

**CODORUS TOWNSHIP  
ZONING ORDINANCE**

**YORK COUNTY, PENNSYLVANIA**

**JANUARY, 2009**

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# **ORDINANCE NO.**

## **CODORUS TOWNSHIP ZONING ORDINANCE**

### **SECTION 101            TITLE**

AN ORDINANCE PERMITTING, PROHIBITING, REGULATING, RESTRICTING, AND DETERMINING THE USES OF LAND, WATERCOURSES, AND OTHER BODIES OF WATER: THE SIZE, HEIGHT, BULK, LOCATION, ERECTION, CONSTRUCTION, REPAIR, MAINTENANCE, ALTERATION, RAZING, REMOVAL AND USE OF STRUCTURES; THE AREAS AND DIMENSIONS OF LAND AND BODIES OF WATER TO BE OCCUPIED BY USES AND STRUCTURES AS WELL AS COURTS, YARDS, AND OTHER OPEN SPACES AND DISTANCES TO BE LEFT UNOCCUPIED BY USES AND STRUCTURES: THE DENSITY OF POPULATION AND INTENSITY OF USE; THE LOCATION AND SIZE OF SIGNS; CREATING ZONING DISTRICTS AND ESTABLISHING THE BOUNDARIES THEREOF: CREATING THE OFFICE OF ZONING OFFICER: CREATING A ZONING HEARING BOARD: AND PROVIDING FOR THE ADMINISTRATION, AMENDMENT, AND ENFORCEMENT OF THE ORDINANCE, INCLUDING THE IMPOSITION OF PENALTIES.

### **ORDAINING CLAUSE**

BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Codorus, County of York, by authority of and pursuant to the provisions of Articles VI through X of Act No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, known and cited as the "Pennsylvania Municipalities Planning Code," and any amendments and supplements thereto, as follows:

### **ARTICLE I**

### **GENERAL PROVISIONS**

### **SECTION 102            SHORT TITLE**

This Ordinance shall be known and may be cited as the "Codorus Township Zoning Ordinance."

### **SECTION 103            PURPOSE**

This Zoning Ordinance has been prepared in accordance with the Codorus Township Comprehensive Plan of 1973 with consideration for the character of the municipality, its various

parts, and the suitability of the various parts for the particular uses and structures, and is enacted for the following purposes.

1. To promote, protect, and facilitate one or more of the following: The public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports, and national defense facilities, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements, as well as the preservation of quality agricultural lands, they being the Township's most important natural resource, and
2. To prevent one or more of the following: Overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

#### **SECTION 104            ZONING HEARING BOARD**

In accordance with Article IX of Act 247 of the Commonwealth of Pennsylvania, a Zoning Hearing Board is hereby created and shall have the number of members and such powers and authority as set forth in said Act and this Ordinance. The duly established Zoning Hearing Board may, from time to time, be herein referred to as the Board and unless otherwise clearly indicated, the term "Board" shall refer to such Zoning Hearing Board.

#### **SECTION 105            USES NOT PROVIDED FOR**

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

#### **SECTION 106            COUNTY AUTHORITY**

The York County Planning Commission is empowered under Sections 304 and 607 of the Pennsylvania Municipalities Planning Code (Act 247) to submit its recommendations on the proposed adoption, amendment or repeal of any municipal zoning ordinance or part thereof. Proposals shall be submitted to the York County Planning Commission at least thirty (30) days in advance of public hearing.

## ARTICLE II

### COMMUNITY DEVELOPMENT OBJECTIVES

#### SECTION 201 COMMUNITY DEVELOPMENT OBJECTIVES

This Ordinance provides a legal basis and framework for future Township development. Its provisions are guided by the policies and proposals contained within the Codorus Township Comprehensive Plan, and include, but are not limited to, the following:

1. To insure that the land uses of the Township are logically situated in relation to one another.
2. To provide adequate space for each type of development in the Township so as to avoid overcrowding of land.
3. To provide for the control of development density so that the populace can be serviced adequately by such facilities as the street, school, recreation, and utilities systems.
4. To protect existing property by requiring that development afford adequate light, air, and privacy for persons living and working within the Township.
5. To facilitate the efficient movement of traffic.
6. To secure the preservation and prudent use of natural resources, in particular the preservation and prudent use of agricultural lands.
7. To strive for a variety in housing types.
8. To provide for equal opportunities in all facets of Township living.
9. To strive for coordination between policies, plans, and programs in the Township through cooperation among governing officials, community interest groups, and the general populace.
10. To encourage development to occur in the less desirable agricultural lands rather than the more productive agricultural lands.

To implement and carry out these foregoing objectives, this Ordinance divides the Township into districts by giving special consideration for the present character and the suitability of the land for particular uses and structure. Specific purposes and objectives along with appropriate regulations and safeguards are set forth in the applicable articles contained herein for each zoning district.

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## ARTICLE III

### GLOSSARY OF ZONING TERMS

#### SECTION 301 APPLICATION AND INTERPRETATION

It is not intended that this Glossary include only words used or referred to in this Ordinance. The words are included in order to facilitate the interpretation of the Ordinance for administrative purposes in the carrying out of duties by appropriate officers and by the Zoning Hearing Board.

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

1. Words used in the present tense include the future tense.
2. The word "person" includes a profit or nonprofit corporation, company, partnership, or individual.
3. The words "used" or "occupied" as applied to any land or building include the words "intended", "arranged", or "designed" to be used or occupied.
4. The word "building" includes structure.
5. The word "lot" includes plot or parcel.
6. The word "shall" is always mandatory.

#### SECTION 302 DEFINITION OF TERMS

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

Accessory Building - A subordinate building located on the same lot as a principal building and clearly incidental and subordinate to the principal building, including, but not limited to, private garages, carports, utility buildings, tool sheds, noncommercial greenhouses, etc. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

Alley - A public thoroughfare which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

Alterations - As applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Amendment - A change in the zoning text and/or the official zoning map; and the authority for any amendment lies solely with the Municipal Governing Body.

Animal Feedlot - An area or lot in which grain fattening of cattle is conducted in specialized lots, and where fattening rations are formulated, feed ingredients mixed and metered out to each feeding pen.

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

Area, Building - The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.

Area, Floor - The sum of the areas of the several floors of a building structure, including areas used for human occupancy and basements, attics and penthouses, measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, attics not used for human occupancy or any floor space in an accessory building or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this Ordinance or any such floor space intended and designed for accessory heating and ventilation equipment.

Basement - A story partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if used for business or dwelling purposes, other than a game or recreation room.

Bed and Breakfast Inn - A dwelling unit where, in exchange for compensation, the owner, who resides on the premises, provides lodging and at least one meal daily for guests.

Billboard - A sign upon which advertising matter of any character is printed, posted, or lettered; and it may be either freestanding or attached to a surface of a building or other structure.

Building - Any structure having a roof supported by walls, and intended for the shelter, housing or enclosure of persons, animals or chattel.

Building, Principal - The primary building located on a lot or tract; not an accessory building; if a dwelling is located on a lot or tract, the dwelling is the principal building; otherwise, the most valuable building on the tract of lot is the principal building.

Building Coverage - That percentage of the plot or lot area covered by the building area.

Building Height - A vertical distance measured from the mean elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck lines of mansard roofs and to the mean height between eaves and ridge for gable, hip or gambrel roofs.

Building Permit - Any permit required by this or other Township Ordinances for the construction, alteration or razing of any structure.

Building Setback Line - A line within a property defining the required minimum distance between any structure and any adjacent street centerline.

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

Carport - An open space for the storage of one or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts except that one or more walls may be the walls of the main building to which the carport is an accessory building or extension.

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

Conditional Use - A use which is not appropriate to a particular zone district as a whole, but which may be suitable in certain localities within the district only when specific conditions and factors prescribed for such cases within this Ordinance are present. Conditional uses are allowed or denied by the Municipal Governing Body after recommendations by the Planning Agency.

Conversion, Multi-Family - A multi-family dwelling constructed by converting an existing building into apartments for more than one (1) family without substantially altering the exterior of the building.

Driveway - A paved surface other than a street which provides vehicular access from a street or a private road to a lot.

Dwelling - A building or structure designed for living quarters for one (1) or more families, including mobile homes, but not including rooming houses, convalescent homes, motels, hotels, and tourist homes or other accommodations used for transient occupancy.

1. Single-Family Dwelling - A dwelling unit accommodating a single family and having two (2) side yards.
2. Single-Family Semi-Detached Dwelling - A building containing not more than two (2) dwelling units on two separate lots accommodating not more than two (2) families, which dwelling units are attached side by side through the use of common party walls and which have side yards adjacent to each unit.

3. Row Dwelling (Townhouse) - Three (3) or more dwelling units accommodating three (3) or more families which are attached side by side through the use of common party walls and which shall have side yards adjacent to each end unit.
4. Multi-Family Dwelling - A building containing two (2) or more dwelling units on a single lot accommodating two (2) or more families living independently of each other and doing their own cooking. (Row Dwellings or Townhouses and Single-Family Semi-Detached Dwellings are separately defined.)

Dwelling Unit - A building or portion thereof providing complete housekeeping facilities for one (1) family. A portion of a dwelling separated from the remainder of the dwelling by a wall or which can be separated by closing a door shall be considered a separate dwelling unit if such portion contains a bathroom with either a tub or a shower, a kitchen and a bedroom.

Dwelling Unit Area - The minimum or average square footage necessary to constitute a dwelling unit in a multiple-dwelling structure.

Family - A single person occupying a dwelling unit and maintaining a household; two (2) or more persons related by blood, marriage or adoption occupying a dwelling unit, living together and maintaining a common household, or not more than four (4) unrelated persons occupying a dwelling unit, living together and maintaining a common household. Family may include domestic servants, gratuitous guests, court appointed wards and foster children, but not occupants of a club, fraternal lodging, rooming house, boarding house, institutional care facility, personal care facility, or any other arrangement pursuant to which compensation is paid in exchange for the right to reside in such facility, to receive meals, supervision and/or care.

Flood Plain - A flood plain shall be defined as any low, flat area adjoining and including any water or drainage course or any area subject to periodic flooding or overflow from nearby water or drainage courses.

Floor Area, Habitable - The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, hallways, stairways, bathroom and closets but not including cellars, attics, service rooms, utility rooms nor unheated areas such as enclosed porches, nor rooms without at least one window or skylight opening onto an outside yard or court. At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven (7) feet and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the habitable floor area.

Group Home - A building or structure used by a parent charitable, religious, educational, or philanthropic institution to provide a supportive living arrangement for individuals where special care is needed by the individuals served due to age, emotional, mental, or physical handicap. This definition shall expressly include facilities for the supervised care of developmentally disabled persons, those under treatment for alcohol abuse, drug abuse, or both, unwed parents, and those who have been physically abused.

## Health and Personal Care Facilities -

1. Hospital - An institution having an organized medical staff which is primarily engaged in providing to in patients, by or under the supervision of physicians, diagnostic and therapeutic services for the care of injured, disabled, pregnant, diseased, sick or mentally ill persons, or rehabilitation services for the rehabilitation of injured, disabled, pregnant, diseased, sick or mentally ill persons. The term includes facilities for the diagnosis and treatment of disorders within the scope of specific medical specialties, but not facilities caring exclusively for the mentally ill.
2. Nursing Home or Convalescent Home - A building or structure in which nursing care and related medical or other health services are provided for a period exceeding twenty-four (24) hours for two (2) or more individuals who are not relatives of the operator, who are not acutely ill and not in need of hospitalization, but how, because of age, illness, disease, injury, convalescence or physical or medical infirmity need such care.
3. Personal Care Home - A building or structure in which food, shelter, and personal assistance and/or supervision are provided for a period exceeding twenty-four (24) hours for four (4) or more adults who are not relatives of the operator and who do not require the services in, or of a "nursing home" but do require assistance or supervision in matters such as dressing, bathing, diet, financial matters, evacuation of a residence in the event of an emergency or medication prescribed for self- administration.
4. Adult Day Care Center - Any premises where care is provided to elderly or disabled adults for part of a twenty-four (24) hour day, excluding care provided by relatives. Such care includes personal assistance, the development of skills for daily living, and the provision of social contact.
5. Domiciliary Care Unit - A building or structure designed for living quarters for one or more families which in addition to providing living quarters for one or more families, provides, on a state or federally licensed and supervised basis, twenty-four (24) hour supervised, protective living arrangements by the families residing therein for not more than three (3) persons eighteen (18) years of age and above who are disabled physically, mentally, emotionally or as a result of old age and are unrelated to the family providing the care.
6. Medical Center, Office or Clinic - A building or group of buildings occupied by licensed medical practitioners for the purpose of providing health services to people on an out-patient basis. Offices of health care professionals which meet the requirements applicable to "home occupations" or "small business" as set forth in Section 614 of the Township Zoning Ordinance are excluded from this definition.

7. Home Occupation - Any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein plus not more than two (2) non-resident employees providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling, and no goods are publicly displayed on the premises other than signs as provided herein.

Horticulture - The growing of fruit, vegetables, flowers, ornamental plants or trees for a profit.

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

Junk Dealer - Shall mean any person, as hereinafter defined, who shall engage in the business of selling, buying, salvaging and dealing in junk and who maintains and operates a junkyard within the Township of Codorus.

Junkyard - Shall mean any place where any junk as hereinafter defined, is stored, disposed of, or accumulated.

Kennel or Stable - Any lot on which animals are kept, boarded or trained for a fee, whether in special buildings or runways or not, including but not limited to, dog and cat kennels, horse stables or riding academies.

Land of Low Quality for Agricultural Use - Land shall be considered of low quality for agricultural use if:

1. The land is not "prime agricultural land" as defined by this ordinance; or
2. The areas of prime agricultural land are minor and isolated (meaning not contiguous with other areas of prime agricultural land) and cumulatively do not exceed the lesser of one-tenth of the lot or 6500 square feet; or
3. The land has not been farmed in the past five years and cannot feasibly be farmed;
  - (a) due to existing features of the site such as rock outcroppings, or, the fact that the area is heavily wooded; or
  - (b) due to the fact that the size or shape of the area suitable for farming or which could be made suitable for farming by removal of obstacles such as trees, underbrush and other growth is insufficient to permit use of the type of farm machinery typically used at the present time by farmers in the area. For purposes of the application of this subsection, the land to be contained in a proposed lot shall be considered as part of the original parcel.

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

Large Livestock Operation - A concentration on contiguous lands owned by the same owner or owners of over 20,000 chickens, 5,000 turkeys, 500 hogs or 200 head of cattle or other animals weighing in excess of three hundred (300) pounds.

Liquid Manure - Manure with sufficient water added to form a mixture containing less than 15% solids. It is stored prior to spreading in a tank or pit or similar container and removed by means of a pump.

Lot - A plot or parcel of land which is, or in the future, may be offered for sale, lease, conveyance, transfer or improvement as one unit, regardless of the method or methods in which title was acquired. It may be vacant, devoted to a certain use, occupied by a structure or occupied by a group of structures that are united by a common interest or use.

Lot, Area - The area contained within the property lines for individual lots of land, including any area within a street right-of-way and including the area of any easement.

Lot, Corner - A parcel of land at the junction of an abutting on two (2) or more intersecting streets.

Lot, Interior - A lot other than a corner lot.

Lot Lines - The lines bounding a lot as defined herein.

Lot, Width - The width of a lot measured at the minimum front setback line for the zone in which the lot is located.

Manure - The fecal and urinary defecations of livestock and poultry with additional straw, sawdust or other bedding material.

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

Mobile Home Lot - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

Mobile Home Park - A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use, consisting of two or more mobile home lots.

Mobile Home Stand - That part of an individual mobile home space which has been reserved for the placement of a mobile home and appurtenance structures and connections.

Motel - A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and provided with accessory off-street parking facilities. The term "motel" includes buildings designed as tourist courts, motor lodges, auto courts and other similar designations, but shall not be construed to include mobile or immobile trailers or homes.

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

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

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

Nonconformity, Dimensional - A lot or structure which is nonconforming because it is not in compliance with the extent-of-use or dimensional regulations of this Ordinance.

Nursing Home - A nursing home (also commonly known as a convalescent home) is a licensed establishment which provides full-time convalescent or chronic care or both where persons are housed or lodged and furnished with meals and nursing care for hire.

Off-Lot Sewer Service - A sanitary sewerage collection system in which sewage is carried from individual lot or dwelling units by a system of pipes to a central treatment and disposal plan which may be publicly or privately owned and operated.

On-Lot Sewer Service - A single system of piping, tanks or other facilities serving only a single lot and disposing of sewage in whole or in part into the soil.

Outdoor Recreational Use - A use of open land for leisure time activities such as a beach, lake, pond or public swimming pool, tennis court, riding stable or golf course.

Parcel - For purposes of the application of Sections 503 and 504 (1)(d), a parcel shall mean all contiguous land owned by the same owner or owners at the date of the proposed transfer. Land

shall be considered contiguous even though separated by public or private roads and/or by land adversed from the original tract since December 7, 1974.

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

Parking Space - An off-street space available for the parking of a motor vehicle and which in this Ordinance is held to be an area ten (10) feet wide and twenty (20) feet long, exclusive of passageways and driveways appurtenant thereto and giving access thereto.

Prime Agricultural Land - Land containing soils in Soil Capability Units classified as Class 1, 2, or 3 as depicted on maps prepared by the York County Planning Commission for Codorus Township, which maps are based on the U.S. Department of Agriculture, Natural Resources Conservation Service, Soil Survey of York County, dated 2002.

Public Sewer - A sanitary sewer system owned, operated or controlled by a governmental agency or which represents a comparable, common sanitary sewer system approved and permitted by the Pennsylvania Department of Environmental Protection and regulated by the Pennsylvania Public Utility Commission.

Public Water - A water supply system receiving its supply from other than the proposed development site which is owned, operated, or controlled by a governmental agency or represents a comparable, common water supply system approved and permitted by the Pennsylvania Department of Environmental Protection, and regulated by the Pennsylvania Public Utility Commission.

Recreation Vehicle - Any portable or mobile vehicle used or designed to be used for travel, recreation and/or living purposes and with its wheels, rollers or skids in place. A recreation vehicle shall include trailer, house trailer, camper, sleigh, golf cart, boat, boat trailer, airplane or other similar vehicle providing partial and usually temporary living and sleeping quarters and which may or may not include kitchen and bathroom conveniences.

Retired - With respect to a right to erect, construct or place a dwelling unit within the Agricultural District as provided by Section 504 (1)(a) of this ordinance, the retirement of that right means to render the right void and not available for transfer or to support the location of a dwelling unit.

Riding Academy - Any establishment where horses are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.

Right-of-Way - Land set aside for use as a street, alley or other means of travel.

Rooming House - Any dwelling or part thereof containing one or more rooming units, and which space is let to one or more persons for terms of not more than one month. In addition to rooming units it may include but does not have to include common cooking and dining facilities. A

"rooming unit" means any room or group of rooms forming a single habitable unit used or intended to be used for a living and sleeping combination but not for cooking or eating purposes.

Sanitary Landfill - A lot or land or part thereof used primarily for the disposal of garbage, refuse, and other discarded materials including, but not limited to, solid and liquid waste materials resulting from industrial, commercial, agricultural, and residential activities.

School - Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or of a lawfully constituted ecclesiastical governing body, person, partnership or corporation meeting the requirements of the Commonwealth of Pennsylvania. It also includes a commercial school that may offer a wide range of educational or instructional activities, including vocational-mechanical trade schools which offer training in such occupations as truck driving, engine repairs, building construction, woodworking, masonry, plumbing, electrical contracting, and similar trades, and also includes instruction in business, art, music, handicraft, dancing and other similar activities, irrespective of whether or not such school is or is not operated for profit; provided, however, schools which meet the requirements of Section 614 as Home Occupation may be permitted in any zone as Home Occupation.

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

Services, Essential - Uses, not enclosed within a building, necessary for the preservation of the public health and safety, including but not limited to, the erection, construction, alteration or maintenance of, by public utilities or governmental agencies, underground or overhead transmission systems, poles, wires, pipes, cables, fire alarm boxes, hydrants, or other similar equipment.

Service Station - Any area of land, including structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designated to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such motor vehicles.

Setback Line - The line within a property defining the required minimum distance between any building to be erected and the adjacent right-of-way. Such line shall be measured at right angles from the front street right-of-way line which abuts the property upon which said building is located and shall be parallel to said right-of-way line.

Shopping Center - A group of commercial establishments planned, developed, owned and managed as a unit related in location, size, and type of shops to the trade area that the unit serves; it provides on-site parking in definite relationship to the types and sizes of stores.

Sign - Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or government agency, or of any civic, charitable, religious, patriotic, or similar organization.

Special Exception - The granting of a right to use a tract of land for any of the purposes set forth in Article V as permitted in that District by Special Exception subject to the terms, procedures, and conditions. Prescribed for that use by this Ordinance. Special Exception shall be administered by the Zoning Hearing Board.

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

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

Street - Include street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

Street Right-of-way Line - The line dividing a lot from the full street right-of-way, not just the cartway.

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

#### Swimming Pool

1. Private - Any reasonably permanent pool of open tank, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than one and one-half (1½) feet. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.
2. Public - A public bathing place shall mean any open or enclosed place, open to the public for amateur and professional swimming or recreative bathing, whether or not a fee is charged for admission or for the use thereof.

Tract - All land which (1) was owned by the same owner or owners on December 7, 1974, and (2) is contiguous. Land shall be considered contiguous even though separated by a public or private road and/or by land adversed from the original tract since December 7, 1974.

Trailer Camp - A tract of land:

1. Where two (2) or more travel trailers, motor homes or campers are parked or
2. Which is used or held out for the purpose of supplying to the public a parking space for two (2) or more travel trailers, motor homes or campers.

Travel Trailer - A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses, permanently identified "Travel

Trailer" by the manufacturer on the trailer. Unoccupied travel trailers do not constitute mobile homes, as used in this Ordinance.

Use - The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

1. Accessory Use - A Subordinate use listed under the use regulations for each zoning district, normally located on the same lot with principal use.
2. Principal Use - The primary purpose or purposes for which a lot is occupied as listed in the use regulations for each zoning district and contained in Article 5. If more than two (2) principal uses occupy a single lot, each such use must be positioned so that the lot on which such uses are located could subsequently be subdivided, separating each use yet meeting all applicable district dimensional requirements.

Variance - A modification of the regulations of this Ordinance granted by the Zoning Hearing Board on grounds of practical difficulties or unnecessary hardship, not self-imposed, pursuant to appropriate provisions of this Ordinance and Section 912 of the Pennsylvania Municipalities Planning Code (Act 247).

Water Facility - Any water works, water supply works, water distribution system or part thereof designed, intended or constructed to provide or distribute potable water.

Water Distribution Facility, Off-Lot - Any approved system in which potable water is supplied from a central water source to a dwelling or other building located off the lot on which such dwelling or building is located.

Water Distribution Facility, On-Lot - Any approved system in which potable water is supplied from an individual well to a dwelling or other building located on the same lot as the well.

Yard - An unoccupied space open to the sky, on the same lot with a building or structure.

Yard, Front - An open unoccupied space on the same lot with a main building, extending the full width of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

Yard, Rear - An open unoccupied space on the same lot with a main building extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the building. A building shall not extend into the required rear yard.

Yard, Side - An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot

line not a rear line or a front line shall be deemed a side line. A building shall not extend into the required side yards.

Zoning Officer - The duly appointed municipal officials designated by the Township Supervisors as the administering and enforcing officer for this Ordinance.

Zoning Permit - A permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this Ordinance for the Zone in which is located or is to be located.

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## **ARTICLE IV**

### **DESIGNATION OF DISTRICTS**

#### **SECTION 401 CLASSIFICATION OF DISTRICTS**

For purposes of this Ordinance, Codorus Township is hereby divided into the following Districts and shall be designated as follows:

- A - Agricultural Districts
- RR - Rural Residential Districts
- RS - Rural Suburban Residential Districts
- GC - General Commercial Districts

#### **SECTION 402 ZONING MAP**

The boundaries of said Districts are delineated on a separate map entitled "Codorus Township Zoning Map" which accompanies and, with all explanatory matter thereon, is hereby made a part of this Ordinance.

#### **SECTION 403 INTERPRETATION OF DISTRICT BOUNDARIES**

1. Where uncertainty exists as to the boundaries of the Districts as shown on the zoning map, the following rules shall apply:
  - a. Boundaries indicated as approximately following the center of streets, highways or alleys shall be construed to follow such centerlines.
  - b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
  - c. Boundaries indicated as approximately following municipality limits shall be construed as following municipality limits.
  - d. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
  - e. Boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be construed to follow such centerlines.
  - f. Boundaries indicated as parallel to or extensions of features indicated in Sub-sections (a) through (e) above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

- g. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or in circumstances not covered by Sub-sections (a) through (f) above, the Zoning Hearing Board shall interpret the District Boundaries.

## **ARTICLE V**

### **ZONING DISTRICTS**

#### **AGRICULTURAL DISTRICTS (A)**

##### **SECTION 501 PURPOSE OF THE AGRICULTURAL DISTRICTS**

This district is composed of those areas in the Township whose predominate land use is devoted to agricultural activities.

Agricultural Districts are established to protect and stabilize agriculture as an on-going and economic activity by permitting only those land uses and activities which are either agricultural in nature or an act in direct support thereof and the regulations for this zone are designed to minimize conflicting land uses detrimental to agricultural enterprises and to maintain agricultural parcels or farms in sizes which will permit efficient agricultural operations.

Agricultural Districts are established to provide for the preservation of productive farmland, the Township's most important natural resource.

##### **SECTION 502 DIMENSIONAL REQUIREMENTS**

1. Any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide for the minimum and not exceed the maximum dimensions as specified below.
  - a. Minimum front yard -
    - (1) For a nonagricultural use - fifty (50) feet from center of road
    - (2) For a principal or accessory building - fifty (50) feet from center of road
  - b. Minimum side yard -
    - (1) For a principal building - fifteen (15) feet
    - (2) For an accessory building - ten (10) feet
    - (3) For a nonagricultural use - ten (10) feet
  - c. Minimum rear yard -
    - (1) For a principal building - twenty-five (25) feet
    - (2) For an accessory building - ten (10) feet
    - (3) For a nonagricultural use - ten (10) feet

d. Building Height

(1) Building devoted to farm use shall be exempted from height regulations.

(2) Maximum building height for a single-family dwelling shall be two and one-half (2-1/2) stories or thirty-five (35) feet whichever is the lesser; however, no dwelling shall be less than one (1) story in height. All other structures see Section 603.

e. Building Coverage - No more than twenty (20%) percent of any lot may be covered by buildings or structures.

**SECTION 503 SUBDIVISION**

a. Lots or parcels shall not be separated from the original tract unless it is determined that;

1. There is being separated from the original tract no more than one (1) acre for each dwelling unit assigned to the tract being separated excepting this shall not prevent approval of larger dwelling lots where reasonably necessary in order to provide a suitable location for the dwelling, the well, the on-site sewage disposal system, and the driveway; or

2. The area being separated includes the existing farm buildings and it is necessary to include all of the land shown on the plan in order to include all of the existing farm buildings; or

3. Land is proposed to be transferred from one "parcel" to another "parcel" which parcel will after such transfer be at least as large as the transferor "parcel" prior to such transfer and such lands will be permanently merged with the transferee "parcel" and shall not subsequently be separated therefrom; or

4. All of the land proposed to be separated is in Soil Capability Units IVE-5 through VIIIs-2, as classified by the Soil Survey of York County Pennsylvania, Series 1959, No. 23 issued May 1963, or is land which has not been farmed in the past five (5) years and cannot feasibly be farmed (a) due to existing features of the site such as rock outcroppings, or, the fact that the area is heavily wooded; or (b) due to the fact that the size or shape of the are suitable for farming is insufficient to permit use of the type of farm machinery typically used at the present time by farmers in the area, (for purposes of the application of this subsection the land to be separated shall be considered as part of the original parcel), and is solely for the location of one or more of the uses described in Section 505, Use Nos. 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 23, 27, 29 or 33 and is not larger in size than is reasonably necessary for the location of such use or uses.

5. All of the land proposed to be separated is going to be used as a “township owned and operated recreational facility or park” and the land proposed to be separated meets all of the requirements of Section 636 of this ordinance.
- b. A property owner submitting a subdivision plan will be required to specify on his plan which lot or lots shall carry with them the right to erect or place any unused quota of dwelling units his tract may have. In the event the property owner proposing a division of his property is not required by the provisions of the Codorus Township Subdivision and Land Development Ordinance to submit a subdivision plan meeting the requirements of that Ordinance, such property owner shall submit to the Board of Supervisors for approval a plan setting forth in a reasonably accurate manner the land owned by such property owner and the portion of such land proposed to be separated. Such plan shall also contain such information as is necessary to enable the Board of Supervisors to determine whether or not the requirements set forth in this Article in other articles of the Township Zoning Ordinance will be met. Such plan shall set forth which lot or lots shown thereon shall contain with them the right to erect or place any unused quota of dwelling units the tract may have, and where this plan as opposed to a "subdivision plan" is submitted, all references in this Ordinance to "subdivision plan" shall refer to the plan submitted pursuant to this section. No lot or parcel may be subdivided or separated from the original tract without such plan having been approved by the Board of Supervisors.
- c. Existing buildings shall not be separated from the original tract unless it is determined that they have no functional utility in connection with the agricultural use of the original tract.
- d. There must be assigned to both the tract being separated from the original tract or parcel and the remaining portion of the original tract or parcel, at least one of the original tract's permitted allocation of single family dwelling units unless that land or parcel is being permanently joined to an adjacent tract or parcel, which either contains an existing dwelling or has allocated to it the right to construct at least one dwelling.

#### **SECTION 504 REGULATIONS RESPECTING SINGLE-FAMILY DWELLINGS**

1. Single-family dwelling units in the Agricultural District shall be subject to the following limitations:

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

Size of Tract of Land (as of December 7, 1974)	Number of Single-Family Dwelling Units Permitted (including those existing as of December 7, 1974 and those located on a "farm")
0 - 7 acres	1
7 - 30 acres	2
30 - 80 acres	3
80 - 130 acres	4
130 - 180 acres	5
180 - 230 acres	6
230 - 280 acres	7
280 - 330 acres	8
330 - 380 acres	9
380 - acres and over	10

In the event an agricultural conservation easement or other easement restricting or limiting nonagricultural development has been placed on any parcel or part thereof, such parcel shall not have any allocation of dwelling units in excess of dwelling units currently existing on the parcel unless the deed creating the easement specifically reserves to the parcel such dwelling rights, or the property owner has entered into an agreement with the Township prior to the granting of such easement allocating permitted dwelling units between the portion of the parcel which will be subject to the easement and the portion of the parcel which will not be subject to the easement. In no event shall the permitted allocation exceed the number permitted the tract by the above table.

- b. New dwelling units, sewage disposal systems and accessory structures and uses must be located on lots which together with the driveway or driveways providing access to such lots consist in their entirety land of low quality for agricultural use as defined in this ordinance. Where such location is not feasible, approval shall be granted to enable dwelling units to be located on lots containing higher quality soils. However, in all cases such dwelling units, sewage disposal systems, accessory structures and uses and residential lots together with access drives or driveways providing access to such lots shall be located on the least agriculturally productive land feasible and so as to minimize interference with agricultural production.
- c. A lot on which a new dwelling is to be located shall contain at least forty thousand (40,000) square feet and be at least two hundred (200) feet wide. A lot shall not exceed one (1) acre in size except where reasonably necessary in order to provide a suitable location for the dwelling, the well, the on-site sewage disposal system, and the driveway, in which event the lot shall contain only as much land as is reasonably necessary to provide a suitable location for the dwelling, the well, the on-site sewage disposal system and the driveway with the maximum size not exceeding two (2) acres unless one or more additional dwelling rights are transferred to the property pursuant to Section 504 (1) (d) of this ordinance.

If a new dwelling is to be located on a residual tract which currently is not improved with a dwelling, that dwelling together with its access drive or driveways, its sewage disposal system, accessory structures and uses must be located on the least agriculturally productive land feasible and so as to minimize interference with agricultural production.

- d. The right to construct or erect dwelling units as provided by Section 504(1)(a) of this ordinance may be transferred from one parcel to another under the following circumstances:
- (1) In the event two or more parcels are in common ownership and are contiguous to one another, the owners may transfer the right to construct or erect dwelling units as provided by Section 504(1) (a) of this ordinance from one parcel to another owned by them provided the resulting single family dwelling units are located on lots which, when considered as a part of the entire parcel, consist in their entirety either of land of low quality for agricultural use as defined in Section 1007 (1)(c)(7) of this ordinance or of land which is less desirable for agricultural use than any land on which a single family dwelling lot could feasibly be located on the transferor parcel.
  - (2) In the event the owners of a parcel propose a lot on which a new dwelling is to be located utilizing one of the rights allocated to such parcel by Section 504(1)(a) of this ordinance and propose that the lot be larger than that permitted by Section 504(1)(c) of this ordinance, such lot may be approved providing:
    - (a) one additional right to construct or erect a dwelling as allocated by Section 504(1)(a) of this ordinance to the parcel on which the lot is proposed to be located is assigned to such lot and retired so as not to be available for transfer or reassignment or to create the location of a dwelling unit, for each three (3) acres or part thereof by which the proposed lot exceeds the lot size permitted by Section 504(1)(c) of this ordinance; or
    - (b) one right to construct or erect a dwelling as allocated by Section 504(1) (a) of this ordinance is transferred from another parcel to such lot for each three (3) acres or part thereof by which the proposed lot exceeds the lot size permitted by Section 504(1)(c) of this ordinance; and
    - (c) the land forming the addition to the proposed lot consists in its entirety of land of low quality for agricultural use as defined in Section 1007 (1) (c) (7) of this ordinance.

Upon transfer, any transferred rights shall be retired and shall not be available for re-transfer or to create the location of a dwelling unit.

- (3) In the event the owners of a parcel intend to create a lot which is proposed to be added to and merged with a lot or parcel,
  - (a) which is presently improved with a dwelling; or
  - (b) which is presently unimproved but which has available to it the right to construct or erect at least one dwelling pursuant to the provisions of Section 504(1)(a) of this ordinance,

and the size of the parcel following the merger will be larger than the lot size permitted for a new dwelling by Section 504(1)(c) of this ordinance, such lot may be approved provided:

- (i) one right to construct or erect a dwelling unit as allocated by Section 504(1)(a) to the parcel on which the lot addition is proposed to be located is assigned to such lot and retired so as not to be available for transfer or reassignment or to create the location of a dwelling unit for each three (3) acres or part thereof by which the proposed lot when combined with the existing lot will exceed the lot size permitted a new dwelling lot by Section 504(1)(c) of this ordinance; or
- (ii) one right to construct or erect a dwelling as allocated by Section 504(1)(a) is transferred from another parcel for each three (3) acres or part thereof by which the proposed lot when combined with the existing lot will exceed the lot size permitted a new dwelling lot by Section 504(1)(c) of this ordinance; and
- (iii) the land forming the addition to the proposed existing parcel or lot consists in its entirety of land of low quality for agricultural use as defined in Section 1007(1)(c)(7) of this ordinance.

Upon transfer, the transferred rights shall be retired and shall not be available for re-transfer or to create the location of a dwelling unit.

- (4) Following the transfer the transferor tract must either contain an existing dwelling or have allocated to it the right to construct at least one (1) dwelling unless it is being permanently joined to an adjacent tract or parcel which either contains an existing dwelling or has allocated to it the right to construct at least one (1) dwelling.
- (5) A transfer may not be approved if the location of the dwellings allocated to the transferor tract by Section 504(1)(a) of this ordinance on such transferor tract is precluded by physical features such as inadequate access, steep slopes, wetlands, etc. as opposed to the desire to preserve agricultural land in agricultural use. (The right must be physically usable on the transferor tract in order to be transferable).

- (6) Before any transfer is approved, the owner or owners must enter into a recordable agreement with the township in a form approved by the township solicitor to give public notice of the transfer, and if the transferred dwelling right or rights are to be retired, to give public notice of such retirement.

**SECTION 505 USE AND LOT AREA REQUIREMENTS**

No. Of Use	Agricultural District	P-Permitted SE-Special Exception	Lot					
			Public Water & Sewer Minimum		Public Water or Public Sewer Minimum		No Public Water & Sewer Minimum	
			Lot Sq Ft	W (ft)	Lot Sq Ft	W(ft )	Lot Sq Ft	W(ft)
1	Agricultural uses related to: a. Tilling of land. b. Raising of farm products. c. Raising and keeping of horses, cattle and other livestock d. Raising and keeping of poultry & poultry products	P						
2	Horticultural uses related to: a. Raising, propagating and selling of trees, shrubs, flowers and other vegetative materials	P						
3	Forest uses related to: a. Harvesting of lumber products	P						
4	Building & similar structures related to the operation of agricultural, horticultural & forest uses such as barns, silos, corncribs, pigsties stables, kennels for private non-commercial use, implement sheds, sawmills, greenhouses & similar structures	P	1007 (c)					
5 *	House of Worship	P	2 Acres	200	2 Acres	200	3 Acres	200
6	Single-family dwelling (see Section 504)	P	40,000	200	40,000	200	40,000	200
7	Large Livestock operation (see Section 607)	P	50 Acres		50 Acres		50 Acres	
8 *	Grange halls or similar buildings or purely agricultural organizations	P	40,000	200	40,000	200	40,000	200
9 *	Boarding or commercial kennel or stable	SE	5 Acres	200	5 Acres	200	5 Acres	200

No. Of Use	Agricultural District	P-Permitted SE-Special Exception	Lot					
			Public Water & Sewer Minimum		Public Water or Public Sewer Minimum		No Public Water & Sewer Minimum	
			Lot Sq Ft	W (ft)	Lot Sq Ft	W(ft)	Lot Sq Ft	W(ft)
10 *	Veterinary office of animal hospital (see Section 608)	P	40,000	200	40,000	200	40,000	200
11	Mill, including but not limited to feed & grain mills	P	2 Acres	200	2 Acres	200	2 Acres	200
12 *	Automotive sales and services limited to agricultural equipment & agricultural vehicles	P	40,000	200	40,000	200	40,000	200
13 *	Warehousing, limited to the storage of agricultural equipment, vehicles, produce, feed and supplies	P	40,000	200	40,000	200	40,000	200
14 *	Public utility building (see Section 609)	SE						
15 *	Communication transmitting and receiving facilities (see Section 610)	P						
16 *	Public buildings and essential services	SE						
17	Wastewater spray irrigation fields (see Section 612)	SE						
18	Drive-in produce stands (see Section 613)	P						
19	Home occupations, professional & nonprofessional (see Section 614)							
20	Accessory buildings & uses	P						
21	Signs - As provided by Article VII	P						
22	Off-street parking - as provided by Article VIII							
23	Outdoor recreational use (see Section 627)	SE						
24	Private swimming pool.	P						
25	Farm Market (see Section 633)	SE						
26	Farm Processing Establishment (see Section 634)	SE						
27 *	Use and Storage of Black Powder, Low & High Explosives	SE						

No. Of Use	Agricultural District	P-Permitted SE-Special Exception	Lot						
			Public Water & Sewer Minimum		Public Water or Public Sewer Minimum		No Public Water & Sewer Minimum		
			Lot Sq Ft	W (ft)	Lot Sq Ft	W(ft)	Lot Sq Ft	W(ft)	
28	Township-owned and operated Municipal Recreation Facility or Park (see Section 636)	P							
29 *	Communication, transmitting and receiving facilities (See Section 610)	SE							
30	Group Home (See Section 619 (A))	SE							
31	Domiciliary Care Unit (See Section 619 (B))	P							
32	Bed and Breakfast Inn (See Section 631)	SE							
33	Medical Center, Office or Clinic (See Section 619(B)(3))	SE							

\* Uses described in Nos. 5, 8, 9, 10, 12, 13, 14, 15, 16, 23, 27, and 29 must be located on land of low quality for agricultural use as defined in Section 1007 (1) (c) (7) of this ordinance.

## **RURAL RESIDENTIAL DISTRICTS (RR)**

### **SECTION 510 PURPOSE OF THE RURAL RESIDENTIAL DISTRICTS**

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

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

## SECTION 511 DIMENSIONAL REQUIREMENTS

1. Any structure hereafter erected or any lot hereafter use or occupied for any lawful purpose shall provide for the minimum and not exceed the maximum dimensions as specified below.
  - a. Minimum front yard -
    - (1) For a nonagricultural use - fifty (50) feet from center of road
    - (2) For a principal or accessory building fifty (50) feet from center of road
  - b. Minimum side yard -
    - (1) For a principal building - fifteen (15) feet
    - (2) For an accessory building - ten (10) feet
    - (3) For a nonagricultural use - ten (10) feet
  - c. Minimum rear yard -
    - (1) For a principal building - twenty-five (25) feet
    - (2) For an accessory building - ten (10) feet
    - (3) For a nonagricultural use - ten (10) feet
  - d. Building Height
    - (1) Buildings devoted to farm use shall be exempted from height regulations excepting that no farm building shall exceed eighty (80) feet in height.
    - (2) Maximum building height for a single-family dwelling shall be two and one half (2-1/2) stories or thirty-five (35) feet, whichever is the lesser; however, no dwelling shall be less than one (1) story in height. All other structures see Section 603.
  - e. Building Coverage - No more that twenty (20%) per cent of any lot may be covered by buildings or structures.

**SECTION 512 USE AND LOT AREA REQUIREMENTS**

No. Of Use	Rural Residential District	P-Permitted SE-Special Exception	Lot					
			Public Water & Sewer Minimum		Public Water or Public Sewer Minimum		No Public Water & Sewer Minimum	
			Lot Sq Ft	W (ft)	Lot Sq Ft	W(ft)	Lot Sq Ft	W(ft)
1	Single-family dwelling	P	20,000	100	30,000	125	40,000	200
2	Crop farming	P						
3	Greenhouse, nursery	P	1 Acre	200	40,000	200	40,000	200
4	House of Worship	P	40,000	200	40,000	200	40,000	200
5	Cemetery	P						
6	School (see Section 638)	SE						
7	Cultural facilities	P	40,000	200	40,000	200	40,000	200
8	Municipal building	P						
9	Fire station	P						
10	Private social or recreation club, except fraternal organizations	P	40,000	200	40,000	200	40,000	200
11	Public recreation facility	P						
12	Drive-in produce stands (see Section 613)	P						
13	Home occupation, professional & non-professional (see Section 614)							
14	Accessory buildings & uses	P						
15	Signs as provided by Article VII							
16	Off-street parking as provided by Article VIII							
17	Outdoor recreational use (see Section 627)	SE						
18	Private swimming pool	P						
19	Trailer camp or campground	SE						
20	Group Home (See Section 619(A))	SE						

No. Of Use	Rural Residential District	P-Permitted SE-Special Exception	Lot					
			Public Water & Sewer Minimum		Public Water or Public Sewer Minimum		No Public Water & Sewer Minimum	
			Lot Sq Ft	W (ft)	Lot Sq Ft	W(ft)	Lot Sq Ft	W(ft)
21	Domiciliary Care Unit (see Section 619 (B))	P						
22	Rooming House (see Section 637)	SE						
23	Bed and Breakfast Inn (see Section 631)	SE						
24	Township owned and operated Municipal Recreation Facility or Park	P						
25	Medical Center, Office or Clinic	P						

## RURAL SUBURBAN RESIDENTIAL DISTRICTS (RS)

### SECTION 520 PURPOSE OF THE RURAL SUBURBAN RESIDENTIAL DISTRICTS

This District is composed of those areas in the Township where residential development is centered in established rural communities or adjacent to significant community development areas.

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

### SECTION 521 DIMENSIONAL REQUIREMENTS

1. Any structure hereafter erected or any lot hereafter use or occupied for any lawful purpose shall provide for the minimum and not exceed the maximum dimensions as specified below.
  - a. Minimum front yard -
    - (1) For a nonagricultural use - fifty (50) feet from center of road
    - (2) For a principal or accessory building fifty (50) feet from center of road.

- b. Minimum side yard -
  - (1) For a principal building - fifteen (15) feet
  - (2) For an accessory building - ten (10) feet
  - (3) For a nonagricultural use - fifteen (15) feet
  
- c. Minimum rear yard -
  - (1) For a principal building - twenty-five (25) feet
  - (2) For an accessory building - ten (10) feet
  - (3) For a nonagricultural use - ten (10) feet
  
- d. Building Height
  - (1) Buildings devoted to farm use shall be exempted from height regulations excepting that no farm building shall exceed eighty (80) feet in height.
  - (2) Maximum building height for a single-family dwelling shall be two and one half (2-1/2) stories or thirty-five (35) feet, whichever is the lesser; however, no dwelling shall be less than one (1) story in height. All other structures see Section 603.
  
- e. Building Coverage - No more than twenty (20%) per cent of any lot may be covered by buildings or structures.

## **SECTION 522 OPEN SPACE**

Open Space development shall be permitted in the Rural Suburban Residential Districts and shall be subject to all of the requirements of this District except as specifically modified in Section 625. Development plans for this method of development shall be provided with public water and public sewer. No dwelling shall be occupied unless it is served by public water and public sewer.

**SECTION 523 USE AND LOT AREA REQUIREMENTS**

No. Of Use	Rural Suburban Residential District	P-Permitted SE-Special Exception	Lot					
			Public Water & Sewer Minimum		Public Water or Public Sewer Minimum		No Public Water & Sewer Minimum	
			Lot Sq Ft	W (ft)	Lot Sq Ft	W(ft)	Lot Sq Ft	W(ft)
1	Single-family dwelling	P	15,000	80	20,000	100	40,000	200
2	Single-family semi-detached dwelling	P	30,000	125	40,000	150	60,000	250
3	Multi-family conversion (see Section 618)	SE	40,000	150				
4	House of Worship	P	2 Acres	200	2 Acres	200	3 Acres	200
5	School (see Section 638)	SE						
6	Cultural Facilities	P	20,000	100	20,000	100	20,000	100
7	Municipal building	P						
8	Fire station	P						
9	Public recreation facility	P						
10	Private social or recreation club including fraternal organizations (see Section 620)	P	20,000	100	20,000	100	20,000	100
13	Group Home (see Section 619(A))	P/SE						
14	Public Utility building (see Section 609)	SE						
15	Mobile home park (see Section 602)	SE						
16	Crop farming	P						
17	Greenhouse, nursery	P	40,000	150	40,000	150	40,000	150
18	Drive-in produce stands (see Section 613)	SE						
19	Home Occupation, professional & nonprofessional (see Section 614)							
20	Accessory building and uses	P						

No. Of Use	Rural Suburban Residential District	P-Permitted SE-Special Exception	Lot					
			Public Water & Sewer Minimum		Public Water or Public Sewer Minimum		No Public Water & Sewer Minimum	
			Lot Sq Ft	W (ft)	Lot Sq Ft	W(ft)	Lot Sq Ft	W(ft)
21	Signs as provided by Article VII							
22	Off-street parking as provided by Article VIII							
23	Outdoor recreational use (see Section 627)	SE						
24	Private swimming pool	P						
25	Hospital (see Section 619 (B))	SE						
26	Nursing Home or Convalescent Home (see Section 619 (B))	SE						
27	Personal Care Home (see Section 619 (B))	SE						
28	Adult Day Care Center (see Section 619 (B))	SE						
29	Domiciliary Care Unit (see Section 619 (B))	P						
30	Rooming House (see Section 637)	SE						
31	Bed and Breakfast Inn (see Section 631)	SE						
32	Township owned and operated municipal recreation facility or park	P						
33	Medical center, office or clinic	P						
34	Reduced Impact Single-Family Development (See Section 640)	P	11,000	70				

## **GENERAL COMMERCIAL DISTRICTS (GC)**

### **SECTION 530 PURPOSE OF THE GENERAL COMMERCIAL DISTRICTS**

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

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

### **SECTION 531 DIMENSIONAL REQUIREMENTS**

1. Any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide for the minimum and not exceed the maximum dimensions as specified below.
  - a. Minimum front yard -
    - (1) For a nonagricultural use - fifty (50) feet from center of road
    - (2) For a principal or accessory building fifty (50) feet from center of road
  - b. Minimum side yard -
    - (1) For a principal building - fifteen (15) feet
    - (2) For an accessory building - ten (10) feet
    - (3) For a nonagricultural use - fifteen (15) feet
  - c. Minimum rear yard -
    - (1) For a principal building - twenty-five (25) feet
    - (2) For an accessory building - ten (10) feet
    - (3) For a nonagricultural use - ten (10) feet
  - d. Building Height -
    - (1) Buildings devoted to farm use shall be exempted from height regulations excepting that no farm building shall exceed eighty (80) feet in height.
    - (2) Maximum building height for a single-family dwelling shall be two and one half (2-1/2) stories or thirty-five (35) feet, whichever is the lesser; however, no

dwelling shall be less than one (1) story in height. All other structures see Section 603.

- e. Building Coverage - No more than thirty (30%) per cent of any lot may be covered by buildings or structures.

**SECTION 532 USE AND LOT AREA REQUIREMENTS**

No. Of Use	General Commercial District	P-Permitted SE-Special Exception	Lot					
			Public Water & Sewer Minimum		Public Water or Public Sewer Minimum		No Public Water & Sewer Minimum	
			Lot Sq Ft	W (ft)	Lot Sq Ft	W(ft)	Lot Sq Ft	W(ft)
1	Stores & personal service shops such as barber, beauty, shoe repair, dry cleaning & laundromats	P						
2	Business, professional and financial office	P						
3	Restaurant, including both quick service and sit down restaurants	P						
4	Cafe, & other places serving food and beverages	P						
5	Motel, hotel	P						
6	Studios for teaching dancing, music, art or similar cultural activities	P						
7	Speciality shops for custom work & articles to be sold on premises such as baking, dressmaking, tailoring & printing	P						
8	Public entertainment facilities such as bowling alleys, miniature golf courses & golf driving ranges.	P						
9	Mortuaries	P						
10	Fraternal clubs, lodges and social & recreational clubs	P						
11	Municipal building	P						

No. Of Use	General Commercial District	P-Permitted SE-Special Exception	Lot					
			Public Water & Sewer Minimum		Public Water or Public Sewer Minimum		No Public Water & Sewer Minimum	
			Lot Sq Ft	W (ft)	Lot Sq Ft	W(ft)	Lot Sq Ft	W(ft)
12	Fire station	P						
13	Nurseries and greenhouses	P						
14	Crop farming	P						
15	Veterinary office, including animal hospital (see Section 608)	P						
16	Vehicle repair garages, sales washing & storage areas	P						
17	Junk yard (see Section 601)	SE						
18	House of Worship	P	2 Acres	200	2 Acres	200	3 Acres	200
19	Farm equipment sale, service repair & storage areas	P						
20	Automotive gasoline or service station (see Section 621)	SE						
21	Apartment in conjunction with commercial establishment	P						
22	Medical, dental research or similar laboratories & clinics	P						
23	Industrial park (see Section 622)	SE						
24	Light manufacturing - these include such uses as printing & publishing, soft drink bottling, packaging products, lace manufacture, sewing apparel, electronic apparatus assembly, instrument making, tool & die making, cabinet making, electroplating metals & molding plastics (see Section 622)	SE						

No. Of Use	General Commercial District	P-Permitted SE-Special Exception	Lot					
			Public Water & Sewer Minimum		Public Water or Public Sewer Minimum		No Public Water & Sewer Minimum	
			Lot Sq Ft	W (ft)	Lot Sq Ft	W(ft)	Lot Sq Ft	W(ft)
25	General manufacturing - these include such uses as food processing, furniture, textiles, leather, rubber, paper, fabricated metals, machinery, stone, clay, glass, automobile dismantling plants, incineration baling or treatment of junk, scrap, metals, rags and paper (see Section 622)	SE						
26	Heavy storage services	P						
27	Motor freight depot, truck terminal	P						
28	Extractive operations (see Section 611)	SE						
29	Solid waste disposal site (see Section 611)	SE						
30	Drive-in produce stands (see Section 613)	P						
31	Home occupation, professional & nonprofessional (see Section 614)	P						
32	Accessory buildings & uses	P						
33	Signs as provided by Article VII							
34	Off-street parking as provided by Article VIII							
35	Outdoor recreational use (see Section 627)	SE						
36	Private swimming pool	P						
37	Trailer camp or camp ground	SE						
38	Sawmill	P						
39	Group Home (see Section 619 (A))	P/SE						
40	Hospital (see Section 619 (B))	SE						

No. Of Use	General Commercial District	P-Permitted SE-Special Exception	Lot					
			Public Water & Sewer Minimum		Public Water or Public Sewer Minimum		No Public Water & Sewer Minimum	
			Lot Sq Ft	W (ft)	Lot Sq Ft	W(ft)	Lot Sq Ft	W(ft)
41	Nursing Home or Convalescent Home (see Section 619 (B))	SE						
42	Personal Care Home (see Section 619 (B))	SE						
43	Adult Day Care Center (see Section 619 (B))	SE						
44	Domiciliary Care Unit (see Section 619 (B))	P						
45	Rooming House (see Section 637)	SE						
46	Bed and Breakfast Inn (see Section 631)	SE						
47	Township owned and operated Municipal Recreation Facility or Park	P						
48	Medical center, office or clinic	P						

## **ARTICLE VI**

### **SUPPLEMENTARY REGULATIONS**

#### **SECTION 600 COMPLIANCE**

The purpose of this Article is to supplement Article V with additional requirements applicable to certain permitted and special exception uses. In cases where the provisions of this Article are more restrictive than the general district regulations contained in Article V, the provisions of this Article take precedence.

#### **SECTION 601 JUNK YARD**

The regulations pertaining to junk yards shall be those regulations which exist in the Codorus Township Ordinance adopted October 7, 1972, known as the "Codorus Township Junk Yard and Refuse Ordinance", as amended.

#### **SECTION 602 MOBILE HOME PARKS**

The regulations pertaining to mobile home parks shall be those regulations which exist in the "Codorus Township Mobile Home Park Ordinance", as amended. Such ordinance shall not be repealed by this Ordinance except insofar as the areas within the Township where mobile home parks are permitted by special exception. In addition, mobile home parks are subject to the following supplemental regulations:

1. Mobile home parks and extension thereof shall be permitted by special exception only after approval by the Township Board of Supervisors of the plan for the layout and improvements which shall conform to the requirements of all other applicable State and/or municipal regulations in effect or hereafter enacted, and/or the following regulations:
  - a. All provisions of the Codorus Subdivision and Land Development Ordinance shall be met.
  - b. A plan for the layout and design of the mobile home park and/or subdivision including a legal description and clearly setting forth but not limited to the following information.
  - c. Boundaries of the tract.
  - d. The extent and area to be used for parking purposes.
  - e. Driveways and entrances, exits, roadways and walkways.

- f. Location and number of sanitary facilities including washrooms, laundry rooms, drying space, utility rooms and toilets.
  - g. Location of the sites for mobile homes.
  - h. Plan for electric lighting and service connections.
  - i. Method and plan for solid waste removal.
  - j. Method and plan for sewage disposal.
  - k. Method and plan for water supply and distribution.
  - l. Method and plan for storm water drainage system.
2. The minimum tract area for each mobile home park shall be ten (10) acres. The area of the mobile home park shall be adequate in size and the land shall be suitable by reason of topography and drainage.
  3. Individual mobile home lots shall, in every case, provide not less than the required minimum front, side and rear yard areas for a single family dwelling.
  4. Each mobile home lot shall abut upon a public street, or a private street having a right-of-way width of not less than fifty (50) feet which shall be improved with current Township specifications for street improvements.
  5. The Zoning Hearing Board may restrict the proximity of mobile homes or other improvements to adjoining properties, or may attach such other conditions or safeguards to the use of land for a mobile home park as may be deemed necessary to protect the general welfare.
  6. Buffer yards shall be in accordance with Section 605.
  7. Each mobile home lot shall be provided with a hard-surfaced mobile home stand providing a foundation that will not heave, shift or settle unevenly because of frost action, inadequate drainage, vibration or other forces acting on the superstructure. Each mobile home stand shall be equipped with appropriately designed utility connections and shall have minimum dimensions of fifty (50) by twenty-four (24) feet. The space between the floor of the mobile home and the mobile home stand shall be enclosed to conceal all supports and utility connections.

**SECTION 603 HEIGHT EXCEPTION**

1. No structure shall exceed thirty-five (35) feet in height except as specified below.

2. The maximum height limitations of this Ordinance shall not apply to church spires, silos, belfries, cupolas, penthouses and domes not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, bulkheads and similar features and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose that they are to serve and, then, only in accordance with any other governmental requirements.

## **SECTION 604 YARD REGULATIONS**

1. Expansion of Existing Buildings
  - a. Expansion of buildings existing as of January 1, 1984, shall be permitted without regard to the yard requirements set forth in this Ordinance provided such expansion does not project further into the required yard area than does the building before expansion.
2. New Principal Buildings or Structures
  - a. New principal buildings or structures may be located in the required front setback or front yard area only if:
    - (1) The alignment of one (1) or more of the existing principal buildings on each side of the lot proposed as the location for a new principal building and within a distance of two hundred (200) feet of the proposed building and fronting on the same side of the same road or street is more proximate to the center of the road or street than the required minimum front setback line; and
    - (2) The proposed principal building will be located so that it is in alignment with the principal buildings on each side of the lot withing a distance of two hundred (200) feet of the proposed building, and
    - (3) The resulting front setback is not less than thirty-five (35) feet from the centerline of the road or street.
3. New Accessory Buildings
  - a. New accessory buildings may be located within the minimum required front setback or front yard area only if:
    - (1) There is on the property proposed as the location for the accessory building another building within the required front setback or front yard area; and
    - (2) Such building or structure was existing on January 1, 1984; and

- (3) The proposed accessory building or structure will not project further into the required front setback or front yard area than the other building or structure existing on January 1, 1984.
- b. New accessory buildings or structures may be located in the existing front yard area as defined in relation to the principal building only if:
- (1) The provision of subsection (a) above are applicable to permit the accessory building or structure to be located within the minimum front setback or front yard area; or
  - (2) The proposed accessory building will be located in the Agricultural District; and
    - (a) The accessory building will be located at least five hundred (500) feet from any dwelling other than one owned by the owner of the accessory building or structure; or
    - (b) The accessory building will be located on a farm containing at least fifty (50) acres;
  - (3) Accessory buildings permitted within the existing front yard area by reason of the provisions of (2) (a) or (2)(b) above may not be located in the required front setback or front yard area.

#### 4. Exclusions

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

5. General

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

**SECTION 605            BUFFER YARDS AND SCREENING**

1. Where a General Commercial District abuts a Residential District except where street or highway frontage intervenes:
  - a. A fence, hedge or screening acceptable to the Township shall be erected in the General Commercial District to screen from view (in the Residential District) any commercial or manufacturing uses.
  - b. The space along the side lot line in the General Commercial District abutting a Residential District for fifty (50) feet in depth may not be used for commercial or manufacturing operations. This area must be suitably landscaped and maintained.
  - c. Plant materials used in the screen planting shall be at least four (4) feet in height when planted and of such species as will produce, within two (2) years, a complete visual screen of at least eight (8) feet in height.
  - d. The screen planting shall be maintained permanently, and any plant material which does not live shall be replaced within one (1) year.
  - e. When owing to existing conditions, the provisions of the buffer yard and screening would create a hardship, the Zoning Hearing Board may authorize a reduction and/or waive the buffer yard and screening requirements.

**SECTION 606    SINGLE-FAMILY DWELLINGS IN FLOOD PLAIN AREAS**

1. No single-family dwelling shall be located on any flood plain. The flood plain is established as those lands in the Township whose soils are subject to periodic flooding or overflow and described on maps or profiles of the June, 1972 flood prepared by the U.S. Corps of Engineers Office, Baltimore, Maryland, or any subsequent flood or higher elevation similarly recorded. These areas have not been included on the Zoning map.
  - a. The precise boundaries of the flood plain need not be established or located and marked on any property until the time of the application for any building or development plan or the approval of a subdivision plan. If more detailed surveys are required to determine the precise flood plain boundaries on a property than can be obtained from the "Soil Survey, York County, Pennsylvania," or the Corps of Engineers Office, the Township may cause on-site surveys to be made. These may

be made by the Township Engineer, the U.S. Department of Agriculture, Soil Conservation Service or any other qualified agency selected by the Township. Any property owner whose property is surveyed to fix the precise boundaries of the flood plain shall pay all costs of these studies and surveys.

- b. In no case shall an approval by the Township for a variance represent any assurance by the Township that the property will not be damaged by flood. This also does not constitute any form of assurance that properties not located on flood plain soils are free from flooding and in no case shall the Township or its officials be held liable for damages sustained by flooding.

## **SECTION 607A LARGE LIVESTOCK OPERATION**

The following requirements shall apply to all large livestock operations.

1. The parcel of contiguous land owned by the owner of the large livestock operation must be and remain at least fifty (50) acres. In the event the parcel of contiguous land in common ownership consists of more than one "tract" as defined in this ordinance, the owner must merge such tract by a recordable agreement with the Township, which will preclude the tract from being placed in separate ownership without Township subdivision approval.
  - a. Irrespective of the provisions of this section, any large livestock operating in existence as of March 23, 1995 may expand such operation subject to the following limitations:
    - (1) The gross floor area of buildings housing such livestock may not be expanded to more than double the gross floor area housing such livestock on March 23, 1995.
    - (2) The number of animal equivalent units (AEUs) may not be more than doubled. For this purpose both the number of animal equivalent units present on the property on March 23, 1995 and the number permitted by this provision shall be calculated by reference to Title 25, Chapter 83, subchapter D, Table A referred to in the Pennsylvania Code (Section 83.212), a copy of which table is attached hereto. (Example: one Holstein cow is the equivalent of 433 large broilers or 3¼ gestating sows).
2. Any building constructed after the date of the enactment of this amendment to house animals in a large livestock operation must be located on the least agriculturally productive land feasible and so as to minimize interference with agricultural production and must maintain the following setbacks:
  - a. From a dwelling not owned by the owner of the large livestock operation, a church, a building used in connection with a home occupation or small business, or other

building occupied by human beings at least ten (10) hours a week - five hundred (500) feet.

- b. From a property line - fifty (50) feet.
  - c. From a stream - one hundred (100) feet.
  - d. From a well not owned by the owner of the large livestock operation - one hundred (100) feet.
  - e. Irrespective of the setback requirements of this section a new building to provide housing for animals may be located in the aforesaid setback area provided:
    - (1) There was on March 23, 1995, another building housing animals within the required setback area.
    - (2) The new building housing livestock will not project further into the required setback area than did the building in existence on March 23, 1995.
    - (3) The number of animal equivalent units (AEUs) (see subsection 1.a.(2)) on the parcel where the large livestock operation is or will be located, after construction of the proposed building, not be more than three times the number that were present on such tract on March 23, 1995, or at some other date within the ten (10) year period immediately preceding March 23, 1995.
3. The owner of the large livestock operation must establish and maintain an access to the large livestock operation so that all motor vehicles making a right turn (whether entering or leaving the property) can do so without first having to enter the left hand side of the public highway. Such access is required only for motor vehicles going in one direction with the direction of travel to be selected by the Township, provided such vehicles do not in fact travel in the other direction. In the event vehicles should travel in the other direction, the owner of the large livestock operation shall be required to alter that access so that vehicles will not be required to enter the left side of the public highway to complete the turn. In the event motor vehicles entering or leaving the large livestock operation by making a right turn in fact enter the left lane of the public highway the owner of the operation shall revise the access so that motor vehicles entering or leaving the operation by making a right turn can do so without entering the left lane of the public highway.
  4. The large livestock operation must establish and maintain compliance at all times with the requirements of the Pennsylvania Nutrient Management Law.
  5. The large livestock operation must insure that dead animals, if disposed of on the property, are disposed of in strict accordance with the applicable standards of the Pennsylvania Department of Environmental Protection and until such disposition, irrespective of whether such disposition occurs on the property, are kept in airtight containers if turkeys, chickens, or piglets and are kept in a manner so as to minimize the spread of odors and disease of larger animals.

6. The owner of property on which a building to house animals in a large livestock operation is located shall remove such building within five (5) years following the time such building ceases to be utilized to provide housing for livestock unless prior thereto such owner attains a Use or Occupancy Certificate from the Township to utilize such building for another purpose. Such a Use or Occupancy Certificate shall not be granted to permit use of such building for storage purposes unless:
  - a. Such storage is of materials utilized in conjunction with the agricultural use of the property.
  - b. At least fifty (50) percent of the gross floor area of the building is utilized for such storage purposes.
  - c. A property owner shall not obtain a Use or Occupancy Certificate permitting a different use unless the owner has maintained the buildings so that windows are not out, substantial rust does not appear, and the building is in otherwise reasonably good condition. Following the issuance of such Use or Occupancy Certificate, the building must be maintained in the same condition as at the time the certificate is issued.
  
7. The number of AEUs on the agricultural operation shall be calculated by using the following steps:
  - a. Multiply the average number of animals on the agricultural operation on a typical production day by the standard animal weight contained in Table A to equal a total weight. Non-standard weights may be used in place of those in Table A, provided there is sufficient documentation to support the use of the non-standard weights.
  - b. Multiply the total weight reached in (7)(a) by the number of production days per year, then divide by 365 days.
  - c. Divide the number reached in (7)(b) by 1,000 to equal the number of AEUs for each type of animal.
  - d. Total the number of AEUs for each type of animal to equal the total number of AEUs on the agricultural operation.

**TABLE A**

<b>TYPE OF ANIMAL</b>	<b>STANDARD WEIGHT IN POUNDS DURING PRODUCTION (RANGE)</b>
<b>SWINE</b> Nursery Pig Finishing Pig Gestating Sow Sow & Litter Boar	30 (15-45) 145 (45-245) 400 470 450
<b>BEEF</b> Calf - 0-8 mo. Finishing - 8-24 mo. Cow	300 (100-500) 850 (500-1200) 1150
<b>VEAL</b> Calf - 0-16 wk	250 (100-400)
<b>POULTRY</b> Layer - 18-65 wk Layer - 18-105 wk Layer Brown Egg - 20-65 wk Layer Brown Egg - 20-105 wk Pullets - 0-18 wk Broiler, Lg. - 0-57 days Broiler, Med 0-43 days Roaster Male - 0-8 wk Female - 0-10 wk Turkey, Tom - 0-18 wk Turkey, Hen - 0-14 wk Duck - 0-43 days Guinea - 0-14 to 24 wk Pheasant - 0-13 to 43 wk Chukar - 0-13 to 43 wk Quail - 0-13 to 43 wk	3.25 (2.75-3.76) 3.48 Weighted Avg. 4.3 (s.6-5) 4.63 Weighted Avg. 1.42 (0.08-2.75) 3.0 (0.09-5.9) 2.3 (0.09-4.5) 3.54 (0.09-7)  14.1 (0.12-28) 7.1 (0.12-14) 3.56 (0.11-7) 1.9 (0.06-3.75) 1.53 (0.05-3) 0.52 (0.04-1) 0.26 (0.02-0.5)

TYPE OF ANIMAL	STANDARD WEIGHT IN POUNDS DURING PRODUCTION (RANGE)
<b>DAIRY</b> <b>Holstein/Brown Swiss</b> Cow Heifer - 1-2 yr Calf - 0-1 yr Bull <b>Ayrshire/Guernsey</b> Cow Heifer - 1-2 yr Calf - 0-1 yr Bull <b>Jersey</b> Cow Heifer - 1-2 yr Calf - 0-1 yr Bull	1300 900 (650-1150) 375 (100-650) 1500 1100 800 (575-1025) 338 (100-575) 1250 900 600 (400-800) 225 (500-400) 1000
<b>SHEEP</b> Lamb - 0-26 wk Ewe Ram	50 (10-90) 150 185
<b>GOAT</b> Kid - 0-10 mo Doe Buck	45 (5-85) 125 170
<b>HORSE</b> Foal - 0-6 mo Yearling Non-Draft Breeds, Mature Draft Breeds, Mature	325 (125-625) 750 (625-875) 1000 1700

## SECTION 607B LIQUID MANURE REGULATIONS

1. Liquid manure must be spread only on land utilized or to be utilized for agricultural crops during the year when such manure is spread or during the following year.
2. Liquid manure must not be spread within twenty-five (25) feet of any rock outcroppings.
3. Liquid manure must be spread in such a way that none of it is spread onto a non-farm property or onto a public road.

4. Liquid manure must not be spread within one hundred (100) feet of a stream.
5. Liquid manure shall not be spread within three hundred (300) feet of a water well or a building occupied by someone other than the owner of the land where the manure is spread.
6. Liquid manure must be plowed under or disked within twenty-four (24) hours of being spread if it is not injected into the soil except when utilized as a top dressing for a small grain or legume crop and not spread at rates in excess of 5,000 gallons per acre.
7. Liquid manure shall not be applied to frozen, snow covered, water laden or soggy portions of fields.
8. Liquid manure application rates must conform to the "DER Manure Management for Environmental Protection" manual.

#### **SECTION 608 VETERINARY OFFICE OR ANIMAL HOSPITAL**

1. Defined herein as any building used by a veterinarian for the treatment, housing or boarding of small domestic animals such as dogs, cats, goats, rabbits and birds or fowl, provided:
  - a. If only small animals are to be treated (dogs, cats, birds and the like) such hospital or office shall have a minimum lot area as specified for the District in which it is located.
  - b. If large animals are to be treated (cows, horses, pigs and the like), such office or hospital may be located only in an Agricultural District and shall have a minimum lot area as specified for the District in which it is located.

#### **SECTION 609 PUBLIC UTILITY BUILDING**

The provisions of this Ordinance shall not apply to any existing or proposed building or extensions thereof used or to be used by public utility corporations if, upon petition of the corporation, the Public Utility Commission shall, after public hearing, decide that the present or proposed location in question is reasonably necessary for the convenience and welfare of the public.

#### **SECTION 610 COMMUNICATION TRANSMITTING AND RECEIVING FACILITIES**

In passing upon a special exception application for communication, transmitting and/or receiving facilities the Zoning Hearing Board must require the following:

1. All towers and facilities associated with this use must be located on land of low quality for agricultural use as defined in Section 1007(1)(c)(7) of this ordinance.
2. The access to the facilities must be over an existing roadway or through lands of low quality for agricultural use as defined in Section 1007(1)(c)(7) of this ordinance and be so as to not interfere with agricultural use of the tract of land through which the access road or drive passes.
3. All facilities, including towers, constructed pursuant to this special exception use must be removed within sixty (60) days after cessation of use.
4. Any tower or towers to be constructed must accommodate other users if possible including local fire, police and ambulance companies.
5. The applicant must demonstrate that the proposed tower or towers are necessary in order to reasonably create needed communication service and that the proposed service, if needed, cannot be reasonably located on existing towers.
6. The applicant must demonstrate that the proposed antenna cannot be reasonably located on existing structures. If the antenna are not to be located on existing structures, the tower must be placed in woodland tracts of at least one-half acre in size so as to provide adequate screening of the structures to adjacent land uses.
7. The lot to be purchased or leased for the use must not be larger than reasonably necessary to accommodate the facilities to be located thereon.
8. The tower location must be such that if such tower should fall it will not fall onto property other than that of the applicant or the grantor or lessor of the lands where the proposed tower or towers will be located.
9. The proposed tower or towers must be at least the height of the tower plus fifty (50) feet away from any dwelling other than a dwelling owned by the lessor or grantor of the lands where the proposed tower or towers will be located.
10. No public business office or any storage yard or storage building shall be operated in connection with such use.
11. All towers must be free-standing and without guide wires.
12. Towers shall not be equipped with lights, shall not exceed one hundred ninety (190) feet in height and shall not have advertising, attached signs, or be painted colors other than non-contrast gray.
13. The applicant shall be required to provide fencing or other provisions to prevent unauthorized persons from climbing the pole or tower.

14. Approval and recording of a subdivision or land development plan, where applicable, shall be required for a parcel on which a Communications Tower or Facility is to be constructed.

## **SECTION 611 EXTRACTIVE OPERATIONS**

1. For the purpose of extracting minerals from the earth or disposing solid wastes in the earth, such operations shall be regulated by the provisions of Act No. 147 of the General Assembly of the Commonwealth of Pennsylvania, effective January 1, 1972, known as the "Surface Mining Conservation and Reclamation Act," all applicable laws of the Pennsylvania Department of Environmental Resources with the addition of the following requirements:
  - a. Vibrations: Machines or operations which cause vibrations shall be permitted, but in no case shall any such vibrations be perceptible along any adjoining or adjacent property in different ownership or public right-of-way.
  - b. Emissions: The emissions of dust, smoke, refuse matter, odor, gas, fumes, noise or similar substances of conditions which can endanger the health, safety or general welfare or which can cause any soiling or staining of persons or property at any point beyond the property line of the use creating the emission are hereby prohibited.
  - c. Fencing: A ten (10) foot fence that completely encloses the portion of the property in which an open excavation or quarry is located shall be provided and shall be so constructed as to have openings no larger than six (6) inches, and if pickets are used, the openings shall not exceed six (6) inches.
  - d. Buffer Planting: Where adjacent to Residential Districts, trees and shrubs must be planted to screen the operation from normal view. The same shall be applicable when such operation is adjacent to a public right-of-way.
  - e. Grading: All excavations shall be graded in such a way as to provide an area which is harmonious with the surrounding terrain and not dangerous to human or animal life.
  - f. Access: Truck access to any excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties.
2. Setbacks:
  - a. Residential: When adjacent to Residential Districts, no stock-piles, waste piles, processing or manufacturing equipment and no part of the open excavation or quarrying pit shall be located closer than five hundred (500) feet from the Residential Districts.
  - b. Street: From the right-of-way line of a public street or high-way, no part of a quarrying or excavating operation shall be closer than one hundred (100) feet. Where both sides of the right-of-way are in a quarry or excavation operation in single ownership, the required street setback may be reduced to fifty (50) feet on each side of the right-of-way.

- c. Where an extractive property abuts another extractive property or an operating railroad's right-of-way, no part of the operation shall be closer than seventy-five (75) feet from the abutting extractive property or the railroad's right-of-way.
3. Any proposed or existing extractive operation shall submit and have approved a site plan for use of the site following completion of extraction. Such plan shall show:
  - a. Final grading by contours.
  - b. Interior road pattern, its relation to operation yard and points of ingress and egress to State and Township roads.
  - c. Estimated amount and description of aggregate and overburden to be removed.
  - d. Ultimate use and ownership of site after completion of operation.
  - e. Source of water if final plan shows use of water.
  - f. Plan of operation showing: (1) proposed tree screen locations; (2) soil embankments of noise, dust and visual barriers and heights of spoil mounds; (3) method of disposition of excess water during operation; (4) location and typical schedule of blasting; (5) machinery - type and noise levels (6) safety controls deemed necessary.

## **SECTION 612 WASTEWATER SPRAY IRRIGATION FIELDS**

1. Wastewater spray irrigation fields which include facilities relating to the storage, treatment, processing and disposal of wastewater and sludge; and related appurtenance to the distribution piping, pumping, irrigation machines and drainage wells on cropland or forest land shall be subject but not limited to those conditions as specified in Section 1007.
2. All proposals for such systems shall submit all necessary environmental assessments and impact studies to substantiate and assure that no harm will be imparted to the environment, contaminate or degrade ground and surface water supply sources, or interfere with the protection and propagation of fish and wildlife as the result of such systems.

## **SECTION 613 DRIVE-IN PRODUCE STANDS**

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

## SECTION 614 HOME OCCUPATION

1. The following regulations shall apply to all home occupations.
  - a. The home occupation shall be carried on only by members of the immediate family of the operator residing on the lot where the home occupation will be located and a maximum of two (2) non-resident employees.
  - b. The character or external appearance of the dwelling unit or accessory structure must be that of a dwelling or its accessory structure. No display of products may be shown so as to be visible from outside the dwelling or the accessory structure. A nameplate not larger than nine (9) square feet in area is permitted.
  - c. Not more than thirty (30%) per cent of the habitable floor area of a dwelling unit may be devoted to a home occupation.
  - d. In addition to the required parking for the dwelling unit, additional off-street parking is required as follows:
    - (1) One (1) space for the home occupation, two (2) spaces for patron use and one (1) space for each non-resident employee.
    - (2) Three (3) additional spaces for a physician or dentist.
2. If the home occupation meets all of the following requirements, it shall be permitted in any zone upon receipt of a use certificate to be issued by the Township Zoning Officer.
  - a. The use will not involve sale of any item not made on the premises except as incidental to the home occupation. Beauty shops, insurance agent offices, physician offices, bake shops, handcraft shops are examples of the types of uses which normally will meet this requirement.
  - b. The use will not involve any dimensional alteration to any existing building or construction of any new building.
  - c. The use will not involve any outside storage.
  - d. The use will not involve any waste product other than domestic sewerage or municipal waste (as defined in the Pennsylvania Solid Waste Management Act).
  - e. The use will not be one which tends to create dust or odors outside the building in which the use is being conducted or noise audible outside the building in which the use is being conducted. Motor vehicle repair facility is a use which tends to create noise audible outside the building in which the use is being conducted.

The applicant must include with the application for a use certificate such drawings as will enable the Zoning Officer to have an adequate record of the location and extent of the

proposed use. The applicant must also supply to the Zoning Officer such information as will enable the Zoning Officer to insure that all of the above-enumerated requirements as well as the requirements of Section 614(1) of this Ordinance will be met. The Use Certificate once issued shall continue in effect as long as there is no change in the nature or extent of the use and all of the requirements of Section 614(1) and Section 614(2) continue to be met.

Copies of these requirements will be attached to the Use Certificate.

3. If the proposed use would fail to meet one or more of the requirements of Section 614(2), the use will be permitted only following application and approval as a special exception by the Zoning Hearing Board. The Zoning Hearing Board shall review the application and approve it only if the applicant establishes that all of the requirements of Section 614(1) will be met and the applicant also establishes that the following additional requirements will be met:
  - a. The premises will be kept neat and orderly and there will be no outdoor storage of the following:
    - (1) Automobiles, busses, vans, recreational vehicles and other vehicles of the type required to be registered for highway operation pursuant to the provisions of Chapter 13 of the Pennsylvania Motor Vehicle Code but not so registered.
    - (2) Automobiles, busses, vans, recreational vehicles and other vehicles of the type required to be registered for highway operation pursuant to the provisions of Chapter 13 of the Pennsylvania Motor Vehicle Code and so registered but not displaying a currently valid certificate of, inspection and approval issued pursuant to Chapter 47 of the Pennsylvania Motor Vehicle code.
    - (3) Discarded motor vehicle parts or accessories.
    - (4) Other trash or junk as defined in the Township Junkyard Ordinance.
  - b. The use will not involve any waste product other than domestic sewerage or municipal waste (as defined in the Solid Waste Management Act).
  - c. The use will not involve noise audible to neighboring residents between 6:00 P.M. and 7:00 A.M. The Zoning Hearing Board may require as a condition to any special exception that the applicant put in noise insulation and take other action so as to minimize audible noise during the period 7:00 A.M. to 6:00 P.M. If the Zoning Hearing Board determines that the use will involve unreasonable noise which cannot be satisfactorily reduced by insulation and other action by the applicant, the application shall not be approved.
  - d. The use will not result in a substantial increase in traffic. A twenty (20%) percent increase in traffic shall be regarded as substantial.

- e. If a new building is to be constructed or an existing accessory building is to be enlarged to accommodate the proposed use, the building after enlargement or construction shall not have a ground floor area in excess of fifty (50) per cent of the ground floor area of the dwelling unless the building is at least five hundred (500) feet from any neighboring residence.
  - f. The use shall not create dust or odors beyond the property of the owner of the use.
4. A small business not qualifying pursuant to the criteria set forth in Section 614(1) through 614(3) shall be permitted as a home occupation in the Agricultural District by special exception to be granted by the Zoning Hearing Board if the applicant establishes that the following requirements will be met:
- a. That the small business be conducted in a building which was in existence on December 7, 1974.
  - b. That the building which is to be used for the small business, if in the Agricultural District, has no functional utility in connection with the agricultural use of the tract of land where the building is located.
  - c. That the small business be conducted by either the owner of the tract of land where the small business is located or by an ancestor or direct descendant of the owner, and either the owner or operator of the business resides on the tract of land where the business is located.
  - d. That the premises will be kept neat and orderly and there will be no outdoor storage of the following:
    - (1) Automobiles, busses, vans, recreational vehicles and other vehicles of the type required to be registered for highway operation pursuant to the provisions of Chapter 13 of the Pennsylvania Motor Vehicle Code but not so registered, or parts thereof.
    - (2) Automobiles, busses, vans, recreational vehicles and other vehicles of the type required to be registered for highway operation pursuant to the provisions of Chapter 13 of the Pennsylvania Motor Vehicle Code and so registered but not displaying a currently valid certificate of inspection and approval issued pursuant to Chapter 47 of the Pennsylvania Motor Vehicle Code, or parts thereof.
    - (3) Motor vehicle parts or accessories.
    - (4) Trash or junk as defined in the Township Junk Yard Ordinance.
  - e. That the use will not involve any waste product other than domestic sewerage or municipal waste (as defined in the Solid Waste Management Act).

- f. That the use will not involve noise audible to neighboring residents between 6:00 P.M. and 7:00 A.M. The Zoning Hearing Board may require as a condition to any special exception that the applicant put in noise insulation and take other action so as to minimize audible noise during the period 7:00 A.M. to 6:00 P.M. If the Zoning Hearing Board determines that the use will involve unreasonable noise which cannot be satisfactorily reduced by insulation and other action by the applicant, the application shall not be approved.
- g. That the use will not result in a substantial increase in traffic. A twenty (20%) per cent increase in traffic shall be regarded as substantial.
- h. That the use shall not create dust or odors beyond the property of the owner of the use.
- i. That there will not be more than six (6) employees including the owner of the small business.
- j. That prior to obtaining a permit for this use, the owner must have obtained a permit to install a sewage disposal sized in accordance with needs of the business and must install the system before commencing the use.
- k. The size and shape of the building may not be altered although the inside may be reconverted and larger doors installed.
- m. In addition to the required parking for the dwelling unit, additional off-street parking on a stone or macadam surface is required as follows:
  - (1) One space for each non-resident employee.
  - (2) Such additional parking space as the Zoning Hearing Board determines is reasonably necessary to accommodate anticipated customers' needs. No customer parking may occur in the public right-of-way.

#### **SECTION 616 MINIMUM HABITABLE FLOOR AREA**

- 1. All dwelling units shall conform to the minimum habitable floor area following:
  - a. Single-family dwelling: seven hundred (700) square feet.
  - b. Apartment, including multi-family conversions: four hundred (400) square feet.
  - c. Bachelor Apartments (1 person) : two hundred (200) square feet.

#### **SECTION 617 NUMBER OF PRINCIPAL USES ON A LOT**

- 1. In a Residential District, not more than one principal use shall be

permitted on a lot except by special exception.

2. Each single-family dwelling shall be sited on a separate lot whether a intended for sale or not.

## **SECTION 618 MULTI-FAMILY CONVERSION**

1. The yard, building area and other applicable requirements for the District shall not be reduced thereby.
2. No structural alteration of the building exterior shall be made except as may be necessary for purposes of safety.
3. Such conversion shall be authorized only for large buildings that have little economic usefulness as single-family dwellings or for other conforming uses (i.e., barns) erected prior to the adoption erected prior to the adoption of this Ordinance.
4. The lot area per family should not be reduced thereby to less than five thousand (5,000) square feet per multi-family conversion.

## **SECTION 619 CONVALESCENT HOME**

A. GROUP HOME - Where indicated, this use is permitted subject to the following:

1. The following requirements shall apply to all group homes:
  - a. A minimum of two hundred fifty (250) square feet of habitable floor area shall be provided for each occupant.
  - b. A common kitchen and dining facility shall be provided and no cooking or dining facilities shall be provided in individual rooms or suites. This provision is not intended to require such facilities if the affiliated institution provides them elsewhere.
  - c. Off-street parking shall be provided for each Group Home based upon one (1) parking space for each two occupants or as set by the Zoning Hearing Board pursuant to Section 2(g) hereof.
  - d. The Group Home must be licensed where required by an appropriate government agency and a copy of any such license must be delivered to the township prior to receipt of any use certificate.
  - e. The Group Home may not provide medical, counseling or other service to persons who do not reside at the facility.

2. If the proposed Group Home meets all of the requirements of paragraph (1) hereof, and all of the requirements for the location of a "dwelling unit" in the zone where it is proposed to be located and will house eight (8) or fewer persons, it shall be permitted as a "dwelling unit" in any zone upon receipt of a Use Certificate to be issued by the zoning officer. If such Group Home is in the Agricultural District, the Group Home shall reduce the number of dwelling units permitted the tract of land by Section 504(a) of this Ordinance by one. Such Group Home may not make modifications to the dwelling which would detract from its residential character excepting modifications taken in order to comply with the Fair Housing Act or with the Americans with Disabilities Act.
3. If the proposed Group Home meets all of the requirements of paragraph (1) hereof but will house more than eight (8) persons, it shall be permitted by special exception in the Rural Suburban Residential District and the General Commercial District. In addition to the general requirements of Section 1007 of this Ordinance and the requirements of paragraph (1) hereof, the applicant must establish the following:
  - a. The site has direct access to a collector road if the total number of employees together with residents whose handicap will not preclude such residents operating motor vehicles exceeds twenty (20). (Collector road shall be designated by resolution of the Board of Supervisors).
  - b. A lot area of not less than one thousand (1,000) square feet per occupant shall be provided, but in no case shall the lot area be reduced below that required for the zone in which such Group Home is to be located.
  - c. No newly constructed building shall be located closer than fifty (50) feet to any lot line.
  - d. The township sewage enforcement officer shall submit a report confirming the adequacy of the proposed sewage facilities.
  - e. The facility must be inspected by the local fire chief who shall submit a written report containing his recommendations for fire and safety equipment and other necessary recommendations to insure adequate fire protection, which recommendations shall be a condition of any approval.
  - f. The Group Home must establish that it has received or can receive approval for occupancy from the Pennsylvania Department of Labor and Industry where required.
  - g. The Zoning Hearing Board shall designate the number of supervisory personnel to be on the premises at any one time depending on the number of residents and the nature of the handicap involved and shall, in addition, designate the number of required off- street parking spaces depending upon the nature of the handicap of the residents and whether such handicap will prevent their operation of motor vehicles. In the event the residents other than supervisory personnel have handicaps which will preclude their operation of motor vehicles, there must be at least one parking space for each employee of the group home and an off-street area where residents can be dropped off and picked up plus a reasonable parking area for visitors. If the handicap involved does not preclude operation

of motor vehicles there shall be at least one off- street parking space for each employee of the group home and at least one parking space for each two residents.

- h. The applicant must establish screen plantings to screen the use from neighboring residential uses. The screen planting shall be in compliance with Section 605(1)(c) and (d) of this ordinance.

## B. HEALTH AND PERSONAL CARE FACILITIES

- 1. Hospital, Nursing Home or Convalescent Home, Personal Care Home and Adult Day Care Center shall be permitted by special exception in the General Commercial District and in the Rural Suburban Residential District.

- a. In addition to the general requirements of Section 1007, the applicant for a special exception must establish the following:

- (1) The site has direct access to a collector road if the total number of employees together with residents who will be permitted to maintain motor vehicles at the facility exceeds twenty (20). (Collector roads shall be designated by resolution of the Board of Supervisors).
- (2) A lot area of not less than one thousand (1,000) square feet per bed shall be provided, but in no case shall the lot area be reduced below that required for the Zone in which such health and personal care facility is to be constructed.
- (3) No building shall be located closer than fifty (50) feet to any lot line.
- (4) The Township Sewage Enforcement Officer shall submit a report confirming the adequacy of the existing or proposed sewage facilities.
- (5) In the event the facility requires certifications and/or licenses from Federal and/or state agencies to permit its operation, the applicant must establish that he has secured or will be able to secure such certifications and licenses with the Township to receive copies of such licenses and certifications.
- (6) The facility must be inspected by the local fire chief, who shall submit a written report containing his recommendations for fire and safety equipment and other necessary recommendations to insure adequate fire protection.
- (7) There must be at least one parking space for each employee of the center and an off-street area where facility users can be dropped off and picked up and, in addition, if the residents of the facility other than supervisory personnel will be permitted to maintain motor vehicles at the facility location there must be at least one off- street parking space for each two such residents. In addition, there must be a visitors parking lot with the size to be determined by the Zoning Hearing Board giving due consideration to the size of the facility and the anticipated number of visitors.

- (8) The facility must establish that it has received approval for occupancy from the Pennsylvania Department of Labor and Industry, where required.
  - (9) The applicant must establish screen plantings to screen the use from neighboring residential uses. The screen planting shall be in compliance with Sections 605(1)(c) and (d) of this ordinance.
2. Domiciliary Care Unit shall be permitted as an accessory use by right in every district.
  3. Medical Center, Office or Clinic shall be permitted as a permitted use in the Rural Residential District, the Rural Suburban District and the General Commercial District and by special exception in the Agricultural District.
    - a. In addition to the general requirements of Section 1007, the applicant for a special exception to locate a Medical Center, Office or Clinic within the Agricultural zone must establish:
      - (1) That the location proposed is a location on which a single family dwelling would be permitted consistent with the requirements of Section 504(1)(b) of this Ordinance.
      - (2) That there is available to the applicant's tract the right to construct or erect at least one single family dwelling in addition to those which have previously been erected or constructed for each acre or part of an acre to be utilized by the Medical Center, Office or Clinic except as Provided below.
      - (3) That the lot on which the Medical Center, Office or Clinic is to be located shall contain at least 40,000 square feet and be at least 200 feet wide. If the lot is to exceed one acre in size, excepting under those circumstances where a single family dwelling lot would be permitted to exceed one acre in size pursuant to the requirements of Section 504(1)(c) of this Ordinance, in which case the permitted lot size shall not exceed the lot size which a dwelling would be permitted pursuant to Section 504(1)(c) of this Ordinance, the number of dwelling units permitted the applicant shall be reduced by one for each acre or part of an acre by which the proposed lot exceeds in size the size which would be permitted a single family dwelling lot pursuant to the provisions of Section 504(1)(c).

**SECTION 620 PRIVATE SOCIAL OR RECREATION CLUB INCLUDING FRATERNAL ORGANIZATION**

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

**SECTION 621 AUTOMOTIVE GASOLINE OR SERVICE STATION**

1. An automotive gasoline or service station shall comply with the following:
  - a. Minimum Setbacks from Street Right-of-way Lines:
    - (1) Pumps: fifteen (15) feet
    - (2) Building: forty (40) feet
  - b. Access Drives:
    - (1) Minimum offset from intersection of street right-of-way lines: forty (40) feet
    - (2) Side lot line offset: ten (10) feet
    - (3) Minimum width: twelve (12) feet
    - (4) Maximum width: thirty-five (35) feet
    - (5) Minimum separation of drives on same lot: twenty-five (25) feet
  - c. Curbing: Except along access drives, a concrete curb eight (8) inches in height must be placed along all street right-of-way lines.
  - d. Lighting: All lights must be diverted inward and downward.
  - e. Storage: No outdoor stockpiling of tires or outdoor storage of trash is permitted. An area enclosed by a wall or fence screened from view of adjoining properties, shall be provided whenever outdoor storage is required. No materials may be stored so as to create a fire hazard.

## **SECTION 622 PERFORMANCE STANDARDS FOR INDUSTRIAL USES**

1. In passing upon special exception applications for industrial uses, the Zoning Hearing Board shall require the following:
  - a. The industrial use must have access to a major thoroughfare. Traffic going to and from the industrial park will be permitted on nonresidential streets only; traffic routes and exits will be far enough away from dwellings so that truck noise and vibration will be minimized.
  - b. Satisfactory provision will be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke, vapors, and gases, electrical emissions, and industrial wastes). Every effort must be made to prevent the above by:
    - (1) Control of lighting.
    - (2) Design and maintenance of structures.
    - (3) Use of planting screens or attractive fences.
    - (4) Placement of structures on the site.
    - (5) Appropriate control of use.
    - (6) Prompt removal of solid waste material.
  - c. The industrial use is harmonious with surrounding properties. This feature includes but is not limited to: landscaping, enclosure of principal and accessory uses, height control, sign control, low structural density, and architectural controls.
  - d. The distance separating all industrial uses and buildings from surrounding properties shall be great enough to constitute a buffer meeting requirements according to Section 605 so that no property adjacent to the proposed use shall be adversely affected.

## **SECTION 623 OUTDOOR SWIMMING POOL**

1. Every outdoor swimming pool must conform to all applicable requirements of State law and in addition must be completely surrounded by fence or wall not less than four (4) feet in height, which shall be so constructed as not to have openings, holes or gaps larger than six (6) inches in any dimension; and if a picket fence is erected or maintained, the horizontal or vertical dimension of space between pickets shall not exceed six (6) inches. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped. All swimming pools must be located either in the existing side yard area or the existing rear

yard area, excepting that this requirement shall not apply if the swimming pool is to be located at a distance greater than one hundred (100) feet from the center of a public road.

2. Farm ponds shall be excluded from the requirements of this Section.

## **SECTION 624        OUTDOOR STORAGE OR DISPLAY**

1. Outside storage is permitted as a principal use in the General Commercial District and is permitted as an accessory use in all districts, provided no part of the street right-of-way, no sidewalks or other areas intended or designed for pedestrian use, no required parking areas and no part of the front yard shall be occupied by outdoor storage or display. The permitted storage of items as an accessory use must involve the storage of items used on the lot or tract where stores in connection with a principal permitted use of such lot or tract of land.
2. A recreational vehicle may be stored on a lot occupied by the owner of the vehicle, provided such vehicle shall be placed in such position as to meet all dimensional requirements for the District within which it is located. On-street parking is prohibited.

## **SECTION 625        OPEN SPACE DEVELOPMENT**

1. Specific Purpose - The purpose of the procedures, standards, controls and regulations of this section is to provide a means whereby parcels of land can be designed and developed without regard to the normal lot size, building bulk and setback requirements of the typical zoning districts. In this innovative type of development, minimum requirements are established to insure that each living unit has proper light and air, appropriate access to public ways and open space, and is properly connected to public utilities. Common open space areas are designed to preserve open space and to serve recreational, scenic, public service, environmental and cultural conservation purposes.
2. Planning Standards - An open space development must meet the following minimum requirements:
  - a. Permitted uses shall be limited to single-family dwellings, single-family semi-detached dwellings, row dwellings and multi-family dwellings in addition to the uses otherwise permitted in the underlying zones. In addition, neighborhood commercial enterprises are permitted in developments of fifty (50) acres or more with a maximum limit of one thousand two hundred (1,200) square feet per commercial use, not to exceed two (2%) percent of the total development acreage.
  - b. Public Facilities
    - (1) Public water and sewer shall be provided.

- (2) Storm water management to control volume and discharge rates shall be provided in accordance with design criteria in the Subdivision and Land Development Ordinance and PA Act 167.
- (3) Written verification shall be provided stating the adequacy and availability of services.

c Tract Standards

- (1) Open space development shall meet the following tract standards.

Districts: Rural Suburban Residential Minimum Tract Area: five (5) acres  
Minimum Common Open Space (Percent of Total Area): forty (40%) percent.

3. Delineation of Required Common Open Space

- a. As part of the site planning process for the cluster development, the applicant shall be required to prepare a detailed natural and cultural features inventory of the site. Such features as may be determined by the Board of Supervisors to represent significant or sensitive natural or cultural features shall become all or part of the required common open space. The site plan must identify, describe and plot each of the following found on the proposed site:
  - (1) 100-year flood plains
  - (2) Steep slopes [contiguous areas in excess of one-quarter acre with slopes exceeding twenty-five (25%) percent]
  - (3) Wetlands, streams, ponds, or other water bodies
  - (4) Sinkholes, caves, vistas, or other significant geologic features
  - (5) Threatened or endangered species habitats
  - (6) Archaeologic resources
  - (7) Historic resources
  - (8) Significant stands of mature trees
- b. In addition, subject to approval by the Township, the applicant can include proposed parklands to be dedicated to the township within required common open space if such parklands comply with the following:
  - (1) The parkland site shall be located and designed so that safe and convenient access shall be provided to all existing and proposed inhabitants. Additionally, each

parkland site shall have at least one (1) area available for vehicular access that is no less than twenty-four (24) feet in width (road frontage).

- (2) The parkland site shall be sized and configured so as to accommodate its intended uses. Sufficient lot width/depth dimension shall be provided so as to accommodate ball fields, courts and other open play areas. Furthermore, should a development be proposed at a location contiguous to an existing park, parklands should be provided, where practical, as an expansion of the existing facility.
  - (3) At least fifty (50%) percent of the parkland site shall have suitable topography and soil conditions for use and development as active play areas and shall, after grading by the developer, not contain slopes exceeding three (3%) percent.
  - (4) No more than twenty-five (25%) percent of the parkland site shall be comprised of flood plains or storm water management facilities. Any unimproved site which is not wooded shall be provided with a healthy and vibrant grass ground cover.
  - (5) The parkland site shall be located and designed to conveniently access proximate public utilities (e.g. sewer, water, power, etc.). However, no part of any overhead utility easement, nor any above ground protrusion of an underground utility should be permitted in active play areas of the site.
- c. The following areas may not be calculated as part of the common open space: streets, private yards, minimum required spacing between buildings, parking areas and buffer areas on individual residential lots, and land utilized for the location of public utility facilities.
  - d. The common open space areas shall be accessible to all residents unless it is being farmed. Pedestrian ways shall interconnect residential units and common open space areas and adjoining developments, commercial and town center areas.
  - e. Common open space areas shall be designed as a continuous system of usable area. The areas designated as common open space shall form a unified system of compact, not scattered, open space.
  - f. Future development or sale of common open space shall be prohibited except as provided in this ordinance.
4. Ownership and Maintenance - A plan for the ownership and maintenance of the common open space, including the pedestrian path system, must be submitted for approval by the Board of Supervisors. Such ownership, administration, and maintenance shall be arranged to be in accordance with one (1) or more of the following methods:
- a. An offer of dedication to the Township; however, the Township shall not be obligated to accept dedication of the common open space. Generally, the Township will only accept those areas which will benefit the Township recreation/park system and which will be practical for the Township to maintain.

- b. With permission of the Township and with appropriate deed restrictions in favor of the Township and in language acceptable to the Township Solicitor, the developer may transfer ownership of the common open space, or a portion thereof, to a private, non-profit organization among whose purposes is the preservation of open space land and/or natural resources. The organization shall be a bona fide conservation organization with a perpetual existence, the conveyance must contain appropriate provision for reverser or retransfer if the organization is unable to carry out its functions, and the organization must enter into a maintenance agreement with the Township.
- c. Alternatively, the developer may provide for and establish an automatic membership property owners association made up of the owners of property in the open space development, as a non-profit corporation to have primary responsibility for the ownership, administration and maintenance of the common open space with each lot owner within the open space development to have secondary responsibility for such maintenance. Such organization shall be organized and be given rights, powers, obligations, and duties in a manner generally consistent with the requirements for "unit owners associations" as set forth in the Pennsylvania Uniform Condominium Act, 68 Pa. C.S. §3101, et seq. If such an organization is formed, the developer must submit a detailed statement, including the organizational documents establishing the property owners association and all covenants, agreement or other documents indicating the ownership, method of maintenance and utilization of the open space area(s) within the development. The provisions of all such organization documents and other covenants, agreements and documents insofar as they relate to the ownership and maintenance of the common open space must be reviewed and approved as adequate by the Township Solicitor. The covenants and agreements shall be perpetual and shall be recorded prior to or simultaneously with the approved plan.
- d. If a portion of the common open space is to be used for agricultural purposes, the plan may propose that such portion of the common open space be transferred to a person or other entity who will farm the land. Prior to the transfer of any common open space for agricultural purposes, a permanent conservation easement in favor of the Township, in language acceptable to the Township Solicitor, shall be imposed against such lands. The conveyance shall contain appropriate provisions for the retransfer or reverser to the Township or any association or trustee holding the remainder of the common open space in the event the land ceases to be used for agricultural purposes.
- e. In the event the organization established to own and maintain the common open space or any successor organization shall at any time after the establishment of the cluster residential development fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Township shall inform such organization, utilizing the name and address as set forth in the records contained in the York County Court House utilized for the assessment of real estate taxes, either personally or by certified mail, of the inadequate maintenance and the steps needed to correct the deficiencies. In addition, the Township shall inform, either personally or by certified mail, one or more owners of lots within the cluster residential development of the inadequate maintenance and the action needed to correct such inadequate maintenance. The organization established to own and maintain the common open space

or successor organization and/or the individual lot owners informed of such inadequate maintenance shall cause such maintenance, as is necessary to correct the deficiencies set forth by the Township, to be completed within sixty (60) days from the date such notices are sent. Upon failure to do so, the Township shall have the right of entry onto the common open space for the purpose of performing the maintenance found necessary to correct the stated deficiencies.

In the event the Township performs maintenance of the common open space either by its employees or its contractors:

- (1) The owner or owners of the land where such maintenance is performed shall indemnify and save the Township harmless from any and all claims for damages to persons or property arising from its activities in maintaining such common open space;
- (2) The Township shall charge the property owners association for its costs in performing maintenance within the common open space. In the event such charges or assessments are not paid within thirty (30) days from the date of notice to such property owners association, the Township shall have the right, in its sole discretion, to levy assessments against any one or more (up to all) of the residential lots within such open space development, with no obligation to apportion, in a total amount not to exceed the costs of maintenance of the common open space together with the cost of collection incurred by the Township including attorney's commission in the amount of twenty-five (25) percent of such assessment, giving notice to the owner or owners of such lots intended to be assessed by sending written notices thereof by certified mail addressed to such owner or owners at the address set forth in the records utilized for the assessment of real estate taxes; provided, however, the Township may levy assessments only against the owners of lots which it notified of the inadequate maintenance pursuant to the first paragraph of this section.

If such assessments are not paid within thirty (30) days after the sending of such notice, such assessments to be entered as liens against the lot or lots in the Office of the Prothonotary of York County or such other office which may at that time be responsible for the maintenance of records of municipal liens, and the Township shall have the right to collect such sums in the manner provided by law for the collection of municipal liens.

This section shall not be interpreted to impose on the Township any obligation of maintenance, but only to permit the Township to enter upon the area of the common open space for the purpose of maintenance if the township, in its sole discretion, determines that required maintenance is not being performed by those obligated pursuant to this section of the ordinance.

5. Lot Standards - Open space developments shall meet the following lot standards based on the type of dwelling unit:

- a. Street layout - All lots shall front on the interior street network. No lot shall front on an arterial or collector road.
- b. Dimension requirements - The following dimensional requirements shall apply to dwelling unit types permitted.

Lots - Minimum lot area, width and setbacks shall be provided as shown on the following schedule.

<b><u>Unit Type</u></b>	<b>Lot Area</b>	<b>Lot Width</b>	<b><u>Front Yard</u></b>	<b><u>Side Yards</u></b>	<b><u>Rear Yard</u></b>
	<b>Sq. Ft.</b>	<b>Ft.</b>			
	<b>Per Dwelling Unit</b>	<b>Per Dwelling Unit</b>			
Single family	7,500	60	**	*	15
Single-family semi-detached	5,625	40	**	*	15
Row dwelling	4,875	20	**	*	15
Multi-family	4,875	20	**	*	15

\*To maximize the flexibility in lot layout and design, side setbacks shall be calculated based on maintaining a minimum between structures of twenty (20) feet. The twenty (20) feet may be shown in whole or in part on one (1) lot but must be clearly delineated on the subdivision and land development plan.

\*\*Thirty-five (35) feet from edge of street right-of-way unless vehicular access to the rear of the lot is provided, in which case the required front yard shall be thirty-five (35) feet from the edge of the street cartway.

- 6. Buffer Yards - The open space development must maintain a fifty (50) foot buffer yard between any land developed into residential lots and any agricultural, commercial, or industrial uses occurring on adjacent lane. No portion of the buffer yard may be included in a residential lot. Such buffer yard must become a part of and be maintained as a part of and be maintained as a part of the Common Open Space.
- 7. Row Dwellings - The maximum number of dwelling units in a row group is eight (8).
- 8. Multi-Family Dwellings - The maximum number of dwelling units in a multi-family dwelling is eight (8).
- 9. Street Standards - Streets, curbs and sidewalks shall be installed consistent with the provisions of the Township Subdivision and Land Development Ordinance excepting that the Board of Supervisors may permit the required street width to be reduced where, in its unlimited discretion, the Board determines that (a) parking is unlikely to occur along the

street because (1) one or both sides of the street or part thereof will be adjacent to open space rather than dwelling lots; or (2) adequate off-street parking is provided, or; (b) there will be one way rather than two way traffic along the street.

10. Street Trees - These shall be planted consistent with the Township Subdivision and Land Development Ordinance except that they shall be no more than fifty (50) feet or less than forty (40) feet apart.
11. Ratio of Dwelling Types - The total number of row dwelling units and multi-family dwelling units may not exceed 50% of the total number of dwelling units.
12. Unit Density - The maximum gross density or number of dwelling units permitted shall be based upon the total area of developable ground. Developable ground is defined to include the total tract area including common open space areas reduced by the total non-developable areas. Non-developable areas are those areas described in subsection 3(a)(1), (2),(3) and (4) of this section.
  - a. The owner shall first determine the acreage of developable ground which he wishes to allocate to each type of dwelling unit consistent with the limitations of subsections (5) through (8) and (11) above.
    - (1) The maximum number of single family dwelling units shall be calculated by multiplying the acres of developable ground allocated to that dwelling type by 2.9.
    - (2) The maximum number of single-family semi-detached dwelling units shall be calculated by multiplying the acres of developable ground allocated to that dwelling type by 3.9.
    - (3) The maximum number of row dwelling units or multi-family dwelling units shall be calculated by multiplying the number of acres of developable ground allocated to that dwelling type by 4.47.

**EXAMPLE** - Assume a one hundred twenty (120) acre tract with one hundred (100) acres of developable ground. The owner has decided to allocate forty (40) acres to row dwellings, thirty (30) acres to single family dwellings, and thirty (30) acres to single-family semi-detached dwellings. Therefore, the owner would be permitted 178 row dwelling units, 87 single family dwelling units, and 117 single-family semi-detached dwelling units.

Any resulting number which is between whole numbers shall be reduced to the lower whole number. Thus, 68.9 shall be 68.

Because forty (40%) of the tract area must be “open space”, the owner must allocate forty-eight (48) acres to open space and may develop the remaining seventy- two (72) acres into dwelling units complying with the standards set forth in this Section with a maximum of 178 row dwelling units, 87 single family dwelling units, and 117 single-family semi-detached dwelling units.

Further examples are illustrated by a table attached hereto.

<b>DENSITY DETERMINATION</b>		
	<b>PROPOSED ZONING</b>	
<b>HOUSING TYPES</b>	<b>MINIMUM LOT AREA PER UNIT (ft<sup>2</sup>)</b>	<b>UNIT DENSITY FACTOR (unit/acre)</b>
single family	7500	2.9
building	11250	3.9
family unit	5625	3.9
multi-family	4875	4.47
<b>EXAMPLES</b>		
SCENARIO [120 acres, 100 developable acres, 72 buildable acres (60% of 120 = 72)]		
<b>HOUSING COMBINATIONS</b>	<b>PROPOSED ZONING # OF UNITS</b>	
1.) 100% single family units	290	
2.) 100% family units	390	
3.) 100% multi-family units	NOT PERMITTED	
4.) 50% single family units 50% duplex family units total	145 195 340	
5.) 50% duplex family units 50% multi-family units total	195 (224 reduced to 50% of total) = 195 390	
6.) 30% single family units 30% duplex family units 40% multi-family units total	87 117 178 382	

13. Building Area and Lot Coverage -

- a. No more than forty (40) percent of any lot area may be covered with buildings or structures.
- b. No more than sixty (60) percent of any lot area may be covered with impervious surfaces.

14. Parking - Two off-street parking spaces shall be provided for each dwelling unit. These should be in the rear yard unless the rear yard is unavailable or inaccessible in which case they may be in the side or front yard.

## **SECTION 626 NONCONFORMITIES**

### **1. Nonconforming Structures**

- a. Continuation - Any nonconforming structure may remain although such structure does not conform to the dimensional requirements of this ordinance.
  - b. Restoration - If any nonconforming building or structure shall be destroyed or damaged by reason of wind, storm, fire, explosion or other act of God, or torn down by the owner thereof, such building or structure may be restored or rebuilt at its original location provided that the original location is at least sixteen and one-half (16½) feet from the center line of a public road or at an alternate location provided the alternate location does not involve a greater encroachment into the required setback or yard area than did the original location and provided such restoration or reconstruction is commenced within one (1) year of the date of the casualty and it is completed within one (1) year thereafter. Unless such building or structure is restored or reconstructed as set forth above, it shall be considered abandoned and shall not be restored or reconstructed except in conformance with the provisions of this ordinance.
  - c. Extension, Expansion or Alteration - A nonconforming building or structure may be extended, expanded or altered provided the extension, expansion or alteration does not involve a greater encroachment into the required setback or yard area than did the original building or structure, provided such extension, expansion or alteration is at least sixteen and one-half (16%) feet from the center line of a public road or street.
2. Nonconforming Lots - Continuation - Any nonconforming lot may be continued although such lot does not conform to the lot requirements of the district in which it is located.
  3. Nonconforming Tracts - In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any "tract" as defined in this Ordinance in existence December 7, 1974.

This provision shall apply even though such tract fails to meet requirements of side, front or rear yards or the minimum lot area requirements applicable in the district in which the lot is located.

In addition, any piece of land included in a deed recorded prior to December 7, 1974, which deed does not describe any other piece of land, and which piece of land has not since been combined with any other piece of land in the same deed and which piece of land is described in the tax records of York County by a separate map and parcel number, shall at the election of the property owner, be considered a nonconforming lot and shall, irrespective of the

requirements of Section 504 of this Ordinance, be permitted one dwelling together with customary accessory buildings, provided:

- a. Such piece of land consists of at least 30,000 square feet of land and is at least 150 feet wide at the public street right-of-way line; and
- b. Such piece of land is less than two (2) acres in size; and
- c. Such piece of land can be provided with a water supply and sewage disposal system consistent with state and township requirements; and
- d. The remaining adjacent piece of land in combined ownership as of December 7, 1974, with the piece of land sought to be declared a nonconforming lot, does not have more dwellings than permitted by Section 504(1)(a) of the Ordinance if the acreage contained within the piece sought to be declared a nonconforming lot is excluded from the computation of tract size.

Following such election, the acreage contained within the piece of land considered a nonconforming lot shall not be considered in determining the number of single family dwelling units permitted on the remaining adjacent pieces of land in common ownership as of December 7, 1974.

#### 4. Nonconforming Uses

- a. Any nonconforming use may be continued indefinitely although such use does not conform to the provisions of this Ordinance. Unless specifically provided by the Zoning Hearing Board for a particular use, no change of title or position or any other change in status of a property on which a nonconforming use exists shall prevent the continuance of such nonconforming use.
- b. Extension or Expansion - An expansion of a nonconforming use which may involve expansion of a building or structure may be approved by the Zoning Hearing Board in accordance with the following criteria:
  1. The expansion of the nonconformity shall be confined to the lot on which it is located on the effective date of this Ordinance or any amendment thereto creating the nonconformity.
  2. The total of all such expansions or alterations of use shall not exceed an additional thirty-five percent (35%) of the area of those buildings or structures devoted to the nonconforming use as they existed on the date on which such buildings or structures first became nonconformities.
  3. Provision for access drives, off-street parking and off-street loading shall be consistent with standards required by this Ordinance.

4. Provision for yards, building height and building area shall be consistent with the standards required for permitted uses in the district in which the nonconformity in question is located.
  5. Appearance should be harmonious with surrounding properties. This feature includes but is not limited to: landscaping, enclosure of principal and accessory uses, height control, sign control, and maintenance in good condition of all improvements and open spaces.
  6. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, planting and open spaces.
  7. The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities.
  8. The Zoning Hearing Board may impose such additional requirements as may be reasonable to assure that the proposed extension or expansion will not adversely affect the use or enjoyment of neighboring properties.
- c. Change of Use - Once changed to a conforming use, no building, structure or land shall be permitted to revert to a nonconforming use. The Zoning Hearing Board may by special exception permit a nonconforming use to be changed to another nonconforming use or a combination of nonconforming uses that may but need not include the original nonconforming use. The Zoning Hearing Board shall require that:
1. The applicant establishes that the nonconforming use cannot reasonably be changed to a permitted use.
  2. The applicant establishes that the proposed nonconforming use or uses will not have greater adverse impact upon adjacent property and the general neighborhood than the existing nonconforming use or uses. In making this determination, the Zoning Hearing Board shall consider particularly the effect upon adjacent property and the general neighborhood of the following:
    - a. Signs and lighting
    - b. Extent and appearance of buildings or structures
    - c. Traffic generation and congestion including truck, automobile, and pedestrian traffic
    - d. Parking and loading
    - e. Emission of noise, odors, fumes, glare, vibrations, smoke vapors, gases, waste or storm water runoff
    - f. Fire, explosion or other hazards
    - g. Storage and waste disposal. The proposed nonconforming uses may not cause an increase in outside storage.

3. The total space consumed by the proposed nonconforming use or combination of nonconforming uses may not exceed the space consumed by the original nonconforming use or uses by more than thirty-five (35%) percent.
  4. If the space to be utilized for the proposed nonconforming use or uses is to be enlarged, the applicant must establish that all of the requirements set forth in Section 626 (4)(b) hereof regarding the extension or expansion of nonconforming uses will be complied with.
  5. The Zoning Hearing Board may impose such additional requirements as may be reasonable to assure that the change of use or uses will not adversely affect the use or enjoyment of neighboring properties.
- d. Abandonment - A nonconforming use of a building or land shall be adjudged as abandoned when there occurs a cessation of any such use or activity by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of one (1) year from the date of cessation or discontinuance. Such use shall not thereafter be reinstated and the structure shall not be reoccupied except in conformance with this Ordinance. Abandonment regulations shall not apply to agricultural uses. Abandonment shall commence when reasonable efforts to re-establish a nonconforming use have ceased.

## **SECTION 627 OUTDOOR RECREATIONAL USE**

In passing upon a special exception application for outdoor recreational use involving a lake, pond or public swimming pool, the Zoning Hearing Board must require:

1. Proof that the lake, pond, or pool will not become polluted by reason of existing uses of nearby land, reasonably anticipated increases in the existing uses of such land not exceeding one hundred (100%) percent or from other sources. Such proof shall be supplied by an engineer retained by the Township at the expense of the applicant.
2. If the applicant proposes to remove the pollution which would otherwise enter into the lake, pond, or pool, the Zoning Hearing Board shall require proof that the proposal will be effective in removing pollution, which proof shall be supplied by an engineer retained by the Township at the expense of the applicant.
3. Also, the Zoning Hearing Board shall require proof that the devices proposed to remove the pollution will be continued permanently and that in the event the lake, pond, or pool did become polluted, the pollution problem would be solved by the lake, pond, or pool being drained.
4. A lake, pond, or pool shall be considered polluted if the dissolved oxygen content drops below six (6) parts per million by reason of organic intrusion or if the phosphate content exceeds 0.1 parts per million.

5. All lakes, pools, and ponds shall be at least one hundred (100) feet from the nearest public highway, and at least fifteen (15) feet from any property line.
6. Proof that the lake, pool or pond complies with all State and Federal environmental requirements.
7. The requirements of this section shall not be applicable to farm ponds which will not be utilized as "public swimming pools".

## **SECTION 628 TRAILER CAMPS AND CAMP GROUND**

In passing upon a special exception application for a trailer camp or campground, the Zoning Hearing Board must require the following:

1. That none of the automobile trailers, cabins, travel trailers, motorhomes, tents, or campers approved for location on the premises be utilized as a permanent place of abode, as a permanent dwelling, or be resided in for consecutive periods in excess of two weeks, and further, none of the automobile trailers, travel trailers, motor homes, campers, or tents shall remain on the approved premises for periods in excess of two (2) weeks in any two (2) month period.
2. Every trailer or campground shall have erected thereon at a distance not greater than two hundred (200) feet from any cabin, tent site, trailer site, or camper site which it is designed to serve, a suitable building for housing toilets, showers and laundry facilities. Such building to be known as the service building.
  - a. There shall be provided separate toilet rooms for each sex. Flush toilets shall be provided with an adequate water supply in the ratio of one (1) men's toilet and one (1) ladies' toilet for each eight (8) cabins, trailer sites, tent sites, or camper sites or fraction thereof. Toilet rooms shall contain lavatories with hot and cold water in the ratio of one (1) lavatory to every two (2) or less water closets.
  - b. Separate bathing facilities for each sex shall be provided with one (1) shower enclosed in a compartment at least four (4) feet square for each eight (8) cabins, tent sites, camper sites, or trailer sites, or fraction thereof. Each shower compartment shall be supplemented by an individual dressing compartment of at least twelve (12) feet square.
  - c. Laundry facilities shall be provided in the ratio of one (1) double tray and one (1) ironing board for each ten (10) camp sites, cabin sites, cabins, trailer sites, or camper sites.
  - d. Floors of toilets, showers, and the laundry shall be of concrete, tile, or similar material impervious to water and easily cleaned and pitched to a flood drain.
3. All wastes from showers, toilets, laundries, faucets, and lavatories shall drain into a sewage disposal system meeting the approval of the Pennsylvania Department of Environmental Resources.

4. In every trailer camp or tourist camp there shall be an office building in which shall be located the office of the person in charge of the camp, which office building shall be occupied by someone in charge of the camp facilities at all times the camp facility is occupied or is open to the public for occupancy.
5. Each cabin, campsite, trailer site, or camper site, shall be accessible to a roadway or driveway which shall have an improved cartway at least twenty (20) feet in width and shall be improved with a six (6) inch stone base, and there shall be a roadway with an improved cartway at least twenty-eight (28) feet in width improved by an eight (8) inch stone base leading from a public road to the camp site.
6. The application for a special exception shall be accompanied by such plans as will enable the Zoning Hearing Board to insure that the above requirements will be kept and proof of Department of Environmental Resources approval of proposed on-site sewage disposal system and proof that the proposed water supply is sufficient to meet the water supply needs of the proposed trailer camp or camp ground.

## **SECTION 629 STORAGE**

1. Permitted Storage - Storage is permitted as a principal use in the General Commercial District and is permitted as an accessory use in all districts, provided that no part of the street right-of-way, no sidewalks or other area intended or designed for pedestrian use, no required parking areas and no part of the front yard shall be occupied by outdoor storage or display. The permitted storage of items as an accessory use must involve the storage of items used on the lot or tract where stored in connection with a principal permitted use of such lot or tract of land.
2. Outdoor Storage - The following items may not be stored out of doors in any district excepting in an approved "junkyard" in the General Commercial District.
  - a. Automobiles, busses, vans, recreational vehicles and other vehicles of the type required to be registered for highway operation pursuant to the provisions of Chapter 13 of the Pennsylvania Motor Vehicle Code but not (a) displaying a currently valid registration or (b) displaying a currently valid certificate of inspection and approval issued pursuant to Chapter 47 of the Pennsylvania Motor Vehicle Code, provided, however, there may be permitted one (1) such vehicle on each parcel within the Rural Residential District or within the Rural Suburban Residential District and two (2) such vehicles per parcel in the Agricultural District and in the General Commercial District.
  - b. Tire stockpiles.
  - c. Motor vehicle parts, appliances, appliance parts, pieces of iron, steel cans or other such material.
  - d. Junk as defined in this Ordinance.

**SECTION 630 DRAINAGE**

1. Drainage Required - No principal building may be erected, structurally altered, or relocated on land which is not adequately drained at all times nor may such building be erected, structurally altered, or relocated if such erection, alteration or relocation will alter drainage so as to adversely affect neighboring properties.
2. Building Restricted Adjacent to Drainage Channels and Water Courses - No building which is permanently attached to the ground may be erected, structurally altered or relocated on land which is in any flood way area. Flood way area includes the channel of a river or other water course and the adjacent land areas required to carry and discharge a flood of the one hundred (100) year magnitude without increasing the water surface elevation of that flood more than one (1) foot at any point. (Reference should be to the FEMA Floodway Map). Buildings may be permitted in the flood plain area outside of the flood way, these being the areas identified as flood way fringe or general flood plain areas; provided the lowest floor (including basement) is elevated to the one hundred (100) year flood elevation plus a free board safety factor of one and one-half (1½) feet. If fill is used to raise the elevation of a site, the fill area shall extend laterally for a distance of at least fifteen (15) feet beyond the limits of the proposed structure.
3. Drainage Upon Streets - In order to prevent improper surface water drainage upon streets, each building erected, structurally altered or relocated, and its drive- ways, must be at a grade in satisfactory relationship -

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

4. Drainage Upon Neighboring Properties: Slopes - In order to protect the adjoining property owners, and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land may be made which would:

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

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

5. Obstruction to Drainage Prohibited -

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

## **SECTION 631 BED AND BREAKFAST INN**

In passing upon a special exception application for the establishment of a Bed and Breakfast Inn, the Zoning Hearing Board must require the following:

1. That the Bed and Breakfast Inn must be operated by members of the immediate family of the owner residing in the dwelling unit where the Bed and Breakfast Inn will be located and a maximum of one nonresident employee.
2. That the character or external appearance of the dwelling unit be that of a dwelling.
3. That only short term overnight lodging be provided. Maximum guest stay shall be limited to seven (7) consecutive days and must be limited to seven (7) days in each calendar month.
4. In addition to the required parking of the dwelling unit, additional parking is required as follows:
  - a. One space for the Bed and Breakfast Inn, one space for each guest room available for rent, and one space for each employee not residing in the dwelling unit.
5. One sign shall be permitted with the name plate not being larger than nine (9) square feet, with such sign being illuminated only by indirect lighting.
6. That the Bed and Breakfast Inn not involve any dimensional alterations to any existing building, use of any building constructed or placed after January 1, 2000, or construction or placement of any new building except that such alteration, enlargement or construction shall be permitted, if such building after alteration, enlargement or construction, does not have a ground floor area in excess of two thousand (2,000) square feet and is not more than three (3) stories high. This limitation shall not apply if the building is at least five hundred (500) feet from any neighboring residence.

## **SECTION 632 USE AND STORAGE OF BLACK POWDER, LOW AND HIGH EXPLOSIVES**

1. The Zoning Hearing Board shall grant a special exception to permit use and storage of black powder, low and high explosives in the agricultural district as either a principal or accessory use provided the applicant proves that he meets all of the requirements of Section 1007 of this ordinance and, in addition, meets the following requirements:
  - a. Proves that he has complied with all applicable federal, state and local regulations regarding such use.
  - b. Proves that he has obtained liability insurance in the principal amount of at least one million (\$1,000,000.00) dollars protecting against injuries to persons or property arising from the operation of the use.

- c. Proves that all storage will be consistent with the requirements of Section 629 of this ordinance.
  - d. Proves that the location of the proposed use and storage site will be at least two thousand (2,000) feet from any school, church, playground, or recreation area and at least one thousand (1,000) feet from any dwelling not owned by the applicant.
2. The Zoning Hearing Board in approving such use shall place as conditions to the grant of a special exception the following:
- a. That the applicant or then owner of the use must obtain an annual license from the Township for the use paying such fee as may be established by resolution by the Board of Supervisors at the time of the application for such annual license. At the time of applying for each annual license, the applicant or owner must provide the Township with copies of current federal and state regulations regarding the licensee's use and prove to the Township that such licensee has all required federal and state permits regarding the use and is in compliance with all federal and state regulations.
  - b. The applicant or person operating the use shall maintain at all times public liability insurance in the amount of at least one million (\$1,000,000.00) dollars insuring against injuries to persons or property occurring from the operation of the use and maintain with the Township at all times proof of such insurance coverage.
  - c. The applicant or person operating the use must be at all times in compliance with the provisions of Section 629 of this ordinance as well as other applicable provisions of this ordinance and other township ordinances.
  - d. Such other conditions as the Zoning Hearing Board may deem necessary to protect the public interest.

## **SECTION 633 FARM MARKET**

In passing upon a special exception application for a Farm Market, the Zoning Hearing Board must require that the applicant, in addition to establishing compliance with the requirements of Sections 630 and 1007 of this ordinance, ensure that all of the following requirements will be complied with and the Zoning Hearing Board shall establish the same as conditions to any special exception granted pursuant to this section:

1. At least fifty (50%) per cent of annual gross sales must be of crops grown on land farmed by the operator of the farm market.
2. At least seventy-five (75%) per cent of annual gross sales must be of agricultural products. Agricultural products include such items as vegetables, fruit, cider, nursery plants, trees, etc. It does not include crafts and manufactured products normally sold at a flea market.
3. The applicant must keep such records as are necessary to establish compliance with sections 1 and 2 above.
4. If York County has been declared an agricultural disaster any year by the U.S. Department of Agriculture, the requirements of Section I above shall not be applicable in that year.

## **SECTION 634 FARM PROCESSING ESTABLISHMENT**

In passing upon a special exception application for a Farm Processing Establishment, the Zoning Hearing Board must require that the applicant in addition to establishing compliance with the requirements of Sections 630 and 1007 of this ordinance, ensure that all of the following requirements will be complied with and the Zoning Hearing Board shall establish the same as conditions to any special exception granted pursuant to this section.

1. At least thirty (30%) per cent of the volume of products processed must be of products grown on land farmed by the operator of the Farm Processing Establishment.
2. The applicant must keep such records as are necessary to establish compliance with section (1) above.

## **SECTION 635 SEWAGE**

1. Hereafter, no sewage disposal system of any kind shall be erected, constructed, installed, altered, or extended within the limits of Codorus Township except as set forth in Section I of the Codorus Township Sewage Permit Ordinance, unless a permit to do so shall first be secured in accordance with the provisions of the Codorus Township Sewage Permit ordinance unless such erection, construction, installation, alteration or extension is in strict accordance with the application submitted pursuant to the Codorus Township Sewage Permit Ordinance and with the permit issued pursuant thereto and in accordance with the procedures set forth in such ordinance.

2. No person, firm, association, or corporation shall maintain or use any sewage disposal system of any kind so that vectors (insects or rodents capable of carrying disease) may have access to the excrementitious matter contained therein or so that the sewage disposal system directly or indirectly drains or discharges over or upon the surface of the ground or into the waters of the Township. It shall also be unlawful for any person, firm, association, or corporation to fail to comply with the requirements as set forth in subparagraphs (a) and (b) of Section 2 of the Codorus Township Sewage Permit Ordinance.
3. All of the provisions of the Codorus Township Sewage Permit Ordinance are incorporated herein by reference. Any violation of any provision of that ordinance shall constitute a violation of this ordinance.

## **SECTION 636 TOWNSHIP OWNED AND OPERATED MUNICIPAL RECREATIONAL FACILITY OR PARK**

If the use is proposed to be located in the Agricultural District the tract of land selected for the use must be of low quality for agricultural use as defined in Section 1007(1)(c)(7) of this ordinance except that if the location of the use on a tract meeting the requirements of Section 1007(1)(c)(7) of this ordinance is not feasible considering the nature of the proposed use, higher quality lands may be utilized to the extent necessary to permit the development of the use; provided, however, such use shall be located on the least agriculturally productive land feasible and so as to minimize interference with agricultural production. The applicant shall have the burden of establishing that the requirements of this section have been met and that the tract of land proposed for the use represents the least productive land feasible for the use and will minimize interference with agricultural production giving effect to the purpose of the agricultural district as set forth in Section 501 of this ordinance to maintain agricultural parcels or farms in sizes which will permit efficient agricultural operations and that other circumstances being equal the use of the entirety of a small parcel will represent less interference with agricultural operations than dividing a larger parcel.

## **SECTION 637 ROOMING HOUSE**

In passing upon a special exception application for a rooming house, it is required that the applicant establish the following:

1. A lot area of not less than one thousand (1,000) square feet for each resident of the rooming house shall be provided, but in no case shall the lot area be reduced below that required for the zoning in which the rooming house is to be located.
2. No newly constructed building shall be located closer than fifty (50) feet to any lot line.
3. The Township Sewage Enforcement Officer shall submit a report confirming the adequacy of the proposed sewage facilities.

4. The facility must be inspected by the local fire chief who shall submit a written report containing his recommendations for fire and safety equipment and other necessary recommendations to insure adequate fire protection, which recommendation shall be a condition of any approval.
5. There shall be one off-street parking space provided for each potential resident of the rooming house.

## **SECTION 638 SCHOOL**

In passing upon a special exception application for a school, the Zoning Hearing Board must require the following:

1. The applicant must demonstrate compliance with all requirements generally applicable within the zone where the school is proposed to be located.
2. All off-street parking areas shall be set back twenty- five (25) feet and be screened from adjoining properties.
3. All buildings shall be set back at least fifty (50) feet from any adjoining property line.
4. If the school is offering instruction below the college level, an outdoor play area shall be provided at a rate of sixty-five (65) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor play areas shall be screened from adjoining residentially zoned properties. All outdoor play areas must provide means of shade such as shade tree(s) or pavilion(s).
5. Enrollment shall be defined as the largest number of students on the site at any one time during a seven (7) day period.
6. Passenger "drop off" and "pick up" areas shall be provided and arranged so students below the college level do not have to cross traffic lanes on or adjacent to the site.
7. In the event the facility requires certification and/or licenses from federal and/or state agencies to permit its operation, the applicant must establish that he has secured or will be able to secure such certifications and licenses.
8. The facility must be inspected by the local fire chief who shall submit a written report containing his recommendations for fire and safety equipment and other necessary recommendations to insure adequate fire protection.
9. The township sewage enforcement officer shall submit a report confirming the adequacy of the proposed sewage facilities.

## SECTION 639 FENCES AND WALLS

1. Fences and walls (including retaining walls) may be erected, altered, and maintained within yards and open spaces. A fence may be installed on top of a retaining wall. No fence or wall shall be erected, installed, or maintained when that fence or wall obscures clear view of traffic at intersections or driveways or which creates a safety hazard to pedestrians or vehicular traffic.
2. Fences shall be classified as either solid or open type. An open type fence is defined as one constructed so that at least fifty (50) percent of the superficial area thereof consists of apertures. The apertures must be a minimum of three (3) inches in width or twice the thickness of the boards or other slats constituting the closed portion of the fence, whichever is greater. The slats or boards forming such closed portion may not exceed six (6) inches in width. Structural elements of the fence may exceed the maximum height restrictions by no more than six (6) inches.
3. All portions of a solid type fence including posts, bases, and other components thereof must be set back at least one-half (1/2) foot from a property line, excepting that with the written consent of the adjoining property owner such fences may be located on the property line.
4. Maximum Fence Height Provisions
  - a. No solid type fence may be erected to a height of more than eight (8) feet above grade, excepting as permitted under subsection © hereof.
  - b. No other type fence may be erected to a height of more than eight (8) feet above grade, except when used to restrain farm animals and except as permitted under subsection © hereof.
  - c. A fence may be erected to a height exceeding eight (8) feet above grade in any of the following instances:
    - (1) Along a railroad right-of-way.
    - (2) Along the lot line of residential property that separates such property from any commercial district or from any property being used for a use which is nonconforming with respect to the district where located and which is a use not permitted, excepting within the Commercial District.
    - (3) Along the lot line of property used as a private or public utility substation.
    - (4) Along the side or rear yards of property being utilized for a use which is not permitted, excepting in the Commercial District.

- (5) Along the side and/or rear yards of residential properties where such fences are part of the landscaping for the entire neighborhood as shown on a subdivision or land development plan.
  - (6) Behind each baseline or around the entire perimeter of a tennis court an open mesh fence no higher than ten (10) feet in height.
5. Chain Link Fences - No chain link fence shall contain strips or slats of any kind between or among the links, except where a solid fence is permitted.
  6. Barbed Wire - The use of barbed wire fences, including concertina wire razor wire, or similar type wire, is prohibited, except when used to restrain farm animals or when used in the Commercial District provided, however, in the Commercial District, no barbed wire shall be less than six (6) feet above ground level and the top strand shall be at least eight (8) feet above ground level.
  7. Setback of Fences - All open type fences shall be set back at least five (5) feet and all solid type fences shall be at least ten (10) feet from the edge of the cartway of any road within the Township as measured along the surface of the ground as opposed to horizontally, excepting that an open type fence shall not be required to be placed beyond the edge of the road right-of-way, excepting that the five (5) feet requirement may be reduced to three (3) feet if the three (3) feet setback is usable as a fence location and the five (5) feet setback is unusable because of an embankment, stream or otherwise. No solid type fences in excess of three (3) feet in height shall be permitted in the required front setback or front yard area. No fence shall interfere with safe stopping sight distance as defined by Table 1 of Section 441.8(h)(1) of Chapter 67 of the Pennsylvania Code.

All swimming pools must be enclosed by a fence or wall in compliance with the requirements of Section 623 of this ordinance.

## **SECTION 640 REDUCED IMPACT SINGLE-FAMILY DEVELOPMENTS**

- A. Reduced impact single-family development shall be permitted in the Rural Suburban Residential (RSR) zoning district and shall be subject to all of the requirements of this District except as specifically modified herein. All development plans for reduced impact single-family development shall be served by public water and public sewer. No dwelling shall be occupied unless it is served by public water and public sewer.
- B. To be eligible for development as a reduced impact single-family development:
  1. The tract of land to be developed must include a minimum of ten (10) acres of contiguous land under common ownership or common equitable ownership.
  2. At least five (5) percent of the total tract area or a minimum of one (1) acre, whichever is greater, shall be preserved by the developer as "usable" land to be dedicated to the Township, a homeowners' association incorporated under the laws

of the Commonwealth of Pennsylvania, or an incorporated non-profit organization experienced in the ownership and maintenance of open spaces.

- a. For the purposes of this requirement, usable shall be defined as land that is capable of supporting construction of active and passive recreational facilities, structures, and paved surfaces in compliance with Federal, State, and Local regulations.
  - b. No portion of the usable land shall be encumbered by 100-year floodways, wetlands, or steep slopes (areas, after grading by the developer, that contain slopes in excess of three percent (3%). However, usable land may include 100-year floodplain areas.
  - c. The usable land may be developed as outdoor recreational facilities for the benefit of those living within the development or the land may remain as open space.
  - d. The usable land shall be maintained in a manner consistent with its use by the organization which owns the land. Should such organization or any successor organization fail to properly maintain the usable land in reasonable order and condition in accordance with the approved development plan, the Township shall have the right to take the steps outlined in Section 625.4e of this ordinance to ensure proper maintenance.
3. At least ten percent (10%) of the total tract area (in addition to the minimum usable land required in paragraph 2 above) shall be preserved by the developer as open space.
- a. The open space land shall be owned and maintained by a homeowners' association incorporated under the laws of the Commonwealth of Pennsylvania, or owned and maintained by an incorporated non-profit organization experienced in the ownership and maintenance of open spaces.
  - b. Every effort shall be made to incorporate significant stands of mature trees within the open space area.
  - c. The open space land may include 100-year floodways and floodplains, wetlands, steep slope areas, and stormwater management facilities.
  - d. At least thirty-five (35) feet, measured from the top of bank from each side of the stream channel, of existing riparian buffers along all existing stream channels shall be permanently protected as part of the preserved open space. Along existing stream channels that do not include an existing riparian buffer, the developer shall construct a permanent riparian buffer measuring at least thirty-five (35) feet in width from the top of bank of each side of the stream channel and shall plant these constructed riparian buffers with native species of plants, trees, and shrubs in a manner suitable to the Township.

- e. No portion of the open space land may be built upon by individual lot owners.
  - f. All open space areas shall be encumbered by a restrictive easement and/or deed restriction which restricts future development of the open space.
  - g. Earth moving and disturbance may only occur within the open space areas during installation of the public improvements required for the development.
  - h. The open space land shall be maintained in a manner consistent with its use by the organization which owns or has maintenance responsibility for the land. Should such organization or any successor organization fail to properly maintain the usable land in reasonable order and condition in accordance with the approved development plan, the Township shall have the right to take the steps outlined in Section 625.4e of this ordinance to ensure proper maintenance.
4. No more than fifty percent (50%) of the proposed building lots shall be less than the minimum lot areas required by Section 523(1) of this ordinance.
- C. In addition, subject to approval by the Township, the applicant can include proposed park lands to be dedicated to the Township within the open space lands if such park lands comply with the following:
- 1. The park land site shall be located and designed so that safe and convenient access shall be provided to all existing and proposed inhabitants. Additionally, each park land site shall have at least one (1) area available for vehicular access that is no less than twenty-four (24) feet in width (road frontage).
  - 2. The park land site shall be sized and configured so as to accommodate its intended uses. Sufficient lot width/depth dimension shall be provided so as to accommodate ballfields, courts, and other open play areas. Furthermore, should a development be proposed at a location contiguous to an existing park, park lands should be provided, where practical, as an expansion of the existing facility.
  - 3. At least fifty percent (50%) of the park land site shall have suitable topography and soil conditions for use and development as active play areas and shall, after grading by the developer, not contain slopes exceeding three percent (3%).
  - 4. No more than twenty-five percent (25%) of the park land site shall be comprised of floodplains or stormwater management facilities. Any unimproved site which is not wooded shall be provided with a healthy, vibrant grass ground cover.
  - 5. The park land site shall be located and designed to conveniently access proximate public utilities (e.g. sewer, water, electric, etc.). However, no part of any overhead utility easement or any above ground protrusion of an underground utility should be permitted in active play areas of the site.

- D. The following bulk regulations shall apply to reduced impact single-family development (exclusive of paragraph 4 above). Bulk regulations not listed shall be those required by Section 521 of this ordinance.
1. Minimum Side Yard for a principal building - 10 feet
  2. Maximum Building Coverage - 20% for those lots greater than or equal to 15,000 square feet and 25% for those lots less than 15,000 square feet.

## **SECTION 641 CEMETERY**

Cemetery is a permitted use in the Rural Residential District and permitted as an accessory use to a house of worship in all districts subject to the following:

- a. In the Agricultural District the use must be on land of low quality for agricultural use as defined in Section 1007(1)(c)(7) of this Ordinance;
- b. Existing cemeteries in the Agricultural District shall be permitted to expand onto adjacent land without limitation utilizing land of low quality for agricultural use as defined in Section 1007 (1)(c)(7) of this Ordinance. Expansion onto other land within the Agricultural District shall not be permitted except that if the cemetery does not adjoin land of low quality for agricultural use, expansion onto land other than that of low quality for agricultural use shall be permitted but shall be limited to thirty-five percent (35%) of the land devoted to the cemetery use on December 7, 1974.

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## **ARTICLE VII**

### **SIGNS**

#### **SECTION 701 ERECTION AND MAINTENANCE OF SIGNS**

Signs may be erected and maintained only when in compliance with the provisions of this Article and any and all other ordinances and regulations relating to the erection, alteration, or maintenance of signs and similar devices.

#### **SECTION 702 GENERAL REGULATIONS FOR ALL SIGNS**

The following regulations shall apply to all permitted sign uses:

1. Signs must be constructed of durable material, maintained in good condition, and not allowed to become dilapidated.
2. No sign shall be placed in such a position that it will cause danger to traffic on a street by obscuring the view.
3. No sign, other than an official traffic sign, shall be erected within the right-of-way lines of any street, unless authorized by the Township for a special purpose.
4. No sign shall project over a public sidewalk area more than eighteen (18) inches.
5. Overhead, signs shall be at least nine (9) feet high, measured from the ground or pavement to the bottom-most part of the sign.
6. No sign shall exceed the height of the primary structure on the property on which it is located.
7. No permit shall be required for the erection, alteration, or maintenance of any signs as permitted in Section 703.
8. A permit shall be required for the erection or alteration of panel type signs or advertising sign boards, and business identification signs.
9. Advertising painted upon, or displayed upon a barn or other building or structure shall be regarded as an advertising sign board and the regulations pertaining thereto shall apply.
10. Each sign shall be removed when the circumstances leading to its erection no longer apply.
11. In all districts, only those signs, billboards, advertising sign boards and business identification signs referring directly to materials or products made, sold, or displayed on

the premises shall be permitted, except as otherwise noted. Such signs shall comply with all other requirements, as stated herein, for the district in which they are erected.

12. No animated, sequential, flashing or oscillating signs shall be permitted except in the General Commercial District. Any sign by reason of its intensity, color, location or movement that may interfere with traffic lights, signals or other controls, or abrogate public safety shall not be permitted in any district.

## **SECTION 703 SIGNS PERMITTED IN RESIDENTIAL AND AGRICULTURAL DISTRICTS**

1. Signs advertising the sale or rental of the premises upon which they are erected, when erected by the owner or broker or any other person interested in the sale or rental of such premises, may be erected and maintained, provided: (1) The size of any such sign is not in excess of nine (9) square feet, and (2) not more than one (1) sign be placed upon any property in single and separate ownership, unless such property fronts upon more than one street, in which event two such signs may be erected on each frontage.
2. Signs indicating the location and direction of premises available for or in process of development, but not erected upon such premises and having inscribed thereon the name of the owner, developer, builder or agent may be erected and maintained, provided: (1) The size of any such sign is not in excess of nine (9) square feet, and not in excess of four (4) feet in length; and (2) not more than one (1) such sign is erected on each five hundred (500) feet of street frontage.
3. Signs of mechanics, painters, and other artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided: (1) The size thereof is not in excess of twelve (12) square feet; and (2) such signs are removed promptly upon completion of the work.
4. Trespassing signs, or signs indicating the private nature of a driveway or property provided that the size of any sign shall not exceed two (2) square feet.
5. Signs of schools, churches, or other institutions of a similar nature may be erected and maintained provided: (1) The size of any such sign is not in excess of forty (40) square feet; and (2) not more than two (2) signs are placed on a property in single and separate ownership, unless such property fronts upon more than one (1) street, in which event two (2) such signs may be erected on each frontage.
6. Signs advertising home occupations shall not be larger than nine (9) square feet and may include the name, occupation, and logotype or trade mark, if appropriate, of the practitioner.
7. Signs advertising the sale of farm products when permitted by this Ordinance, provided: (1) The size of any such sign is not in excess of nine (9) square feet; (2) not more than two (2) signs are used; and (3) the signs shall be displayed only when such products are on-sale.

8. Official traffic and street name signs when erected by, or with the written approval of, the Township Supervisors.
9. Signs necessary for the identification, operation or protection of public utility facilities and municipal uses; however, all General Regulations, Section 702, shall apply to such signs.

#### **SECTION 704 SIGNS PERMITTED IN THE GENERAL COMMERCIAL DISTRICT**

1. All signs permitted in Section 703 at the standards prescribed therein.
2. One (1) parallel business wall sign to a property, provided it is attached to the wall of a building and projects horizontally not more than twelve (12) inches therefrom, is not less than ten (10) feet above the sidewalk and occupies not more than twenty percent (20%) of the total area of the front of the principal building.
3. Free-standing business sign, provided they are separate and are not attached to any building. Maximum of two (2) such signs for any one (1) general area. Height of signs shall be a maximum of twenty (20) feet, measured from the ground and the maximum size of the sign portion itself shall not exceed one hundred (100) square feet.

#### **SECTION 705 BILLBOARDS AND ADVERTISING SIGNS**

1. Billboards and advertising sign boards may be erected and maintained in the General Commercial District, providing that a special exception is obtained. In addition, the total display area of all such signs shall not exceed thirty (30) square feet for each ten (10) feet of lot frontage, and the display area of any sign shall not exceed three hundred (300) square feet in area and twenty (20) feet in height. In addition to the display area, necessary structural supports and structural margins not exceeding six (6) inches in width on each border shall be permitted.

Such signs shall not be located in any street right-of-way nor in any location prohibited by State or Federal Regulation.

2. No billboards or advertising sign boards shall be erected within six hundred (600) feet of a designated Residential District.
3. No more than one (1) panel (two sides) shall be permitted at one (1) location.
4. A minimum of one thousand (1,000) feet distance shall be maintained between billboards and/or advertising sign boards.

**SECTION 706 TEMPORARY SIGNS**

1. Temporary signs and banners of a noncommercial nature across right-of-way are permitted as a special exception provided it is erected in a location in which it will not cause a traffic hazard, it meets safety standards and is maintained and it is removed when its temporary use is completed. Temporary signs may be erected for a period not to exceed sixty (60) days.
2. Temporary signs of painters, mechanics, contractors and the like are permissible in all districts, provided such signs are removed as soon as work is completed on the premises.

**SECTION 707 LIGHTS**

No flashing or oscillating light shall be permitted except in the General Commercial District. Any light by reason of intensity, color, location or movement or direction of its beam that any interfere with or obstruct public safety shall not be permitted in any district. Advertising signs, if lighted, shall be indirectly illuminated.

**SECTION 708 OPEN FLAMES**

Open flames used to attract public attention to a place of business or to an advertising sign shall not be permitted.

**SECTION 709 NONCONFORMING SIGNS**

Signs existing at the time of passage of this Ordinance and which do not conform to the requirements of the Ordinance shall be considered nonconfining signs and, once removed, shall be replaced only with conforming signs; however, nonconforming signs may be repainted or repaired, provided such repainted or repaired sign does not exceed the dimensions of the existing sign.

## **ARTICLE VIII**

### **OFF-STREET PARKING, LOADING AND UNLOADING**

#### **SECTION 801 GENERAL REGULATIONS**

1. Off-street parking, loading and unloading facilities shall be provided to lessen congestion in the streets. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off the public right-of-way.
  - a. Space for off-street parking of motor vehicles shall be provided and maintained for each building, structure or use hereafter erected, altered or established, exclusive of any public right-of-way together with adequate access ways, driveways or other means of circulation and access to and from a public street. No part of any required front yard shall be used for parking purposes. A minimum of two hundred (200) square feet, exclusive of drives, entrances and exits, shall comprise one (1) vehicular parking space. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the schedule as set forth in Section 802.
  - b. Any off-street parking area shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface, such as a gravel, concrete or bituminous concrete surface, and shall be so arranged as to provide for orderly and safe parking and storage of vehicles. Access drives and parking areas for commercial and industrial uses shall be paved.
  - c. Any lighting used to illuminate any off-street parking shall be so arranged as to reflect the light away from adjoining premises and public right-of-way.
  - d. There shall be adequate provisions for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, sales people and/or the general public. Where a parking or loading area does not abut on a public right-of-way or private easement of access, there shall be provided an access drive per lane of traffic not less than twelve (12) feet in width per lane of traffic; and not less than eighteen (18) feet in width in all cases where the access is to storage areas or loading and unloading spaces required hereunder.

**SECTION 802 MINIMUM PARKING SPACES REQUIRED**

<b>BUILDING TYPE</b>	<b>MINIMUM SPACE REQUIRED</b>	<b>FOR EVERY</b>
Single-family and Two family dwelling	2	Dwelling unit
Multi-family dwelling, Row dwelling and Multi-family conversions	2	Dwelling unit
Churches, schools or other places of public or private assembly	1	3 seats provided for public or private assembly
Retail stores and other places for trade or business	1	100 sq. ft. of floor area
Drive-in restaurants, sit-down restaurants, public entertainment facility	1	50 sq. ft. of floor area or 1 for every 4 seats, plus 2 spaces for every 3 employees
Office	1	200 sq. ft. of floor area
Motel	1	Room plus 2 spaces for each 3 employees
Clubs, lodges	1	5 persons of total capacity
Nursing, convalescent home	1	3 beds plus 2 spaces for every 3 employees
Automobile and service station	1	200 sq. ft. of floor area plus 1 space for each employee
Kennel, stable, animal hospital, drive-in produce stands, commercial	3	Sufficient number but no fewer than 3
Home occupation	1	Residence plus 2 spaces for patron use, plus 1 space for each nonresident employee
Funeral Homes	1	100 sq. ft. of floor area
Industrial and manufacturing establishments, including shops, laboratories, warehousing and truck terminals	1	Employee of the largest shift

**SECTION 803    PARKING AREAS ADJACENT TO STREETS**

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

**SECTION 804    LOADING AND UNLOADING SPACE**

1. In addition to the off-street parking space required above, any building erected, converted or enlarged in any district for commercial, office building, manufacturing, wholesale or similar uses, shall provide adequate off-street areas for loading and unloading of vehicles. The minimum size loading space shall be fifty (50) feet in depth, twelve (12) feet in width, with an overhead clearance of fourteen (14) feet.
2. All commercial and industrial establishments shall provide loading and unloading and commercial vehicle storage space adequate for their needs. This required space will be provided in addition to established requirements for patron and employee parking.
  - a. In no case where a building is erected, converted or enlarged for commercial, manufacturing, or business purposes shall the public rights-of-way be used for loading or unloading of materials.

**SECTION 805    ACCESS TO OFF-STREET PARKING AND LOADING AREAS**

1. Access to and from all off-street parking, loading, and vehicle service areas along public rights-of-way shall consist of well-defined separate or common entrances and exits.
2. All accessory driveways and entrance ways shall be graded, surfaced and drained to the satisfaction of the Township to the extent necessary to prevent nuisances of dust, erosion or excessive water flow across public ways.

**SECTION 806    PARKING AND LOADING AREA SETBACKS**

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

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## **ARTICLE IX**

### **ADMINISTRATION AND ENFORCEMENT**

#### **SECTION 901 ZONING OFFICER - POWERS AND DUTIES**

1. Appointment and Powers: For the administration of this Ordinance, a Zoning Officer, who may not hold any elective office in the Township, shall be appointed by the Township Board of Supervisors. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to the Zoning Ordinance. The Zoning Officer is the enforcement officer for this Ordinance. He issues all building permits, occupancy certificates, and at direction of the Zoning Hearing Board, special exceptions, variances and temporary permits. The Zoning Officer shall identify and register nonconforming uses and nonconforming structures. He shall:
  - a. Receive applications, process the same, and issue permits for the erection, construction, alteration, repair extension, replacement, and/or use of any building, structure, sign, and/or land in the Township.
  - b. At his discretion, examine or cause to be examined, all buildings, structures, signs, and/or land or portions thereof, for which an application has been filed for the erection, construction, alteration, repair, extension, replacement, and/or use before issuing any permit. Thereafter, he may make such inspections during the completion of work for which a permit has been issued. Upon completion of the building, structure, sign, and/or change, a final inspection shall be made and all violations of approved plans or permit shall be noted for the holder of the permit shall be notified of the discrepancies.
  - c. Keep a record of all applications received, all permits and certificates issued, reports of inspections, notices, and orders issued, and the complete recording of all pertinent factors involved. He shall file and safely keep copies of all plans permitted, and the same shall form a part of the records of his office and shall be available for the use of the Board of Township Supervisors and other officials of the Township. At least annually, he shall submit to the Board of Township Supervisors a written statement of all permits and certificates of use and occupancy issued, and violations and stop work orders recommended or promulgated.

#### **SECTION 902 LIMITS OF AUTHORITY**

1. The Zoning Officer shall have the authority to issue permits only for construction and uses which are in accordance with the requirements of this Ordinance. Construction and uses which require a special exception or variance shall be issued zoning permits only on order of the Zoning Hearing Board.

2. The Zoning Officer shall issue no permits for the construction or use of any land and buildings unless it conforms to all Township Ordinances and the laws of the Commonwealth of Pennsylvania.

## **SECTION 903 COMPENSATION**

The compensation for the Zoning Officer shall be determined by the Board of Township Supervisors.

## **SECTION 904 FORMS**

The Zoning Officer shall provide a form of forms for--

1. Building permits
2. Occupancy certificates
3. Special exceptions
4. Variances
5. Temporary permits
6. Certificates of nonconformance

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

## **SECTION 905 OCCUPANCY CERTIFICATES**

1. No land or buildings shall be occupied by a principal use or changed from one principal use to another and no building hereafter erected, constructed, altered or extended shall be occupied until an occupancy certificates shall have been issued by the Zoning Officer stating that the buildings or proposed uses fully comply with the provisions of this Ordinance.
  - a. In cases where a building permit is required, all occupancy certificates shall be applied for in conformance with the application for the building permit. The permit shall be retained by the Zoning Officer until such time as the building in question shall have been approved as complying with the provisions of this Ordinance. Issuance shall not exceed fifteen (15) days following approved compliance.

- b. In cases involving establishment of a use on land or a change of use on land or within structures, application for an Occupancy certificate alone shall suffice. The Zoning Officer shall grant or deny such use within fifteen (15) days following application, except in cases of special exception or conditional usage where further proceedings are necessary. If a permit is denied, the Zoning Officer shall state in writing the cause for such denial and shall immediately thereupon mail notice of such denial to the applicant.

## **SECTION 905A BUILDING PERMITS**

Hereafter, no building or structure shall be erected, moved, placed, constructed, enlarged or removed within the limits of Codorus Township unless a permit to do so shall first be secured in accordance with the provisions of the Township Building Permit Ordinance, all of which provisions are incorporated herein by reference, unless such erection, movement, placement, construction or enlargement is in strict accordance with the application submitted pursuant to the Building Permit Ordinance and, with the permit issued pursuant thereto, and in accordance with the procedures set forth in such ordinance. Any violation of any provision of the Township Building Permit Ordinance shall constitute a violation of this Ordinance.

## **SECTION 906 APPLICATION REQUIREMENTS - OCCUPANCY CERTIFICATES**

All applications for occupancy certificate shall be made in writing by the owner or authorized agent on a form supplied by the Zoning Officer, setting forth information and other data the Zoning Officer may require.

## **SECTION 907A HARDSHIP PERMIT**

The Zoning Officer may grant a hardship permit to place a mobile home on a lot where the same would otherwise be permitted by terms of this Ordinance provided the applicant establishes that:

1. The mobile home will house a member of the family of the owner of the tract on which the mobile home is to be placed. For the purposes of this Section 907(A), a family member shall be defined to include ancestors and direct descendants of the owner, siblings of the owner and aunts and uncles of the owner.
2. All of the residential units located on the tract of land where the mobile home is proposed to be located are occupied by the landowner or a member of his family. This condition shall not apply if the residential unit not occupied by a member of the family is at such a distance from the residence of the owner of the tract of land so as not to permit the owner of the tract of land to render the personal care to a member of the family as contemplated by this Section or alternatively to receive the care contemplated by this Section; and
3. No rent or other consideration will be received for the use of the mobile home or the space which the same occupies; and

4. There is a genuine medical hardship involved which requires that the occupant of the mobile home for which the permit is issued live in close proximity to the owner of the tract of land on which the mobile home to be placed so as to enable the occupant of the mobile home to give, or alternatively receive, the personal care contemplated by this Section of the Ordinance; and
5. There is an adequate sewage disposal system and water supply system to supply the sewage and water needs of the mobile home.

In addition, the applicant must establish that:

6. The occupant of the mobile home to be permitted is a family member, as defined in this Section, of the owner of the tract where the same will be located and will provide care to one or more of the landowners who reside on the tract of land in question; or
7. The occupant of the mobile home is a family member, as defined in this Section, of one or more of the landowners who reside on the tract of land in question and will receive care from one or more such landowners.

This hardship permit shall be for the duration of the calendar year during which it is issued. It shall be renewed each December. There shall be no cost for the renewal unless the renewal application is after December 31, in which event there shall be a renewal charge of twenty-five (\$25.00) dollars. It shall automatically expire when any of the requirements of this Section are no longer met. Such mobile home must be removed from the premises within ninety (90) days following the expiration of the permit.

#### **SECTION 907B TEMPORARY PERMIT**

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

## **SECTION 908 CERTIFICATE OF NONCONFORMANCE**

Within one (1) year of the effective date of this Ordinance of any amendment, upon request and proof thereof, the Zoning Officer must certify to the nature and extent of a nonconformity existing on the effective date of this Ordinance or any amendment.

## **SECTION 909 ENFORCEMENT, PENALTY, AND REMEDY**

1. The construction, erection, replacement, alteration, repair, extension, displacement, and/or use of any structure, building, sign, and/or land or the change of use, area of use, percentage of use of extension or displacement of the use of any structure, building, sign, and/or land without first obtaining a building permit of the use of any building, structure, sign, and/or land without receipt of a certificate of occupancy or the failure to comply with any other provisions of this Ordinance, are hereby declared to be violations of this Zoning Ordinance.
2. The Township shall provide notice of violation or order on the person, firm or corporation, or the owner, lessee or agent of the land upon which the violation has occurred who has committed the violation, and such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. However, in no case shall the person so served abandon the premises in such a condition so as to create a hazard to menace to the public safety, health, morals or welfare. Said premises shall be placed in such condition as the Zoning Officer shall direct.
3. Causes of Action - In case any building, structure, landscaping, or land is, or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance or any section thereof, the Township Supervisors, or with the approval of the Township Supervisors, an officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially effected by the alleged violation, in addition to 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 thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Township Board of Supervisors. No such action shall be maintained until such notice has been given.
4. Enforcement Remedies - Any person, partnership or corporation who or which has violated or permitted the violation of any provision of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred (\$500.00) dollars plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of 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 the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth (5) day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to the Township.

## **ARTICLE X**

### **ZONING HEARING BOARD**

#### **SECTION 1001 GENERAL PROVISIONS**

The Zoning Hearing Board shall be governed by the provisions of the "Pennsylvania Municipalities Planning Code, "Act 247, 1968, as may be amended or revised, and such other Commonwealth of Pennsylvania laws as may be applicable. As used in this Ordinance, unless the context clearly indicates otherwise, the term "Board" shall refer to such Zoning Hearing Board, and "Act 247" shall refer to the "Pennsylvania Municipalities Planning Code" of 1968, and any amendments thereto.

#### **SECTION 1002 MEMBERSHIP OF BOARD**

The membership of the Board shall consist of three (3) residents of the Township appointed by the Board of Supervisors. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Township Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term, Members of the Board shall hold no other office in the Township, except that no more than one member of the Board may also be a member of the Planning Commission.

#### **SECTION 1003 ORGANIZATION OF BOARD**

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board but where two (2) members are disqualified to act in a particular matters the remaining member may act for the Board. The Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Section 1012 following. The Board may make, alter, and rescind rules and forms for its procedure, consistent with Ordinances of the Township and laws of the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities of the governing body once a year.

## **SECTION 1004 POWERS AND DUTIES**

1. The Zoning Hearing Board has the following powers and duties:
  - a. Appeals: To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Officer in the enforcement or interpretation of this Ordinance as per Section 1006 following.
  - b. Special Exceptions: To hear and decide special exception applications upon which the Board is required to pass under this Ordinance as per Section 1007 following.
  - c. Variances: To authorize, upon application, in specific cases variance appeals from the terms of the Ordinance as per Section 1008 following.
  - d. Interpretations: To interpret any provision of this Ordinance including zone boundaries.
  - e. Rehearings: To grant the rehearing of a case if it appears where has been a substantial change in the facts as evidence of the case as presented at the initial hearing.
2. In exercising the powers above, the Board, in conformity with the provisions of this Ordinance, may reverse, affirm, or modify the order, requirement, decision, or determination appealed from or requested, and may make any order, requirement, decision or determination as ought to be made.

## **SECTION 1005 BOARD CALENDAR**

Each application or appeal filed in the proper form with the required data, must be numbered serially and be placed upon the calendar of the Board by the Secretary. Applications and appeals must be assigned for public hearing in the order in which they appear on the calendar. However, for good reason, the Board may order the advance of the application or appeal. The Board must fix a reasonable time for public hearings.

## **SECTION 1006 APPEALS**

1. Any person aggrieved by any decision of the Zoning Officer shall have the right to appeal to the Zoning Hearing Board by filing with the Township Secretary specifying the grounds thereof and including the following:
  - a. The name and address of the applicant or appellant.
  - b. The name and address of the owner of the lot to be affected by such proposed change or appeal.

- c. A brief description and location of the lot to be affected by such proposed change or appeal.
  - d. A statement of the present zoning classification of the lot in question, the improvements thereon, and the present use thereof.
  - e. A statement of the section of this Ordinance under which the appeal is made and reasons why it should be granted or a statement of the section of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed and the reasons for this appeal; and
  - f. A reasonably accurate description of the present improvements and the additions or changes intended to be made under this application, indicating the size, material and general construction thereof. In addition, there shall be attached a plot plan of the real property to be affected, indicating the location and size of the lot and size of improvements existing thereon and proposed to be erected thereon.
2. No person shall be allowed to file any proceeding with the Board later than thirty (30) days after any 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.
  3. An appeal to the Board shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the Board after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life and property. In such a case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of record on application, on notice to the Zoning Officer and for due cause shown.
  4. Upon receiving an appeal, the Board shall fix a time and place for public hearing thereon and shall give the notice thereof:
    - a. By advertising at least one (1) week before the hearing, at least one (1) time in a newspaper of general circulation within the Township.
    - b. By mailing due notice at least six (6) days prior to the date of the hearing to the parties in interest.
    - c. By mailing due notice thereof to the Township Planning Commission the Zoning Officer and such other persons who make timely request for the notice.

## **SECTION 1007 SPECIAL EXCEPTION APPLICATIONS**

1. Special exceptions may 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. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes of this Ordinance. The Board shall pursue the following procedure.
  - a. The Board's decision to grant a permit for special exception use shall be made only after public notice and hearing. Such permit shall apply specifically to the application and plans submitted and presented at said public hearing. Any subsequent amendments or additions shall be subject to review and public hearing by the Zoning Hearing Board as a special exception use.
  - b. Upon receipt of an application for a special exception, the Township secretary shall mail a copy thereof to the Chairman of the Planning Commission for review by the Planning Commission. The Zoning Hearing Board shall not commence a hearing on any application until at least thirty-five (35) days following the submission of the application and shall not complete hearings on the application and shall not complete hearings on the application without receiving an advisory report from the Township Planning Commission; provided, however, if the hearings are completed more than sixty (60) days following the submission of the application, the Zoning Hearing Board may complete the hearing process irrespective of whether the Planning Commission has submitted its report. The report of the Planning Commission may be submitted to the Zoning Hearing Board at a hearing either in writing or by verbal testimony.
  - c. The Commission may have representation at the public hearing held by the Zoning Hearing Board on such application. After receipt shall hear the application in the same manner and under the same procedure as it is empowered by law and ordinance to hear cases and make exceptions to the provisions of this Ordinance. The Zoning Hearing Board may thereafter direct the Zoning Officer to issue such permit if, in its judgement, the use meets all specific provisions and criteria contained in this Ordinance and the following general provisions.
    - (1) Purpose - The intended purpose of the proposed use must be consistent with the development policies established in the Comprehensive Plan of Codorus Township.
    - (2) Compatibility - The proposed use shall be in the best interest of properties in the general area as well as the Township at large. The proposed use will be reviewed as to its relationship to and effect on surrounding land uses and existing environmental conditions regarding the pollution of air, land and water; noise; potential of hazards and congestion; illumination and glare; restrictions to natural light and circulation of air.

- (3) Suitability - The proposed use shall be suitable for the property in question and shall be designed, constructed, operated and maintained suitably for the anticipated activity and population served, numbers of participating population, frequency of use, adequacy of space and traffic generation.
- (4) Serviceability - Assurance shall be made as to the adequacy and availability of utility services and facilities such as sanitary and storm sewers, water, trash and garbage collection and disposal and the ability of the Township to supply such services.
- (5) Accessibility - The proposed use shall provide adequate ingress and egress, interior circulation of both pedestrians and vehicles, off-street parking and accessibility to the existing or proposed Township highway system.
- (6) Conformity - The proposed use shall be in conformance with all applicable requirements of this Ordinance and, where applicable, in accordance with the Codorus Township Subdivision and Land Development Regulations.
- (7) Agricultural District - In the agricultural district the proposed use shall be located on land of low quality for agricultural use.
  - (a) Land shall be considered of low quality for agricultural use if:
  - (b) The land is in Soil Capability Units I'VE-3 through VIIIs-2 as classified by the Soil Survey of York County, Pennsylvania, Series 1959, No. 23 issued May, 1963; or
  - (c) The land has not been farmed in the past five (5) years and cannot feasibly be farmed:
    - (i) Due to the existing features of the site such as rock outcroppings, rock too close to the surface to permit plowing, swamps, or the fact that area is heavily wooded, or the fact that the slope of the area exceeds fifteen (15%) percent; or
    - (ii) Due to the fact that the size or shape of the area suitable for farming is insufficient to permit use of farm machinery typically used at the present time by farmers in the area, (for purposes of the application of this subsection, the land to be separated shall be considered as a part of the original parcel).
- (8) Water Supply - If the water supply system proposed for the use permitted by special exception involves the utilization of water obtained from the tract being developed, the Zoning Hearing Board shall require that a Feasibility Study be submitted and that the study establish and the engineer performing the study certify that the groundwater recharge on the tract in question after development computed during drought conditions (periods when precipitation is forty (40%) per cent

below normal) will exceed the anticipated water usage figures computed by using Department of Environmental Resources figures of 3.5 persons per dwelling unit and average daily usage of one hundred (100) gallons per person per day, where residential use is contemplated and will exceed projected water usage figures where industrial or commercial use is contemplated and that the installation of the proposed systems will not lower the ground water table in the area so as to endanger or decrease water supplies available to other properties in the area of the property proposed for the use permitted by special exception.

When industrial or commercial use is intended, the applicant shall, in the Feasibility Study, set forth the proposed nature of the industrial or commercial use, the proposed number of employees and whether or not water will be used for the cleanup and/or processing or otherwise in connection with the commercial or industrial use.

- (9) The applicant must establish compliance with the drainage requirements of Section 630 of this ordinance.
  - (10) Sewage - The applicant must establish that adequate provision will be made to dispose of the sewerage created by the proposed use consistent with the requirements set forth in the regulations promulgated by the Pennsylvania Department of Environmental Protection.
- d. The Zoning Hearing Board may impose whatever conditions regarding layout, circulation and performance it deems necessary to insure that any proposed development will secure substantially the objective of this Ordinance.
- e. Unless otherwise specified or extended by the Zoning Hearing Board, a special exception authorized by the Board expires if the applicant fails to obtain, where required to do so, a building permit or use certificate within six (6) months following the date of the grant of the special exception or fails to complete the work in the one (1) year next following the issuance of a building permit; excepting that in cases where the grant of a building permit or use certificate must be preceded by Township approval of a subdivision or land development plan, the special exception granted by the Board expires if:
- (1) The applicant fails to file with the Township a preliminary subdivision or land development plan meeting applicable subdivision and zoning requirements within six (6) months next following the date of the grant of the special exception; or
  - (2) The applicant fails to file with the Township a final subdivision or land development plan meeting applicable subdivision and zoning requirements within six (6) months next following the date of approval by the Township of the preliminary plan; or
  - (3) The applicant fails to obtain a building permit or use certificate within six (6) months next following the date of approval by the Township of the final plan; or

- (4) The applicant fails to complete the work within one (1) year of the issuance of the building permit.

## **SECTION 1008 VARIANCE APPEALS**

1. Upon appeal from a decision by the Zoning Officer, the Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship on the applicant. The Board shall prescribe the form of application and require preliminary application to the Zoning Officer. The Board may grant a variance, provided 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 Ordinance in the District in which the property is located;
  - 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 Ordinance and the authorization of a variance is therefore necessary to enable the reasonable use of the property;
  - c. That such unnecessary hardship had not been created by the appellant;
  - d. That the variance, if authorized, will not alter the essential character of the 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 nor;
  - e. That the variance, if authorized, will represent the minimum variance which will afford relief and the least modification possible of the regulation in issue.
2. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

## **SECTION 1009 CHALLENGE TO VALIDITY OF ORDINANCE**

The Board shall hear challenges to the validity of the Zoning Ordinance or Map except as indicated in the Pennsylvania Municipalities Planning Code Sections 609.1 and 916 (a)(2). In all such challenges the Board shall take evidence and make a record thereon as provided in section 916.1 following. At the conclusion of the hearing the Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the courts.

## **SECTION 1011 PARTIES APPELLANT BEFORE BOARD**

Appeals from a decision of the Zoning Officer and proceedings to challenge the validity of the Ordinance may be filed with the Board, in writing, by any officer or agency of the municipality or any person aggrieved, requests for a variance or special exception, however, must be filed with the Board by any landowner or any tenant with the permission of such landowner.

## **SECTION 1012 PUBLIC HEARINGS - RULES AND PROCEDURES**

1. The Board shall conduct public hearings on any interpretation, variance, special exception, challenge or other matter requiring the Board's decision or other official action.
2. Upon the filing with the Zoning Hearing Board of an appeal or application, the Board shall fix a reasonable time and place for a public hearing thereon and give notice as follows:
  - a. At least fifteen (15) days prior to the date fixed for the public hearing, publish a Notice describing the location of the building or lot, the general nature of the question involved and the time and place for the public hearing in a newspaper of general circulation in the Township.
  - b. Give written notice to parties in interest who shall be at least those persons whose property adjoins or are across public roads from the property in question.

The Board of Supervisors may establish reasonable fees, based on cost, to be paid by the applicant and by persons requesting any notice not required by ordinance.

3. The Board shall prescribe rules for the conduct of its meetings, such rules to be in conformance with the Pennsylvania Municipalities Planning Code, as amended, and this Ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may specify in its rules of procedure. Meetings shall be open to the public, and a quorum of two (2) members shall be required for the Board to take action.

## **SECTION 1013 CONDUCT OF HEARINGS**

1. 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, but the parties may waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.
2. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
3. 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 unless the parties are afforded an opportunity to contest

the material so noticed and shall not inspect the site or its surroundings with any party or his representative unless all parties are given an opportunity to be present.

#### **SECTION 1014 REPRESENTATION; STATEMENTS**

1. Parties to the hearing shall be the Township or any person affected by the application who has make timely appearance of record before the Board, and any other person including civic or community or 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.
2. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross examine adverse witnesses on all relevant issues. Statements are to be made in the following order or as the Chairman may direct:
  - a. Applicant or appellant
  - b. Zoning Officer and other officials
  - c. Any private citizen
3. The applicant or appellant must be given an opportunity for rebuttal.

#### **SECTION 1015 WITNESSES**

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

#### **SECTION 1016 BURDEN OF PROOF**

The burden of proof shall always be on the applicant to sustain his appeal before the Zoning Hearing Board and in any application for a special exception, the burden shall be upon the applicant to prove that approval of the application will not be detrimental to the health, safety and general welfare of the Township.

#### **SECTION 1017 DECISION PROCEDURE**

1. The Board or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days, after the last hearing before the Board or Hearing Officer. Except in home rule municipalities where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this act or of any ordinance, rule or

regulation shall contain a reference to the provisions 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 and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be extended no later than forty-five (45) days after the decision of the Hearing Officer where the Board has power to render a decision and the Board or the Hearing Officer, as the case may be, fails to render the same within the period required by the is clause, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time.

2. 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 no 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.
3. Whenever the Board imposes a condition or conditions with respect to the granting of an application or appeal, this condition must be stated in the order of the Board and in the permit issued pursuant to the order by the Zoning Officer. This permit remains valid only as long as the condition or conditions upon which it was granted or the conditions imposed by this Ordinance are adhered to.

## **SECTION 1018    RECORDS**

1. The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings, and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.
2. The Board shall keep full public records of its business and shall submit a report of its activities to the Township Supervisors once a year.

**SECTION 1019 APPEALS - COURTS OF LAW**

Any person aggrieved by any decision of the Zoning Hearing Board may, within thirty (30) days after such decision of the Board, appeal to the Court of Common Pleas of York County, Pennsylvania, by petition duly verified, setting forth that such decision is arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law and specify the grounds on which he relies. Such appeals shall be made in accordance with Article X of the Pennsylvania Municipalities Planning Code, as amended, (Act 247).

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**ARTICLE XI**  
**AMENDMENTS**

**SECTION 1101 POWER OF AMENDMENT**

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

**SECTION 1102 INITIATION OF AMENDMENTS**

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

- a. Amendment Initiated by the Board of Township Supervisors:

When an amendment, supplement, change or repeal is initiated by the Board of Township Supervisors, it shall submit the proposal to both the Township Planning Commission and the County Planning Commission for review and recommendations at least thirty (30) days prior to the date fixed for the public hearing to consider the amendment, supplement, change or repeal.

- b. Amendments Initiated by the Township Planning Commission:

When an amendment, supplement, change or repeal is initiated by the Township Planning Commission, the proposal shall be presented to the Board of Township Supervisors, which shall then proceed in the same manner as with a petition to the Board of Township Supervisors which has already been reviewed by the Township Planning Commission. The Township Supervisors shall at least thirty (30) days prior to the date of the hearing on the proposed amendment submit the amendment to the County Planning Commission for its review and recommendations.

- c. Curative Amendment Initiated by Landowner:

When a landowner desires to challenge on substantive grounds the validity of the Ordinance or Map or any provision thereof, Township Supervisors with a written request that his challenge and proposed amendments be heard and decided as provided in Section 609.1 and 1004 of the Pennsylvania Municipalities Planning Code, as amended.

- (1) Procedure for Petition:

The petition for amendment, supplement, change or repeal shall contain as fully as possible all the information requested by the Zoning Officer and shall be signed by at least one (1) record owner of the property in question whose signature shall be notarized attesting to the truth and correctness of all the facts and information presented in the petition.

(2) Referral to Township Planning Commission and County Planning Commission:

After receipt of the petition by the Board of Township Supervisors, said petition shall be presented to the Township Planning Commission and to the County Planning Commission for review and recommendations at least thirty (30), days prior to the public hearing. A report of said review, together with any recommendations, shall be given to the Board of Township Supervisors in writing within thirty (30) days from the date of the public hearing. If the Township Planning Commission and/or County Planning Commission shall fail to file such a report within the time and manner specified, it shall be conclusively presumed that such Planning Commission has approved the proposed amendment, supplement, change or repeal.

(3) Public Hearing:

The Board of Township Supervisors shall fix a time and place for a public hearing at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in one newspaper of general circulation in the Township once each week for two (2) successive weeks, the first publication shall be not more than thirty (30) days and not less than fourteen (14) days prior to the date of said hearing.

(4) Fees:

A fee to be established by resolution of the Board of Supervisors shall be paid upon the filing of such petition and for the purpose of defraying the costs of the proceedings prescribed herein.

## **SECTION 1103 AUTHENTICATION OF OFFICIAL ZONING MAP**

Whenever there has been a change in the boundary of a Zoning District or a reclassification of the Zoning District adopted in accordance with the above, the change on the official map shall be made, and shall be duly certified by the Township Secretary and shall thereafter be re-filled as part of the permanent records of the Township.

## **ARTICLE XII**

### **INTERPRETATION, VALIDITY, REPEALER, FEES, EFFECTIVE DATE**

#### **SECTION 1201 INTERPRETATION**

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of health, safety, morals, and the general welfare of the Township and its citizens. It is not intended by this Ordinance to interfere with or abrogate or annul any rules or regulations previously adopted or permits previously issued by the Township which are not in conflict with any provisions of this Ordinance, nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, building restrictions, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of the buildings or premises or upon the height of the building, or requires a larger open space than is imposed or required.

#### **SECTION 1202 VALIDITY**

Severance: If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in the Zoning Ordinance is, for any reason, declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the Zoning Ordinance. The Board of Supervisors of the Township of Codorus, York County, Pennsylvania, hereby declares that it would have adopted the Zoning Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the fact that any one or more of the sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, or words may be declared illegal, unconstitutional or invalid.

#### **SECTION 1203 REPEALER**

All ordinances or parts of ordinances in conflict with this Zoning Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

**SECTION 1204 FEES**

Fees for applications for building permits, temporary permits, special exceptions, variances and conditional uses under this Ordinance together with fees for Petitions to Amend, or any other proceedings by a party for relief under this Zoning Ordinance shall be as established by Resolution of the Board of Supervisors and shall be paid upon the filing or application for such proceedings or relief for the purpose of defraying the costs of the proceedings. Whenever any stenographic record of any proceedings shall be required by law, the applicant shall be entitled to receive a copy thereof upon request and upon payment by the costs of reproducing the original of such record or transcript.

**SECTION 1205 EFFECTIVE DATE**

This Ordinance shall become effective five (5) days after adoption by the Board of Supervisors of Codorus Township, York County, Pennsylvania.

Effective date of this Ordinance shall be January 11, 1975.

Enacted and ordained this 7th day of December, 1974.

**CODORUS TOWNSHIP BOARD OF SUPERVISORS**

/s/ George P. Smith  
Chairman

ATTEST:

/s/ Goldie H. Day  
Secretary

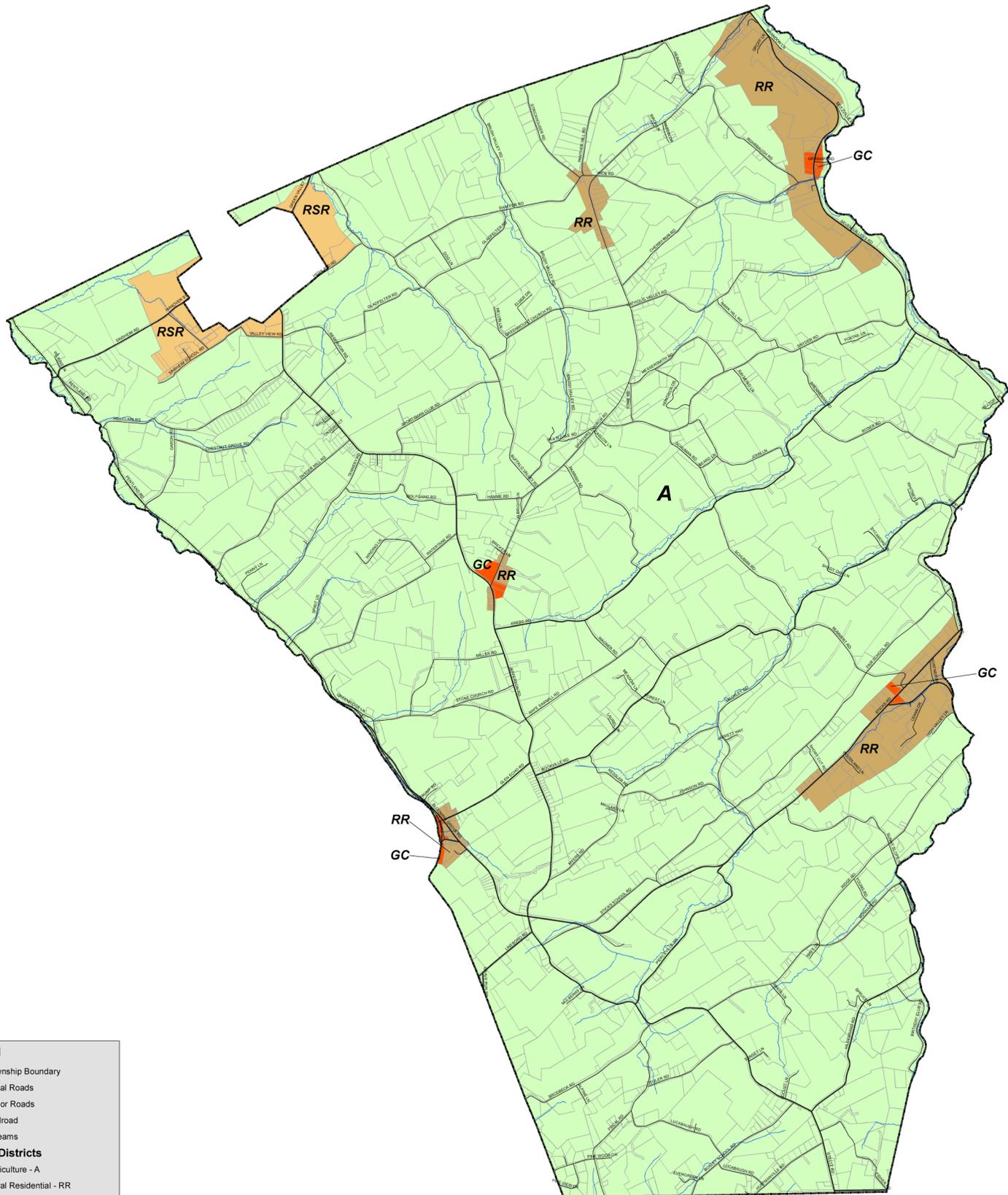
Includes all amendments adopted through August, 2008.

# CODORUS TOWNSHIP

YORK COUNTY PENNSYLVANIA

## 2007 COMPREHENSIVE PLAN

### Zoning Districts



**Legend**

- Township Boundary
- Local Roads
- Major Roads
- Railroad
- Streams

**Zoning Districts**

- Agriculture - A
- Rural Residential - RR
- Rural Suburban Residential - RSR
- General Commercial - GC

Note: 2007 Zoning Districts based on Codorus Township Zoning Districts as amended.

Source: York County Planning Commission GIS Datasets and PennDOT.

