evidence of an approved means of water supply and sewage disposal to serve all proposed uses.
- (g) The applicant must provide for sufficient off-street parking spaces and off-street loading spaces for all of those uses proposed according to the off-street parking and loading provisions of this chapter. All off-street parking and/or loading areas shall be screened from adjoining residences and from adjoining roads. If, at any time after the opening of the facility, the Board of Supervisors determines that parking, loading or traffic backups are occurring on adjoining roads, and such are directly related to inadequate on-site facilities on the subject property, the Board of Supervisors can require the agri-tainment operator to revise and/or provide additional on-site parking and/or loading space. In addition, the Board of Supervisors may require an unimproved grassed overflow parking area to be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.
- (h) Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle backups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot

attendants) shall be conducted in a manner to prevent vehicle backups on adjoining roads. If, at any time after the opening of the agri-tainment use, the Board of Supervisors determines that traffic backups are occurring on adjoining roads, and such backups are directly related to the means of access to the subject property, the Board of Supervisors can require the agri-tainment operator to revise the means of access to relieve traffic backups.

- (i) The total retail display and sales area shall not exceed 2,000 square feet.
 - (j) The applicant shall submit and continuously implement a working plan for the cleanup of litter and other debris.
 - (k) The Zoning Hearing Board will approve the proposed use(s) only upon finding that the site and buildings provide for a logical location for such use(s) that can be effectively accommodated without adverse impact to adjoining uses due to hours of operation, noise, light, litter, dust, and pollution.
 - (l) For any such activities planned or anticipated to have attendance of more than 200 persons at any one time during a day, an event plan addressing parking, proposed days of operation, ingress and egress, sanitation, and other public safety issues shall be filed annually with the Zoning Officer, servicing fire company, emergency medical service provider, and any local law enforcement agency at least 30 days prior to the start of any agri-tainment activity in the calendar year.
- (2) Large Manure Digesters. Large manure digesters are permitted only in the AG - Agricultural District by special exception and upon approval of a zoning and building permit, subject to the following regulations:
- (a) The applicant shall provide a detailed description of the proposed use in each of the following topics, and a complete land development application shall be submitted to the Township once the special exception application has been approved.
 - 1) The nature of the on-site activities and operations, the types of materials stored and used, the frequency and duration period of storage of materials and the methods for use and disposal of materials. In addition, the applicant shall furnish evidence that the use, handling, and disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

- 2) The general scale of operation in terms of its market area, specific space and area requirements for each activity, the total number of employees of each shift, and an overall needed site size.
 - 3) The proposed use shall be subject to the industrial performance standards of § 27-805 of this chapter.
- (b) The proposed use shall comply with all the requirements of the applicable district, except that all buildings, structures and facilities used as part of the manure digesting operations shall be set back 200 feet of from any property line. Additionally, no building, structures, or facility shall be located nearer than 300 feet to an existing residential building unless the owner of such residence waives this restriction in writing to the Township.
 - (c) For industrial or commercial special exceptions, the applicant shall demonstrate through the use of traffic studies or other applicable data that the grant of the special exception shall not materially increase traffic congestion in the roads and highways of the Township.
- (3) Large Solar Energy Production Facilities. Large solar energy production facilities are permitted only in the I - Industrial District by special exception and upon approval of a zoning and building permit, subject to the following regulations:
 - (a) The layout, design, and installation of large solar energy production facilities shall, conform to applicable industry standards, including those of the ANSI, Underwriters, Laboratories (UL), the ASTM, or other similar certifying organizations, and shall comply with the Building Code and with all other applicable firesafety and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
 - (b) All on-site utility and transmission lines extending to and from the large solar energy production facility shall be placed underground.
 - (c) All large solar energy production facilities shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street rights-of-way.
 - (d) Large solar energy production facilities mounted on the roof of any building shall be subject to the maximum height regulations specified within each zoning district.

- (e) The owner shall provide evidence, in the form of stamped plans certified by a professional engineer, that the roof is capable of holding the load.
 - (f) All ground-mounted and freestanding solar collectors of large solar energy production facilities shall be completely enclosed by a minimum eight-foot-high fence with a self-locking gate. The footprint dimensions of all ground-mounted solar energy facilities shall be included when determining lot coverage.
 - (g) A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fences.
 - (h) The large solar energy production facility owner is required to notify the Township immediately upon cessation or abandonment of the operation. The large solar energy production facility owner shall then have 12 months in which to dismantle and remove the large solar energy production facility from the property. At the time of issuance of the permit for the construction of the large solar energy production facility, the owner shall provide financial security in form and amount acceptable to the Township to secure the expense of dismantling and removing said structures.
 - (i) The owner of the large solar energy production facility shall be required to provide a certificate of insurance to the Township providing evidence of liability insurance of not less than \$1,000,000 and naming the Township as an additional insured on the policy or policies of the owner and/or lessee.
- (4) Large Wind Energy Production Facility. Large wind energy production facilities are permitted only in the I - Industrial District by special exception and upon approval of a zoning and building permit, subject to the following regulations:
- (a) The layout, design, and installation of large wind energy production facilities shall conform to applicable industry standards, including those of the ANSI, Underwriters' Laboratories (UL), Det Norske Veritas, Germanischer Lloyd Wind Energies, the ASTM, or other similar certifying organizations, and shall comply with the Building Code and with all other applicable firesafety and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
 - (b) Large wind energy production facilities shall not generate noise which exceeds 55 decibels measured at any property line.

- (c) All on-site utility and transmission lines extending to and from the large wind energy production facility shall be placed underground.
- (d) All large wind energy production facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Staff regulation shall not be considered a sufficient braking system for overspeed protection.
- (e) Large wind energy production facilities shall not be artificially lighted, except to the extent required by the FAA.
- (f) Wind turbines and towers shall not display advertising, except for reasonable identification of the large wind energy production facility's manufacturer. Such sign shall have an area of less than four square feet.
- (g) Wind turbines and towers shall be a nonobtrusive color such as white, off-white or gray.
- (h) All large wind energy production facilities shall, to the extent feasible, be sited to prevent shadow flicker on any occupied building on an adjacent lot.
- (i) A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fences.
- (j) All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by nonauthorized persons.
- (k) No portion of any large wind energy production system shall extend over parking areas, access drives, driveways or sidewalks.
- (l) All large wind energy production facilities shall be independent of any other structure and shall be located a minimum distance of 1.1 times the turbine height from any inhabited structure, property line, street right-of-way, or overhead utility line.
- (m) The minimum height of the lowest position of the wind turbine shall be 30 feet above the ground.
- (n) All large wind energy production facilities shall be completely enclosed by a minimum eight-foot-high fence with a self-locking gate, or the wind turbine's climbing apparatus shall be limited

to no lower than 12 feet from the ground, or the wind turbine's climbing apparatus shall be fully contained and locked within the tower structure.

- (o) The large wind energy production facility owner is required to notify the Township immediately upon cessation or abandonment of the operation. The large wind energy production facility owner shall then have 12 months in which to dismantle and remove the large wind energy production facility from the lot. At the time of issuance of the permit for the construction of the large wind energy production facility, the owner shall provide financial security in form and amount acceptable to the Township to secure the expense of dismantling and removing said structures.
- (p) The owner of the large wind energy production facility shall be required to provide a certificate of insurance to the Township providing evidence of liability insurance of not less than \$1,000,000 and naming the Township as an additional insured on the policy or policies of the owner and/or lessee.

EE. Short-term rental. **[Added by Ord. No. 2021-01, 6/7/2021]**

- (1) A short-term rental facility shall meet all of the following standards:
 - (a) The property shall remain as a single-household living unit with common housekeeping, kitchen and laundry facilities.
 - (b) Occupancy of a short-term rental facility shall be limited to no more than two persons per bedroom.
 - (c) Types of Accommodation:
 - 1) Specific Bedroom Accommodation. The owner may rent bedrooms of a property to transient visitors for a period of not less than 36 hours and not more than 30 consecutive days. Under this arrangement, the owner must occupy the property during the rental period in the Agricultural District, the Rural Residential District and the Residential District but is not required in the Commercial District.
 - 2) Entire Unit Accommodation. An owner may rent the entirety of a property to transient visitors for a period of not less than 36 hours and not more than seven consecutive days. This type of rental arrangement is permitted only in the Commercial District.
 - (d) Parking:

- 1) Outdoor parking for occupants shall be limited to available parking areas on the short-term rental facility property. In no event shall parking for short-term rental occupants include spaces in any public street right-of-way or on any lawns or vegetated areas. A maximum of one car per bedroom is permitted for any short-term rental facility.
 - 2) Overnight occupancy of recreational vehicles, camper trailers, and tents at the property where the short-term rental facility is located shall not be allowed. Outdoor overnight sleeping of occupants is prohibited.
- (e) The owner must maintain an up-to-date ledger detailing the length of stay and the number of transient visitors using the short-term rental facility and present the ledger to the Zoning Officer, or the Zoning Officer's designee, upon request.
 - (f) Nothing in this subsection shall allow the owner to make the short-term rental facility available for use by transient visitors for nonresidential purposes, such as, but not limited to, the lease or use of the property as a reception space, party space, and/or a meeting space.
 - (g) The short-term rental facility shall be designated as one of the two types of accommodations set forth in Subsection EE(1)(c). A short-term rental facility may not change or mix the type of accommodation during the rental period.
 - (h) If not served by a public sewer system, the applicant must provide evidence that the sewer system is adequate to serve the maximum number of occupants of the short-term rental facility. The number of bedrooms permitted for a short-term rental facility shall not exceed the number of bedrooms approved for the dwelling unit on the sewage permit issued for such property. Where there is no sewage permit on record, the short-term rental facility shall be limited to three bedrooms, unless proof is provided to the Sewage Enforcement Officer that the septic system is adequate to handle additional flows. The short-term rental facility advertising more than four bedrooms shall provide proof that the septic system is adequate to handle such flows by having the system approved by the Sewage Enforcement Officer, or by providing a septic permit previously issued by the Sewage Enforcement Officer. If a sewage system malfunction occurs, the short-term rental facility dwelling unit shall be discontinued until the malfunction is corrected in accordance with the Township and the Pennsylvania Department of Environmental Protection requirements.

- (i) The short-term rental facility shall not adversely affect the character of the neighborhood, and the short-term rental facility shall not generate any additional noise, odor or other effects that unreasonably interfere with other residents' quiet enjoyment of their properties.
- (j) The owner of the property is responsible for the safety and welfare of all transient visitors, for preserving the peace and quiet of the surrounding community, and for maintaining the short-term rental facility in accordance with all laws, regulations, and ordinances, including, but not limited to, any conduct which would qualify as a prohibited act within the meaning of the Township Code of Ordinances regulating noise and/or nuisances.
- (k) The owner of the short-term rental facility shall provide the Zoning Officer with confirmation that the applicant has taken all actions required to register with the Lancaster County Treasurer to enable the applicant to pay the hotel and/or room taxes imposed by Lancaster County. The Zoning Officer shall not issue a certificate of occupancy for the short-term rental unit until the applicant presents such confirmation of registration.
- (l) The owner shall sign a certification agreeing to comply with all antidiscrimination laws and regulations under all applicable local, state and federal laws and regulations.
- (m) All short-term rental facilities shall have a clearly visible and legible notice posted within the dwelling unit on or adjacent to the front door containing the following information:
 - 1) The name of the owner of the unit, or a designated agent as person in charge, must provide a telephone number at which that party can be reached on a twenty-four-hour basis. The owner, or designated agent, must reside within 15 minutes' travel time of the rental property.
 - 2) The 911 address of the property.
 - 3) The maximum number of occupants permitted to stay in the dwelling.
 - 4) The maximum number of all vehicles allowed to be on the property and the requirement that all guests parking must be parked in the available parking areas on the property, and not in or along any private, community or public street right-of-way, or on any lawn or vegetated area on the property.

- 5) The trash pickup day and notification that trash and refuse shall not be left or stored on the exterior of the property.
 - 6) Notification that the owner and/or occupant will be cited and fined for creating a disturbance or for violating other provisions of the Earl Township Code, including parking and occupancy limits.
 - 7) Notification that short-term rental occupants are required to make the dwelling unit available for inspection by the Zoning Officer or Property Maintenance Official upon request.
 - 8) The owner shall, upon notification that occupants of the short-term rental unit have created unreasonable noise or disturbance, engaged in disorderly conduct or violated provisions of Township Ordinances or state law pertaining to noise or disorderly conduct, promptly use their best efforts to prevent a recurrence of such conduct by occupants or guests.
- (n) All short-term rental facilities shall be equipped with the following:
- 1) Smoke detectors in each bedroom;
 - 2) Smoke detectors outside each bedroom in common hallways;
 - 3) Smoke detectors on each floor;
 - 4) GFI outlets for all outlets located within six feet of water sources;
 - 5) Aluminum or metal exhaust vent from dryer;
 - 6) Carbon monoxide detector if open flame (oil or gas) furnace, gas or wood fireplace, or wood-burning stove;
 - 7) Carbon monoxide detector if garage is attached;
 - 8) Fire extinguisher in kitchen conspicuously located;
 - 9) Stairs (indoor and outdoor) in good condition;
 - 10) If not served by a public sewer system, evidence that the sewer system is adequate to serve the maximum number of occupants of the short-term rental facility;
 - 11) Fully functioning bathing and toilet facilities;

- 12) Fully functioning kitchen (if one has been installed);
 - 13) There shall be no overnight guests other than the individuals renting the facility;
 - 14) The owner's discretion shall determine whether pets shall be allowed. Service animals as defined by the Americans with Disabilities Act shall be permitted;
 - 15) If the owner makes any structural modifications to the property in order to operate a short-term rental, the owner shall comply with the Pennsylvania Uniform Construction Code and all other local, state and federal building and occupancy requirements. All necessary construction permits shall be obtained from the Township. All owners shall state in their short-term rental advertisements that the property is compliant with the Americans with Disabilities Act;
 - 16) The property shall be cleaned and made deficiency-free following each occupancy;
 - 17) Following each occupancy, the property shall be inspected by the property owner or its agent before the property is reoccupied and must be deficiency-free before being reoccupied.
- (2) Before authorizing short-term rental approval, the owner must submit an application for a permit to authorize the continued operation of the short-term rental unit, accompanied by any fee which the Board of Supervisors may establish by resolution. The application shall require that the owner provide sufficient information for the Zoning Officer to confirm the name and contact information for the local contact person, confirm that the short-term rental unit meets all requirements of this section and confirm that the short-term rental unit meets all applicable Township ordinances, ADA requirements and other applicable state and federal regulations including safety and construction codes. If the Zoning Officer confirms that the short-term rental unit meets such requirements, the Zoning Officer may issue a permit to authorize continued operation of the short-term rental unit for a one-year period. Operation of a short-term rental without the required annual permit is a violation of the Zoning Ordinance.
- (a) Each short-term rental permit must identify the property address, state how many transient visitors are permitted for the short-term rental, identify the type of accommodation requested (either specific bedroom accommodation or entire unit accommodation), and require the owner to submit proof of the following:

- 1) An accurately drawn floor plan showing details for all floors of the property and any attached structures, and include the number and location of all bedrooms, bathrooms, windows, interior and exterior doorways, smoke alarms, and carbon monoxide detectors;
 - 2) In the case of a short-term rental where the owner rents a specific bedroom accommodation, the floor plan must clearly designate bedrooms to be used for short-term rental; and
 - 3) Satisfaction of the performance standards contained in § 27-1605EE(1) of this chapter.
- (b) The Zoning Officer, or the Zoning Officer's designee, shall conduct an annual inspection to confirm compliance with the obligations of this Chapter. The owner of the short-term rental facility is responsible for scheduling the inspection and paying the fee. Failure to do so will result in revocation of the short-term rental permit.
- (3) Enforcement. The Zoning Officer, or the Zoning Officer's designee, is empowered to take administrative enforcement action against an owner as set forth in this section upon finding a violation of any provision of this subsection. Nothing in this subsection shall limit the right, power or jurisdiction of the Township to proceed against the owner or any transient visitor under any other law or regulation.
- (a) Disciplinary Actions. The following constitute the enforcement actions available to the Zoning Officer, or the Zoning Officer's designee, in his or her discretion, under this subsection:
- 1) Formal Warning. Formal written notification may be issued in the event of at least one violation of this subsection. Upon satisfactory remediation of such violation(s) and any conditions imposed by the Zoning Officer, or the Zoning Officer's designee, the formal warning shall be removed when the owner applies for a renewal of the short-term rental permit.
 - 2) Suspension. A short-term rental permit may be suspended in the event of at least one violation of this subsection. Suspension results in the immediate loss of the privilege to rent the short-term rental facility for the period of time set by the Zoning Officer, or the Zoning Officer's designee, not to exceed one year from the date of suspension. The owner, after the expiration of the suspension period, may apply for a short-term rental permit renewal. A determination of whether to renew the short-term rental permit shall depend on the

satisfactory remediation of the violation(s) that resulted in the suspension, as well as compliance with all other requirements set forth in this subsection. Upon suspension, the owner shall take immediate steps to evict, and disallow any further use by, all transient visitors at the short-term rental facility through the end of the suspension period and until such time as the short-term rental permit has been reinstated.

- 3) Revocation. A short-term rental permit may be revoked in the event of at least one violation of this subsection. Revocation results in the immediate loss of the privilege to rent the short-term rental facility for any period of time in excess of one year or for a second or subsequent suspension of the short-term rental permit for the same property, as may be determined by the Zoning Officer, or the Zoning Officer's designee. Upon revocation, the owner shall take immediate steps to evict, and disallow any further use by, all transient visitors at the short-term rental facility through the end of the revocation period and until such time as the short-term rental permit has been reinstated.
 - 4) Reinstatement. A short-term rental permit may be reinstated from suspension or revocation if the owner of a short-term rental facility satisfactorily remediates all violation(s) that led to the suspension or revocation of the short-term rental permit, pays for a new permit fee, and demonstrates compliance with all other requirements set forth in this subsection.
 - 5) Nonrenewal. The Zoning Officer, or the Zoning Officer's designee, may deny an application for short-term rental permit renewal and/or reinstatement due to the failure of the owner to comply with the requirements of this subsection or for a failure to satisfactorily remediate any previously noted violation(s) leading to the suspension and/or revocation of the short-term rental permit.
- (b) Criteria for Taking Disciplinary Action. The Zoning Officer, or the Zoning Officer's designee, when taking disciplinary action against an owner, shall consider the following factors:
- 1) The effect of the violation(s) on the health, safety and welfare of the transient visitors and/or any other residents of the property;
 - 2) The effect of the violation(s) on nearby property owners;

- 3) The history of any prior violation(s) of this subsection and any other provision of the Earl Township Code of Ordinances; and
 - 4) The actions taken by the owner to satisfactorily remediate any past or current violation(s) and to prevent future violation(s).
- (c) Reasonable Conditions. In addition to the disciplinary actions set forth above, the Zoning Officer, or the Zoning Officer's designee, may impose any reasonable conditions related to fulfilling the purposes of this subsection and remediating any violations of this subsection.
- (d) Search Warrant. Upon a showing of probable cause that a violation of this subsection, or any other violation of the Earl Township Code of Ordinances, has occurred, the Zoning Officer, or the Zoning Officer's designee, may apply to the Magisterial District Judge having jurisdiction in the Township for a search warrant to enter and inspect the short-term rental facility.
- (e) Form of Notification. Following a determination by the Zoning Officer, or the Zoning Officer's designee, that grounds for a formal warning, nonrenewal, suspension or revocation of a short-term rental permit exist, written notification shall be made, addressed to the owner, containing the following information:
- 1) The address and owner of the involved short-term rental facility;
 - 2) A description of the violation(s) found to exist therein;
 - 3) If applicable, a statement that the short-term rental permit has been suspended or revoked, along with the effective date of such suspension or revocation, and the length of the suspension and/or revocation; and
 - 4) In the event of a suspension or revocation, a statement that the owner is prohibited from allowing the use of the short-term rental facility by transient visitors during the suspension or revocation period.

PART 17

ADMINISTRATION AND ENFORCEMENT

§ 27-1701. Interpretation and Application. [Ord. 11/4/1996, § 1700]

The provisions of this Chapter, in its interpretation and application, shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals and general welfare of the Township. Every use, structure, building or sign shall conform with all provisions of this Chapter except those exempted by or under this Chapter. Nothing in this Chapter shall require any change in plans or construction of a building for which a building permit has been issued by the Township prior to the effective date of this Chapter, and which is completed within one year of the effective date of this Chapter.

§ 27-1702. The Zoning Officer. [Ord. 11/4/1996, § 1701]

The provisions of this Chapter shall be administered and enforced by the Zoning Officer who shall be appointed by, and serve at the pleasure of the Board of Supervisors. The Zoning Officer shall meet qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning. The Zoning Officer shall administer this Chapter in accordance with its literal terms, and shall not have the power to waive or modify any term or condition of this Chapter or permit any construction or any use or change of use which does not conform to this Chapter. The Zoning Officer may be provided with assistance of such persons as the Board of Supervisors may direct and may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.

§ 27-1703. Zoning Officer; Duties and Powers. [Ord. 11/4/1996, § 1702]

The Zoning Officer shall be charged with the duty and shall have the power to enforce literally the provisions of this Chapter and its amendments. The Zoning Officer shall have such duties and powers as are conferred upon him by this Chapter and as reasonably implied for the purposes of enforcement. The Zoning Officer's duties shall include, but are not limited to, the following:

- A. Receive and examine all applications for zoning permits and issue permits only when the provisions of this Chapter and with other Township ordinances; provided, however, the issuance of a zoning permit shall not be deemed a waiver of the requirements of any Township ordinance.
- B. Keep an official record of all business and activities, including complaints of a violation of any of the provisions of this Chapter, and of the action taken consequent to each such complaint. All such records shall be open to public inspection. File copies of all applications received, permits issued, reports and inspections made in connection with any structure, building, sign and/or land shall be retained as long as they remain in existence.
- C. Receive applications for special exceptions and forward these applications to the Zoning Hearing Board for action thereon.

- D. Following refusal of a permit, when a permit is submitted and denied, to receive applications for appeals from alleged error of the Zoning Officer and variances and forward these applications to the Zoning Hearing Board for action thereon.
- E. Before issuing any permit, the Zoning Officer may, at his discretion, examine or cause to be examined all building, structures, signs or land and portions thereof for which an application has been filed for the erection, construction, alteration, repair, extension, replacement, relocation, conversion and/or use. Thereafter he may make such inspections during the completion of work for which a permit has been issued. Any violation of approved plans or permit shall be noted, and the holder of the permit shall be notified of the discrepancies.
- F. Issue stop, cease and desist orders, and order in writing correction of all conditions found to be in violation of the provisions of this Chapter. Such written orders shall be served personally, by general mailing, or by certified mail upon persons, firms or corporations deemed by the Zoning Officer to be violating the terms of this Chapter. It shall be unlawful for any person to violate any such order lawfully issued by the Zoning Officer, and any person violating any such order shall be guilty of a violation of this Chapter.
- G. Issue permits for special exception uses or for variances only after such uses and/or buildings have been approved by the Zoning Hearing Board.
- H. With the approval of the Board of Supervisors, or when directed by them, institute in the name of the Township any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct or abate such violation so as to prevent the occupancy of or use of any building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.
- I. Revoke by order a zoning permit issued under a mistake of fact or contrary to the law or the provisions of this Chapter.
- J. Maintain a map showing the current zoning classification of all land.
- K. Upon the request of the Board of Supervisors, the Planning Commission or the Zoning Hearing Board, present to such bodies facts, records or reports which they may request to assist them in making decisions.
- L. Identify and register nonconforming uses and nonconforming structures.
- M. The Zoning Officer shall be appointed as Floodplain Administrator as identified in the Earl Township Floodplain Management Ordinance.²²
[Added by Ord. 2016-03, 3/17/2016]

²²Editor's Note: See Ch. 8, Floodplain Management.

§ 27-1704. Zoning Permits. [Ord. 11/4/1996, § 1703]

No building or structure shall be erected, constructed, reconstructed, structurally altered, or moved, and no land or building changed in use until a zoning permit has been secured from the Zoning Officer. Zoning permits shall be issued with a one year life; provided, however, that if work is not commenced or a change in use of building or land is not commenced within 90 days after issuance of the zoning permit, the permit shall automatically expire and a new permit shall be required before such work or change in use commences. Permits shall not be required for general maintenance work, painting, clearing woodlands, building ponds, tilling the soil, constructing fences, terraces, steps or similar features and landscaping.

§ 27-1705. Application Requirements for Zoning Permits. [Ord. 11/4/1996, § 1704]

1. All applications for zoning permits shall be made in writing by the owner, tenant, vendee under contract of sale, or authorized agent on a form supplied by the Township and shall be filed with the Zoning Officer. The application shall include:
 - A. Two sets of plans.
 - B. A statement as to the existing and proposed use of the building or land.
 - C. A site layout drawn to scale showing the location, dimensions and height of proposed buildings, structures or uses and any buildings in relation to property and street lines.
 - D. The number, location and design of parking spaces and loading spaces, if applicable.
 - E. The size, dimensions, location and methods of illumination of signs, if applicable.
 - F. Any additional plans and information reasonably necessary for the Zoning Officer to ascertain whether the proposed use, change in use, erection, alteration or addition complies with the provisions of this Chapter.
2. No permit for any new use or construction which will involve the on-site disposal of sewage or waste and no permit for a change in use or an alteration which will result in an increased volume of sewage or waste to be disposed of on the site shall be issued until a certificate of approval has been issued by the Department of Environmental Protection or the Earl Township Sewage Enforcement Officer.

§ 27-1706. Issuance of Zoning Permits. [Ord. 11/4/1996, § 1705; as amended by Ord. 3-2005, 9/6/2005, § 12(1)]

Zoning permits shall be granted or refused within 30 days after the written application has been filed with the Zoning Officer, except as provided for special exception applications. The zoning permit shall be authorization under this Chapter to proceed with the work described in the application, provided a building permit is secured, if necessary. Upon completion of the activity authorized by any zoning permit, the holder of such permit shall notify the Zoning Officer of such completion. All applications with accompanying plans and documents shall become and be preserved as a public record, subject to the disposition by the Board of Supervisors.

- A. One copy of the plans shall be returned to the applicant by the Zoning Officer after he shall have marked such copies either as approved or disapproved.
- B. One copy of all such plans shall be retained by the Zoning Officer for his permanent records.
- C. If the request is not acceptable, the Zoning Officer shall, within 30 days of receipt of a reviewable application as aforesaid, send to the applicant by regular mail a written statement explaining the reason or reasons why the permit cannot be issued. In addition, the Zoning Officer shall advise the applicant if a special exception is an available remedy, or if not, that the applicant may have the right to request a variance and that the applicant may appeal the refusal within 30 days of issuance of the same.

§ 27-1707. Conditions of Permit. [Ord. 11/4/1996, § 1706]

1. **Payment of Fees.** No permit shall be issued until the fees prescribed by the Board of Supervisors pursuant to resolution shall be paid to the Zoning Officer. The payment of fees under this Section shall not relieve the applicant or holder of said permit from payment of other fees that may be required by this Chapter or by any other ordinances or law.
2. **Compliance With Chapter.** The permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel or set aside any of the provisions of this Chapter.
3. **Posting of Permit.** A true copy of the permit shall be kept on the site of operations and be open to inspection by the Zoning Officer during the entire time of work as specified in the permit and until completion of same.
4. **Compliance With Permit and Plot Plan.** All work or use shall conform to the approved application and plans for which the permit has been issued as well as the approved plot plan.

§ 27-1708. Issuance of Certificate of Use and Occupancy for Nonresidential Structures. [Ord. 11/4/1996, § 1707]

No change in the use or occupancy of any nonresidential structure or unit of occupancy shall occur until a Certificate of Use and Occupancy is issued by the Zoning Officer. It is the responsibility of the property owner to notify the Zoning Officer of the change in use or occupancy of a nonresidential building or unit of occupancy or of the completion of a nonresidential activity authorized by the zoning permit. The Zoning Officer shall inspect the premises to determine conformity with the provisions of this Chapter and the issued zoning permit and shall issue a certificate of use and occupancy when all provisions contained within this Chapter and within any issued zoning permit are met. Certificates of use and occupancy are not required for residential or agricultural accessory buildings or for unenclosed porches or decks. However, such certificates are required for home occupations, minor on-farm occupations, on-farm occupations and commercial and industrial tenants.

§ 27-1709. Issuance of a Zoning and Use Permit for No-impact, Home-based Businesses, Home Occupations, Rural Occupations, and Family-Farm Support Businesses. [Ord. 11/4/1996, § 1708; as amended by Ord. 3-2005, 9/6/2005, § 12(2)]**1. Application Requirements.**

A. The application for a no-impact, home-based business, home occupation, rural occupation, and family-farm support business shall be submitted in such a form as the Zoning Officer may prescribe and shall be accompanied by the required filing fee as adopted by resolution of the Board of Supervisors. The form shall include, but not be limited to, the following information:

- (1) Name, mailing address and phone number of applicant.
- (2) Street address of the property.
- (3) Description of all activities involved in the proposed business activity and how the activity will operate.

B. The Zoning Officer shall review the permit application for compliance with this Chapter and visit the dwelling or farm if deemed necessary to determine compliance with all provisions of this Chapter and any conditions attached to the approval by the Zoning Hearing Board, when applicable. Upon approval, the Zoning Officer shall issue the zoning and use permit. If the application does not conform to the provisions of this Part, the Zoning Officer shall so notify the applicant in writing. Such notification shall include findings in support of the decision and the applicant's right of appeal to the Zoning Hearing Board.

2. No-impact, Home-Based Business, Home Occupation, Rural Occupation, and Family-Farm Support Business Permits. In the event an application is approved, then a zoning and use permit shall be issued to the applicant. Said permit shall apply only to the applicant, occupation or business activity, and premises stated in the application. The permit is nonassignable and nontransferable. Said permit shall also be deemed to be automatically revoked upon the earliest of the following:
 - A. The applicant dies;
 - B. The applicant moves from the premises where the permit was granted; or
 - C. The applicant otherwise ceases engaging in the no-impact, home-based business, home occupation, rural occupation or family-farm support business.
3. Inspections of No-impact, Home-Based Businesses, Home Occupations, Rural Occupations, and Family-Farm Support Businesses. There may be one inspection each year by the Zoning Officer, or a person designated by the Zoning Officer, of such occupations or businesses issued a permit. In addition, the Zoning Officer, or designee, shall have the right to enter and inspect the premises covered by said permit for compliance purposes following notification of the property owner 48 hours in advance of the inspection. Any costs associated with said inspection shall be the responsibility of the owner/operator of the occupation or business based upon a fee schedule to be determined by the Board of Supervisors by resolution.

§ 27-1710. Revocation of Permit. [Ord. 11/4/1996, § 1708; as amended by Ord. 3-2005, 9/6/2005, § 12(2)]

The Zoning Officer may revoke a permit or approval issued under the provisions of this Chapter in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based, if it is found that the work performed or the use to which the property is put is not in conformance with the application, or for any other cause set forth in this Chapter.

§ 27-1711. Complaints Regarding Violations. [Ord. 11/4/1996, § 1709; as amended by Ord. 3-2005, 9/6/2005, § 12(2)]

The Zoning Officer may, and when in receipt of a signed written complaint stating fully the cause and basis thereof, shall investigate alleged violations of this Chapter. If a signed written complaint is received, said investigation shall be completed within 15 days of said complaint. A written report of all investigations of this Chapter shall be prepared and filed by the Zoning Officer and a copy sent to the Board of Supervisors. If, after the investigation, the Zoning Officer determines that a violation has occurred, he shall take action as provided by this Chapter.

§ 27-1712. Enforcement. [Ord. 11/4/1996, § 1802; Ord. 11/4/1996, § 1710; as amended by Ord. 3-2005, 9/6/2005, § 12(2)]

If it appears that a violation of any of the provisions of this Chapter has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided below:

- A. The enforcement notice shall be sent to the owner of the record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
- B. An enforcement notice shall state at least the following:
 - (1) The name of the owner of record and any other person against whom Earl Township intends to take action.
 - (2) The location of the property in question.
 - (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.
 - (4) The date before which the steps for compliance must be commenced, and the date before which the steps must be completed.
 - (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board in accordance with the terms and procedures stated in Part 19 of this Chapter.
 - (6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, clearly constitutes a violation, with possible sanctions clearly described.
- C. If any such person does not comply with the notice of violation and the stop, cease and desist order within the time period specified, the Zoning Officer shall notify the Board of Supervisors, that the Township Solicitor shall be asked to initiate in the name of the or repeal shall be presented to the Zoning Officer. Said proposal shall be processed in the same manner as a petition filed under § 27-1802 with the exception that no review of the petition is required by the Township Planning Commission.

Township appropriate legal action against such person in accordance with Part 19 of this Chapter. However, in no case shall the person notified abandon the premises in such condition so as to create a hazard to the public health, safety, morals or welfare.

§ 27-1713. Official Records. [Ord. 11/4/1996, § 1711; as amended by Ord. 3-2005, 9/6/2005, § 12(2)]

It shall be the duty of the Zoning Officer to maintain and be responsible for all pertinent records on zoning matters in the Township. These records shall include, but not be limited to, all applications received, copies of all permits and certificates issued, copies of orders and findings of the Zoning Hearing Board, written complaints of alleged violations, records of all inspections made, a current copy of this Chapter and all amendments, the Official Zoning Map and all other pertinent information. The records of his office, including the written statement of all permits issued and violations and stop work orders recommended or promulgated, shall be available for the use of the Township government and inspection by any interested party during normal office hours. The Zoning Officer shall at least annually submit to the Board of Supervisors a written statement of all permits, violations and stop-work orders recommended or promulgated.

PART 18
AMENDMENTS

§ 27-1801. Amendments. [Ord. 11/4/1996, § 1800]

The Earl Township Board of Supervisors may, from time to time as hereinafter provided, amend, supplement, change or repeal this Chapter or the Official Zoning Map of the Township. Any amendment, supplement, change or repeal may be initiated by the Board of Supervisors, the Township Planning Commission, or by a petition to the Board of Supervisors by an interested party.

§ 27-1802. Procedure for Petition to the Board of Supervisors by an Interested Party. [Ord. 11/4/1996, § 1801]

1. **Petition Requirements.** The petition for amendment, supplement, change or repeal shall be submitted in duplicate to the Board of Supervisors and contain information to identify the petitioner, the amendment, supplement, change or repeal, and the petitioner's interest in the amendment, supplement, change or repeal. In instances where the petition requests a change in the boundaries of a zoning district on the Official Zoning Map, an accurate legal description and surveyed plan of any land to be rezoned shall be provided and shall be signed by at least one record owner of the property in question whose signature shall be notarized attesting to the truth and correctness of all the facts and information presented in the petition. A fee to be established by the Board of Supervisors shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings.
2. **Procedure for Petition Consideration.** After receipt of the petition by the Board of Supervisors, it shall forward said petition to the Zoning Officer who shall simultaneously transmit said petition to the Earl Township and Lancaster County Planning Commissions for their review and recommendations. A report of the review of the Township Planning Commission, together with any recommendations, shall be given to the Board of Supervisors in writing within 30 days from the date of said referral. The recommendation of the Township Planning Commission shall include a specific statement as to whether or not the proposed action is in accordance with the intent of the Earl Township Comprehensive Plan. The submission of the proposed amendment to the Lancaster County Planning Commission shall occur at least 30 days prior to the Township's public hearing on the amendment.
3. **Petition Exempted From Standard Procedure.** When the Zoning Officer determines that the petition for change is substantially the same as a petition submitted within six months previous, he shall transmit the petition to the Board of Supervisors who shall instruct the Zoning Officer to process

the petition as specified in this Part or, stating their reasons, refuse to take further action on the petition.

§ 27-1803. Amendment Initiated by the Township Planning Commission. [Ord. 11/4/1996, § 1802]

When an amendment, supplement, change or repeal is initiated by the Township Planning Commission, a report of the proposed amendment, supplement, change or repeal shall be presented to the Zoning Officer. Said proposal shall be processed in same manner as a petition filed under § 27-1802 with the exception that no review of the petition is required by the Township Planning Commission.

§ 27-1804. Amendment Initiated by the Board of Supervisors. [Ord. 11/4/1996, § 1803]

When an amendment, supplement, change or repeal is initiated by the Board of Supervisors, said proposal shall be processed in the same manner as a petition filed under § 27-1802 of this Chapter.

§ 27-1805. Curative Amendment by a Landowner. [Ord. 11/4/1996, § 1804]

1. Procedure.
 - A. A landowner who desires to challenge, on substantive grounds, the validity of this Chapter or the Official Zoning Map of the Township or any provision thereof which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in § 916.1 of the MPC. The Board of Supervisors shall commence a hearing thereon within 60 days of the request. The curative amendment shall be processed in accordance with § 27-1802 of this Chapter, and public notice of the hearing shall be as provided for in § 27-1808 of this Chapter.
 - B. If the Township does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire zoning ordinance and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
 - C. When the Board of Supervisors has determined that a validity challenge has merit, it may accept a landowner's curative amendment, with or without revision or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

- (1) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.
- (2) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or map.
- (3) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features.
- (4) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development, and any adverse environmental impacts.
- (5) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

§ 27-1806. Curative Amendment by the Board of Supervisors. [Ord. 11/4/1996, § 1805]

1. Procedure.

A. The Board of Supervisors shall declare by formal action its Zoning Ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within 30 days following such declaration, the Board of Supervisors shall:

- (1) By resolution, make specific findings setting forth the declared invalidity of this Chapter or portions thereof which may include:
 - (a) References to specific uses which are either not permitted or not permitted in sufficient quantity.
 - (b) Reference to a class of use or uses which require revision.
 - (c) Reference to the entire Chapter which require revisions.
- (2) Begin to prepare and consider a curative amendment to the Zoning Ordinance to correct the declared invalidity.

- B. Within 180 days from the date of the declaration and proposal, the Board of Supervisors shall enact a curative amendment to, or reaffirm the validity of, this Chapter pursuant to the provisions required by § 27-1802 to cure the declared invalidity of this Chapter.
- C. Upon the date of the declaration and proposal, the Board of Supervisors shall not be required to entertain or consider any curative amendment filed by a landowner. Nor shall the Zoning Hearing Board be required to give a report, upon request, for a challenge to the validity of this Chapter under § 27-1904.1A subsequent to the declaration and proposal, based upon the grounds identical to or substantially similar to those specified in the resolution required by this Section. Upon the enactment of a curative amendment to, or the reaffirmation of the validity of this chapter, no rights to a cure by amendment or challenge shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which the Board of Supervisors propose to prepare a curative amendment.
- D. The Board of Supervisors, having utilized the procedures as set forth in this Section, may not again utilize said procedures for a thirty-six-month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of this Chapter; provided, however, that if after the date of declaration and proposal there is a substantially new duty or new duty or obligation imposed upon the Township by virtue of a Pennsylvania appellate court decision, the Board of Supervisors may utilize the provisions of this Section to prepare a curative amendment to this Chapter to fulfill this duty or obligation.

§ 27-1807. Authentication of the Zoning Map. [Ord. 11/4/1996, § 1806]

Whenever there has been a change in the boundary of a zoning district or a reclassification of the zoning district adopted in accordance with the above, the change on the Zoning Map shall be made, and shall be duly certified by the Township Secretary and shall thereafter be refiled as part of the permanent records of the Township.

§ 27-1808. Public Notice. [Ord. 11/4/1996, § 1807]

When any amendment, supplement, change or repeal which changes the boundaries of any zoning district, changes the uses and structures permitted in a zoning district, or changes the height and area regulations applicable in a zoning district, a public hearing in relation thereto shall be held by the Board of Supervisors at which parties in interest and citizens shall have an opportunity to be heard.

- A. Publication, Advertisement and Availability of Ordinances.
 - (1) Proposed zoning ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth

in this Section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Township where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Board of Supervisors shall publish the proposed ordinance or amendment once in one newspaper of general circulation in the Township not more than 60 days nor less than seven days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

- (a) A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.
 - (b) An attested copy of the proposed ordinance shall be filed in the County law library or other County office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.
- B. If the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.
- C. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the Board of Supervisors shall at least 10 days prior to enactment readvertise, in one newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.
- D. Zoning ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.
- E. Within 30 days after enactment, a copy of the amendment to this Chapter shall be forwarded to the County planning agency.



PART 19
ZONING HEARING BOARD AND OTHER ADMINISTRATIVE
PROCEEDINGS

§ 27-1901. Creation and Membership. [Ord. 11/4/1996, § 1900]

1. There is hereby created a Zoning Hearing Board. As used in this Chapter, unless the text clearly indicates otherwise, the term "Board" shall refer to such Zoning Hearing Board. The membership of the Board shall, upon determination of the Board of Supervisors, consist of either three or five residents of the Township appointed by resolution by the Board of Supervisors. The terms of office of a three member board shall be three years and shall be so fixed that the term of office of one member shall expire each year. The terms of office of a five member board shall be five years and shall be so fixed that the term of office of one member of a five member board shall expire each year. If a three member board is changed to a five member board, the members of the existing three member board shall continue in office until their term of office would expire under prior law. The Board of Supervisors shall appoint two additional members to the Board with terms scheduled to expire in accordance with the provisions of this Section. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township.
2. The Board of Supervisors may appoint by resolution at least one but no more than three residents of the Township to serve as alternate members of the Board. The term of office of an alternate member shall be three years. The powers and duties of alternate members shall be as provided for in § 903 of the MPC.

§ 27-1902. General Procedures. [Ord. 11/4/1996, § 1901]

The Zoning Hearing Board shall adopt such rules and regulations to govern its procedures as it may deem necessary, and as provided for by § 906 of the MPC. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman or, in his absence, the acting chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official action, all of which shall be immediately filed with the Township Secretary and shall be a public record.

§ 27-1903. Hearings. [Ord. 11/4/1996, § 1902; as amended by Ord. 3-2005, 9/6/2005, § 13(1)]

1. Appeals to the Zoning Hearing Board may be taken by any person or Township official aggrieved or affected by any provision of this Chapter or by any decision, including any order to stop, cease and desist issued by the Zoning Officer. The hearing for such appeal shall be taken within 60 days from the date of the applicant's request and as provided by the rules of the Board by filing with the Zoning Officer and with the Board a notice of appeal specifying the grounds thereof, unless the applicant has agreed in writing to an extension of time. Upon payment of any fees established by resolution of the Board of Supervisors, the Zoning Officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
2. The Board shall conduct hearings and make decisions in accordance with the following requirements:
 - A. The Board shall fix a reasonable time and place for a public hearing of the appeal, and shall give notice thereof as follows:
 - (1) Public Notice. Public notice published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.
 - (2) Written Notice. Written notice shall be provided as follows:
 - (a) By mailing due notice at least seven days prior to the date of the hearing to the parties in interest and to those persons whose properties within Earl Township adjoin or are across public roads from the property in question.
 - (b) By providing notice of said hearing conspicuously posted on the affected tract of land at least one week prior to the hearing.
 - B. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs. The appearance fee for a stenographer shall be shared equally by the applicant and the Board.

The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or the hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

- C. The hearings shall be conducted by the Board, or the Board may appoint any member as a hearing officer. The decision or, where no decision is called for, the findings shall be made by the Board. However, the appellant, or the applicant, as the case may be, in addition to the Township, may prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- D. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- E. 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.
- F. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- G. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- H. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings.
- I. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed, and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

- J. 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 45 days after the last hearing before the Board or hearing officer. Each decision shall be accompanied by findings of fact and conclusions based on any provision of this Chapter or of any act, rule or regulation and shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Board prior to final decisions or entry of findings, and the Board's decision shall be entered no later than 30 days after the decision of the hearing officer. Where the Board fails to render the decision within the period required by this paragraph, or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in § 27-1903(1) of this Chapter. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
- K. 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.
- L. Parties to proceedings authorized by this Part may utilize mediation as an aid in completing such proceedings. In exercising such an option, the Township, the Board and the mediating parties shall meet the stipulations and follow the procedures set forth in § 27-1912 of this Chapter and § 908.1 of the MPC.

§ 27-1904. Jurisdiction. [Ord. 11/4/1996, § 1903; as amended by Ord. 3-2005, 9/6/2005, § 13(2)]

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. 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, the refusal to register any nonconforming use, structure or lot or appeals from the determination of the Floodplain Administrator as identified in the Earl Township Floodplain Management Ordinance.²³ **[Amended by Ord. 2016-03, 3/17/2016]**
- B. Applications for variances from the terms of this Chapter, pursuant to § 27-1905(1) of this Chapter.
- C. Applications for special exceptions under this Chapter, pursuant to § 27-1905(2) of this Chapter.
- D. Appeals from the Zoning Officer's determination under § 27-1910 of this Chapter.
- E. All other matters authorized by the MPC. In addition to the powers set forth in this section, the Zoning Hearing Board shall have all powers and jurisdiction set forth in the MPC.

§ 27-1905. Zoning Hearing Board Functions; Variances and Special Exceptions. [Ord. 11/4/1996, § 1904]

- 1. Variances. The Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:
 - A. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the property is located.

²³ Editor's Note: See Ch. 8, Floodplain Management.

- B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - C. That such unnecessary hardship has not been created by the appellant.
 - D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
2. Special Exceptions. Where the Board of Supervisors, in this Chapter, has stated special exceptions to be granted or denied by the Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria as provided in Part 16 of this Chapter. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter.
3. Time Limitations. Unless otherwise specified by the Board or by law, a variance or special exception shall expire if the applicant fails to obtain a zoning permit within one year of the date of authorization thereof by the Board or by the court if such special exception or variance has been granted after an appeal. A variance or special exception shall also expire if the applicant fails to complete any erection, construction, reconstruction, alteration or change in use authorized by the special exception or variance approval within two years from the date of authorization thereof by the Board or by the court if such variance or special exception has been granted after an appeal. The Board, for reasonable cause shown, may extend the approval for an additional period for one year.

§ 27-1906. Parties Appellant Before the Board. [Ord. 11/4/1996, § 1905; as amended by Ord. 3-2005, 9/6/2005, § 13(3)]

Appeals under § 27-1904 shall be filed with the Board in writing by the landowner affected, any officer or agency of Earl Township, or any person aggrieved. Requests for a variance under § 27-1904.1B and for special exception under § 27-1904.1C shall be filed with the Board by any landowner or any tenant with the permission of

such landowner. Said appeal shall include the following information and any other information that may be required by a specific application for such request:

- A. The name and address of the appellant and applicant.
- B. The name and address of the landowner of the real estate to be affected.



- C. A brief description and location of the real estate to be affected by such proposed change together with a plot plan drawn to scale with sufficient clarity to show the nature and character of the request.
- D. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
- E. A statement of the Section of this Chapter under which the exception requested or variance may be allowed, a statement of the nature of the variance or the exception requested, and reasons why it should be granted.

§ 27-1907. Time Limitations. [Ord. 11/4/1996, § 1906]

- 1. No person shall be allowed to file any proceeding with the Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate Township officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan pursuant to § 709 of the MPC or from an adverse decision by the Zoning Officer on a challenge to the validity of an ordinance or map pursuant to § 27-1909 of this Chapter shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
- 2. All appeals from determinations adverse to the landowners shall be filed by the landowner within 30 days after notice of determination is issued.

§ 27-1908. Stay of Proceedings. [Ord. 11/4/1996, § 1907]

- 1. Upon filing of any proceeding referred to in § 27-1906, and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer, or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board.

2. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous and is for the purpose of delay. At the hearing, evidence may be presented on the merits of the case. After consideration of all evidence presented, if the court determines that the appeal is frivolous and is for the purpose of delay, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.
3. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
4. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

§ 27-1909. Validity of Ordinance; Substantive Questions. [Ord. 11/4/1996, § 1908; as amended by Ord. 3-2005, 9/6/2005, § 13(4,5)]

1. A landowner who, on substantive grounds, desires to challenge the validity of an ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest shall submit the challenge either:
 - A. To the Zoning Hearing Board under § 27-1904.1A of this Chapter.
 - B. To the Board of Supervisors under the applicable provisions of the MPC.
2. Persons aggrieved by a use or development permitted on the land of another by an ordinance or map, or any provision thereof, who desires to challenge its validity on substantive grounds shall first submit their challenge to the Zoning Hearing Board for a decision thereon under § 27-1904.1A of this Chapter.

§ 27-1910. Procedure to Obtain Preliminary Opinion. [Ord. 11/4/1996, § 1909]

1. In order to not unreasonably delay the time when a landowner may secure assurance that the ordinance or map under which he proposed to build is free from challenge, and recognizing that the procedure for preliminary approval of his development may be too cumbersome or may be unavailable, the landowner may advance the date from which time for any challenge to

the ordinance or map will run under § 27-1907 of this Chapter by the following procedure:

- A. The landowner may submit plans and other materials describing his proposed use or development to the Zoning Officer for a preliminary opinion as to their compliance with the applicable ordinances and maps. Such plans and other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a building permit so long as they provide reasonable notice of the proposed use or development and a sufficient basis for a preliminary opinion as to its compliance.
2. If the Zoning Officer's preliminary opinion is that the use or development complies with this Chapter or map, notice thereof shall be published in a newspaper of general circulation in the Township. Such notice shall include a general description of the proposed use or development and its location, by some readily identifiable directive, and the place and times where the plans and other materials may be examined by the public. The favorable preliminary approval under § 27-1907 and the time therein specified for commencing a proceeding with the Board shall run from the time when the second notice thereof has been published.

§ 27-1911. Appeal to Court. [Ord. 11/4/1996, § 1910]

Nothing contained in this Part shall be construed to deny the appellant the right to proceed directly to court where appropriate, pursuant to the Pennsylvania Rules of Civil Procedure No. 1091 (relating to action in mandamus). Procedures set forth to constitute the exclusive mode for securing review of any decision rendered pursuant to this Part or deemed to have been made under this Chapter shall be in accordance with Article X-A of the MPC.

§ 27-1912. Mediation Option. [Ord. 11/4/1996, § 1911]

1. Parties to proceedings authorized in this Chapter may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Chapter once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.
2. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Township shall assure that, in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
 - A. Funding mediation.

- B. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
 - C. Completing mediation, including time limits for such completion.
 - D. Suspending time limits otherwise authorized in this Chapter and the MPC, provided there is written consent by the mediating parties, and by an applicant or Township decision-making body if either is not a party to the mediation.
 - E. Identifying all parties and affording them the opportunity to participate.
 - F. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
 - G. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in the other Sections of this Chapter.
3. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

PART 20
VIOLATIONS AND REMEDIES

§ 27-2001. Violations. [Ord. 11/4/1996, § 2000]

Failure to secure a zoning permit prior to a change in the use of land or structure, or the erection, construction or alteration of any structure or portion thereof, or any occupancy of same, or any violation of any other term or condition of this Chapter shall be a violation of this Chapter.

§ 27-2002. Causes of Action. [Ord. 11/4/1996, § 2001]

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 any provisions of this Chapter, the Board of Supervisors or, with the 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 other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

§ 27-2003. Enforcement Remedies. [Ord. 11/4/1996, § 2002; as amended by Ord. 3-2005, 9/6/2005, § 14]

1. Following the issuance of any notice of violation by the Zoning Officer, and should said notice not be complied with within the time period specified in the notice of violation, the Zoning Officer shall notify the Board of Supervisors and the Township Solicitor may be asked to initiate in the name of the Township any appropriate action or proceedings at law or in equity to prevent such actions as specified in said notice.
2. District justices shall have initial jurisdiction over proceedings brought under this Section.
 - A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$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 be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules

of civil procedure. Each day that a violation continues shall constitute a separate violation, unless 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 Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the Township.

- B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- C. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

PART 21

ZONING MAP AMENDMENTS

§ 27-2101. Zoning Map Amendments.

Ord./Res.	Date	Description
5-1998	9/7/1998	Changing the zoning of a certain parcel of land from partly Commercial, partly Rural Residential and partly Agriculture to be zoned in its entirety as Commercial
2-2000	8/7/2000	See Exhibit A, attached hereto (27 Attachment 1)
2-2001	4/2/2001	Changing the zoning classification of land presently zoned Agricultural to an Industrial classification
4-2001	6/4/2001	Changing the zoning classification of land presently zoned Agricultural to an Industrial classification
6-2001	12/3/2001	Changing the zoning classification of land presently zoned Commercial to a Residential classification
3-2002	4/1/2002	Changing the zoning of a certain 1.89-acre parcel of land from Agricultural to Rural Residential
06-2006	9/5/2006	Changing the zoning of a certain 50.6898-acre parcel of land on Peters Road from Agricultural to Industrial
2007-04	5/7/2007	Changing the zoning of a certain 15.66-acre parcel of land on the north side of New Holland Pike east of Voganville Road and west of Shirk Road from Agricultural to Commercial and changing the zoning of a certain 31.55 acre parcel of land on the north side of New Holland Pike east of Voganville Road and west of Shirk Road from Agricultural to Residential
2007-05	7/2/2007	Changing the zoning of a certain 1.254-acre parcel and a 0.997-acre parcel of land on the south side of Division Highway (1943 and 1953 Division Highway) from Rural Residential to Commercial
2009-01	1/5/2009	Rezoning a parcel of land on the southwesterly side of Ranck Road and north of Airport Road from Agricultural (AG) to Residential (R)
2009-07	12/7/2009	Rezoning a parcel of land on the north side of Pa. Route 23 and the east side of Tower Road from Agricultural (AG) to Commercial (C)
2016-01	2/1/2016	Rezoning a 1,170 square foot tract located south of East Main Street and adjacent to Short Street from Industrial to Commercial and rezoning a 12,049 square foot tract located south of East Main Street and adjacent to Short Street from Commercial to Industrial

Ord./Res.	Date	Description
2016-06	4/4/2016	Rezoning 3.947 acres of land located at 260 Jalyne Drive, New Holland, Pennsylvania, from Agricultural to Industrial
2017-02	8/7/2017	Rezoning 2.589 acres of land located north of State Highway S.R. 0322, 28th Division Highway, Earl Township, Pennsylvania from Agricultural to Industrial
2018-02	9/4/2018	Rezoning certain parcels of land located at the southwest corner of the intersection of Division Highway East (SR 322) and Farmersville Road from Agricultural (AG) and Rural Residential (RR) to Commercial (C)
2019-02	9/3/2019	Changing the zoning classification of a tract of land of approximately 26 acres generally located at 568 Hollander Road and Nolt Road from Agricultural (AG) to Industrial (I)
2022-03	10/3/2022	Changing the zoning classification of a tract of land containing 1.1 acres located south of East Main Street and adjacent to Short Street, and a 1.5 acre tract of land located south of East Main Street and adjacent to Short Street, from the Commercial District to the Industrial District