

2014

Zoning Ordinance

Providence Township

Lancaster County, PA
Ordinance No. 14-08

December, 2014

Amended September 11, 2017 by Ordinance No. 17-02

Amended June 3, 2019 by Ordinance No. 19-03

Amended September 14, 2020 by Ordinance No. 20-03

Amended by:

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Board of Supervisors

Gregory R. Collins, Chairman
David J. Gerhart, Vice Chairman
Jennie M. Buck, Member

Meeting:

First Monday of Month, 7:00 p.m.

Planning Commission

James E. Pennington, Chairman
Clayton Harnish
Richard Messer
Anthony Nardella
Andrew Odell

Meeting:

Third Monday of Month, 7:00 p.m.

Road Master

James R. Grube, Jr.

Zoning Officer/ Building Code Official

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Zoning Hearing Board

Bradford Duvall, Chairman
James Hess, Vice Chairman
Ralph Dubree, Member
Anna Hipple, Alternate

Solicitor

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Table of Contents

	<u>Page</u>
Article 1	
Background Provisions	
Section 100	Short Title 1-1
Section 101	Purpose 1-1
Section 102	Scope 1-2
Section 103	Interpretations 1-3
Section 104	Conflicts 1-3
Section 105	Validity and Severability 1-3
Section 106	Uses Not Provided For 1-3
Section 107	Establishment of Zones 1-4
Section 108	Zoning Map 1-4
Section 109	Zone Boundary Lines 1-4
Section 110	Word Usage 1-4
Section 111	Language Interpretation 1-4
Section 112	Specific Words and Phrases 1-5

Article 2

Zone Regulations

Section 200	Agricultural Zone (A).....	2-1
Section 200.1	Purpose of Zone	2-1
Section 200.2	Uses Permitted by Right.....	2-1
Section 200.3	Accessory Uses	2-2
Section 200.4	Uses Permitted by Special Exception	2-3
Section 200.5	Limitations on Subdivision and/Or Land Development	2-4
Section 200.6	Site Planning Objectives.....	2-5
Section 200.7	Area and Design Requirement.....	2-7
Section 200.8	Agricultural Nuisance Disclaimer	2-8

	<u>Page</u>
Section 200.9 Vegetation Setback Requirement	2-8
Section 200.10 Conservation Plan	2-8
Section 200.11 General Provisions	2-8
Section 201 Rural Residential Zone (R-1).....	2-9
Section 201.1 Purpose of Zone	2-9
Section 201.2 Uses Permitted by Right.....	2-9
Section 201.3 Accessory Uses	2-9
Section 201.4 Uses Permitted by Special Exception.....	2-10
Section 201.5 General Provisions	2-11
Section 201.6 Area and Design Requirements	2-12
Section 202 Residential Zone (R-2)	2-13
Section 202.1 Purpose of Zone	2-13
Section 202.2 Uses Permitted by Right.....	2-13
Section 202.3 Accessory Uses	2-13
Section 202.4 Uses Permitted by Special Exception.....	2-14
Section 202.5 General Provisions	2-15
Section 202.6 Area and Design Requirements	2-16
Section 203 Suburban Residential Zone (R-3).....	2-17
Section 203.1 Purpose of Zone	2-17
Section 203.2 Uses Permitted by Right.....	2-17
Section 203.3 Accessory Uses	2-17
Section 203.4 Uses Permitted by Special Exception.....	2-18
Section 203.5 General Provisions	2-19
Section 203.6 Area and Design Requirements	2-20
Section 204 High Density Residential Zone (R-4).....	2-21
Section 204.1 Purpose of Zone	2-21

	<u>Page</u>
Section 204.2 Uses Permitted By Right	2-21
Section 204.3 Accessory Uses	2-21
Section 204.4 Uses Permitted By Special Exception	2-22
Section 204.5 General Provisions	2-23
Section 204.6 Area and Design Requirements for Uses Other Than Manufactured Home Park.....	2-23
Section 204.7 Manufactured Home Park Requirements	2-23
Section 204.8 Management Requirements for Manufactured Home Park	2-25
Section 204.9 Certificate of Use and Occupancy	2-25
Section 205 Commercial Zone (C).....	2-26
Section 205.1 Purpose of Zone	2-26
Section 205.2 Uses Permitted By Right	2-26
Section 205.3 Accessory Uses	2-28
Section 205.4 Uses Permitted By Special Exception	2-29
Section 205.5 Lot Area, Lot Width, and Lot Coverage Requirements	2-30
Section 205.6 Minimum Setback Requirements	2-30
Section 205.7 Maximum Permitted Height.....	2-30
Section 205.8 Off-Street Loading	2-30
Section 205.9 Off-Street Parking	2-30
Section 205.10 Driveway and Access Drive Requirements	2-30
Section 205.11 Screening.....	2-30
Section 205.12 Landscaping	2-31
Section 205.13 Waste Products	2-31
Section 205.14 Commercial Operations Standards.....	2-31
Section 205.15 Outdoor Storage	2-31
Section 205.16 General Provisions	2-31
Section 206 Industrial Zone (I).....	2-32
Section 206.1 Purpose of Zone	2-32

	<u>Page</u>
Section 206.2 Uses Permitted By Right.....	2-32
Section 206.3 Accessory Uses.....	2-34
Section 206.4 Uses Permitted By Special Exception	2-35
Section 206.5 Lot Area Requirements	2-36
Section 206.6 Maximum Lot Coverage	2-36
Section 206.7 Minimum Lot Width.....	2-36
Section 206.8 Minimum Setback Requirements.....	2-36
Section 206.9 Maximum Permitted Structural Height.....	2-37
Section 206.10 Off-Street Loading	2-37
Section 206.11 Off-Street Parking.....	2-37
Section 206.12 Signs	2-37
Section 206.13 Driveway and Access Drive Requirements	2-37
Section 206.14 Screening.....	2-37
Section 206.15 Landscaping	2-37
Section 206.16 Waste Products	2-37
Section 206.17 Industrial Operations Standards	2-37
Section 206.18 Outdoor Storage.....	2-37
Section 206.19 General Provisions	2-37

Article 3 General Provisions

Section 300 Reserved For Future Use.....	3-1
Section 301 Access to Properties and Structures	3-1
Section 302 Clear-Sight Triangle	3-1
Section 303 Driveway Requirements (Single-Family Dwellings and Farms)	3-1
303.1	3-1
Section 304 Establishment of More Than One Principal Use On a Lot.....	3-2
Section 305 Fences and Walls.....	3-2
Section 306 Front Yard Setback Exceptions	3-3

	<u>Page</u>
Section 307	Height Limit Exceptions 3-3
Section 308	Historic Site Demolition 3-3
308.1	Purpose 3-3
308.2	Regulated Activity 3-3
308.3	Demolition of a Historic Structure..... 3-4
Section 309	(Reserved for Future Use)..... 3-4
Section 310	(Reserved For Future Use) 3-4
Section 311	Minimum Habitable Floor Area 3-4
Section 312	Off-Street Loading Spaces 3-5
312.1	When Required 3-5
312.2	Site Plan Approval 3-5
312.3	Surfacing 3-5
312.4	Location and Orientation 3-5
312.5	Connection to Street 3-5
312.6	Separation from Streets, Sidewalks and Parking Lots 3-5
312.7	Drainage..... 3-5
312.8	Required Off-Street Loading Space Sizes 3-5
312.9	Access..... 3-5
312.10	Lighting..... 3-6
312.11	Landscaping and Screening Requirements..... 3-6
312.12	Loading Area Markings..... 3-6
312.13	Schedule of Required Off-Street Loading Spaces 3-6
Section 313	Off-Street Parking..... 3-6
313.1	When Required 3-6
313.2	Reduction of Existing Parking 3-6
313.3	Parking for Single-Family Detached Dwellings..... 3-6
313.4	Site Plan Approval 3-7
313.5	Surfacing 3-7
313.6	Separation from Streets and Sidewalks..... 3-7
313.7	Parking Space Sizes..... 3-7
313.8	Interior Driveways 3-8
313.9	Marking of Parking Spaces and Interior Drives 3-8
313.10	Lighting..... 3-8
313.11	Access Drive Requirements 3-8
313.12	Speed Bumps and Traffic Calming Devices 3-8
313.13	Joint Parking Lots 3-9
313.14	Prohibited Uses of a Parking Lot..... 3-9
313.15	Access..... 3-9
313.16	Location..... 3-9
313.17	Bus Stop..... 3-10
313.18	Landscaping and Screening Requirements..... 3-10
313.19	Schedule of Required Parking Spaces 3-11
313.20	Recreational Vehicles, Boats, Campers, and Personal Cargo Trailers..... 3-13
313.21	Parking of a Vehicles with a GVWR of 17,500 Pounds or Greater..... 3-14
313.22	Parking of Unlicensed and/or Uninspected Vehicles or Trailers 3-14
313.23	Permanent/Temporary Occupancy Requirements..... 3-14
Section 314	On-Lot Sewage Disposal System Requirements 3-15
314.1	Two Disposal Sites Required 3-15

	<u>Page</u>
314.2 Lot Area.....	3-15
Section 315 Open Space Requirements.....	3-16
315.1 Other Regulations.....	3-16
315.2 Required Open Space Design	3-16
315.3 Ownership and Maintenance	3-16
315.4 Permanent Protection of Common Open Space.....	3-16
Section 316 Operations and Performance Standards.....	3-17
316.1 Required Compliance With Applicable Regulations.....	3-17
316.2 Air Pollution, Airborne Emissions and Odor	3-17
316.3 Electrical, Diesel, Gas, or Other Power	3-18
316.4 Fire and Explosives	3-18
316.5 Glare and Heat	3-18
316.6 Materials and Waste Storage, Handling and Disposal.....	3-18
316.7 Mine Reclamation and Open Pit Setback.....	3-19
316.8 Noise Pollution	3-19
316.9 Radiation, Radioactivity, and Electrical Interference	3-19
316.10 Sewage and Other Waste Disposal.....	3-19
316.11 Vibration	3-20
316.12 Water Quality	3-20
Section 317 Outdoor Storage and Display Requirements	3-20
317.1 Shopping Cart Storage.....	3-20
317.2 Seasonal Sidewalk Displays	3-20
317.3 Special Event Sales.....	3-21
Section 318 Projections Into Yards	3-21
Section 319 Road Classifications and Front Yard Setbacks.....	3-22
Section 320 Screening and Landscaping Requirements	3-22
320.1 Required Landscape Plan.....	3-22
320.2 Yard Ground Cover	3-22
320.3 Landscaping Requirements	3-23
320.4 Screening.....	3-23
320.5 Selection of Plant Materials.....	3-24
Section 321 Sensitive Environmental Features Overlay	3-27
321.1 Purpose.....	3-27
321.2 Conflict	3-27
321.3 Steep Slope Protection Overlay.....	3-28
321.4 Stream Corridor Protection Overlay.....	3-29
321.5 Surface Water Protection Overlay	3-30
321.6 Wetland Protection Overlay	3-31
321.7 Floodplain Protection Overlay	3-32
Section 322 Signs	3-33
322.1 Purpose.....	3-33
322.2 Sign Area and Height	3-33
322.3 General Regulations.....	3-34
322.4 Existing Billboards and Signs.....	3-36
322.5 Specific Sign Requirements	3-37
Table 1 - Permanent Sign Requirements	3-38
Table 2 - Temporary Sign Requirements	3-39

...	<u>Page</u>
Table 3 - Planned Center Sign Requirements	3-40
322.6 Nonconforming Signs	3-41
322.7 Permitting Procedures and Fees.....	3-41
Section 323 Storm Water Management	3-42
(Amended by Ordinance No, 17-02 , 09/11/17)	

Article 4 Specific Criteria

Section 400	Specific Criteria for Permitted Uses, Special Exceptions.....	4-1
400.1	Applicability	4-1
400.2	Permitted Uses	4-1
400.3	Special Exceptions	4-1
Section 401	Adaptive Reuse of Agricultural Buildings.....	4-1
Section 402	Adult Uses.....	4-2
Section 403	Airports/Heliports	4-3
Section 404	Alternative Energy Production Facilities	4-3
404.1	Geothermal Systems	4-3
404.2	Outdoor Hydronic Heater Systems	4-5
404.3	Accessory Solar Energy Systems	4-5
404.4	Accessory Wind Energy Systems	4-6
404.5	Principal Solar Energy Systems.....	4-7
404.6	Principal Wind Energy Systems	4-9
Section 405	Amusement Arcades	4-10
Section 406	Amusement, Theme and/or Zoo Parks.....	4-10
406.1	Purpose	4-10
406.2	Design and Operational Objectives	4-10
406.3	Stage 1 - Master Concept Plan	4-11
406.4	Modifications of Standards	4-13
406.5	Stage 2 - Site Development Plan	4-13
Section 407	Animal Hospitals and Veterinary Offices	4-14
Section 408	Auction Houses.....	4-14
Section 409	Automobile Filling Stations (Including Minor Incidental Repair).....	4-14
Section 410	Automobile Service and Repair Facilities, Including, But Not Limited To, Auto Mechanics, Lubrication Services and Tires, Auto Paint, Brake, Muffler, Transmission, Windshield, Auto Body, Electronics, and Upholstery Shops	4-15
Section 411	Bed and Breakfasts.....	4-15
Section 412	Beekeeping	4-16
Section 413	Billboards	4-16
Section 414	Campgrounds	4-17

	<u>Page</u>
Section 415	Car Washes 4-18
Section 416	Cemeteries 4-18
Section 417	Clubhouses for Private Clubs 4-18
Section 418	Cluster Overlay 4-19
418.1	Purpose 4-19
418.2	General Criteria 4-19
418.3	Opportunity for Innovation and Flexibility 4-19
418.4	Relationship to Other Ordinances and Sections of This Zoning Ordinance 4-19
418.5	Permitted Uses 4-20
418.6	Accessory Uses 4-20
418.7	Required Mix and Integration of Dwellings 4-21
418.8	Residential Design Requirements 4-21
418.9	Building Height 4-22
418.10	Maximum Lot Coverage 4-23
418.11	Accessory Buildings 4-23
418.12	Architectural Density Bonus 4-23
418.13	Open Space Design Requirements 4-25
418.14	Vehicular Access Requirements 4-26
418.15	Streets and Access Drives Plantings 4-27
418.16	Sidewalks 4-28
418.17	Perimeter Buffers 4-28
418.18	Modifications of Design Standards 4-29
418.19	Special Exception Site Plan Requirements and Effect of Special Exception Site Plan Approval 4-29
Section 419	Commercial Produce Operations 4-31
Section 420	Communication Antenna, Towers and Equipment 4-33
420.1	Co-Located Upon Existing Structures 4-33
420.2	Freestanding 4-34
Section 421	Concentrated Animal Feeding Operations (CAFOs) and Concentrated Animal Operations (CAOs) 4-36
Section 422	Convenience Stores 4-37
Section 423	Day-Care Facilities – Commercial 4-38
Section 424	Day-Care Facilities – Family 4-38
Section 425	Domestic Composts 4-39
Section 426	Drive-Thru and/or Fast-Food Restaurants 4-39
Section 427	ECHO Housing 4-39
Section 428	Emergency Services 4-40
Section 429	Reserved for Future Use 4-41
Section 430	Farm-Support Business Operation 4-41

	<u>Page</u>
Section 431 Flag Lots	4-43
Section 432 Forestry Uses	4-45
Section 433 Garage/Yard and/or Moving Sales	4-46
Section 434 Golf Courses and Driving Ranges	4-46
Section 435 Health and Fitness Clubs	4-48
Section 436 Heavy Equipment and/or Commercial Truck Sales, Service and/or Repair Facilities	4-49
Section 437 Heavy Industrial Uses.....	4-49
Section 438 Historic Structure Conversions.....	4-50
Section 439 Home Improvement and Building Supply Stores	4-51
Section 440 Home Occupations	4-52
Section 441 Hospitals with Related Uses	4-53
Section 442 Keeping of Carriage and Buggy Horses	4-55
Section 443 Kennels	4-55
Section 444 Man-Made Lakes, Dams, Ponds, and Impoundments.....	4-56
Section 445 Manure Digester Systems	4-57
Section 446 Manure Storage Facilities.....	4-57
Section 447 Medical Residential Campuses.....	4-58
Section 448 Methadone Treatment Facilities.....	4-59
Section 449 Mini-Warehouses/Self-storage Facilities	4-60
Section 450 Nightclubs	4-60
Section 451 Noncommercial Keeping of Livestock.....	4-61
Section 452 Nursing, Rest or Retirement Homes.....	4-62
Section 453 Places of Worship and Related Uses	4-62
453.1 House of Worship	4-62
453.2 Residences (Rectories and Convents) Related to Places of Worship	4-63
453.3 Schools or Day-Care Facilities Related to Places of Worship	4-63
453.4 Cemeteries.....	4-63
453.5 Recreation and Social Uses Related to Place of Worship	4-63
Section 454 Power Generation Facilities	4-64
Section 455 Recycling Facilities for Paper, Plastic, Glass, and Metal Products	4-67

	<u>Page</u>
Section 456 Residential Swimming Pools.....	4-67
Section 457 Riding Stables	4-68
Section 458 Roadside Stands	4-69
Section 459 Routine Repair and Servicing of Personal Motor Vehicles.....	4-69
Section 460 Rural Occupations	4-70
Section 461 Satellite Dish Antennas	4-71
Section 462 Sawmills.....	4-73
Section 463 Septage and Compost Processing	4-73
Section 464 Shooting Ranges.....	4-74
464.1 Indoor Shooting Range	4-74
464.2 Outdoor Shooting Range	4-75
Section 465 Shopping Centers.....	4-76
Section 466 Slaughtering, Processing, Rendering, and Packaging of Food Products and Their By-Products	4-78
Section 467 Solid Waste Disposal, Processing and Transfer Facilities.....	4-79
Section 468 Truck or Motor Freight Terminals	4-80
Section 469 Truck Stops.....	4-81
Section 470 Warehousing and Wholesale Trade Establishments	4-82

Article 5 Nonconformities

Section 500 Continuation.....	5-1
Section 501 Abandonment	5-1
Section 502 Expansion of a Nonconforming Use of Land.....	5-1
Section 503 Expansion or Alteration of Nonconformities	5-1
Section 504 Substitution or Replacement.....	5-2
Section 505 Restoration	5-2
Section 506 Unsafe or Unlawful Structures	5-3
Section 507 Previously Expanded Nonconforming Uses and Structures.....	5-3
Section 508 Amortization of the Nonconforming Storage of Junk on Residential Properties	5-3

	<u>Page</u>
Section 509 Use of Nonconforming Lots of Record.....	5-3
Section 510 Use Variances Are Not Nonconforming Uses	5-3

Article 6 Zoning Hearing Board

Section 600 Establishment and Membership.....	6-1
Section 601 Organization of Zoning Hearing Board	6-1
Section 602 Expenditures for Services	6-1
Section 603 Public Hearings.....	6-2
Section 604 Zoning Hearing Board's Functions	6-5
604.1 Substantive Challenges to the Validity of the Zoning Ordinance	6-5
604.2 Challenges to the Validity of the Zoning Ordinance	6-5
604.3 Special Exceptions	6-5
604.4 Variances	6-6
Section 605 Parties Appellant Before the Zoning Hearing Board	6-8
Section 606 Time Limitations.....	6-8
Section 607 Stay of Proceeding	6-8
Section 608 Appeal	6-9
Section 609 Mediation Option.....	6-9

Article 7 Administration

Section 700 Zoning Officer	7-1
700.1 Process Applications	7-1
700.2 Maintain Official Records.....	7-1
700.3 Inspections	7-1
700.4 Inspect and/or Register Nonconformities.....	7-1
700.5 Assist Local Officials.....	7-1
700.6 Maintain Up-to-Date Ordinance	7-2
700.7 Preliminary Opinion	7-2
700.8 Investigate Complaints	7-2
700.9 Prosecute Violations	7-2
700.10 Floodplain Administrator.....	7-2
Section 701 Violations.....	7-2
Section 702 Enforcement Notice	7-2
Section 703 Enforcement Remedies.....	7-3

	<u>Page</u>
Section 704 Causes of Action	7-3
Section 705 Zoning Permits	7-3
705.1 General Requirements for Zoning Permits	7-3
705.2 Form of Application	7-4
705.3 Description of Work	7-4
705.4 Time Limit for Application	7-4
705.5 Issuance of Permits	7-4
705.6 Expiration of Permit	7-4
705.7 Revocation of Permits	7-4
705.8 Posting of Permits	7-4
705.9 Temporary Permit	7-4
705.10 Payment of Fees	7-4
705.11 Compliance With Ordinance	7-5
705.12 Compliance With Permit and Plot Plan	7-5
Section 706 Certificate of Use and Occupancy	7-5
Section 707 Enforcement, Penalty and Remedy	7-5
Section 708 Temporary Zoning Certificate of Use and Occupancy	7-6
Section 709 Performance Standards	7-6
Section 710 Fees	7-7
Section 711 Amendments	7-7
711.1 Power of Amendment	7-7
711.2 Hearing Procedures for Zoning Amendments	7-7
711.3 Enactment Notice for Zoning Amendments	7-9
711.4 Township Planning Commission Referrals	7-9
711.5 Lancaster County Planning Commission Referrals	7-9
711.6 Adjournment of Public Hearing	7-9
711.7 Copies of Adopted Amendments	7-10
711.8 Authentication of the Official Zoning Map	7-10
711.9 Amendment Initiated by the Township Planning Commission	7-10
711.10 Amendment Initiated by the Board of Supervisors	7-10
711.11 Amendment Initiated by a Petition from an Interested Party	7-10
711.12 Curative Amendment by a Landowner	7-10
711.13 Curative Amendment by the Board of Supervisors	7-11
Section 712 Mediation Option	7-12
Section 713 Information Submission Requirements	7-13
Section 714 Appeals	7-13
Section 715 Repealer	7-13
Section 716 Effective Date	7-13

Page

Appendix

Land Use TableA-1

Article 1

Background Provisions

Section 100 Short Title

This Zoning Ordinance shall be known and may be cited as the “Providence Township Zoning Ordinance of 2014.”

Section 101 Purpose

101.1 This Zoning Ordinance is enacted for the following purposes:

101.1.1 To promote, protect, and facilitate:

Public health, safety, morals, and general welfare;

Coordinated and practical community development and proper density of population;

Emergency management preparedness and operations;

Provision of adequate light and air; vehicle parking and loading space, transportation, schools, recreational facilities, and public grounds;

Provision of a safe, reliable, and adequate water supply for domestic, commercial, agricultural, and industrial use;

Preservation of the open space, natural, scenic, aesthetic and historic values in the environment and the preservation of forests, wetlands, aquifers, and floodplains.

101.1.2 To prevent: overcrowding of land; blight, danger, and congestion in travel and transportation; and loss of health, life, and property from fire, panic or other dangers.

101.1.3 To preserve prime agriculture and farmland.

101.1.4 To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

101.1.5 To encourage the development and use of renewable energy resources.

101.2 This Zoning Ordinance was prepared with careful consideration given to, among other things, the character of various areas within the Township, and their suitability for particular uses, and view toward conserving the value of property and encouraging the most appropriate use of land throughout the Township.

101.3 The basis for this Zoning Ordinance is the *Providence Township Comprehensive Plan 2008* adopted on October 6, 2008. This Plan establishes detailed community development goals and objectives, which this Ordinance seeks to promote and to establish; however, it is recognized that circumstances may necessitate additional goals and the enactment of new ordinances or amend-

ments to this Ordinance without the completion of a new Comprehensive Plan and/or approval of new community development objectives.

Section 102 Scope

- 102.1 Except as noted below, from and after the effective date of this Zoning Ordinance, the use of all land and every building or structure or portion of a building or structure erected, altered with respect to height and area, added to, or relocated, and every use within a building or structure or use accessory thereto, in Providence Township shall be in conformity with the provisions of this Ordinance. Any legally-existing building or land not in conformity with the regulations herein prescribed shall be regarded as nonconforming and may be continued, extended, or changed subject to the regulations contained in Article 5. *(Amended by Ordinance No. 19-03, 06/03/2019)*
- 102.2 This Zoning Ordinance shall not apply to any existing or proposed buildings, or extension thereof, used or to be used by a public utility corporation if, upon petition of the corporation, the Pennsylvania Public Utility commission shall, after a public hearing, decide that the present or proposed building in question is reasonably necessary for the convenience or welfare of the public. This exemption shall not apply to telecommunications antennas, communications equipment buildings, and communications towers for wireless telecommunications services regulated under the 1996 Telecommunications Act.
- 102.3 This Zoning Ordinance shall not apply to any existing or proposed uses, buildings, structures, signs, or extension thereof, occupied, owned, leased, and/or operated by the Township.
- 102.4 The application of requirements of this Zoning Ordinance shall be limited only to the extent that regulations of mineral, coal and fuel extraction have heretofore been superseded and preempted by:
- 102.4.1 P.L. 1198, No. 418 of May 31, 1945, known as the "Surface Mining Conservation and Reclamation Act;" as amended.
- 102.4.2 P.L. 1093, No. 219 of December 19, 1984 known as the "Non-Coal Surface Mining Conservation and Reclamation Act" as amended.
- 102.4.3 P.L. 1140, No. 223 of December 19, 1984 known as the "Oil and Gas Act" as amended.
- 102.4.3 P.L. 31, No. 1, of April 27, 1966, known as "The Bituminous Mine Subsidence and Land Conservation Act" as amended.
- 102.5 The application of requirements of this Zoning Ordinance shall be limited only to the extent that activities related to commercial agricultural production would exceed the requirements imposed under:
- 102.5.1 P.L. 12, No. 6 of May 20, 1993, known as the "Nutrient Management Act," regardless of whether any agricultural operation within the area to be affected by the Zoning Ordinance would be a concentrated animal operation as defined by the "Nutrient Management Act."
- 102.5.2 P.L. 128 No. 43 of June 30, 1981, known as the "Agricultural Area Security Law."
- 102.5.3 P.L. 454, No. 133 of June 10, 1982, entitled "An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances," or that regulation of other activities are preempted, but only to the extent preempted, by other Federal or State laws.
- 102.4 The regulations contained within this Zoning Ordinance do not apply to the use of public street rights-of-way.

Section 103 Interpretations

- 103.1 In interpreting and applying the provisions of this Zoning Ordinance, such shall be considered to be the minimum requirements for the promotion of the health, safety, and general welfare of the residents of the Township.
- 103.2 In interpreting the language of this Zoning Ordinance to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the governing body, in favor of the property owner and against any implied extension of the restriction.

Section 104 Conflicts

It is not intended by this Zoning Ordinance to repeal, abrogate, annul, or interfere with any existing ordinances or enactment, or with any rule, regulation or permit adopted or issued there-under, except insofar as the same may be inconsistent or in conflict with any of the provisions of this Ordinance, provided that where this Ordinance imposes greater restrictions upon the use of buildings or land, or upon the height and bulk of buildings, or prescribed larger open spaces than are required by the provisions of other such ordinance, enactment, rule, regulation or permit, then the provisions of this Ordinance shall control. Furthermore, if a discrepancy exists between any regulations contained within this Ordinance, that regulation which imposes the greater restriction shall apply.

Section 105 Validity and Severability

Should any section or provision of this Zoning Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or of any other part thereof. If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any use, lot, building or other structure, or tract of land, to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property, or situations shall not be affected.

Section 106 Uses Not Provided For

Whenever a use is neither specifically permitted nor denied by this Zoning Ordinance, and an application is made by an applicant to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board to hear and decide such request as a special exception. The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the special exception criteria and the following:

- 106.1 The use is similar to and compatible with the permitted uses in the Zone in which the subject property is located.
- 106.2 The use is not permitted in any other Zone under the terms of this Zoning Ordinance.
- 106.3 The use is proposed in a manner that complies with all applicable requirements imposed upon other uses that in the opinion of the Zoning Hearing Board most closely reflect the likely impacts that will be generated by the proposed use.
- 106.4 The use complies with all other applicable sections of this Zoning Ordinance and other ordinances of the Township.
- 106.5 The use in no way conflicts with the general purposes and intent of this Zoning Ordinance.

- 106.6 The use would not be detrimental to the public health, safety and welfare of the neighborhood or Township.

Section 107 Establishment of Zones

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

Agricultural Zone (A)

Manufactured Home Park Zone (R-4)

Rural Residential Zone (R-1)

Commercial Zone (C)

Residential Zone (R-2)

Industrial Zone (I)

Suburban Residential Zone (R-3)

Section 108 Zoning Map

All areas within Providence Township are assigned to one of several Zones, the locations of which are established by this Zoning Ordinance and depicted upon the Zoning Map, which together with all explanatory matter thereon, is attached to and is declared to be a part of this Ordinance.

Section 109 Zone Boundary Lines

The Zone boundary lines shall be as shown on the Zoning Map. Zone boundary lines are intended to coincide with lot lines, centerlines of streets and alleys, railroad rights-of-way, and streams at time of passage of this Zoning Ordinance, the corporate boundary of the Township or as dimensioned on the map. In the event of dispute about the location of the boundary of any Zone, the Zoning Officer shall investigate and render a determination on the location of the line. Appeals from this determination shall be made to the Zoning Hearing Board in accordance with Article 6. When a property is contained within more than one Zone, every use is required to comply with all applicable design standards upon that portion of the property within the Zone in which the use is permitted and for the purposes of satisfying applicable design standards, the zoning boundary shall be treated as a property line.

Section 110 Word Usage

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

Section 111 Language Interpretation

In this Zoning Ordinance, when not inconsistent with the context:

- 111.1 Words in the present tense imply also the future tense.
- 111.2 The singular includes the plural.
- 111.3 The male gender includes the female gender.

111.4 The word “person” includes an individual, partnership, corporation, firm, company, limited liability company, limited liability partnership, association, governmental entity, trustee, receiver, assignee or other legal entity.

111.5 The terms “shall” or “must” are always mandatory.

Section 112 Specific Words and Phrases

The following words and phrases shall have the particular meaning assigned by this section in the appropriate sections of this Zoning Ordinance.

ACCESS DRIVE – A private drive providing access to an off-street parking and/or loading area for any use other than one or two single-family dwelling units, a farm or for a use permitted in Section 300. (*Amended by Ordinance No. 19-03, 06/03/2019*)

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

ACCESSORY USE - A use customarily incidental and subordinate to the principal use or building and located on the same lot as the principal use or building.

ACT - The latest version of the Pennsylvania Municipalities Planning Code (MPC), as amended.

ADULT USE - Any of the following, either alone or in combination with any other use.

1. An establishment having as a substantial or significant portion of its stock in trade or in which are displayed or viewed, magazines, periodicals, books, drawings, photographs, videos, paraphernalia, or other materials that are distinguished or characterized by their emphasis on depicting, describing, or displaying sexual activities or conduct or exposed male or female genital areas.
2. An establishment or place of assembly to which the public is permitted or invited:
 - A. Which has all or a substantial or significant portion of its stock in trade consisting of any of the following items, whether alone or in combination:
 - (a) Books, magazines or other periodicals, as well as films or other forms of audio or visual representation that are distinguished or characterized by an emphasis on depiction, description, or display of sexual activities or conduct or exposed male or female genital areas.
 - (b) Instruments, devices or paraphernalia which are designed primarily for use in connection with sexual activities or conduct.
 - B. Wherein coin- or slug-operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images, with or without sound, where the images so displayed are distinguished or characterized by an emphasis on depiction, description, or display of sexual activities or conduct or exposed male or female genital areas; and/or
 - C. Which features male and/or female entertainers who engage in activities such as topless or bottomless dancing or stripping, or persons whose performance or activities include simulated or actual sex acts; and/or
 - D. Which offers its patrons any other retail goods, services, or entertainment which is characterized by an emphasis on matter or activities relating to, depicting, describing or displaying sexual activity or conduct or exposed male or female genital areas.

3. The following specific uses are examples of adult uses, but shall not be considered the only types of adult uses.
- A. Adult Bath House: An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This definition shall not apply to hydrotherapy treatment practiced by or under the supervision of a medical practitioner. A medical practitioner, for the purpose of this Zoning Ordinance, shall be a medical doctor, physician, chiropractor, or similar professional licensed by the Commonwealth of Pennsylvania.
 - B. Adult Body Painting Studio: Any establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when specified anatomical areas are exposed.
 - C. Adult Bookstore: Any establishment which has a substantial or significant portion of stock in:
 - (a) Books, films, magazines, periodicals, or other forms of audio or visual representation, which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
 - (b) Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
 - D. Adult Cabaret: A nightclub, theater, bar, or other establishment that features live or media representations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
 - E. Adult Massage Establishment: Any establishment or business that provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor, professional physical therapist, or massage therapist who is both nationally certified in the therapeutic massage by the National Certification Board for Therapeutic Massage and Bodywork, and who is a professional member with active status in good standing of the American Massage Therapy Association.
 - F. Adult Mini Motion Picture Theater: An enclosed or unenclosed building with a capacity of more than five (5), but less than fifty (50), persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
 - G. Adult Model Studio: Any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any "figure studio" or "school of art" or similar establishment that meets the requirements established by the Education Code of the Commonwealth of Pennsylvania, and is in fact authorized there under, to issue and confer a diploma.
 - H. Adult Motel: A motel or similar establishment offering public accommodations for consideration that provides patrons with material distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
 - I. Adult Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin- or slug-operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or

characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

- J. Adult Motion Picture Theater: An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
- K. Adult Newsrack: Any machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.
- L. Adult Outcall Service Activity: Any establishment or business which provides an outcall service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.
- M. Adult Sexual Encounter Center: Any business, agency, or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshops operated by a medical practitioner who is licensed by the Commonwealth of Pennsylvania to engage in sexual therapy.
- N. Adult Theater: A theater, concert hall, auditorium, or similar establishment, either indoor or outdoor, that regularly features live performances that are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.
- O. Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

AGRICULTURAL OPERATION - An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock, and livestock products; and/or in the production, harvesting, and preparation for market or use of agricultural, agronomic, horticultural, silvicultural, and aquaculture crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products, or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. For the purpose of this Zoning Ordinance, this term excludes commercial nursery, noncommercial nursery and greenhouse as defined by this Article.

AIRPORT - Any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or navigation facilities or rights-of-way, together with all airport buildings and facilities thereon.

ALLEY - A minor right-of-way, privately or publicly owned, primarily for service access to the rear or sides of properties.

ALTERATIONS - Any exterior structural addition to a building; any renovation to a building which would change its use; any change or rearrangement in the structural parts of a building such as bearing walls, columns, beams or girders, joists or rafters, or enclosing walls; the moving of a building from one location or position to another.

ALTERNATIVE ENERGY PRODUCTION FACILITIES - Any device installed as an accessory use that supplies energy principally for the principal use of the property that is derived from natural sources (e.g. solar panels, wind turbines, hydro turbines, geo-thermal exchangers, and similar technologies.)

AMUSEMENT ARCADE - A commercial establishment which provides as a principal use, amusement devices and/or games of skill or chance (e.g., pinball machines, video games, skee-ball, electronic or water firing ranges, and similar devices). This definition does not include the use of two (2) or fewer such devices as an accessory use.

AMUSEMENT PARK - A lot used principally as a location for permanent amusement structures, rides, or activities.

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

ANIMAL EQUIVALENCY UNIT (AEU) - A standardized measure that enables regulation of density or intensity of animal population upon an area of land. One (1) AEU is equivalent to one thousand (1,000) pounds of animal(s), including both animals customarily raised as livestock, as well as animals kept as pets.

ANIMAL HOSPITAL - A building or land used primarily for the treatment of small domestic animals such as dogs, cats, rabbits, and birds or fowl by a licensed veterinarian. This term excludes the outdoor boarding or outdoor keeping of animals that are not under treatment.

APPLICANT - A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors, and assigns.

APPLICATION FOR DEVELOPMENT - An application under the Subdivision and Land Development Ordinance, Zoning Ordinance, Storm Water Management Ordinance or Uniform Construction Code including, but not limited to, an application for a subdivision plan, land development plan, zoning permit, storm water management permit or building permit.

ATTIC - Portion of a building that is immediately below and completely or partly within the roof framing. Within a dwelling unit, an attic shall not be counted as floor area, unless it is constructed as or modified into a habitable room by an average ceiling height of five feet (5') or more, and a permanent stationary, interior access stairway to a lower story.

AUCTION HOUSE - A principal commercial use at which items are imported for public or private sale during a competitive bidding process. This use shall also expressly include a cafeteria or refreshment counter, provided such use is contained completely within an enclosed building and patrons are limited to those participating in the auction. This term shall not include automobile auctions.

AUTOMOBILE AUCTION - Any building or land devoted to the wholesale or retail sale by auction of passenger vehicles.

AUTOMOBILE FILLING STATION INCLUDING MINOR INCIDENTAL REPAIR - Any area of land, including structures thereon, that is used for the retail sale of gasoline or any other motor vehicle fuel and lubricating substances, including any retail sales of motor vehicle accessories and minor incidental repair. Incidental repair does not include major repair such as Auto Paint, Brake, Muffler, Transmission, Windshield, Auto Body, Electronics, Upholstery, body work, and fender work, or painting. Outside storage of inoperable or unlicensed motor vehicles is limited to a maximum of two (2) days for each such vehicle.

AUTOMOBILE SALES - Any building or land devoted to the retail sales of passenger vehicles, including accessory service and repair facilities if conducted within a completely-enclosed building.

AUTOMOBILE SERVICE AND REPAIR, INCLUDING, BUT NOT LIMITED TO, AUTO MECHANICS, LUBRICATION SERVICES AND TIRES, AUTO PAINT, BRAKE, MUFFLER, TRANSMISSION, WINDSHIELD, AUTO BODY, ELECTRONICS, AND UPHOLSTERY SHOPS - Any area of land, including structures thereon, that is used for repair and servicing of motor vehicles as a retail service, including the retail sale of motor vehicle accessories, gasoline and other motor vehicle fuels, and lubricating substances. Outside storage of inoperable or unlicensed motor vehicles is limited to a maximum of two (2) days for each such vehicle. Any business or industry dispensing fuel only for its own use and vehicles will not be deemed to

be an automobile service station.

BANKS AND SIMILAR FINANCIAL INSTITUTIONS - Principal uses devoted to the receipt, saving, loaning, distribution, investment, and transfer of currency and wealth. This use shall expressly include uses commonly known as banks, credit unions, savings and loan associations, savings banks, investment companies, philanthropic foundations, or the offices of an investment manager, investment banker, or securities broker or dealer. For the purpose of this Zoning Ordinance, this term shall exclude pawn shops and non-bank operations that provide check-cashing services and advances on paychecks.

BASEMENT - A story partly below the finished grade but having at least one-half (½) of its height (measured from the finished floor to the finished ceiling) above the average level of the finished grade where such grade abuts the exterior walls of the building.

BED AND BREAKFAST - A single-family detached dwelling, where not more than five (5) sleeping accommodations are rented to overnight guests on a daily basis for periods not exceeding one (1) week. Breakfast may be offered only to registered overnight guests.

BEEKEEPING - The raising or keeping of bees within a man-made enclosure (beehive) for hobby or business purposes.

BOARD - The Board of Supervisors or the Zoning Hearing Board, as the context may indicate.

BOARD OF SUPERVISORS - The Board of Supervisors of Providence Township, Lancaster County, Pennsylvania.

BOARDER - An individual other than a member of a family occupying a dwelling unit or owning a lodging facility who, for compensation, is furnished sleeping accommodations within such dwelling unit or lodging facility, and may be furnished meals or other services as part of the compensation.

BUGGY - A carriage drawn by a horse that is commonly used by Plain Sects as a mode of transport and travel.

BUILDING - Any combination of materials forming any structure that is erected on the ground, whether stationary or movable, and that is designed or intended for any purpose, including the housing, shelter, enclosure, or structural support of persons, animals, or property of any kind. For the purpose of this Zoning Ordinance, this term shall include swimming pools, greenhouses, stables, garages, roadside stands, porches, manufactured homes, and similar structures. Fences and walls (which are part of landscaping), signs, and awnings are excluded from this term.

BUILDING AREA - The total area of ground occupied by all buildings (i.e., both principal and accessory) as measured on one (1) or more horizontal planes that are directly between the ground and the sky, exclusive of uncovered porches, awnings, terraces, and steps (e.g. top view).

BUILDING (ACCESSORY) – See “accessory building”.

BUILDING COVERAGE – See “coverage, building”.

BUILDING ENVELOPE - The area of a lot that is unrestricted from development by building setback requirements, rights-of-way, easements, floodplains, wetlands, steep slopes, and all similar restrictions as defined in this Zoning Ordinance.

BUILDING HEIGHT - A building's vertical measurement from the average level of the ground abutting the corners of the building to the highest point of the roof, provided that chimneys, spires, towers and elevator penthouses, tanks and other similar projections are not included in calculating the height.

BUILDING LENGTH - The longest horizontal measurement of a building.

BUILDING LINE - A line formed by the intersection of a horizontal plane and a vertical plane that coincides with the exterior surface of the building on any side. In case of a cantilevered or projected section of a building (excluding overhanging eaves, gutters, and cornices), the vertical plane will coincide with the most projected surface. All yard requirements are measured to the building line.

BUILDING PERMIT - Permits issued under the Uniform Construction Code. (Permits issued under this Zoning Ordinance are “zoning permits”).

BUILDING SETBACK LINE - The line within a property defining the minimum required distance as established by this Zoning Ordinance between any building or structure or portions thereof to be erected or altered and an adjacent street right-of-way. Such line shall be measured perpendicular or radial to the street right-of-way line that abuts the property upon which said building or structure is located or to be located and shall be parallel to said right-of-way line.

BUFFER YARD - A continuous strip of land that is clear of all buildings and paved areas and is landscaped in accordance with the Zoning Ordinance.

CAMPGROUND - A lot, tract or parcel of land upon which two (2) or more campsites are located or established, intended and maintained for occupation by guests, travelers and/or transients in recreational vehicles, cabins, travel trailers, or tents.

CAMPSITE - A plot of ground within a campground intended for occupation by a recreational vehicle, tent, camper, or travel trailer.

CAR WASH - A commercial use devoted to cleaning the exterior, and sometimes the interior, of automobiles and other passenger vehicles. There are several types of car washes, ranging from self-service, coin-operated, automatic car washes to fee-based, full-service operations.

CARTWAY - The surface of a street, access drive or driveway intended and available for use by vehicular traffic.

CATERERS, BAKERS AND CONFECTIONERS - A retail commercial use devoted to the preparation, packaging and/or delivery of prepared foods for consumption at another location. This use shall also expressly include the retail sales of those goods produced on the site; however, no seating for on-site consumption shall be permitted.

CEMETERY - Land used or intended to be used for the burial of the deceased, including columbariums, crematoria, mausoleums, and mortuaries when operated in conjunction with the cemetery and within the boundaries thereof.

CERTIFICATE OF USE AND OCCUPANCY - A statement, based on an inspection, signed by the issuing officer setting forth that a building, structure, sign, and/or land complies with this Zoning Ordinance; or that a building, structure, sign, and/or land may be lawfully employed for specific uses; or both.

CHANNEL - A natural or artificial watercourse with a definite bed and banks that confine and conduct continuously or periodically flowing water.

CHANNEL FLOW - Water that flows within the limits of a defined channel.

CHURCH AND RELATED USES - A building, structure or group of buildings or structures, including accessory uses, designed or intended for public worship. This definition shall include rectories, convents, cemeteries, and church-related recreation, educational and/or day-care facilities and orphanages.

CINEMA - A theater designed and intended for the screening of movies.

CLINIC, MEDICAL, DENTAL OR VISION - A building or group of buildings occupied by medical practitioners and related services for the purpose of providing health services to people on an outpatient basis.

CLUSTER (RESIDENTIAL) - A form of development in which residential structures are grouped together on a site, thus saving the remaining land area for common open space, conservation, recreation, or other public and semipublic uses.

COMMERCIAL DAY CARE - A principal use offering care or supervision of more than four (4) minors or adults for a period not to exceed eighteen (18) continuous hours, that is licensed by the Commonwealth of Pennsylvania.

COMMERCIAL PRODUCE OPERATION - An agricultural use whereby plant materials are principally grown within enclosed buildings.

COMMERCIAL RECREATION FACILITY - An activity operated as a business, open to the public, for the purpose of public recreation or entertainment, including, but not limited to, bowling alleys, cinemas, drive-in motion picture facilities, swimming pools, health clubs, miniature golf courses, museums. This use does not include adult-related uses, shooting ranges, amusement arcades, amusement/theme/zoo parks, automobile and/or animal racing with or without related wagering facilities, off-track betting and/or casinos.

COMMON DRIVEWAY - A driveway utilized by two (2) separate and distinct lots or tracts for access to a public or private street. (*Amended by Ordinance No. 17-02, 09/11/17*)

COMMON OPEN SPACE - Any area of land or water, or a combination of land and water, within a development site designed and intended for use by all residents of the development or the general public.

COMMON PARKING AREA - A parking facility serving multiple uses or properties that is not owned by one user or property, although it may be owned jointly by all or some of the users.

COMMUNICATIONS ANTENNAS - A freestanding structure designed and used solely to support communications antennae.

COMMUNICATION ANTENNAS CO-LOCATED ON EXISTING FACILITIES - Any device that is attached to an existing structure and used for the transmission or reception of wireless communications signals for ultimate reception by a radio, television, wireless telephone, pager, commercial mobile radio service, or any similar device.

COMMUNITY CENTER - A building or portion of a building used as a gathering place or meeting area by local residents or the residents of the Township or development within which it is located.

COMPOSTING - The conversion of organic matter, such as yard waste, into fertilizer.

COMPREHENSIVE PLAN - The *Providence Township Comprehensive Plan 2008*, as amended.

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO) - An agricultural use, regulated and defined by PADEP and the Federal government involving the commercial keeping and handling of livestock quantities with characteristics in any of the following three criteria or as may be redefined by the PADEP or the Federal government:

Criteria to Determine CAFO Uses	
<u>Criteria 1</u>	
The proposed agricultural operation exceeds any of the following animal-type thresholds:	
<ul style="list-style-type: none"> • 700 mature dairy cows; • 1,000 veal calves; • 1,000 cattle, including, but not limited to, heifers, steers, bulls, and cow-calf pairs; • 2,500 swine of 55 lbs. or more; • 10,000 swine under 55 lbs.; • 500 horses; • 10,000 sheep or lambs; 	<ul style="list-style-type: none"> • 55,000 turkeys; • 30,000 layers or broiler chickens using a liquid manure handling system; • 125,000 broiler chickens not using a liquid manure handling system; • 82,000 layer chickens not using a liquid manure handling system; • 30,000 ducks not using a liquid manure handling system; and/or • 5,000 ducks using a liquid manure handling system.

Criteria to Determine CAFO Uses	
<u>Criteria 2</u>	
Any agricultural operation that exceeds 1 million pounds of live weight of livestock or poultry.	
<u>Criteria 3</u>	
Any agricultural operation that is a Concentrated Animal Operation (as defined below) that includes more than 300,000 pounds of live weight of livestock or poultry.	

CONCENTRATED ANIMAL OPERATION (CAO) - An agricultural use determined under Title 25, Chapter 83, Subchapter D, Section 83.262. of the Pennsylvania Department of Environmental Protection's Nutrient Management Rules and Regulations involving the commercial keeping and handling of livestock and/or poultry quantities with densities exceeding 2,000 pounds per acre, suitable for the application of manure on an annualized basis. Animal weights shall be determined using Criteria 1 found on the chart on the previous page, which may be amended.

CONDOMINIUM - Real estate, portions of which in accordance with the provisions of the Pennsylvania Uniform Condominium Act 68 Pa. C.S. §3101-3414 as amended, are designated for separate ownership and the remainder of which is designed for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

CONVENIENCE STORE - A business which specializes in the retail sales and/or rental of household products and foods. Some of the permitted activities, noted below, require the approval of a special exception if they are conducted as part of the convenience store:

1. Amusement arcades, subject to the requirements of Section 405.
2. Automatic bank teller machines.
3. Car washes, subject to the requirements of Section 415.
4. Dispensing of automobile fuels, oils, compressed air, kerosene, washer fluid, and other auto-related items, subject to the requirements of Section 409.
5. Laundry, dry cleaning and tailoring drop-off sites.
6. Lottery sales counters and machines.
7. Photomats and film development drop-off sites.
8. Post offices and other parcel delivery drop-off sites.
9. Propane fuel sales with no larger than twenty (20) pound tanks which must be stored outside of the building at all times.
10. Restaurants, including drive-thru or fast-food operations, subject to the requirements of Section 426.
11. Retail sales or rental of books, magazines, videos, software, and video games, provided that adult uses are expressly prohibited.

COUNTRY CLUB - An area of land or building owned, leased or occupied by an association of persons, operated solely for a recreational, social, fraternal, religious, political or athletic purpose, and whose activities are confined to the members and guests and are not extended to the general public.

COUNTY - The County of Lancaster, Commonwealth of Pennsylvania.

COUNTY PLANNING COMMISSION - The Lancaster County Planning Commission.

COVERAGE, BUILDING - The ratio, expressed as a percentage, between the square footage of a lot that is occupied by buildings (as defined by this section) and the total gross lot area.

COVERAGE, IMPERVIOUS - The ratio, expressed as a percentage, between the square footage of a lot that is covered in a way that prevents the ground beneath from absorbing water at a rate of eighty percent (80%) and the total gross lot area. Examples of impervious coverage are buildings, driveways, parking areas, sidewalks.

COVERAGE, LOT - See "Coverage, Impervious."

CURATIVE AMENDMENT - A proposed zoning amendment made to the Board of Supervisors by any landowner or applicant who desires to challenge on substantive grounds the validity of an ordinance that prohibits or restricts the use or the development of land in which the landowner or applicant has an interest.

DAY-CARE - The offering of care or supervision over minors or special needs adults in lieu of care or supervision by family members. This definition does not include the offering of overnight accommodations.

Day-Care, Commercial - A day-care facility that is a primary use and is licensed by the Commonwealth of Pennsylvania, and its successors.

Day-Care, Family - A day-care facility that is operated as an accessory use to a dwelling that is registered by the Commonwealth of Pennsylvania, and its successors and offers care and supervision to no more than four (4) different persons during any calendar day.

DEDICATION - The deliberate appropriation of land by its owner for general public use.

DEED - A legal document whereby an interest in real property is described, conveyed, and recorded.

DEED RESTRICTION - Clauses included in a deed that limit or otherwise control the general use of the real property described by that deed.

DENSITY - For residential development, the number of dwelling units per acre of land.

DENSITY, GROSS - Density, as defined above, relative to the gross lot area of a tract (i.e., the total area within the deeded property lines without exception).

DENSITY, NET - Density, as defined above, relative to the net lot area of a tract.

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

DEVELOPMENT - Any man-made change to improved or unimproved real estate, including, but not limited to, the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; and the subdivision of land. (*Amended by Ordinance No. 17-02, 09/11/17*)

DOMESTIC COMPOST - An accessory use that converts organic waste of the residents (excluding sewage) on-site, such as yard waste, into fertilizer.

DOMESTIC PETS - The noncommercial keeping of not more than four (4) adult nonfarm animals that are locally available for purchase as pets.

DOUBLE FRONTAGE LOT – See lot, double frontage".

DRIVE-THRU FACILITY - Any portion of a building or structure from which business may be transacted with a customer in a motor vehicle.

DRIVE-THRU AND/OR FAST-FOOD RESTAURANT - An establishment that serves prepared food generally packaged in paper wrappers and/or disposable plates and containers. Such food can be consumed either on or off of the site.

DRIVEWAY - An improved cartway designed and constructed to accommodate vehicular movement between a public or private road and a tract of land serving not more than two (2) single-family dwellings.

DRY CLEANERS AND LAUNDROMATS - A principal retail use at which patrons can either perform self-service dry-cleaning, washing and drying of personal clothing and/or other fabric articles, or drop-off facilities for such services. This use shall not include accessory laundry services associated with lodging facilities and/or institutional uses.

DWELLING - Any building or portion thereof designed and used for residential occupancy, excluding hospitals; institutional and court-directed facilities; hotels; boarding, rooming and lodging houses; and all similar facilities intended for temporary accommodation of guests or patients, regardless of compensation. All dwellings must be affixed to a permanent foundation and be properly connected to approved and permanently-designed sewer, water, electrical, and other utility systems.

1. **Single-Family Detached Dwelling**: A building arranged, intended, or designed to be occupied exclusively as a residence for one (1) family and having no party wall with any adjacent building.

Manufactured homes, when not located within a manufactured home park, shall be considered a type of single-family detached dwelling if, in addition to the requirements listed for all dwellings, the manufactured home is securely anchored to the permanent foundation, and all of the apparatuses used to transport the unit shall be removed, including the towing hitch. Recreational vehicles shall not be construed as dwellings. Modular homes shall be considered single-family detached dwellings as long as they comply with the general requirements of a dwelling.

2. **Single-Family Semi-Detached Dwelling**: Either one (1) of two (2) dwellings within a building arranged, intended, or designed to be occupied exclusively as a residence for two (2) families, where each dwelling is separated from the other by an unpierced party wall.
3. **Multi-Unit Residential Structure**: A building on a single lot arranged, intended, or designed to contain three (3) or more dwelling units, which may be separated horizontally and/or vertically.
4. **Townhouse**: A building arranged, intended, or designed to be occupied exclusively as a residence for one (1) family and which is one of a group of three (3) or more such buildings, placed side by side and separated by unpierced party walls.

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

EARTHMOVING ACTIVITY - Any construction or other activity which disturbs the surface of the land including, but not limited to, excavations, embankments, land development, subdivision development, mineral extraction, and the moving, depositing or storing of soil, rock or earth. For the purpose of this Zoning Ordinance, this term shall exclude tilling and cultivation of the soil associated with growing of crops.

EATING AND DRINKING ESTABLISHMENT - An establishment whose principal business is the sale of food and/or beverages to the customer in a ready-to-consume state.

ECHO HOUSING - A temporary dwelling unit sited on a property that is already developed with one (1) single-family dwelling; such temporary unit being for the exclusive use and occupancy by:

- A. One (1) or more persons who are at least fifty (50) years of age, handicapped and/or disabled and who are related by blood marriage or adoption to the occupants of the principal dwelling, or
(Amended by Ordinance No. 17-02, 09/11/17)
- B. The caregiver who is related by blood, marriage or adoption to the elderly, handicapped or disabled occupant(s) of the principal dwelling.

EMERGENCY SERVICES - An organization comprised of voluntary and/or paid personnel whose principal function is the dispatch of trained responders to the general public, under local emergency conditions. Such uses may include facilities for the housing of personnel while on duty, vehicle and equipment storage areas, training facilities and accessory meeting, cafeteria, banquet, stage, recreation, shooting range and/or other fund-raising amenities, all of which must be conducted within a totally enclosed building. Accessory parks, athletic facilities and fairgrounds are also permitted. Suitable examples include, but are not limited to, police departments, sheriff stations, fire companies, forest fire agencies, ambulance companies, emergency medical services, advanced life support, search and rescue, national guard and civil defense. This definition does not include prisons or outdoor shooting ranges.

ESSENTIAL SERVICES - The erection, construction, alteration, or maintenance by public utilities or municipalities or other governmental agencies of underground or overhead gas, electric, steam, or water transmission or distribution systems; collection, communication, supply, or disposal systems; and their essential ancillary structures. This term shall exclude telecommunications towers and antennae, unless the Township is directing such erection, construction, alteration, or maintenance.

FAMILY - Any one of the following:

1. A single individual occupying a dwelling unit.
2. Two (2) or more persons related by blood, marriage, or adoption occupying a dwelling unit.
3. Not more than three (3) unrelated persons occupying a dwelling unit.
4. Not more than eight (8) related or unrelated persons who are the functional equivalent of a family in that they live together, participate in such activities as meal planning, shopping, meal preparation, and the cleaning of their dwelling unit together and who are part of a community-based residential home that qualifies as a community living arrangement licensed by the Pennsylvania Department of Public Welfare or other appropriate Federal or State agency having jurisdiction, where the persons occupying the home are handicapped persons under the terms of the Fair Housing Amendments Act of 1988, and where the operator of the home provides room and board, personal care, rehabilitative services, and supervision in a family environment. The presence of staff persons in a home meeting this definition shall not disqualify the group of persons occupying the dwelling unit as a "family."

FARM - A parcel of land that is used for one (1) or more agricultural and/or horticultural operations, including, but not necessarily limited to, the raising of agricultural products, livestock, poultry, or the production of dairy products. A "farm" shall be understood to include up to two single family detached dwellings; provided, however, that if more than one single family detached dwelling is proposed, the dwellings must be occupied by the principal owner or their son, daughter or parent and the maximum density shall not exceed one dwelling unit per twenty-five (25) acres.

A Farm includes as all structures necessary for the housing of animals, storage of feed and equipment, and other operations customarily incidental to farm use.

A farm does not include Concentrated Animal Feeding Operation (CAFO) and Concentrated Animal Operation (CAO).

FARM HOUSE EXPANSION - Within any zoning district, a single-family detached dwelling located on a farm of at least twenty-five (25) acres may be expanded to a two-family dwelling as a permitted use, subject to the following criteria:

1. One of the two dwelling units must be occupied by an owner of the property and the other dwelling unit must be occupied by an owner's child, parent, grandparent or grandchild, and any members of the immediate family of that person.
2. The property owner shall furnish written evidence to the Township that the Sewage Enforcement Officer for the Township has issued a sewage permit for the expansion to a two-family dwelling.
3. A single-family dwelling may not be expanded to a two-family dwelling if a second single-family dwelling is already located on the farm. Additionally, once a single-family dwelling is expanded, no additional dwelling units may be added to the farm. *(Amended by Ordinance No. 17-02, 09/11/17)*

FARM LANE – An unimproved cartway used solely for farm animals and farm equipment on a property that is actively used for an agricultural use. *(Amended by Ordinance No. 19-03, 06/03/2019)*

Farm-Support Business Operation - An accessory use to an agricultural operation on a farm, which is intended to provide supplemental income to the resident farm family and which is conducted and maintained by the resident farmer. Specific criteria for a farm-support business operation are specified under Section 430 Farm-Support Business Operation.

FCC - The Federal Communications Commission of the United States of America.

FENCE - A barrier constructed of wood, plastic, stone, chain link, or similar materials designed for the purpose of limiting or excluding access to a property or for the purpose of screening a property or portion thereof from the exterior of other properties.

FILL - Material placed or deposited so as to form an embankment or raise the surface elevation of the land, including, but not limited to, levees, bulkheads, dikes, jetties, embankments, and causeways.

FINANCIAL INSTITUTION - Bank, savings and loan association, savings bank, investment company, philanthropic foundation, or the office of an investment manager, investment banker, or securities broker or dealer. For the purpose of this Zoning Ordinance, this term shall exclude pawn shops and non-bank operations that provide check-cashing services and advances on paychecks.

FLAG LOT – See “lot flag”.

FLEA MARKET - Business that provides stalls, booths, or selling spaces for short-term rental to individual persons involved in the retail sales of used or new merchandise, antiques, art and craft items, and collectibles. Resale of merchandise is allowable, but not as a branch or outlet of a business with another location elsewhere outside the flea market. Junk sales, weapons sales, used car sales, thrift shops, and consignment shops are specifically excluded from this definition.

FLOOD - A temporary inundation of normally dry land areas. *(Amended by Ordinance No. 17-02, 09/11/17)*

FLOODPLAIN - An area of land adjacent to the channel of a watercourse that has been or is likely to be flooded, or any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODWAY - The channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the base flood elevation more than one foot (1').

FLOOR AREA, GROSS - The sum of the floor area of a building as measured to the outside surface of exterior walls and including all areas intended and designed for business use.

FLOOR AREA, HABITABLE - The sum of the floor area of a dwelling unit as measured to the outside surface of exterior walls and including all rooms and other spaces (closets, hallways, stairways, foyers) used for habitation, but excluding attic spaces, service and utility rooms, garages, and unheated areas, such as enclosed porches.

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

FRONT YARD – See “yard, front”.

FUNERAL HOME - A building or part thereof used for human funeral services. Such building may contain space and facilities for:

1. A funeral chapel or similar gathering place.
2. Embalming and the performance of other services used in preparation of the dead for burial.
3. The storage of caskets, urns and other related supplies.
4. The storage of funeral vehicles.

A funeral home shall not include facilities for cremation.

GAMING FACILITY - Any facility or location at which any lawful gambling activity other than, or in addition to, pari-mutuel wagering may be conducted under Pennsylvania law, including any facility in which gambling devices, including, but not limited to, slot machines, video poker machines, punch boards, and similar devices are located. The term “lawful gambling activity” shall not include the sale of lottery tickets in compliance with State Lottery law.

GARAGE - An accessory building for the storage of one (1) or more motor vehicles and/or other vehicles accessory and incidental to the primary use of the premises. One (1) commercial vehicle of not more than one (1) ton capacity may be stored therein where the use of such vehicle is not incidental to the use of the premises. No business, occupation, or service shall be conducted therein, nor shall space therein for more than one (1) vehicle be leased to a non-occupant of the premises. The maximum height of a garage shall be twenty-five feet (25'). Where a garage is an attached, integral part of a dwelling unit, the garage shall not be counted as floor area, unless it is constructed or modified into a habitable room by the removal of all vehicular access doors.

GARAGE, YARD AND/OR MOVING SALE - An occasional and temporary use of a residential lot, wherein the occupants of the said lot display and offer personal possessions for sale to the general public.

GARDENING - The growing of plants for personal use as an accessory use upon a residential site, or the growing of plants for personal use upon assigned plots located away from the residential site.

GOLF COURSE - A golf course with a minimum of two thousand, five hundred (2,500) yards of play in nine (9) holes.

GOLF COURSE, EXECUTIVE - A golf course with less than two thousand, five hundred (2,500) yards of play in nine (9) holes that is typically, but not necessarily, lit for night play. This term shall include “chip-and-putt” and “par three” golf courses.

GOLF COURSE, MINIATURE - A type of commercial recreational use based upon golf that requires only a putter and is typically, but not necessarily, lit for night play.

GOVERNING BODY - The Board of Supervisors of Providence Township, Lancaster County, Pennsylvania.

GREENHOUSE, COMMERCIAL - A business devoted to the raising and/or selling of trees, ornamental shrubs, flowers, and houseplants for transplanting, along with the sale of ancillary supplies wherein the preponderance of the growing operation is indoors. Contrast with “Nursery.”

GREENHOUSE, NONCOMMERCIAL - A structure designed or used for the indoor growing of plants, typically found as an accessory structure to a residence. No sales may be conducted from the structure, nor may the plants grown in the greenhouse be sold from the residence as a business operation.

GROSS DENSITY – See “density, gross”.

HAZARDOUS MATERIAL - Substances that have the potential to damage health or otherwise may pose an immediate threat to human safety. Hazardous materials include, but are not limited to, inorganic mineral acids, sulphur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium, and arsenic and their common salts; lead, nickel, and mercury and their inorganic salts and metallo-organic derivatives; coal tar acids, such as phenols and cresols, and their salts; petroleum products; and radioactive materials. Also included are floatable materials with the potential to cause physical damage under flood conditions, such as logs, storage tanks, and large containers.

HAZARDOUS WASTE - Garbage; refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution facility; and other discarded material including solid, liquid, semi-solid, or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, or agricultural operations, or any combination of the above, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may

1. Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population.
2. Pose a substantial hazard to human health or the environment when improperly treated, stored, transported, exposed, or otherwise managed.

HAZARDOUS WASTE FACILITY - Any structure, group of structures, above-ground or underground storage tanks, or any other area or buildings used for the purpose of permanently housing or temporarily holding hazardous waste for storage or treatment for any time span, other than the normal transportation time through the Township.

HEAVY EQUIPMENT - Vehicles and machinery that are not normally associated with domestic use, including, but not necessarily limited to, excavation equipment, commercial trucks in excess of 17,500 pounds gross vehicle weight, cargo trailers, buses, yachts, farm equipment, mechanized amusement rides, and industrial machinery.

HEAVY INDUSTRIAL USE - A principal use that involves:

1. Production and processing of asphalt and asphalt products, bricks, cement and cement blocks, tar, and other synthetic paving and masonry-like materials.
2. Production and processing of chemicals, dyes, solvents, fertilizers, ammonia, carbide, caustic soda, cellulose, chlorine, creosote, hydrogen, oxygen, alcohol, nitrates, potash, plastic and synthetic resins, pyroxylin, rayon, and hydrochloric, nitrate, picric, and sulfuric acids.
3. Production and processing of matches, fuels and explosives, including, but not limited to, gasoline, kerosene, ethanol, coal, naphtha, natural gas, oil (natural and synthetic), and other similar materials.
4. Production and processing of gelatin, glue, soap, starch, and other animal by-products not associated with food processing.
5. Production and processing of linoleum, oil cloth, paint, varnish, turpentine, vinyl, rubber (natural and synthetic), and other similar materials.

6. Production and processing of glass and glass products.
7. Metal foundry, reduction, refinishing, smelting, alloying, and refining operation.
8. Production and/or assembly of passenger vehicles and heavy equipment and manufactured homes.
9. Assembly, conversion, distribution, manufacture, production, processing, storage, warehousing and/or wholesaling of goods, materials and products determined by the Zoning Hearing Board to be in the same general character of the above.

HEIGHT OF A STRUCTURE - The vertical distance measured from the average grade at the front of the structure to its highest point. In the case of a freestanding or roof-mounted sign, the highest point shall include the supporting structure.

HELIPORT - A use of land designed or habitually used for the taking-off and landing of helicopters, including ancillary facilities, such as the sale of fuel for helicopters.

HOME IMPROVEMENT AND BUILDING SUPPLY STORE - A facility for the retail sale of a combination of products used in the construction, repair and improvement of homes, including, but not limited to, lumber, masonry products, exterior siding, roofing, plumbing fixtures, pipes, electrical supplies, floor coverings, paints and wall coverings, windows and glass, landscaping materials, hardware, tools, and other accessories. Home improvement stores shall always involve outdoor storage of materials; any facilities that sell the above-described products that do not have outdoor storage can be considered to offer the general retail sale of goods.

HOME OCCUPATION - An occupation customarily conducted within a dwelling unit that is clearly incidental and secondary to the residential use of the dwelling. Home occupation is permitted by special exception in the Agricultural Zone (A), Rural Residential Zone (R-1), Residential Zone (R-2), Suburban Residential Zone (R-3), and Manufactured Home Park Zone (R-4), subject to Section 440.

HORTICULTURAL OPERATION - The cultivation of fruits, vegetables, flowers, and ornamental plants.

HOSPITAL - An institution, licensed in the Commonwealth of Pennsylvania, that typically provides both inpatient and outpatient medical care on a twenty-four (24) hours per day basis, including primary health services and medical/surgical care to persons suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions. A hospital use may include attached and detached accessory uses, provided that all accessory uses are contained within the same property as the principal hospital use.

HOTEL, MOTEL OR SIMILAR LODGING FACILITIES - A building or group of buildings containing rooms for rental on a temporary basis. This term includes motel, but excludes boarding house and bed and breakfast. Accommodations provided as an accessory by institutional and educational uses for their patrons shall not be considered a hotel; similarly, buildings where human beings are housed under legal constraint are excluded from this term.

IMPERVIOUS - Not easily penetrated by water; impervious surfaces regulated by this Zoning Ordinance typically include roads, buildings, sidewalks, access drives, loading areas, parking areas, and paved recreation courts.

IMPERVIOUS COVERAGE - See "Coverage, Impervious."

IMPROVEMENT - Any structure or paving placed upon land, including the provision of underground or above-ground utilities, as well as any physical change to the surface of the land, including, but not necessarily limited to, grading, paving, the placement of storm water management facilities, sidewalks, street signs, traffic control devices, and monuments.

JUNK - Used and/or discarded materials, including, but not limited to, waste paper, rags, metal, building

materials, house furnishings and appliances, machinery, vehicles, and vehicle parts.

JUNKYARD - An area of land, with or without buildings, used for the storage, outside a completely-enclosed building, of used and discarded materials, including, but not limited to, wastepaper, rags, metal, building materials, house furnishings, machinery, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale, or other use or disposition of the same. The term "junkyard" does not include scrap metal processing operations and automobile shredding establishments. The deposit or storage on a lot of one (1) or more unlicensed, uninspected, wrecked, or disabled vehicles, trailers, or the major part thereof, shall be deemed to constitute a junkyard. A disabled vehicle is a vehicle intended to be self-propelled that shall not be operable under its own power for any reason, or a vehicle that does not have a valid, current registration plate or that has a certificate of inspection which has expired.

KENNEL - Any lot on which five (5) or more nonfarm animals, older than six (6) months, are kept, boarded, raised, bred, treated or trained for commercial purposes or a fee, including, but not limited to, dog or cat kennels. This definition shall also expressly include animal rescue and similar emergency treatment facilities, whether or not they are operated on a commercial basis and shall also include any property for which the owner or occupant thereof has obtained a kennel license from the Pennsylvania Department of Agriculture, or the state agency then responsible for issuing kennel licenses, regardless of the number of nonfarm animals older than six (6) months on the property. *(Amended by Ordinance No. 17-02, 09/11/17)*

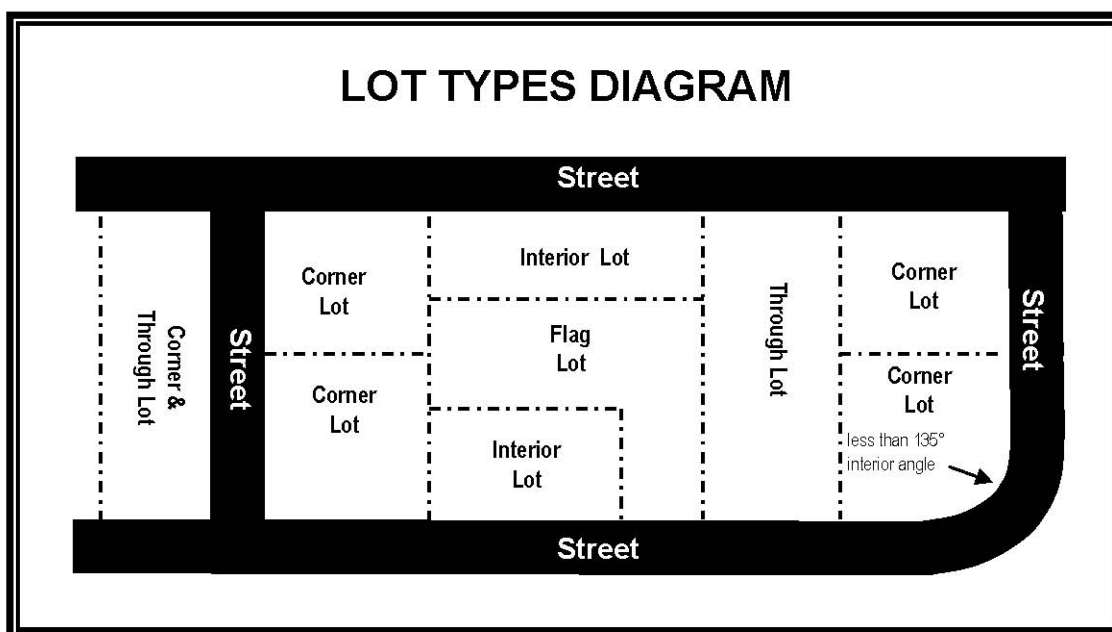
LANDOWNER - The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of a landowner, or other person having a proprietary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

LANDSCAPE SCREEN - A completely planted visual barrier composed of evergreens, shrubs, and trees arranged to form both a low-level and a high-level screen between grade to a height of six feet (6') above grade.

LAUNDRY PLANT - A non-retail principal use at which clothing and/or other fabric items are cleaned, dried and/or pressed.

LOADING SPACE - An off-street area with direct usable access to a street or alley that is suitable for the loading or unloading of goods for shipment. Also see "off-street loading space".

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



LOT AREA, GROSS - The total area of a lot within the deeded property lines, without exception.

LOT AREA, NET - The gross lot area of a property, less the area occupied by street rights-of-way and cartways customarily used by the public (regardless of whether a right-of-way has been provided); floodplains; the access strip of a flag lot; areas within easements dedicated for utility, storm water and/or municipal use; lands having a natural slope in excess of twenty percent (20%); designated wetlands; and areas designated as common open space.

LOT, CORNER - A property having frontage on two (2) intersecting streets, or fronting on one (1) street with an interior property line angle of less than one hundred thirty-five degrees (135°). Corner lots shall have two (2) front yards (abutting the street), one (1) side, and one (1) rear yard.

LOT COVERAGE - See "Coverage, Impervious."

LOT DEPTH - The horizontal distance between the street right-of-way line and the closest rear property line, measured perpendicular or radial to the street right-of-way line. On corner and reverse frontage lots, the depth shall be measured from the street right-of-way line of the street of address to the property line directly opposite.

LOT, DOUBLE FRONTAGE - A property having street frontage along two (2) non-contiguous sides; compare "Lot, Corner."

LOT, FLAG - A lot that complies with Section 431 of the Ordinance.

LOT, FRONTAGE - The property line located along the private or public street providing access to the lot. Any reference to lot frontage width in this Ordinance shall refer to the lot frontage width at the street right-of-way line. *(Amended by Ordinance No. 17-02, 09/11/17)*

LOT, INTERIOR - A lot having a single street frontage; that is, a lot that is neither a corner lot nor a double frontage lot.

LOT LINE - A recorded boundary line of a lot; however, any line that abuts a street or other public or quasi-public right-of-way shall be interpreted as the lot line for the purposes of determining the location of the setbacks required by this Zoning Ordinance.

LOT, REVERSE FRONTAGE - A type of double frontage lot with vehicular access solely from the street of lesser intensity.

LOT WIDTH - The distance between side lot lines as measured at the right-of-way line (also known as the street line). *(Amended by Ordinance No. 17-02, 09/11/17)*

MACHINE, TOOL AND DIE, AND METAL FABRICATION SHOPS - A principal use devoted to the shaping, forming and finishing of metals into finished products or parts used in other industrial production and/or assembly.

MANUFACTURING - Production of goods from raw materials, by the assembly of constituent parts produced elsewhere, or by a combination of these means, including the final packaging of such goods for sale or shipment. Includes all activities included in the North American Industrial Classification System (NAICS) list of "manufacturing" activities.

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

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

home.

MANUFACTURED HOME PARK - A parcel, or contiguous parcels of land, that has been so designated and improved that it contains two (2) or more manufactured home lots for the placement thereon of manufactured homes.

MANURE - The fecal and urinary excrement of livestock and poultry; may contain some amount of spilled feed, bedding and/or litter.

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

MANURE STORAGE FACILITIES - A detached structure or other improvement built to store manure for future use, or disposal. Types of storage facilities are as follows: underground storage, in ground storage, earthen bank, stacking area, and aboveground storage.

MEDICAL, DENTAL, OPTICAL, AND COUNSELING CLINIC AND OFFICE - Any building or group of buildings occupied by medical, dental, optical, psychological, social and/or behavioral practitioners and related services for the purpose of providing such services to people on an outpatient basis.

MEDICAL REHABILITATION - The treatment, rehabilitation and/or training of persons on an out-patient basis to regain, develop, or enhance their physical skills, condition, or stamina when such have been lost or impaired due to injury or illness.

MEDICAL RESIDENTIAL CAMPUS - A use that provides a harmonious and balanced mix of medical, residential, limited commercial, and recreational uses, primarily serving campus residents, and public, quasi-public and medical services for the off-campus, retirement-aged community.

METHADONE TREATMENT FACILITY - Any use licensed by the Pennsylvania Department of Health that administers the drug methadone in the treatment, maintenance or detoxification of persons.

MINERAL EXTRACTION - The extraction of minerals, rock, and other products of the earth by activities conducted upon the surface of the land that require the removal of the overburden, strata, or material overlying, above, or between, such products, or by otherwise exposing and retrieving the minerals from the surface. This term does not include mining activities carried out beneath the surface by means of shafts, tunnels, and similar openings.

MINI-WAREHOUSE – See “self-storage facility”.

MOTOR FREIGHT TERMINAL - A property developed to accommodate the transfer of cargo or freight borne by trucks and other commercial vehicles. This term includes temporary convenience stops and convenience centers designed or intended to accommodate a large number of transient drivers occupying trucks and other commercial vehicles.

MULTI-FAMILY CONVERSION - The conversion of an existing, single-family detached dwelling into more than two (2) separate dwelling units.

MULTI-UNIT RESIDENTIAL STRUCTURE – See “dwelling”.

NEW CONSTRUCTION - Structures for which construction commenced on or after the effective date of this Zoning Ordinance.

NIGHTCLUB - Any building used for the on-site consumption of alcoholic or nonalcoholic beverages where live entertainment is offered. For the purpose of this definition, "live entertainment" is meant to include the use of disc-jockeys for the purpose of supplying musical entertainment. Nightclubs may also provide for the on-site consumption of food. Additionally, nightclubs may offer the retail sale of carry-out beer and wine as an accessory use. This is meant to include an "under 21" club which features entertainment. This use does not include adult uses or gaming facilities.

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

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. The business shall employ no employees other than family members residing in the dwelling.
3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
6. The business activity may not generate any solid waste or sewage discharge, in volume or type, in excess of what is normally attributable to residential use.
7. The business activity shall be conducted only within the dwelling and/or garage area and may not occupy more than twenty-five percent (25%) of the habitable floor area.
8. The business may not involve any illegal activities.

No-impact home-based business is permitted by right as an accessory use in all Zones.

NONCONFORMING LOT - A lot that fails to comply with any area or dimension requirement of the zoning district wherein it is located.

NONCONFORMING STRUCTURE - A structure or part of a structure that does not comply with the applicable extent of use or bulk provisions of the zoning district wherein it is located due to the enactment of this Zoning Ordinance or of an amendment to this Ordinance. Nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE - A use, whether of land or of structure, that does not comply with the use provisions of the zoning district wherein it is located.

NONCONFORMITY, DIMENSIONAL - Any aspect of a lot, land use, or structure that does not comply with any size, height, bulk, setback, distance, landscaping, coverage, screening, extent of use, or any other design or performance standard specified by this Zoning Ordinance.

NONCOMMERCIAL KEEPING OF LIVESTOCK - An accessory use to a principal detached single-family dwelling that is not contained upon a farm, whereupon livestock are kept exclusively by the residents of the site."

NURSERY - A commercial operation devoted to the raising and/or selling of trees, ornamental shrubs, flowers, houseplants, and vegetable plants for transplanting wherein the preponderance of the growing operation is out-of-doors. Contrast with "Greenhouse, Commercial."

NURSING, REST OR RETIREMENT HOMES - Facilities designed for the housing, boarding and dining associated with some level of nursing care, including a building or a group of buildings designed and used specifically for the residence and care of aged or infirm persons, which can include one (1) type of residential facility or a continuum of care, including retirement communities, assisted care facilities, continuing care facilities, skilled and intermediate care facilities, and health care centers in conjunction with residential facilities. *(Amended by Ordinance No. 19-03, 06/03/2019)*

OFF-STREET LOADING SPACE - An off-street area provided for the loading or unloading of goods and/or materials that has direct, usable access to loading docks and/or doors. This definition expressly includes any area that directly adjoins the loading docks and/or doors that is necessary for vehicles to maneuver into the loading docks and/or doors. This definition shall not include the access drives on the site that do not directly adjoin the loading docks and/or doors, unless they require vehicles to move in a reverse direction to negotiate access to and from the loading docks and/or doors.

OFFICE - A building or a space in a building, the primary use of which is the conduct of the affairs of a business, profession, service, or government, including administration, record-keeping, clerical work, and similar business functions. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods, or products, except that office supplies necessary for the operation may be stored as an incidental use. An office shall not involve the sale or delivery of any materials, goods, or products physically located on the premises.

OFF-STREET PARKING, - See "parking, off-street".

ON-LOT SEWAGE DISPOSAL SYSTEMS - A system of conveyance, treatment and discharge that provides for the safe and healthful disposal of sewage generated by one principal use within the confines of the lot on which the use is located, as approved by the Pennsylvania Department of Environmental Protection.

ON-LOT WATER SERVICE - The provision of water to a single user from a private source located on the user's lot.

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

PARKING, OFF-STREET - A parking space not located on any public right-of-way.

PARKING SPACE - A space available for the parking of one (1) motor vehicle and having usable access to a street or alley.

PARKS AND PLAYGROUNDS - Those facilities used for recreation purposes by the general public that are not operated on a commercial basis. This definition is meant to include the widest range of recreational activities, excluding adult uses, amusement arcades, amusement or theme parks, gaming facilities, golf courses, off-track betting facilities, racetracks, and shooting ranges. Such uses may include:

1. Outdoor park and recreation facilities, including athletic fields, courts, playgrounds, open play areas, stadiums, skating rinks, skateboard, stunt-bicycle or BMX-bicycle courses, and other similar uses.
2. Indoor recreation facilities, including community centers, gymnasiums, weight and fitness rooms, tennis courts, gymbores, game rooms, bowling alleys, skating rinks, locker rooms, and other similar uses.
3. Outdoor passive recreation facilities, including picnic pavilions, hiking, biking and fitness trails, park benches, fountains, statues and other memorials, barbecue grills, ponds, natural and cultural exhibits, amphitheaters, navigable and intermittent waters, publicly operated scenic sites, and other similar uses.

4. Indoor community service uses and activities, including meeting rooms, classrooms, theaters, auditoriums, banquet and social halls, scout cabins, libraries, publicly operated historic sites, museums and galleries of materials that are not for sale, clubhouses, accessory cafeterias and kitchens, and other similar uses.
5. Outdoor community service facilities and activities, including fair grounds, community bulletin boards, and other similar uses.
6. Indoor and outdoor swimming pools, including related amenities like bathhouses, wading pools, spas, snack bars, and other similar uses.
7. Uses accessory to the above permitted uses, including parking and loading spaces, signs, offices, rest rooms, maintenance equipment storage areas and buildings, lights, waste receptacles and dumpsters, bleachers, and other similar uses.

PETROLEUM PRODUCT - Oil or petroleum of any kind and in any form, including crude oil and derivatives of crude oil. It may be alone, as a sludge, as oil refuse, or mixed with other wastes.

PHYSICAL THERAPY - See "Medical Rehabilitation."

PLACE OF WORSHIP - A building, structure, or group of buildings or structures, including accessory uses, designed or intended for public worship. Typical permitted accessory uses include rectories, convents, cemeteries, and place of worship-related educational, recreation and social facilities and/or day-care facilities.

PLANNING COMMISSION - The Planning Commission of Providence Township, Pennsylvania.

PLAY STRUCTURE - An accessory use to a residence comprised of a structure (freestanding or otherwise) with one or more components and supportive members which in whole or part is intended for use or play by children, including, but not limited to, tree houses, swingsets, sliding boards, jungle gyms, climbers, seesaws, rockers, non-portable sand boxes, big toys, modular playsets, etc.

POWER GENERATION FACILITIES - A principal use devoted to the creation, storage, conversion, distribution, and transmission of electrical energy for use at another location.

PREMISE - Property, including both land and buildings, upon and within which some activity is conducted or of which some use is made.

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

PRIVATE CLUBHOUSE - A property upon which is housed an organization catering principally to members and their guests, except that the periodic rental of the premises to nonmembers shall be expressly permitted. Clubhouses shall include premises or buildings for social, recreational and administrative purposes which are not conducted for profit, provided there are no vending stands, merchandising or commercial activities, except for members of such club. Clubs shall include, but not be limited to, service and political organizations, and labor unions, as well as social and athletic clubs. Clubhouses shall not be used for adult uses, casinos, golf courses or off-track betting parlors, as defined herein. Clubs with outdoor shooting ranges shall be required to obtain separate approval for such facilities.

PUBLIC HEARING - A formal meeting, held pursuant to public notice, intended to inform and obtain public comment prior to taking action in accordance with this Zoning Ordinance.

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

PUBLIC NOTICE - Notice provided according to the Pennsylvania Municipalities Planning Code, as amended.

PUBLIC USE - A use owned, operated, or controlled by a governmental agency, whether Federal, State, or local, including a corporation created by law for the performance of certain specialized governmental functions.

PUBLIC UTILITIES - Use or extension thereof which is operated, owned, or maintained by a municipality or a municipal authority, or which is privately owned and requires a "Certificate of Convenience" approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal and/or treatment; public water supply, storage and/or treatment; or for the purpose of providing the transmission of energy or telephone service.

RADIOACTIVE MATERIAL - Any natural or artificially-produced substance which emits radiation spontaneously.

REAR YARD – See "yard, rear".

RECYCLING COLLECTION FACILITY - A use devoted solely to the collection of discarded materials that have entered a reasonably continuous process whereby their reuse is foreseeable, for processing and disposal at another location.

RETAIL SALES AREA - The total area of a structure or lot (including aisles) that is devoted to the display of goods and services available for sale to the general public.

RETAIL SALES - A type of business where the primary activity is the display and/or sale of goods and/or services to the general public. For the purpose of this Zoning Ordinance, this term excludes adult uses as defined herein.

REVERSE FRONTAGE LOT – See "lot, reverse frontage".

RIDING STABLE - A principal use at which the operator offers services and facilities to board, train and exercise horses that are owned by nonresidents of the subject property. This use also expressly includes the recreational riding of horses for a fee, riding lessons, periodic competitions, and similar events related to the care, use and enjoyment of horses.

RIGHT-OF-WAY - An area secured for public use and which may, but need not, be improved with streets, utilities, storm water management facilities, traffic control facilities, curbs, sidewalks, bicycle lanes or paths, streetlights, and similar improvements for public benefit or enjoyment.

ROADSIDE STAND - An accessory use to a farm in which no less than fifty percent (50%) of the products for retail sale have been produced on the farm.

RURAL OCCUPATION - An accessory use to a dwelling that is permitted by special exception in the Agricultural Zone (A), subject to Section 460.

SATELLITE DISH ANTENNA - A device incorporating a reflective surface which is solid, open mesh, or bar-configured, and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally-based uses.

SAWMILL - A principal use devoted to the processing of natural wood products into semi-finished products for wholesale distribution.

SCHOOL - A principal use in which supervised education or instruction is offered. Schools may be further defined as follows.

1. **Commercial School**: A school that offers a wide range of instruction, excluding vocational-mechanical

trade schools as defined below, operated by some person or organization other than the public school district. This type of school may, but need not, be operated as a for-profit enterprise.

2. Private School: A school that offers elementary, secondary, post-secondary and/or post-graduate education, or any combination thereof, that is not operated by the public school district or any other governmental agency. This type of school may, but need not, be operated as a for-profit enterprise.
3. Public School: A school licensed by the Department of Education and operated by the School District for the purpose of providing elementary, secondary and/or adult education.
4. Vocational-Mechanical Trade School and Training Centers: A public or private center that offers training in any of the following occupations:
 - A. Agriculture and/or horticulture.
 - B. Building construction and general contracting.
 - C. Engine Repair
 - D. Electrical contracting.
 - E. Engineer repairs.
 - F. Masonry.
 - G. Plumbing.
 - H. Truck driving.
 - I. Woodworking.
 - J. Similar trades as determined by the Zoning Officer or, where such use requires action by the Zoning Hearing Board, by said Board.

SANITARY SEWERAGE, COMMUNITY - The disposal of sewage by means of a collection and treatment system whereby sewage is collected from a number of users and conveyed to a private facility for treatment and ultimate disposal. Such facilities shall be approved and permitted by the Pennsylvania Department of Environmental Protection.

SANITARY SEWERAGE, ON-SITE - The disposal of sewage by use of septic tanks or other means within the confines of the lot upon which the use is located; such facility shall be approved by the Pennsylvania Department of Environmental Protection.

SANITARY SEWERAGE, PUBLIC - The disposal of sewage by means of a collection and treatment system whereby sewage is collected from a number of users and conveyed to a facility owned by a municipality or by a municipal authority for treatment and ultimate disposal. Such facilities shall be approved and permitted by the Pennsylvania Department of Environmental Protection.

SCREENING - An assemblage of materials arranged to block the ground level view between grade level and a height of up to six feet (6').

SELF-STORAGE FACILITY - A use of land where secure structures or secure units within a structure are offered for lease for the storage of personal articles. Self-storage facility does not include warehouse .

SEPTAGE AND COMPOST PROCESSING - A principal use devoted to the collection and conversion of septage and/or compost for healthful disposal.

SETBACK - The distance between a setback line and a property or street line.

1. Setback, Front: The distance between the street line and the nearest point of the principal structure on a lot, also called "front yard."
2. Setback, Rear: The distance between the rear lot line and the nearest point of the principal structure on a lot, also called "rear yard."
3. Setback, Side: The distance between a side lot line and the nearest point of the principal structure on that lot, also called "side yard."

SHED - An accessory structure containing one hundred sixty (160) square feet or less, based on the outside dimensions measured at ground level.

SHOOTING RANGE - A facility designed and constructed to allow for the safe discharge of firearms by persons for the practice of marksmanship. Shooting ranges may be indoor or outdoor facilities, subject to the regulation of this Zoning Ordinance among other applicable regulations.

SHOPPING CENTER - A group of two (2) or more establishments of any size which are developed to function as a unit, for retail sales; personal services; restaurants, taverns and nightclubs; business, professional or banking offices; and/or similar uses, together with shared off-street parking, or a single retail store in excess of one hundred thousand (100,000) square feet of gross floor area.

SHOPS FOR CONTRACTORS - A principal place of business where tradesmen perform their services within completely-enclosed buildings on-site, and where they schedule and prepare to conduct work at other locations.

SIDE YARD – See “yard, side”.

SIGN - A device for visual communication that is used to bring the subject to the attention of the public. This term includes:

1. Lettering, logos, trademarks, and other symbols that are an integral part of the architectural design of a building which are applied to a building or which are located elsewhere on the premises.
2. Signs that are affixed to windows or glass doors or are otherwise internally mounted such that they are obviously intended to be seen and understood by vehicular or pedestrian traffic outside the building.
3. Flags and insignia of civic, charitable, religious, fraternal, patriotic, and similar organizations.
4. Insignia of governments and government agencies.
5. Banners, streamers, pennants, spinners, reflectors, tinsel, and similar objects.
6. Inflatable objects.

The term “sign” shall not include:

1. Architectural features that may be identified with a particular business.
2. Backlit awnings that include no lettering, logos, or other symbols.
3. Signs within a building that are obviously intended to be seen primarily from within the building.
4. Outdoor signs intended for use within a property, such as menu signs for fast-food restaurant drive-thru lanes.
5. Signs with regulations within a park.
6. Building identification signs within a campus.
7. Flags of governments or government agencies.
8. Decorative seasonal and holiday banners on residential properties.
9. Displays of merchandise either behind store windows or outdoors.

Sign Types:

1. Advertising Sign: A sign that directs attention to a business, commodity, service, or entertainment that is conducted, sold, or offered elsewhere than upon the premises where the sign is displayed.
2. Billboard: An off-premise, permanent sign which directs attention to a product, service, business, or cause.
3. Building Sign: A sign attached to or painted on a building that has a use in addition to supporting the sign. This term includes wall signs and roof signs.
4. Business Sign: A sign that directs attention to any business, professional, commercial, or industrial activity occurring on the premises on which the sign is located, but not including a home occupation sign. (Also see "Center Sign.")
5. Center Sign: A business sign that provides identification at the entrance to a shopping center, office complex, industrial park, or similar development.
6. Contractor Sign: A temporary sign that carries the name and information about a contractor who is involved in construction work occurring on the premises on which the sign is located.
7. Development Sign: An identification sign at the entrance to a residential development.
8. Freestanding Sign: A sign not attached to or painted on a building, or a sign attached to or painted on a building that has no use in addition to supporting the sign.
9. Garage Sale or Yard Sale Sign: A temporary sign that directs attention to the sale of personal goods on the premises on which the sign is located.
10. Government Sign: An off-premise sign placed by a governmental unit, such as a traffic, directional, informational, or street name sign, or an historical marker.
11. Home Occupation Sign: A sign providing information about a business activity conducted within a dwelling unit on the premises on which the sign is located.
12. Identification Sign: A sign used to identify the name and display information about the individual, organization, agency, institution, facility, or development located on the premises on which the sign is located, but not including a business sign. (Also see "Development Sign" and "Public Use Sign.")
13. Incidental Sign: An informational sign, no more than two (2) square feet in size, that carries a message such as "enter," "open," "telephone," "rest rooms," "no parking," "no trespassing," "warning," a listing of hours when open, an on-site direction, or similar information or direction. Incidental signs may not include any commercial message or logo, except that one "enter" sign per entrance may include a logo or business name, as long as the entrance is exclusively for that business and the logo or business name is subordinate to the word "enter."
14. Issue Sign: A temporary sign that directs attention to a candidate or candidates for public office or to an opinion of a public or private nature, such as, but not limited to, a community, social, religious, political, or ballot issue.
15. Non-Profit Organization Sign: An off-premise sign displaying information about a church, service club, or other organization that does not operate for the purpose of making a profit.
16. Off-Premise Sign: A sign that does not apply to the property on which it is displayed.

17. On-Premise Sign: A sign that applies to the property on which it is displayed.
18. Open House Sign: A temporary sign that provides information about a real estate open house, including the words "Open House", the day and time of the open house, and the name of the realtor.
19. Overhead Sign: A sign located such that pedestrian or vehicular traffic might pass beneath any part of it.
20. Permanent Sign: A sign intended to be displayed for an unlimited period of time.
21. Public Use Sign: An identification sign used to identify the name and display information about a public use such as a government building, school, park, firehouse, or church.
22. Public Utility Sign: A sign with a message relating to a business organization performing a public service and subject to special governmental regulations (e.g. an electric company, sewer authority, or telephone company).
23. Real Estate Sign: A temporary sign that provides information about a real estate activity on the premises on which the sign is located, such as a sign advertising a sale, rental, or property available for or in the process of development, but not including an open house sign.
24. Roof Sign: A sign attached to or painted on a roof.
25. Sidewalk Sign: A temporary sign placed on the sidewalk adjacent to the commercial activity it advertises, but not including a contractor sign, a garage sale or yard sale sign, a home occupation sign, an open house sign, a real estate sign, or a special event sign.
26. Special Event Sign: A temporary sign that carries information about a special event such as an auction, flea market, festival, carnival, meal, or fund-raising event, but not including any business sign, such as a "sale" sign at a store.
27. Temporary Sign: A sign that is displayed for no more than three (3) months in any year, unless stated otherwise in this Zoning Ordinance.
28. Wall Sign: A sign attached to or painted on the wall of a building.
29. Window Display: An exhibit behind a window that is intended to draw attention to a product, service, business, or cause.

SINGLE-FAMILY DETACHED DWELLING – See “dwelling”.

SINGLE-FAMILY SEMI- DETACHED DWELLING – See “dwelling”.

SLAUGHTERING, PROCESSING, RENDERING, AND PACKAGING OF FOOD PRODUCTS AND THEIR BY-PRODUCTS - A principal industrial use at which live animals and/or their physical remains are imported for preparation into materials of human, plant and/or animal nourishment or some other beneficial use.

SMALL ENGINE REPAIR SHOPS - A use devoted to the mechanical restoration of machines that power domestic tools and other household devices and appliances. This definition shall not include uses involved in the repair of personal motor vehicles, commercial trucks and heavy equipment.

SOLAR ENERGY SYSTEM - Any solar collector consisting of one or more cell(s), panel(s), or array(s) designed to collect and convert solar power into another form of energy such as electricity or heat, and other structures and buildings, used in the conversion, storage, and distribution including electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

SOLID WASTE - Garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural, and residential activities. Such wastes shall not include biological excrement or hazardous waste materials as defined in the Code of Federal Regulations, Title 40, Chapter 1, Part 261, dated July 1, 1984, or as amended.

SPECIAL EXCEPTION - A use that is generally compatible with those otherwise permitted in a particular zoning district but for which additional criteria have been established and approval by the Zoning Hearing Board is required as provided for by this Zoning Ordinance.

SPECIFIED ANATOMICAL AREAS - Human genitals, pubic region, buttocks, anus, female breasts below a point immediately above the top of areola, and human male genitals in a discernibly turgid state.

SPECIFIED SEXUAL ACTIVITIES - For the purpose of this Zoning Ordinance, this term shall include any of the following.

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, the use of excretory functions in the context of a sexual relationship, and any of the following depicted sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, any zooerasty.
2. Clearly depicted human genitals in a state of sexual stimulation, arousal, or tumescence.
3. Human or animal masturbation, sodomy, oral copulation, coitus, ejaculation.
4. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast.
5. Masochism, erotic or sexually-oriented torture, beating, or the infliction of pain in the context of a sexual relationship.
6. Erotic or lewd touching, fondling, or other contact with an animal by a human being.
7. Human excretion, urination, menstruation, vaginal, or anal irrigation in the context of a sexual relationship.

STORY - That part of a building between the surface of any floor and the next floor above it or, in its absence, the finished ceiling or roof above it. A split-level story shall be considered a second story if its floor level is six feet (6') or more above the level of the line of the finished floor next below it. Any floor under a sloping roof at the top of a building that is more than two feet (2') below the top plate shall be counted as a half-story. A basement shall be counted a story if it averages more than five feet (5') above grade.

STREET - A public or private right-of-way, excluding driveways, intended for use as a means of vehicular and pedestrian circulation that provides a means of access to abutting property. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway, lane, road, and similar terms. Privately-owned access drives within apartment, condominium, or retail complexes are excluded.

STREET CENTERLINE - A line laterally bisecting a street right-of-way into equal widths. Where the street right-of-way cannot be determined, the cartway centerline shall be deemed the street centerline.

STREET LINE OR RIGHT-OF-WAY LINE - The line defining the limit of a street right-of-way and separating the street from abutting property or lots. The street line shall be the same as the legal right-of-way line currently in existence.

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

STRUCTURE, ACCESSORY - A structure associated with an accessory use (e.g., swimming pools, patios,

antennas, tennis courts, garages, utility sheds, etc.).

STRUCTURE, PRINCIPAL - A structure associated with a primary use.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE - The Subdivision and Land Development Ordinance of Providence Township, Lancaster County, Pennsylvania.

SUBSTANTIAL IMPROVEMENT - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost, of which equals or exceeds fifty (50) percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred "substantial damage" or "repetitive loss" regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the Township code enforcement official and which are the minimum necessary to assure safe living conditions. *(Amended by Ordinance No. 17-02, 09/11/17)*

SUBSTANTIALLY COMPLETED - Where, in the judgment of the Township Engineer, at least ninety percent (90%) (based on the cost of the required improvements for which financial security was posted) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied, or operated for its intended use.

SWIMMING POOL - Any structure (including inflatable devices) for holding water, not located within a completely-enclosed structure, containing or normally capable of containing water to a depth at any point of twenty-four inches (24"). Farm ponds and storm water management facilities are excluded from this term.

TELECOMMUNICATIONS ANTENNA - Any device used for the transmission or reception of wireless communications signals for ultimate reception by a radio, television, wireless telephone, pager, commercial mobile radio service, or any similar device. This term includes without limitation omnidirectional (or whip) antennas and directional (or panel) antennas owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include satellite dishes, television antennas, or antennas for amateur radio equipment when mounted on a residential property in order to be used by the residents of that property.

TELECOMMUNICATIONS EQUIPMENT BUILDING - An unmanned building or cabinet containing communications equipment required for the operation of communications antennas.

TELECOMMUNICATIONS TOWER - A structure other than a building, such as a monopole tower, designed and used to support communications antennas.

THEATER - A building containing a stage and/or screen and seating for meetings, performances, or screening of movies.

TOWNHOUSE – See "dwelling".

TOWNSHIP - Providence Township, Lancaster County, Pennsylvania.

TOWNSHIP ENGINEER - A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Township.

TRAVEL TRAILER - A portable structure designed to provide temporary living quarters for recreation, camping, or other travel purposes. Any of the following attributes are characteristic of a travel trailer.

1. The unit is of such size and weight that no special highway movement permit is required from the Pennsylvania Department of Transportation when self-propelled or hauled by a standard motor vehicle on a highway.
2. The unit is mounted or designed to be mounted on wheels.

3. The unit is designed to be loaded onto, or affixed to, the bed and/or chassis of a truck.
4. The unit contains or is designed to contain temporary storage of water and sewage.
5. The unit contains some identification by the manufacturer as a travel trailer.

TRUCK OR MOTOR FREIGHT TERMINAL - A principal use contained on a single property:

1. Where materials and products are imported for their redistribution and export by commercial truck or other modes of transport; or,
2. Where a fleet of commercial vehicles is maintained for their dispatch on an as-needed or contractual basis.

TRUCK STOP - A principal use designed as one functioning site in which various services and amenities are provided for the comfort, convenience and safety of those engaged in the trucking distribution industry and other motorists. Suitable examples include vehicle filling stations, vehicle repair and services, vehicle washing, dining and lodging, laundromats, rest lounges and areas, travel-related retail shops, gift shops, locker rooms and bathing facilities, and similar uses.

UCC (UNIFORM CONSTRUCTION CODE) - The latest version of the Statewide building code adopted by the Pennsylvania General Assembly applicable to new construction in all municipalities whether administered by the municipality, the Department of Labor and Industry, or a third party. Applicable to residential and commercial buildings, the Code adopted the International Residential Code (IRC) and the International Building Code (IBC) by reference, as the construction standard.

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

USE, ACCESSORY - A use customarily incidental and subordinate to the principal use of the land or principal building and located on the same lot with such principal use or principal building.

USE, PRINCIPAL OR PRIMARY - That use of a land or structure that is most dominant (either visually or as an economic activity) in the determination of the Zoning Officer.

VARIANCE - Relief granted to the terms of this Zoning Ordinance upon petition to the Zoning Hearing Board pursuant to the provisions of this Ordinance.

VETERINARIAN'S OFFICE - A building or land used primarily for the treatment of small domestic animals such as dogs, cats, rabbits, and birds or fowl by a licensed veterinarian. This term excludes the outdoor boarding or outdoor keeping of animals that are not under treatment.

VOCATIONAL-MECHANICAL TRADE SCHOOL AND TRAINING CENTERS – See schools.

WAREHOUSE AND WHOLESALE TRADE ESTABLISHMENTS - A principal use where the goods, products and/or materials of a single company or organization are stored awaiting further processing, delivery and/or distribution. This definition shall not include satellite lots where vehicles are parked, stored and/or loaded/unloaded away from the actual property where the warehouse is located.

WASTE STORAGE FACILITY - A detached structure built to store manure for future use or disposal. Types of storage facilities include, but are not limited to, underground storage, inground storage, trench silo, earthen bank, stacking area, and above-ground storage.

WATER SUPPLY, COMMUNITY - The provision of water to multiple users from a privately-owned water facility that shall be approved and permitted by the Pennsylvania Department of Environmental Protection.

WATER SUPPLY, ON-SITE - The provision of water to a private well located on the user's lot.

WATER SUPPLY, PUBLIC - The provision of water to multiple users from a facility owned by a municipality or a municipal authority that shall be approved and permitted by the Pennsylvania Department of Environmental Protection.

WATERCOURSE - A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake, or other body of surface water carrying or holding surface water, whether natural or artificial.

WATERSHED - All the land from which water drains into a particular watercourse.

WETLAND - Area with the characteristics of a wetland, as defined by the United States Environmental Protection Agency, United States Army Corps of Engineers, Pennsylvania Department of Environmental Protection, or the United States Department of Agriculture/Natural Resources Conservation Service. Wetland areas are not limited to the locations delineated on the wetland maps prepared by the United States Fish and Wildlife Service.

WIND CHARGER - A wind energy system direct-current generator used for charging storage batteries.

WIND ENERGY SYSTEM - A device such as a wind charger, wind turbine and/or other electric generation facility designed to convert wind power into another form of energy such as electricity or heat, consisting of one or more wind turbines and other structures and buildings, including meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

WIND FARM - An assemblage of wind energy devices whose main purpose is to supply electricity from one or more wind turbines and other accessory structures including, but not limited to, substations, towers, electrical infrastructure, transmission lines and other appurtenant facilities.

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

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

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

YARD - The unobstructed open space located between the permitted structures and the property lines. Overhanging eaves, gutters and cornices shall not be considered an infringement of the yard requirement.

1. **Yard, Front**: The area located between the principal structure and street right-of-way line.

For flag lots, the front yard shall also include that area that is located between the principal structure and the property line that generally parallels the street.

For corner lots, the front yard is the area located between the principal structure and the adjoining streets.

For through lots, the front yard is the area located between the principal structure and the adjoining street of address.

2. **Yard, Rear**: The area located between the principal structure and the property line directly opposite the street of address.

For flag lots, the rear yard is the area located between the principal structure and the lot line that is directly opposite the front yard.

3. Yard, Side: The area between a principal structure and any side lot line.

For corner lots, the side yard is the area located between the principal structure and the property line directly opposite the non-address street.

For flag lots, the side yard is the area located between the principal structure and the one (1) outermost lot line which forms the flag and pole, plus the area on the opposite side of the principal structure.

ZONING HEARING BOARD - The Zoning Hearing Board of Providence Township, Lancaster County, Pennsylvania.

ZONING MAP - The map so adopted and enacted as part of this Zoning Ordinance by Providence Township Board of Supervisors.

ZONING OFFICER - The individual so appointed by the Providence Township Board of Supervisors to administer and enforce this Zoning Ordinance in accordance with its literal terms.

ZONING PERMIT - A permit stating that the purpose for which a building or land is to be used is in conformity with the applicable requirements of this Zoning Ordinance for the zoning district in which it is or will be located.

Article 2

Zone Regulations

Section 200 Agricultural Zone (A)

200.1 Purpose of Zone. The purpose of this Zone is to promote the continuation and preservation of agricultural activities in areas most suitable for such activities and preserve the rural heritage of the Township. Areas within this Zone include:

- 2001.1. Prime agricultural soils (Class I, II and III soils) which are highly productive soil types most capable of supporting agricultural activities, so that agriculture as an ongoing economic activity in the Township is preserved.
- 200.1.2 Historic features, agricultural activities, scenic rural landscapes, and small cross-road villages that shapes the rural heritage of the Township.

Providence Township acknowledges animal husbandry as an agricultural operation as defined by the Act. Agricultural operations are enhanced by permitting only those land uses and activities which are either agricultural in nature or are in direct support of agricultural activities.

The regulations for this Zone are specifically designed to, and shall be construed and interpreted to: protect and enhance agricultural operations in the Zone; facilitate adaptation to other agricultural technologies; minimize conflicting land uses detrimental to agricultural operations; limit development which requires infrastructure in excess of those required by agricultural operations; maintain agricultural tracts in sizes which will preserve existing agricultural operations and facilitate adaptations to other agricultural technologies; encourage and protect a locally available renewable energy source; encourage and protect a locally available renewable food source; and preserve, protect and enhance natural man-made and historic features and amenities of the Township that have contributed to the historic character of the community.

In addition to the creation and perpetuation of this Zone, the Township supports creation of Agricultural Security Areas and Agricultural Conservation Easements and promotes expansion of current areas. The regulations are not intended to restrict agricultural operations, or changes to, or expansions of, agricultural operations in geographical areas where agriculture has traditionally been present.

The regulations of the Agricultural Zone are not intended to violate or exceed the provisions of the Act of May 20, 1993 (P.L. 12, No. 6), known as the "Nutrient Management Act," the Act of June 30, 1981 (P.L. 128, No. 43), known as the "Agricultural Area Security Law," or the Act of June 10, 1982 (P.L. 454, No. 133), entitled "An Act Protecting Agricultural Operations from Nuisance Suits and Ordinances Under Certain Circumstances" as mandated by the Act, as amended.

200.2 Uses Permitted By Right.

200.2.1 **Beekeeping**, subject to the requirements of Section 412.

200.2.2 **Bed and breakfasts**, subject to the requirements of Sections 200.5 and 411.

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- 200.2.3 **Communication antennas, towers and equipment co-located upon existing structures** (e.g., utility transmission towers, observation towers, communication towers, silos, steeples, smokestacks, water towers, flagpoles, and other similar structures), subject to the requirements of Section 420.1.
- 200.2.4 **Concentrated animal feeding operations (CAFOs)**, subject to the requirements of Section 421 and further provided that the applicant provides a copy of an approved permit from the Pennsylvania Department of Environmental Protection, Bureau of Water Quality, and the proposed use maintains compliance with the Federal regulations governing CAFOs.
- 200.2.5 **Concentrated animal operations (CAOs)**, subject to the requirements of Section 421 and further provided that the applicant provides written evidence of an approval of the applicant's nutrient management plan from the County Conservation District or the Pennsylvania Conservation Commission, and the applicant maintains compliance with the Pennsylvania Nutrient Management Act No. 38.
- 200.2.6 **Farms.**
- 200.2.7 **Fish hatcheries and/or fish farms**, subject to the applicant furnishing evidence of an approved artificial propagation license from the Pennsylvania Department of Agriculture, Bureau of Animal Health.
- 200.2.8 **Forestry uses**, subject to the requirements of Section 432.
- 200.2.9 **Public uses**, provided such use shall not include solid waste disposal and/or handling facilities, prisons or hospitals.
- 200.2.10 **Public utilities structures.**
- 200.2.11 **Schools**, subject to the exclusive academic use, a building floor area not greater than two thousand (2,000) square.
- 200.2.12 **Single-family detached dwellings**, including those contained upon flag lots, provided such flag lots comply with the requirements of Section 200.5 and 431.
- 200.3 Accessory uses customarily incidental to the above permitted uses, including, but not limited to, the following:
- 200.3.1 **Alternative energy production facilities** (Geothermal Systems, Outdoor Hydronic Heater Systems Accessory Solar Energy Systems, Accessory Wind Energy Systems), subject to the requirements of Section 404.
- 200.3.2 **Day-care - Family day-care facilities**, subject to the requirements of Section 424.
- 200.3.3 **Domestic composts**, subject to the requirements of Section 425.
- 200.3.4 **ECHO housing**, subject to the requirements of Section 427.
- 200.3.5 **Garage, yard and/or moving sales**, subject to the requirements of Section 433.
- 200.3.6 **Gardening and raising of plants for personal use.**
- 200.3.7 **Keeping of carriage and buggy horses**, for the sole purpose of providing means of transportation via a carriage, subject to the requirements of Section 442 when located on a parcel of less than ten (10) acres.
- 200.3.8 **Man-made lakes, dams, ponds, and impoundments**, subject to the requirements of
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Section 444.

- 200.3.9 **Manure digester systems**, subject to the requirements of Section 445.
- 200.3.10 **Manure storage facilities**, subject to the requirements of Section 446.
- 200.3.11 **No-impact home-based businesses**.
- 200.3.12 **Noncommercial keeping of livestock**, subject to the requirements of Section 451.
- 200.3.13 **Play structures**, provided such structures are confined to the side or rear yard and are located no closer than fifteen feet (15') from the closest side and/or rear lot line.
- 200.3.14 **Residential swimming pools**, subject to the requirements of Section 456.
- 200.3.15 **Roadside stands** for the seasonal sale of agricultural products, subject to the requirements of Section 458.
- 200.3.16 **Routine repair and servicing of personal motor vehicles**, subject to the requirements of Section 459.
- 200.3.17 **Satellite dish antennas**, subject to the requirements of Section 461.
- 200.3.18 **Sheds**, provided that no more than two (2) such sheds shall be permitted for each principal residence.
- 200.3.19 **Signs**, subject to the requirements of Section 322.
- 200.3.20 **Customary accessory structures** incidental to the listed permitted uses, subject to the following setback requirements:

All accessory buildings shall be located in the rear or side yards, or in the front yard, provided that the accessory building is located behind the minimum building setback line. Accessory buildings on lots adjacent to actively-farmed properties in any zoning district shall be set back at least 10 feet from the side and rear property lines, with all other accessory buildings being set back from rear and side property lines, based on the square footage area of the building, as follows:

Area	Side Yard Setback	Rear Yard Setback
Less than 160 square feet	5 feet	5 feet
160-300 square feet	10 feet	10 feet

Buildings greater than 300 square feet in area shall have the same side and rear yard setbacks as principal buildings. *(Amended by Ordinance No. 17-02, 09/11/17)*

- 200.3.21 **Farm House Expansion**, subject to the criteria set forth in the definition of Farm House Expansion in Section 112. *(Amended by Ordinance No. 17-02, 09/11/2017)*
- 200.4 **Uses Permitted By Special Exception**. (Subject to the review procedures of Section 604.3.)
- 200.4.1 **Adaptive reuse of agricultural buildings**, subject to the requirements of Section 401.
- 200.4.2 **Airports and heliports**, subject to the requirements of Section 403.
- 200.4.3 **Animal hospitals and veterinary offices**, subject to the requirements of Section 407.

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- 200.4.4 **Cemeteries**, including, but not limited to, pet cemeteries, subject to the requirements of Section 416.
- 200.4.5 **Clubhouses for Private Clubs**, subject to the requirements of Section 417.
- 200.4.6 **Commercial produce operations**, subject to the requirements of Section 419.
- 200.4.7 **Emergency services**, subject to the requirements of Section 428.
- 200.4.8 **Reserved for Future Use** (*Amended by Ordinance No. 19-03, 06/03/2019*)
- 200.4.9 **Farm-Support Business Operation**, subject to the requirements of Section 430.
- 200.4.10 **Freestanding communication antennas, towers and equipment**, subject to the requirements of Section 420.2.
- 200.4.11 **Golf courses and driving ranges**, subject to the requirements of Section 434.
- 200.4.12 **Historic structure conversions**, subject to the requirements of Section 438.
- 200.4.13 **Home occupations**, subject to the requirements of Section 440.
- 200.4.14 **Kennels**, subject to the requirements of Section 443.
- 200.4.15 **Outdoor Shooting Ranges**, subject to Section 464.2.
- 200.4.16 **Rural occupations**, subject to the requirements of Section 460.
- 200.4.17 **Septage and compost processing**, subject to the requirements of Section 463.
- 200.5 Limitations On Subdivision and/or Land Development.
- 200.5.1 In order to preserve agricultural properties, it is the express intent of the Agricultural Zone regulations that large, contiguous areas of farmland be protected. Therefore, the subdivision of lots, or the development of nonagricultural uses and structures, shall be limited regardless of whether such development is accomplished by subdivision or land development as those terms are defined in the Act. In addition, it is the express intent of these provisions that the maximum size of lots created for any use other than agriculture be limited in order to provide for the retention of tracts of sufficient size to be used for agricultural purposes. It is the intent of the Board of Supervisors to implement the mandate of Section 604(3) of the Act to preserve prime agricultural land through the enactment of these regulations.
- 200.5.2 The following table shall be used to determine the permissible number of lots which may be subdivided, or the number of new principal uses that may be established, respectively, within this Zone. The "Lot Area" calculation within the following table shall be based upon all contiguous land within the Agricultural Zone held in single and separate ownership, which was held by the landowner or his/her predecessor(s) in title on the original date of enactment of these specific regulations. If such land was not classified within the Agricultural District in the prior Providence Township Zoning Ordinance (September 12, 1983), the "Lot Area" calculation shall be based upon the contiguous land held in single and separate ownership on the date such land was first rezoned to the Agricultural District.
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Lot Area (Acres)		Total Number of New Permitted Lots and/or Principal Uses
At Least	Less Than	
52	100	1
100	150	2
150	200	3
200 or more		4

For the purpose of this section, land held in single and separate ownership shall be considered to be contiguous regardless of whether:

- 200.5.2.1 Such land is divided into one or more lots, parcels, purparts, or tracts.
- 200.5.2.2 Such land was acquired by the landowner at different times or by different deeds or other means.
- 200.5.2.3 Such land is separated by public or private streets or rights-of-way.
- 200.5.3 No subdivision shall be permitted which shall increase the lot size of a lot used for residential purposes in excess of the maximum lot size, except as set forth in footnote 2 of the table in Section 200.7. Any lot existing on September 12, 1983, which is two (2) or fewer acres in size, shall be presumed to be used for residential purposes, and the size of such lot shall not be increased to more than two (2) acres.
- 200.5.4 A subdivision that merely transfers land from one farm to another farm shall not be counted against the permitted number of lots to be subdivided from a tract, as set forth in Section 200.5.3. In addition, a lot add-on to any property shall not be counted against the permitted number of lots to be subdivided from a tract, as set forth in Section 200.5.2. *(Amended by Ordinance No. 19-03, 06/03/2019)*
- 200.5.5 A subdivision to create a lot which will be transferred to the Township, or a municipal authority created by the Township, shall not be included when computing the permissible number of lots to be subdivided from a tract, as set forth in Section 200.5.2.
- 200.5.6 Any subdivision or land development plan hereafter filed shall specify which lot or lots shall carry a right of further subdivision or development, as provided for in Section 200.5.2. Each deed shall clearly denote the property's future subdivision/land development rights under this section. Such information shall also be included in the deed for any new lots. If this information is not included on a subdivision or land development plan, it shall be presumed that the largest lot remaining after the subdivision shall carry the right of further subdivision or land development under Section 200.5.2.
- 200.5.7 The number of lots which may be created, or single-family dwellings or other principal nonagricultural uses which may be established, shall be fixed according to the size of the parent tract. This number shall not be increased by the subdivision of such parent tract. Any subsequent owner of a parent tract, land remaining in the parent tract after subdivision, or land which was formerly part of a parent tract, shall be bound by the actions of his predecessor.
- 200.6 Site Planning Objectives. To enhance compatibility between proposed residential development and continued surrounding farming, each application for subdivision/land development review shall require a scaled drawing showing all of the potential residential lots permitted on the farm. The applicant shall furnish evidence that the following specific design objectives have been satisfied through the design of the proposed use; the Township will only approve proposed subdivision/land development plans that successfully reflect these design objectives.

- 200.6.1 Minimize the loss of valuable farmland.
- 200.6.2 Cluster residential lots on the subject property and, if applicable, with those lots contained on adjoining farms.
- 200.6.3 Minimize the length of property lines shared by residential lots and adjoining farms.
- 200.6.4 Assure adequate vehicular access to future residences not currently proposed.
- 200.6.5 Assure that the proposed subdivision/land development can comply with the Subdivision and Land Development Ordinance.

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200.7 Area and Design Requirements. All uses within the Agricultural Zone shall comply with those standards listed in the following table, unless authorized as a flag lot according to Section 431:

AREA AND DESIGN REQUIREMENTS									
Use	Minimum Required Lot Area	Maximum Permitted Lot Area	Minimum Required Lot Width		Required Minimum Yard Setbacks			Maximum Permitted Impervious Lot Coverage	Maximum Permitted Building Height
			At Building Setback	At Lot Frontage	Front	Side	Rear		
Agriculture & Horticulture Uses ^{1,3,5}	10 acres*	N/A	200 ft.	N/A	50 ft. ¹	50 ft.	50 ft.	10%	150 ft., provided structure is set back a distance at least equal to its height from each property line.
Single-Family Detached Dwellings & Other Principal Uses ^{2,3,4}	1 acre	2 acres	150 ft.	120 ft.	50 ft.	25 ft.	50 ft.	20%	35 ft.
Accessory Structures Less than 160 square feet*	Included in above	Included in above	N/A	N/A	Not permitted in front yard, unless a minimum 50 ft. setback is provided.**	5 ft.*	5 ft.*	Included in above	20 ft.
Accessory Structures 160-300 square feet*	Included in above	Included in above	N/A	N/A	Not permitted in front yard, unless a minimum 50 ft. setback is provided.**	10 ft.*	10 ft.*	Included in above	20 ft.
Accessory Structures Buildings greater than 300 square feet*	Included in above	Included in above	N/A	N/A	Not permitted in front yard, unless a minimum 50 ft. setback is provided.**	Same as a principal building*	Same as a principal building*	Included in above	25 ft.**
Forestry ³	5 acres	N/A	150 ft.	120 ft.	50 ft.	50 ft.	50 ft.	20%	35 ft.
Uses of Township Agencies & Authorities ^{3,5}	None	None	None	None	None	None	None	100%	Unlimited
*(Amended by Ordinance No. 19-03, 06/03/2019) **(Amended by Ordinance No. 20-03, 09/14/2020)									

¹ Special setback requirements - Except as provided for as follows, no new slaughter area, area for the storage or processing of garbage or spent mushroom compost, structures for the cultivation of mushrooms shall be permitted within three hundred feet (300') of any adjoining property. The Zoning Hearing Board may, as a special exception, however, reduce the above special setback requirements where it is shown that, because of prevailing winds, unusual obstructions, topography, or other conditions, a lesser distance would protect adjoining lands from odor, dust or other hazards. In no case, however, shall the Zoning Hearing Board reduce the special setback requirement to less than one hundred feet (100'). The burden shall be upon the applicant to prove that a lesser distance would not be detrimental to the health, safety and general welfare of the community.

² The maximum lot area shall not apply if the applicant can demonstrate by credible evidence that the area proposed for the dwelling lot (1) does not predominantly consist of Class I, II and/or III soils, as identified in the soil survey, or (2) is generally unsuitable for agricultural purposes, or, where an applicant desires to subdivide an existing dwelling from the parent tract, the applicant may opt to impose the maximum lot area requirements of this section upon such existing dwelling, rather than on a proposed dwelling located on the remainder of the parent tract.

³ All uses relying upon on-lot sewers shall comply with Section 314.

⁴ Single-family detached dwellings may be located upon flag lots, subject to the requirements of Section 431.

⁵ The minimum lot size for agricultural and horticultural uses may be reduced by special exception, provided that the Zoning Hearing Board determines that the proposed use is in accordance with the Pennsylvania "Right to Farm" law.

- 200.8 Agricultural Nuisance Disclaimer. All lands within the Agricultural Zone are located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including, but not limited to, noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, pesticides and night/weekend operations. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort, and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of Pennsylvania Act 133 of 1982, the "Right to Farm" law, and the Agriculture Communities and Rural Environment (ACRE), PA Act 38 of 2005, may bar them from obtaining a legal judgment against such normal agricultural operations. From the effective date, all subsequent subdivision plans submitted within the (ARH) Zone shall require a note which duplicates this section and which must be transferred to the purchaser by the seller.

Applicants for subdivision or land development for nonfarm purposes shall include the foregoing paragraph "Agricultural Nuisance Disclaimer" as a plan note on all subdivision or land development plans. Similarly, the issuance of building permits for nonfarm purposes shall be conditioned on the applicant's signing a statement that he/she has read Section 200.8 of this Ordinance, including the foregoing disclaimer.

- 200.9 Vegetation Setback Requirement. On any separate nonfarm parcel, no tree shall be planted within twenty feet (20') of an adjacent property that is used for agricultural purposes.
- 200.10 Conservation Plan. Any agricultural, horticultural or forestry-related uses which involve earth-moving activities, or the commercial harvesting or timbering of vegetation, shall require the acquisition of an approved conservation plan by the County Conservation District pursuant to Chapter 102, Erosion Control of Title 25, Rules and Regulations, Department of Environmental Protection. All on-site activities shall then be in compliance with the approved conservation plan.
- 200.11 General Provisions. All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3.

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Section 201 Rural Residential Zone (R-1)

201.1 Purpose of Zone. The purpose of this Zone is to blend low density residential uses amid environmentally sensitive lands that have proximity to agricultural activity. This Zone seeks to retain the characteristics of woodlands, steep slopes and stream valleys. In addition this Zone will promote the preservation and enhancement of historical and cultural resources that contribute to the character and heritage of the community. This Zone also provides opportunity for rural residential growth that serves to meet the Township's projected fair share of its housing demand.

201.2 Uses Permitted By Right.

201.2.1 **Bed and breakfasts**, subject to the requirements of Section 411.

201.2.2 **Communication antennas, towers and equipment co-located upon existing structures** (e.g., utility transmission towers, observation towers, communication towers, silos, steeples, smokestacks, water towers, flagpoles, and other similar structures), subject to the requirements of Section 420.1.

201.2.3 **Farms.**

201.2.4 **Fish hatcheries and/or fish farms**, subject to the applicant furnishing evidence of an approved artificial propagation license from the Pennsylvania Department of Agriculture, Bureau of Animal Health.

201.2.5 **Forestry uses**, subject to the requirements of Section 432.

201.2.6 **Public uses**, provided such use shall not include solid waste disposal and/or handling facilities, prisons or hospitals.

201.2.7 **Public utilities structures.**

201.2.8 **Schools**, subject to the exclusive academic use, a building floor area not greater than two thousand (2,000) square foot.

201.2.9 **Single-family detached dwellings**, including those contained upon flag lots, provided such flag lots comply with the requirements of Section 431.

201.3 Accessory uses customarily incidental to the above permitted uses, including, but not limited to, the following:

201.3.1 **Alternative energy production facilities** (Geothermal Systems, Outdoor Hydronic Heater Systems Accessory Solar Energy Systems, Accessory Wind Energy Systems), subject to the requirements of Section 404.

201.3.2 **Beekeeping**, subject to the requirements of Section 412.

201.3.3 **Day-care - Family day-care facilities**, subject to the requirements of Section 424.

201.3.4 **Domestic composts**, subject to the requirements of Section 425.

201.3.5 **ECHO housing**, subject to the requirements of Section 427.

201.3.6 **Garage, yard and/or moving sales**, subject to the requirements of Section 433.

201.3.7 **Gardening and raising of plants for personal use.**

- 201.3.8 **Keeping of carriage and buggy horses**, for the sole purpose of providing means of transportation via a carriage, subject to the requirements of Section 442 when located on a parcel of less than ten (10) acres. *(Amended by Ordinance No. 19-03, 06/03/2019)*
- 201.3.9 **Man-made lakes, dams, ponds, and impoundments**, subject to the requirements of Section 444.
- 201.3.10 **Manure storage facilities**, subject to the requirements of Section 446.
- 201.3.11 **No-impact home-based businesses**.
- 201.3.12 **Noncommercial keeping of livestock**, subject to the requirements of Section 451.
- 201.3.13 **Play structures**, provided such structures are confined to the side or rear yard and are located no closer than fifteen feet (15') from the closest side and/or rear lot line.
- 201.3.14 **Residential swimming pools**, subject to the requirements of Section 456.
- 201.3.15 **Roadside stands** for the seasonal sale of agricultural products, subject to the requirements of Section 458.
- 201.3.16 **Routine repair and servicing of personal motor vehicles**, subject to the requirements of Section 459.
- 201.3.17 **Satellite dish antennas**, subject to the requirements of Section 461.
- 201.3.18 **Sheds**, provided that no more than two (2) such sheds shall be permitted for each principal residence.
- 201.3.19 **Signs**, subject to the requirements of Section 322.
- 201.3.20 **Customary accessory structures** incidental to the listed permitted uses, subject to the following setback requirements:

All accessory buildings shall be located in the rear or side yards, or in the front yard, provided that the accessory building is located behind the minimum building setback line. Accessory buildings on lots adjacent to actively-farmed properties in any zoning district shall be set back at least 10 feet from the side and rear property lines, with all other accessory buildings being set back from rear and side property lines, based on the square footage area of the building, as follows:

Area	Side Yard Setback	Rear Yard Setback
Less than 160 square feet	5 feet	5 feet
160-300 square feet	10 feet	10 feet

Buildings greater than 300 square feet in area shall have the same side and rear yard setbacks as principal buildings. *(Amended by Ordinance No. 17-09, 09/11/17)*

- 201.3.21 **Farm House Expansion**, subject to the criteria set forth in the definition of Farm House Expansion in Section 112. *(Amended by Ordinance No. 17-02, 09/11/2017)*
- 201.4 Uses Permitted By Special Exception. (Subject to the review procedures of Section 604.3.)
- 201.4.1 **Adaptive reuse of agricultural buildings**, subject to the requirements of Section 401.

- 201.4.2 **Cemeteries**, including, but not limited to, pet cemeteries, subject to the requirements of Section 416.
- 201.4.3 **Clubhouses for Private Clubs**, subject to the requirements of Section 417.
- 201.4.4 **Commercial produce operations**, subject to the requirements of Section 419.
- 201.4.5 **Emergency services**, subject to the requirements of Section 428.
- 201.4.6 **Reserved for Future Use** (*Amended by Ordinance No. 19-03, 06/03/2019*)
- 201.4.7 **Farm-Support Business Operation**, subject to the requirements of Section 430.
- 201.4.8 **Freestanding communication antennas towers and equipment**, subject to the requirements of Section 420.2.
- 201.4.9 **Historic structure conversions**, subject to the requirements of Section 438.
- 201.4.10 **Home occupations**, subject to the requirements of Section 440.
- 201.4.11 **Parks and playgrounds**.
- 201.4.12 **Places of worship and related uses**, subject to the requirements of Section 453.
- 201.5 General Provisions. All uses permitted within the Rural Residential Zone (R-1) shall also comply with the applicable General Provisions in Article 3.

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201.6 Area and Design Requirements. All uses within this Zone shall comply with those standards listed in the following table, unless authorized as a flag lot according to Section 431:

AREA AND DESIGN REQUIREMENTS								
Use	Minimum Required Lot Area	Minimum Required Lot Width		Required Minimum Yard Setbacks			Maximum Permitted Impervious Lot Coverage	Maximum Permitted Building Height
		At Building Setback	At Lot Frontage	Front	Side	Rear		
Agriculture & Horticulture Uses ^{1,2,3}	10 acres	200 ft.	N/A	50 ft.	50 ft.	50 ft.	10%	150 ft., provided structure is set back a distance at least equal to its height from the property line.
Single-Family Detached without public sewer ²	2 acres ¹	200 ft.	150 ft.	50 ft.	25 ft.	50 ft.	20%	35 ft.
Other Principal Uses without public sewer ²	2 acres ¹	200 ft.	150 ft.	50 ft.	25 ft.	50 ft.	20%	35 ft.
Accessory Structures Less than 160 square feet*	Included in above	N/A	N/A	Not permitted in front yard, unless a minimum 50 ft. setback is provided.**	5 ft.*	5 ft.*	Included in above	20 ft.
Accessory Structures 160-300 square feet*	Included in above	N/A	N/A	Not permitted in front yard, unless a minimum 50 ft. setback is provided.**	10 ft.*	10 ft.*	Included in above	20 ft.
Accessory Structures Buildings greater than 300 square feet*	Included in above	N/A	N/A	Not permitted in the front yard, unless a minimum 50 ft. setback is provided.**	Same as a principal building*	Same as a principal building*	Included in above	25 ft.**
Forestry	5 acres	N/A	150 ft.	120 ft.	50 ft.	100 ft.	50 ft.	20%
Uses of Township Agencies & Authorities	None	None	None	None	None	None	100%	Unlimited

*(Amended by Ordinance No. 19-03, 06/03/2019) **(Amended by Ordinance No. 20-03, 09/14/2020)

¹ Special setback requirements - Except as provided for as follows, no new slaughter area, area for the storage or processing of garbage or spent mushroom compost, structures for the cultivation of mushrooms shall be permitted within three hundred feet (300') of any adjoining property. The Zoning Hearing Board may, as a special exception, however, reduce the above special setback requirements where it is shown that, because of prevailing winds, unusual obstructions, topography, or other conditions, a lesser distance would protect adjoining lands from odor, dust or other hazards. In no case, however, shall the Zoning Hearing Board reduce the special setback requirement to less than one hundred feet (100'). The burden shall be upon the applicant to prove that a lesser distance would not be detrimental to the health, safety and general welfare of the community.

² All uses relying upon on-lot sewers shall comply with Section 314.

³ The minimum lot size for agricultural and horticultural uses may be reduced by special exception, provided that the Zoning Hearing Board determines that the proposed use is in accordance with the Pennsylvania "Right to Farm" law.

Section 202 Residential Zone (R-2)

- 202.1 Purpose of Zone. This Zone provides opportunity for low density residential growth that serves to meet the Township's projected fair share of its housing demand. This Zone permits the continuation of low density residential uses as infill to existing development areas where no public utility service is anticipated in the foreseeable future.

Larger lot sizes are used to provide sufficient space to install on-site sewer and water facilities. Environmentally-based design provisions promote preservation and enhancement of the natural and cultural resources that contribute to the character and heritage of the Township.

- 202.2 Uses Permitted By Right.

- 202.2.1 **Bed and breakfasts**, subject to the requirements of Section 411.
- 202.2.2 **Communication antennas, towers and equipment co-located upon existing structures** (e.g., utility transmission towers, observation towers, communication towers, silos, steeples, smokestacks, water towers, flagpoles, and other similar structures), subject to the requirements of Section 420.1.
- 202.2.3 **Farms.**
- 202.2.4 **Forestry uses**, subject to the requirements of Sections 432.
- 202.2.5 **Parks and playgrounds.**
- 202.2.6 **Public uses**, provided such use shall not include solid waste disposal and/or handling facilities, prisons or hospitals.
- 202.2.7 **Public utilities structures.**
- 202.2.8 **Schools.**
- 202.2.9 **Single-family detached dwellings.**

- 202.3 Accessory uses customarily incidental to the above permitted uses, including, but not limited to, the following:

- 202.3.1 **Alternative energy production facilities** (Geothermal Systems, Outdoor Hydronic Heater Systems Accessory Solar Energy Systems, Accessory Wind Energy Systems), subject to the requirements of Section 404.
- 202.3.2 **Beekeeping**, subject to the requirements of Section 412.
- 202.3.3 **Day-care - Family day-care facilities**, subject to the requirements of Section 424.
- 202.3.4 **Domestic composts**, subject to the requirements of Section 425.
- 202.3.5 **ECHO housing**, subject to the requirements of Section 427.
- 202.3.6 **Garage, yard and/or moving sales**, subject to the requirements of Section 433.
- 202.3.7 **Gardening and raising of plants for personal use.**
- 202.3.8 **Keeping of carriage and buggy horses**, for the sole purpose of providing means of transportation via a carriage, subject to the requirements of Section 442 when located on a

parcel of less than ten (10) acres.

- 202.3.9 **Man-made lakes, dams, ponds, and impoundments**, subject to the requirements of Section 444.
- 201.3.10 **Manure storage facilities**, subject to the requirements of Section 446.
- 202.3.11 **No-impact home-based businesses**.
- 202.3.12 **Noncommercial keeping of livestock**, subject to the requirements of Section 451.
- 202.3.13 **Play structures**, provided such structures are confined to the side or rear yard and are located no closer than fifteen feet (15') from the closest side and or rear lot line.
- 202.3.14 **Residential swimming pools**, subject to the requirements of Section 456.
- 202.3.15 **Routine repair and servicing of personal motor vehicles**, subject to the requirements of Section 459.
- 202.3.16 **Satellite dish antennas**, subject to the requirements of Section 461.
- 202.3.17 **Sheds**, provided that no more than two (2) such sheds shall be permitted for each principal residence.
- 202.3.18 **Signs**, subject to the requirements of Section 322.
- 202.3.19 **Customary accessory structures** incidental to the listed permitted uses, subject to the following setback requirements:

All accessory buildings shall be located in the rear or side yards, or in the front yard, provided that the accessory building is located behind the minimum building setback line. Accessory buildings on lots adjacent to actively-farmed properties in any zoning district shall be set back at least 10 feet from the side and rear property lines, with all other accessory buildings being set back from rear and side property lines, based on the square footage area of the building, as follows:

Area	Side Yard Setback	Rear Yard Setback
Less than 160 square feet	5 feet	5 feet
160-300 square feet	10 feet	10 feet

Buildings greater than 300 square feet in area shall have the same side and rear yard setbacks as principal buildings. *(Amended by Ordinance No. 17-02, 09/11/17)*

- 202.3.20 **Farm House Expansion**, subject to the criteria set forth in the definition of Farm House Expansion in Section 112. *(Amended by Ordinance No. 17-02, 09/11/2017)*

202.4 Uses Permitted By Special Exception. (Subject to the review procedures of Section 604.3.)

- 202.4.1 **Adaptive reuse of agricultural buildings**, subject to the requirements of Section 401.
- 202.4.2 **Cemeteries**, including, but not limited to, pet cemeteries, subject to the requirements of Section 416.
- 202.4.3 **Emergency services**, subject to the requirements of Section 428.

- 202.4.4 **Freestanding communication antennas, towers and equipment**, subject to the requirements of Section 420.2.
- 202.4.5 **Historic structure conversions**, subject to the requirements of Section 438.
- 202.4.6 **Home occupations** subject to the requirements of Section 440.
- 202.4.7 **Places of worship and related uses**, subject to the requirements of Section 453.
- 202.4.8 **Roadside stands** for the seasonal sale of agricultural products, subject to the requirements of Section 458.
- 202.4.9 **Vocational-Mechanical Trade School and Training Centers**.
- 202.5 General Provisions. All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3.

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202.6 Area and Design Requirements. All uses within the Rural Residential Zone shall comply with those standards listed in the following table:

AREA AND DESIGN REQUIREMENTS								
Use	Minimum Required Lot Area	Minimum Required Lot Width		Required Minimum Yard Setbacks			Maximum Permitted Impervious Lot Coverage	Maximum Permitted Building Height
		At Building Setback	At Lot Frontage	Front	Side	Rear		
Agriculture & Horticulture Uses ^{1,2,3}	10 acres	200 ft.	N/A	50 ft.	50 ft.	50 ft.	10%	150 ft., provided structure is set back a distance at least equal to its height from the property line.
Single-Family Detached Dwellings	1 acre	150 ft.	120 ft.	50 ft.	15 ft.	35 ft.	20%	35 ft.
Other Principal Uses without public sewer ²	1 acre	150 ft.	120 ft.	50 ft.	15 ft.	35 ft.	20%	35 ft.
Single-Family Detached Dwellings & Other Principal Uses with public sewer	20,000 sq. ft.	100 ft.	85 ft.	35 ft.	15 ft.	30 ft.	35%	35 ft.
Accessory Structures Less than 160 square feet*	Included in above	N/A	N/A	Not permitted in front yard, unless a minimum 50 ft. setback is provided.**	5 ft.*	5 ft.*	Included in above	20 ft.
Accessory Structures 160-300 square feet*	Included in above	N/A	N/A	Not permitted in front yard, unless a minimum 50 ft. setback is provided.**	10 ft.*	10 ft.*	Included in above	20 ft.
Accessory Structures Buildings greater than 300 square feet*	Included in above	N/A	N/A	Not permitted in front yard, unless a minimum 50 ft. setback is provided.**	Same as a principal building*	Same as a principal building*	Included in above	25 ft.**
Forestry	5 acres	N/A	150 ft.	120 ft.	50 ft.	100 ft.	50 ft.	20%
Uses of Township Agencies & Authorities	None	None	None	None	None	None	100%	Unlimited

*(Amended by Ordinance No. 19-03, 06/03/2019) **(Amended by Ordinance No. 20-03, 09/14/2020)

¹ Special setback requirements - Except as provided for as follows, no new slaughter area, area for the storage or processing of garbage or spent mushroom compost, structures for the cultivation of mushrooms shall be permitted within three hundred feet (300') of any adjoining property. The Zoning Hearing Board may, as a special exception, however, reduce the above special setback requirements where it is shown that, because of prevailing winds, unusual obstructions, topography, or other conditions, a lesser distance would protect adjoining lands from odor, dust or other hazards. In no case, however, shall the Zoning Hearing Board reduce the special setback requirement to less than one hundred feet (100'). The burden shall be upon the applicant to prove that a lesser distance would not be detrimental to the health, safety and general welfare of the community.

² All uses relying upon on-lot sewers shall comply with Section 314.

³ The minimum lot size for agricultural and horticultural uses may be reduced by special exception, provided that the Zoning Hearing Board determines that the proposed use is in accordance with the Pennsylvania "Right to Farm" law.

Section 203 Suburban Residential Zone (R-3)

- 203.1 Purpose of Zone. This Zone coincides with expected public sanitary sewer and water utility service areas; however, the actual availability of these services is likely to occur at a later date and at different times in different areas. As a result, permitted densities have been established according to the availability of public utilities. When no public sanitary sewer or water facilities are provided, minimum lot area requirements have been sized to provide for an initial and an alternate on-site sewage disposal system. Last, nonresidential uses have been specifically limited to protect the residential character of the neighborhoods.
- 203.2 Uses Permitted By Right.
- 203.2.1 **Bed and breakfasts**, subject to the requirements of Section 411.
 - 203.2.2 **Communication antennas, towers and equipment co-located upon existing structures** (e.g., utility transmission towers, observation towers, communication towers, silos, steeples, smokestacks, water towers, flagpoles, and other similar structures), subject to the requirements of Section 420.1.
 - 203.2.3 **Farms.**
 - 203.2.4 **Forestry uses**, subject to the requirements of Section 432.
 - 203.2.5 **Parks and playgrounds.**
 - 203.2.6 **Public uses**, provided such use shall not include solid waste disposal and/or handling facilities, prisons or hospitals.
 - 203.2.7 **Public utilities structures.**
 - 203.2.8 **Schools.**
 - 203.2.9 **Single-family detached dwellings.**
- 203.3 Accessory uses customarily incidental to the above permitted uses, including, but not limited to, the following:
- 203.3.1 **Alternative energy production facilities** (Geothermal Systems, Outdoor Hydronic Heater Systems Accessory Solar Energy Systems, Accessory Wind Energy Systems), subject to the requirements of Section 404.
 - 203.3.2 **Beekeeping**, subject to the requirements of Section 412.
 - 203.3.3 **Day-care - Family day-care facilities**, subject to the requirements of Section 424.
 - 203.3.4 **Domestic composts**, subject to the requirements of Section 425.
 - 203.3.5 **ECHO housing**, subject to the requirements of Section 427.
 - 203.3.6 **Garage, yard and/or moving sales**, subject to the requirements of Section 433.
 - 203.3.7 **Gardening and raising of plants for personal use.**
 - 203.3.8 **Keeping of carriage and buggy horses**, for the sole purpose of providing means of transportation via a carriage, subject to the requirements of Section 442 when located on a parcel of less than ten (10) acres.

- 203.3.9 **Man-made lakes, dams, ponds, and impoundments**, subject to the requirements of Section 444.
- 203.3.10 **Manure storage facilities**, subject to the requirements of Section 446.
- 203.3.11 **No-impact home-based businesses**.
- 203.3.12 **Play structures**, provided such structures are confined to the side or rear yard and are located no closer than fifteen feet (15') from the closest side and or rear lot line.
- 203.3.13 **Residential swimming pools**, subject to the requirements of Section 456.
- 203.3.14 **Routine repair and servicing of personal motor vehicles**, subject to the requirements of Section 459.
- 203.3.15 **Satellite dish antennas**, subject to the requirements of Section 461.
- 203.3.16 **Sheds**, provided that no more than two (2) such sheds shall be permitted for each principal residence.
- 203.3.17 **Signs**, subject to the requirements of Section 322.
- 203.3.18 **Customary accessory structures** incidental to the listed permitted uses, subject to the following setback requirements:

All accessory buildings shall be located in the rear or side yards, or in the front yard, provided that the accessory building is located behind the minimum building setback line. Accessory buildings on lots adjacent to actively-farmed properties in any zoning district shall be set back at least 10 feet from the side and rear property lines, with all other accessory buildings being set back from rear and side property lines, based on the square footage area of the building, as follows:

Area	Side Yard Setback	Rear Yard Setback
Less than 160 square feet	5 feet	5 feet
160-300 square feet	10 feet	10 feet

Buildings greater than 300 square feet in area shall have the same side and rear yard setbacks as principal buildings. *(Amended by Ordinance No. 17-02, 09/11/17)*

- 203.3.19 **Farm House Expansion**, subject to the criteria set forth in the definition of Farm House Expansion in Section 112. *(Amended by Ordinance No. 17-02, 09/11/2017)*

203.4 Uses Permitted By Special Exception. (Subject to the review procedures of Section 604.3.)

- 203.4.1 **Adaptive reuse of agricultural buildings**, subject to the requirements of Section 401.
- 203.4.2 **Cemeteries**, including, but not limited to, pet cemeteries, subject to the requirements of Section 416.
- 203.4.3 **Cluster (Residential)**, subject to the requirements of Section 418.
- 203.4.4 **Emergency services**, subject to the requirements of Section 428.

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- 203.4.5 **Freestanding communication antennas towers and equipment**, subject to the requirements of Section 420.2.
- 203.4.6 **Historic structure conversions**, subject to the requirements of Section 438.
- 203.4.7 **Home occupations**, subject to the requirements of Section 440.
- 203.4.8 **Medical residential campuses**, subject to the requirements of Section 447.
- 203.4.9 **Nursing, rest or retirement homes** , subject to the requirements of Section 452.
- 203.4.10 **Places of worship and related uses**, subject to the requirements of Section 453.
- 200.4.11 **Roadside stands** for the seasonal sale of agricultural products, subject to the requirements of Section 458.
- 203.4.12 **Vocational-Mechanical Trade School and Training Centers**.
- 203.5 General Provisions. All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3.

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203.6 Area and Design Requirements. All uses within the Suburban Residential Zone shall comply with those standards listed in the following table:

AREA AND DESIGN REQUIREMENTS								
Use	Minimum Required Lot Area	Minimum Required Lot Width		Required Minimum Yard Setbacks			Maximum Permitted Impervious Lot Coverage	Maximum Permitted Building Height
		At Building Setback	At Lot Frontage	Front	Side	Rear		
Agriculture & Horticulture Uses ^{1,2,3}	10 acres	200 ft.	N/A	50 ft.	50 ft.	50 ft.	10%	150 ft., provided structure is set back a distance at least equal to its height from each property line.
Single-Family Detached Dwellings & Other Principal Uses without public sewer ^{2,3}	1 acre	150 ft.	120 ft.	50 ft.	15 ft.	35 ft.	20%	35 ft.
Single-Family Detached Dwellings & Other Principal Uses with public sewer	20,000 sq. ft.	100 ft.	85 ft.	35 ft.	15 ft.	30 ft.	35%	35 ft.
Accessory Structures Less than 160 square feet*	Included in above	N/A	N/A	Not permitted in front yard, unless a minimum 50 ft. setback is provided.**	5 ft.*	5 ft.*	Included in above	20 ft.
Accessory Structures 160-300 square feet*	Included in above	N/A	N/A	Not permitted in front yard, unless a minimum 50 ft. setback is provided.**	10 ft.*	10 ft.*	Included in above	20 ft.
Accessory Structures Buildings greater than 300 square feet*	Included in above	N/A	N/A	Not permitted in front yard, unless a minimum 50 ft. setback is provided.**	Same as a principal building*	Same as a principal building*	Included in above	25 ft.**
Forestry	5 acres	N/A	150 ft.	120 ft.	50 ft.	100 ft.	50 ft.	20%
Uses of Township Agencies & Authorities	None	None	None	None	None	None	100%	Unlimited
*(Amended by Ordinance No. 19-03, 06/03/2019) **(Amended by Ordinance No. 20-03, 09/14/2020)								

¹Special setback requirements - Except as provided for as follows, no new slaughter area, area for the storage or processing of garbage or spent mushroom compost, structures for the cultivation of mushrooms shall be permitted within three hundred feet (300') of any adjoining property. The Zoning Hearing Board may, as a special exception, however, reduce the above special setback requirements where it is shown that, because of prevailing winds, unusual obstructions, topography, or other conditions, a lesser distance would protect adjoining lands from odor, dust or other hazards. In no case, however, shall the Zoning Hearing Board reduce the special setback requirement to less than one hundred feet (100'). The burden shall be upon the applicant to prove that a lesser distance would not be detrimental to the health, safety and general welfare of the community.

²All uses relying upon on-lot sewers shall comply with Section 314.

³The minimum lot size for agricultural and horticultural uses may be reduced by special exception, provided that the governing body determines that the proposed use is in accordance with the Pennsylvania "Right to Farm" law.

Section 204 High Density Residential Zone (R-4) *(Amended by Ordinance No. 19-03, 06/03/2019)*

- 204.1 Purpose of Zone. This Zone acknowledges the various existing manufactured home park sites within the Township, and protects their continued existence. Should landowners wish to eliminate manufactured home parks on a particular site, various other uses are permitted.

Manufactured Home Park Zones located outside of the Township's Urban Growth Area as adopted in the *Providence Township Comprehensive Plan 2008* should not be enlarged.

- 204.2 Uses Permitted By Right.

204.2.1 **Bed and breakfasts**, subject to the requirements of Section 411.

204.2.2 **Communication antennas, towers and equipment co-located upon existing structures** (e.g., utility transmission towers, observation towers, communication towers, silos, steeples, smokestacks, water towers, flagpoles, and other similar structures), subject to the requirements of Section 420.1.

204.2.3 **Farms.**

204.2.4 **Forestry uses**, subject to the requirements of Section 432.

204.2.5 **Parks and playgrounds.**

204.2.6 **Public uses**, provided such use shall not include solid waste disposal and/or handling facilities, prisons or hospitals.

204.2.7 **Public utilities structures.**

204.2.8 **Schools.**

204.2.9 **Single-family detached dwellings.**

- 204.3 Accessory uses customarily incidental to the above permitted uses, including, but not limited to, the following:

204.3.1 **Alternative energy production facilities** (Geothermal Systems, Outdoor Hydronic Heater Systems Accessory Solar Energy Systems, Accessory Wind Energy Systems), subject to the requirements of Section 404.

204.3.2 **Day-care - Family day-care facilities**, subject to the requirements of Section 424.

204.3.3 **Domestic composts**, subject to the requirements of Section 425.

204.3.4 **ECHO housing**, subject to the requirements of Section 427.

204.3.5 **Garage, yard and/or moving sales**, subject to the requirements of Section 433.

204.3.6 **Gardening and raising of plants for personal use.**

204.3.7 **Keeping of carriage and buggy horses**, for the sole purpose of providing means of transportation via a carriage, subject to the requirements of Section 442 when located on a parcel of less than ten (10) acres.

204.3.8 **Man-made lakes, dams, ponds, and impoundments**, subject to the requirements of

Section 444.

- 204.3.9 **Manure storage facilities**, subject to the requirements of Section 446.
- 204.3.10 **No-impact home-based businesses**.
- 204.3.11 **Play structures**, provided such structures are confined to the side or rear yard and are located no closer than fifteen feet (15') from the closest side and or rear lot line.
- 204.3.12 **Residential swimming pools**, subject to the requirements of Section 456.
- 204.3.13 **Routine repair and servicing of personal motor vehicles**, subject to the requirements of Section 459.
- 204.3.14 **Satellite dish antennas**, subject to the requirements of Section 461.
- 204.3.15 **Sheds**, provided that no more than two (2) such sheds shall be permitted for each principal residence.
- 204.3.16 **Signs**, subject to the requirements of Section 322.
- 204.3.17 **Customary accessory structures** incidental to the listed permitted uses, subject to the following setback requirements:

All accessory buildings shall be located in the rear or side yards, or in the front yard, provided that the accessory building is located behind the minimum building setback line. Accessory buildings on lots adjacent to actively-farmed properties in any zoning district shall be set back at least 10 feet from the side and rear property lines, with all other accessory buildings being set back from rear and side property lines, based on the square footage area of the building, as follows:

Area	Side Yard Setback	Rear Yard Setback
Less than 160 square feet	5 feet	5 feet
160-300 square feet	10 feet	10 feet

Buildings greater than 300 square feet in area shall have the same side and rear yard setbacks as principal buildings. *(Amended by Ordinance No. 17-02, 09/11/17)*

- 204.3.18 **Farm House Expansion**, subject to the criteria set forth in the definition of Farm House Expansion in Section 112. *(Amended by Ordinance No. 17-02, 09/11/17)*
- 204.4 Uses Permitted By Special Exception. (Subject to the review procedures of Section 604.3.)
- 204.4.1 **Adaptive reuse of agricultural buildings**, subject to the requirements of Section 401.
- 204.4.2 **Cemeteries**, including, but not limited to, pet cemeteries, subject to the requirements of Section 416.
- 204.4.3 **Cluster (Residential)**, subject to the requirements of Section 418.
- 204.4.4 **Emergency services**, subject to the requirements of Section 428.
- 204.4.5 **Freestanding communication antennas towers and equipment**, subject to the requirements of Section 420.2.

204.4.6 **Historic structure conversions**, subject to the requirements of Section 438.

204.4.7 **Home occupations**, subject to the requirements of Section 440.

204.4.8 **Manufactured home parks**.

204.4.9 **Medical residential campuses**, subject to the requirements of Section 447.

204.4.10 **Nursing, rest or retirement homes**, subject to the requirements of Section 452.

204.4.11 **Places of worship and related uses**, subject to the requirements of Section 453.

204.4.12 **Vocational-Mechanical Trade School and Training Centers**.

204.5 General Provisions. All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3.

204.6 Area and Design Requirements For Uses Other Than Manufactured Home Park. All uses other than manufactured home park shall comply with those standards listed in the following table:

AREA AND DESIGN REQUIREMENTS								
Use	Minimum Required Lot Area	Minimum Required Lot Width		Required Minimum Yard Setbacks			Maximum Permitted Impervious Lot Coverage	Maximum Permitted Building Height
		At Building Setback	At Lot Frontage	Front	Side	Rear		
Single-Family Detached Dwellings & Other Principal Uses without public sewer ^{2,3}	1 acre	150 ft.	120 ft.	50 ft.	15 ft.	35 ft.	20%	35 ft.
Single-Family Detached Dwellings & Other Principal Uses with public sewer	20,000 sq. ft.	100 ft.	85 ft.	35 ft.	15 ft.	30 ft.	35%	35 ft.
Accessory Structures Less than 160 square feet*	Included in above	N/A	N/A	Not permitted in front yard, unless a minimum 50 ft. setback is provided.**	5 ft.*	5 ft.*	Included in above	20 ft.
Accessory Structures 160-300 square feet	Included in above	N/A	N/A	Not permitted in front yard, unless a minimum 50 ft. setback is provided.**	10 ft.*	10 ft.*	Included in above	20 ft.
Accessory Structures Buildings greater than 300 square feet*	Included in above	N/A	N/A	Not permitted in front yard, unless a minimum 50 ft. setback is provided.**	Same as a principal building*	Same as a principal building*	Included in above	25 ft.**
Uses of Township Agencies & Authorities	None	None	None	None	None	None	100%	Unlimited
*(Amended by Ordinance No. 19-03, 06/03/2019) **(Amended by Ordinance No. 20-03, 09/14/2020)								

204.7 Manufactured Home Park Requirements.

204.7.1 **Minimum Required Lot Area and Width**. (Amended by Ordinance No. 17-02, 09/11/2017)

204.7.1.1 Minimum Required Lot Area for a Manufactured Home Park: Five (5) acres.

(Amended by Ordinance No. 17-02, 09/11/17)

204.7.1.2 Minimum Lot Width for individual manufactured home park lot: Each lot/space reserved for one (1) manufactured home shall contain at least 6,000 square feet and a width of at least sixty (60) feet. *(Amended by Ordinance No. 17-02, 09/11/17)*

204.7.2 **Required Utilities.** All manufactured home parks shall be served by community or public sewers, and community or public water.

204.7.3 **Maximum Permitted Density.** The maximum permitted density within a manufactured home park shall be five (5) units per acre.

204.7.4 **Minimum Required Setbacks.** Each manufactured home lot/space shall be arranged to provide the following minimum setbacks:

204.7.5 **Front Yard Setback.** Each manufactured home shall be set back from any internal road serving the manufactured home park at least twenty-five feet (25') from the edge of the street cartway where no right-of-way exists.

No building, manufactured home, or other structure shall be located closer than forty feet (40') from the street right-of-way of a street that is not internal to the manufactured home park.

No accessory structures are permitted within the front yard.

204.7.6 **Side Yard Setbacks.** Each manufactured home shall be set back at least fifteen feet (15') from each side lot/space line, except that such setback shall be increased to twenty-five feet (25') where it abuts the outside boundary of the manufactured home park.

Accessory structures shall be set back at least five feet (5') from any side lot/space line.

204.7.7 **Rear Yard Setbacks.** Each manufactured home and accessory building shall be set back at least twenty-five feet (25') from the rear lot/space line.

Accessory structures shall be set back at least five feet (5') from any rear lot/space line.

204.7.8 **Other Building Setbacks.** The above principal building setbacks shall also apply to any office, laundry, recreation, social, or other buildings contained within the manufactured home park.

204.7.9 **Minimum Setbacks Between Buildings.** Regardless of the above setback requirements, each manufactured home shall be located at least thirty feet (30') from the closest point of any other manufactured home.

204.7.10 **Maximum Permitted Coverage.** Within the manufactured home park, no more than sixty percent (60%) of the site shall be covered with impervious surfaces. No more than seventy-five percent (75%) of an individual manufactured home lot/space shall be covered with impervious surfaces.

204.7.11 **Maximum Permitted Height.** No principal building shall exceed twenty-five feet (25'), and no accessory structure shall exceed twenty feet (20'), in height.

204.7.12 **Parking Requirements.** Each manufactured home lot shall have a minimum of two (2) parking spaces that are a minimum of nine (9) feet wide and eighteen (18) feet long and are located on the manufactured home lot. In addition, a minimum of an additional one-half (0.5) off-street parking spaces per unit shall be provided in a common visitor parking lot. Each required visitor parking lot shall be sized, arranged, and located so that the closest parking space in that lot is no more than three hundred (300) feet walking distance from any unit

served. All parking spaces on both individual and common visitor parking lots shall have a bituminous or concrete surface. Access to all parking spaces shall be limited to interior roads of the manufactured home park. No parking spaces on individual lots or in common visitor parking lots may be accessed from an adjoining public road. *(Amended by Ordinance No. 17-02, 09/11/17)*

204.8 Management Requirements for Manufactured Home Park.

204.8.1 **Register of Occupants.** The manufactured home park manager shall maintain a register of all park occupants, which shall include for each occupant:

- 204.8.1.1 Name and prior address and, for past occupants, a forwarding address.
- 204.8.1.2 Dates of entrance and departure.
- 204.8.1.3 The space number upon which such manufactured home is located.
- 204.8.1.4 The title number of such manufactured home and the state license number of the towing vehicle delivering or removing the same. Such register shall be maintained in the manufactured home park office and shall be open at all times to inspection by authorized officers of the Township.

204.8.2 **Park Regulations.** The following park regulations shall apply to all existing and proposed manufactured home parks.

- 204.8.2.1 Prior to the issuance or renewal of a certificate of use and occupancy for a manufactured home park, the owner thereof shall file with the Township Zoning Officer a set of manufactured home park rules and regulations. A copy of the park permit and the park regulations shall be posted in the office of the park manager.
- 204.8.2.2 Park regulations shall apply to matters of sanitation, public safety, public open space, and the control of noxious activities that might endanger the life, safety, health, or general welfare of the occupants of the park or adjacent properties. The rules and regulations shall insure the following and the Township may require additional regulations where deemed such to be in the public interest:
 - 204.8.2.3 The maintenance of clean, orderly and sanitary conditions at all times.
 - 204.8.2.4 Prompt reporting by the manager to the Township of all cases of persons or animals infected, or suspected of being infected, by any communicable disease.
 - 204.8.2.5 Restrictions to prevent the running loose of dogs, cats or other animals.
 - 204.8.2.6 The maintenance in convenient places, approved by the fire department, of appropriate hand fire extinguishers in the ratio of one to each manufactured home space.
 - 204.8.2.7 Prohibition against the burning of trash or rubbish on the premises.
 - 204.8.2.8 Prohibition against the use of any manufactured home by a greater number of occupants than that which it is designed to accommodate.
 - 204.8.2.9 Control of rodents, vermin, insects, and other pests.
 - 204.8.2.10 Controls to prevent disorderly conduct or violation of any law or ordinance upon the premises, and the immediate reporting of any violation to the proper authorities.

204.9 **Certificate of Use and Occupancy.** Every manufactured home park in existence on the date of this zoning amendment, and any park hereafter created, shall be required to obtain an annual permit for the continued operation of the manufactured home park. A fee, established by the Board of Supervisors, together with a permit application, shall be submitted annually to the Township. The Township shall issue the annual permit, following such inspection and corrective measures as the Township shall determine shall be appropriate. *(Amended by Ordinance No. 17-02, 09/11/17)*

Section 205 Commercial Zone (C)

- 205.1 Purpose of Zone. This Zone provides commercial services to the rural population of the Township and motorists passing through the Township by utilizing established rural commercial areas.

Activities within this Zone consist of the full range of small scale commercial uses that are generally classified as convenience goods and service as well as outdoor activities and/or storage areas like automobile, boat and trailer sales, and service establishments.

Consistent with the *Providence Township Comprehensive Plan 2008*, the Zone limits the types and sizes of commercial uses to ensure their local orientation, as opposed to large-scale regional commercial uses.

Public utility services are not anticipated in the foreseeable future for portions of this Zone that located outside of the Township's Urban Growth Area, as adopted in the *Providence Township Comprehensive Plan 2008*. Therefore, commercial uses located outside of the Urban Growth Area is not considered primary commercial growth and the maximize development potential is not encouraged.

- 205.2 Uses Permitted By Right.

- 205.2.1 **Animal hospitals and veterinary offices**, subject to the requirements of Section 407.
- 205.2.2 **Auction houses, excluding automobile auctions**, subject to the requirements of Section 408.
- 205.2.3 **Banks and similar financial institutions.**
- 205.2.4 **Bed and breakfasts**, subject to the requirements of Section 411.
- 205.2.5 **Bookbinding, printing and publishing operations.**
- 205.2.6 **Car washes**, subject to the requirements of Section 415.
- 205.2.7 **Caterers, bakers and confectioners.**
- 200.4.5 **Clubhouses for Private Clubs**, subject to the requirements of Section 417.
- 205.2.8 **Commercial day-care facilities**, subject to the requirements of Section 423.
- 205.2.9 **Commercial greenhouses.**
- 205.2.10 **Commercial recreational facilities.**
- 205.2.11 **Communication antennas, towers and equipment co-located upon existing structures** (e.g., utility transmission towers, observation towers, communication towers, silos, steeples, smokestacks, water towers, flagpoles, and other similar structures), subject to the requirements of Section 420.1.
- 205.2.12 **Convenience stores**, subject to the requirements of Section 422.
- 205.2.13 **Dry cleaners, laundries, and laundromats.**
- 205.2.14 **Emergency services**, subject to the requirements of Section 428.

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- 205.2.15 **Entertainment and cultural activities**, including, but not limited to, amphitheaters, art galleries, art studio, auditoriums, band shells, cinemas, concert halls, fashion studios, museums, photographic studios, playhouses, recital halls, and theatres. This use expressly excludes adult uses, casinos, off-track betting and/or slot machine parlors.
- 205.2.16 **Farms.**
- 205.2.17 **Forestry uses**, subject to the requirements of Section 432.
- 205.2.18 **Funeral homes**, provided vehicular access is designed to prevent back-ups onto adjoining streets. The applicant shall describe what measures will be used to prevent back-ups (e.g., overflow parking, parking attendants, etc.).
- 205.2.19 **Health and Fitness clubs**, subject to the requirements of Section 435.
- 205.2.20 **Hotels, motels and similar lodging facilities.**
- 205.2.21 **Laboratories for medical, scientific, or industrial research and development.**
- 205.2.22 **Medical, dental, optical, and counseling clinics and offices.**
- 205.2.23 **Offices.**
- 205.2.24 **Parks and playgrounds.**
- 205.2.25 **Places of worship and related uses**, subject to the requirements of Section 453.
- 205.2.26 **Public uses**, provided such use shall not include solid waste disposal and/or handling facilities, prisons or hospitals.
- 205.2.27 **Public utilities structures.**
- 205.2.28 **Restaurants and taverns** (but not including drive-thru or fast-food restaurants or nightclubs).
- 205.2.29 **Retail sale of goods and services** (including auto parts stores, without installation).
- 205.2.30 **Schools.**
- 205.2.31 **Shops, offices and showrooms for contractors** of the following:
- 205.2.31.1 Antennas and cable, communications.
 - 205.2.31.2 Basement waterproofing.
 - 205.2.31.3 Cabinetmaking.
 - 205.2.31.4 Carpentry.
 - 205.2.31.5 Carpet countertops.
 - 205.2.31.6 Concrete and paving.
 - 205.2.31.7 Drywall and plaster.
 - 205.2.31.8 Electrical, electronic, and telephone.
 - 205.2.31.9 Flooring.
 - 205.2.31.10 Glass and windows.
 - 205.2.31.11 Gutters and downspouts
 - 205.2.31.12 Heating and air conditioning.
 - 205.2.31.13 Hot tubs and spas.
 - 205.2.31.14 Insulation.
 - 205.2.31.15 Lawn care and landscaping.
 - 205.2.31.16 Masonry.
 - 205.2.31.17 Painting.
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- 205.2.31.18 Pest control.
- 205.2.31.19 Plumbing.
- 205.2.31.20 Power-washing.
- 205.2.31.21 Roofing.
- 205.2.31.22 Septic system installation, maintenance and pumping.
- 205.2.31.23 Sign-making.
- 205.2.31.24 Snow removal.
- 205.2.31.25 Swimming pools.
- 205.2.31.26 Well drilling,
- 205.2.31.27 Woodworking.
- 205.2.31.28 Other uses similar to above.

205.2.32 **Vocational-Mechanical Trade School and Training Centers.**

- 205.2.32 **Automobile, boat, farm machinery, trailer, and rental equipment**, including service or repair facilities as an accessory use and if conducted within a completely-enclosed building, and **heavy equipment and/or commercial truck sales, service and repair**, such as excavation machinery, commercial trucks, buses, farm equipment, manufactured homes, trailers and other similar machinery, subject to the requirements of Section 436. *(Amended by Ordinance No. 19-03, 06/03/2019)*

205.3 Accessory uses customarily incidental to the above permitted uses, including but not limited to:

- 205.3.1 **Alternative energy production facilities** (Geothermal Systems, Outdoor Hydronic Heater Systems Accessory Solar Energy Systems, Accessory Wind Energy Systems), subject to the requirements of Section 404.
- 205.3.2 **Keeping of carriage and buggy horses**, for the sole purpose of providing means of transportation via a carriage, subject to the requirements of Section 442 when located on a parcel of less than ten (10) acres.
- 205.3.3 **Man-made lakes, dams, ponds, and impoundments**, subject to the requirements of Section 444.
- 203.3.4 **Manure storage facilities**, subject to the requirements of Section 446.
- 205.3.5 **Recycling collection facilities**, provided such facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals, the facility is posted to prohibit the disposal of any material, good or furnishing that cannot be placed within the actual recycling bin, and the total size of the facility is less than three hundred (300) square feet.
- 205.3.6 **Satellite dish antennas**, subject to the requirements of Section 461.
- 205.3.7 **Sheds**, provided no more than two (2) are permitted for each residence.
- 205.3.8 **Signs**, subject to the requirements of Section 322.
- 205.3.9 **Customary accessory structures** incidental to the listed permitted uses, subject to the following setback requirements:

All accessory buildings shall be located in the rear or side yards, or in the front yard, provided that the accessory building is located behind the minimum building setback line. Accessory buildings on lots adjacent to actively-farmed properties in any zoning district shall be set back at least 10 feet from the side and rear property lines, with all other accessory buildings being set back from rear and side property lines, based on the square footage area of the building, as follows:

Area	Side Yard Setback	Rear Yard Setback
Less than 160 square feet	5 feet	5 feet
160-300 square feet	10 feet	10 feet

Buildings greater than 300 square feet in area shall have the same side and rear yard setbacks as principal buildings. *(Amended by Ordinance No. 17-02, 09/11/17)*

- 205.3.10 **Farm House Expansion**, subject to the criteria set forth in the definition of Farm House Expansion in Section 112. *(Amended by Ordinance No. 17-02, 09/11/17)*

205.4 Uses Permitted By Special Exception. (Subject to the review procedures of Section 604.3.)

- 205.4.1 **Amusement arcades**, subject to the requirements of Section 405.
- 205.4.2 **Amusement, theme and/or zoo parks**, subject to the requirements of Section 406.
- 205.4.3 **Reserved for Future Use** *(Amended by Ordinance No. 19-03, 06/03/2019)*
- 205.4.4 **Automobile filling stations**, including minor incidental repair, subject to the requirements of Section 409.
- 205.4.5 **Automobile service and repair facilities**, including, but not limited to, auto mechanics, lubrication services and tire, auto paint, brake, muffler, transmission, windshield, auto body, electronics, and upholstery shops, subject to the requirements of Section 410.
- 205.4.6 **Campgrounds** subject to the requirements of Section 414.
- 205.4.7 **Drive-thru and/or fast food restaurants**, subject to the requirements of Section 426.
- 205.4.8 **Freestanding communication antennas, towers and equipment**, subject to the requirements of Section 420.2.
- 205.4.9 **Home improvement and building supply stores**, subject to the requirements of Section 439.
- 205.4.10 **Hospitals with related uses**, subject to the requirements of Section 441.
- 205.4.11 **Indoor Shooting Ranges**, subject to Section 464.1.
- 205.4.12 **Kennels**, subject to the requirements of Section 443.
- 205.4.13 **Methadone treatment facilities**, subject to the requirements of Section 448.
- 205.4.14 **Nightclubs**, subject to the requirements of Section 450.
- 205.4.15 **Riding stables**, subject to the requirements of Section 457.
- 205.4.16 **Shopping centers**, subject to the requirements of Section 465.
- 205.4.17 **Single-family dwellings** used in conjunction with a permitted or special exception use in this Zone, provided the dwelling is located on the same lot as the other commercial use. The dwelling may be, but is not required to be, in the same structure as the other commercial use.

205.5 Lot Area, Lot Width, and Lot Coverage Requirements.

Required Public Utilities	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage
None	43,560 sq. ft.	200 feet	55%
Public Water	32,670 sq. ft.	150 feet	60%
Public Sewer	20,000 sq. ft.	125 feet	65%
Both Public Sewer and Public Water	20,000 sq. ft.	125 feet	70%

205.6 Minimum Setback Requirements.

205.6.1 **Front Yard Setback.** All buildings, structures (except permitted signs) and outdoor loading areas shall be set back at least twenty-five feet (25') from the street right-of-way. Off-street parking lots and outdoor storage areas shall be set back a minimum of twenty feet (20') from the street right-of-way.

205.6.2 **Side Yard Setback.** All buildings, structures, off-street parking lots, loading areas, and outdoor storage areas (except permitted signs) shall be set back at least ten feet (10') from the side lot lines, unless joint parking facilities are shared by adjoining uses. In such instances, one of the side yard setbacks can be waived solely for parking and/or loading facilities.

205.6.3 **Rear Yard Setbacks.** All buildings, structures, off-street parking lots, loading areas, and outdoor storage areas shall be set back at least ten feet (10') from the rear lot line.

205.6.4 **Residential Buffer Strip.** Any lot adjoining land within a residential zone shall maintain a twenty-five foot (25') setback for nonresidential buildings, structures, off-street parking lots, loading areas and outdoor storage areas, from the residentially-zoned parcels. Such areas shall be used for a landscape strip and screen.

205.7 Maximum Permitted Height. Thirty-five feet (35'), except that buildings up to fifty feet (50') in height are permitted when:

205.7.1 Set back at a distance at least equal to their height from all property lines.

205.7.2 The applicant provides a letter from the Fire Chief of the "primary call" fire company determining that the building has adequate fire suppression equipment and that adequate fire fighting and rescue capabilities exist to serve such a structure.

205.8 Off-Street Loading. Off-street loading shall be provided, as specified in Section 312. If possible, off-street loading area shall not be located on any side of a lot that is adjacent to a residential zone, or street.

205.9 Off-Street Parking. Off-street parking shall be provided, as specified in Section 313.

205.10 Driveway and Access Drive Requirements. Driveways and access drives shall be limited to one (1) access drive per road frontage, unless said frontage exceeds three hundred feet (300), in which case, one (1) additional access drive shall be permitted. Driveways and access drives shall conform to Sections 300, 301, 302, and 303.

205.11 Screening. A visual screen must be provided along any adjoining lands within a residential zone, regardless of whether or not the residentially-zoned parcel is developed.

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- 205.12 Landscaping. Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. *(Amended by Ordinance No. 20-03, 09/14/2020)*
- 205.13 Waste Products. Waste dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be set back a minimum of fifty feet (50') from any adjoining residentially-zoned properties. All waste receptacles shall be completely enclosed within a fenced or masonry enclosure, equipped with a self-latching door or gate.
- 205.14 Commercial Operations Standards. All commercial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal government regulations, as required by the most recent regulations made available from these governmental bodies.
- 205.15 Outdoor Storage. Within this Zone, only the outdoor storage of vehicles, heavy equipment trailers, recreational vehicles, manufactured homes, nursery and garden stock, sheds, playground equipment, pet houses and other similar outdoor appurtenances is permitted, provided all outdoor storage areas comply with the setbacks imposed within this Zone.
- 205.16 General Provisions. All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3.

Section 206 Industrial Zone (I)

- 206.1 Purpose of Zone. This Zone provides for a wide range of industrial activities that contribute to the well-being of the Township by diversifying its economy and providing valuable employment opportunities. The required lot sizes have been kept small to accommodate the start-up industries that are likely to emerge; however, larger and heavier industries have also been permitted. This Zone provides for light industrial uses as permitted by right and requires a special exception for heavier and potentially more-objectionable types of industrial uses.

The Industrial Zone is located near existing industrial uses and along an arterial road. Design standards have been imposed to create attractive site designs and moderate the objectionable impacts associated with industrial uses. Substantial setbacks are used to protect adjoining residences.

206.2 Uses Permitted By Right.

- 206.2.1 **Animal hospitals and veterinary offices**, subject to the requirements of Section 407.
- 206.2.2 **Automobile service and repair facilities** including, but not limited to, auto mechanics, lubrication, wash, tire, auto paint, brake, muffler, transmission, windshield, upholstery, auto body, electronics, and electronics, subject to the requirements of Section 410.
- 206.2.3 **Banks and similar financial institutions.**
- 206.2.4 **Bookbinding, printing, and publishing operations.**
- 206.2.5 **Caterers, bakers and confectioners.**
- 206.2.6 **Commercial day-care facilities**, subject to the requirements of Section 423.
- 206.2.7 **Commercial greenhouses.**
- 206.2.8 **Commercial processing and warehousing of agricultural products.**
- 206.2.9 **Commercial produce operations**, subject to the requirements of Section 419.
- 206.2.10 **Communication antennas, towers and equipment co-located upon existing structures** (e.g., utility transmission towers, observation towers, communication towers, silos, steeples, smokestacks, water towers, flagpoles, and other similar structures), subject to the requirements of Section 420.1.
- 206.2.11 **Emergency services**, subject to the requirements of Section 428.
- 206.2.12 **Farms.**
- 206.2.13 **Forestry uses**, subject to the requirements of Sections 432.
- 206.2.14 **Health and fitness clubs**, subject to the requirements of Section 435.
- 206.2.15 **Kennels**, subject to the requirements of Section 443.
- 206.2.16 **Laboratories for medical, scientific, agricultural, or industrial research and development.**
- 206.2.17 **Laundry plants.**
- 206.2.18 **Machine, tool and die, and metal fabrication shops.**

206.2.19 Manufacturing, packaging, storage and/or wholesaling of the following:

- 206.2.19.1 Furniture, cabinets, plumbing, heating, air conditioning, ventilation and electrical fixtures, ceramic, stone, vinyl, fiberglass and linoleum tiles, carpets and rugs, windows, doors, insulation, ceiling and roofing tiles, household appliances, finished lumber, and other household appointments.
- 206.2.19.2 Scientific, medical, optical, specialized, and technical instruments and equipment.
- 206.2.19.3 Audio visual components, computers, vending machines, electronic equipment, software and video games.
- 206.2.19.4 Office equipment, supplies and furnishings.
- 206.2.19.5 Packaging materials, supplies and equipment.
- 206.2.19.6 Paper, cardboard and Styrofoam production.
- 206.2.19.7 Finished textile products.
- 206.2.19.8 Cosmetics, drugs, dyes, toiletries, perfumes, and other pharmaceuticals.
- 206.2.19.9 Brushes, brooms and combs.
- 206.2.19.10 Hot tubs, spas, saunas, and swimming pools.
- 206.2.19.11 Jewelry and other precious or semi-precious metals and stones.
- 206.2.19.12 Photographic, lighting, and timekeeping equipment.
- 206.2.19.13 Hand tools, hardware, power tools and small engine equipment and vehicles including but not limited to, lawn mowers, chain saws, compressors, power washing equipment, motorcycles, and outboard boat motors.
- 206.2.19.14 Musical instruments, sporting equipment, bicycles and toys.
- 206.2.19.15 Small or novelty products from prepared materials (excluding the use of sheet metals).

206.2.20 Medical, dental, optical, and counseling clinics and offices.**206.2.21 Offices.****206.2.22 Processing, packaging, bottling, storage, and/or wholesaling of food products excluding:**

- 206.2.22.1 Pickling processes.
- 206.2.22.2 Rendering or slaughtering operations.
- 206.2.22.3 Sugar refineries.

206.2.23 Public uses.**206.2.24 Public utilities structures.****206.2.25 Repair shops for products permitted to be manufactured in this Zone.****206.2.26 Sales, storage and/or wholesaling of the following:**

- 206.2.26.1 Home and auto-related fuels.
- 206.2.26.2 Nursery and garden materials, and stock.
- 206.2.26.3 Redi-mix concrete.
- 206.2.26.4 Contractor supplies.
- 206.2.26.5 Plumbing, heating, air conditioning, electrical, and other structural components of buildings.

206.2.27 Satellite dish antennas, subject to the requirements of Section 461.**206.2.28 Shops, offices and showrooms for contractors of the following:**

- 206.2.28.1 Antennas and cable, communications.
- 206.2.28.2 Basement waterproofing.

- 206.2.28.3 Cabinetmaking.
- 206.2.28.4 Carpentry.
- 206.2.28.5 Carpet countertops.
- 206.2.28.6 Concrete and paving.
- 206.2.28.7 Drywall and plaster.
- 206.2.28.8 Electrical, electronic, and telephone.
- 206.2.28.9 Flooring.
- 206.2.28.10 Glass and windows.
- 206.2.28.11 Gutters and downspouts
- 206.2.28.12 Heating and air conditioning.
- 206.2.28.13 Hot tubs and spas.
- 206.2.28.14 Insulation.
- 206.2.28.15 Lawn care and landscaping.
- 206.2.28.16 Masonry.
- 206.2.28.17 Painting.
- 206.2.28.18 Pest control.
- 206.2.28.19 Plumbing.
- 206.2.28.20 Power-washing.
- 206.2.28.21 Roofing.
- 206.2.28.22 Septic system installation, maintenance and pumping.
- 206.2.28.23 Sign-making.
- 206.2.28.24 Snow removal.
- 206.2.28.25 Swimming pools.
- 206.2.28.26 Well drilling,
- 206.2.28.27 Woodworking.
- 206.2.28.28 Other uses similar to above.

206.2.29 **Small engine repair shops.**

206.2.30 **Vocational-Mechanical Trade School and Training Centers.**

206.2.31 **Welding shops.**

206.2.32 **Automobile, boat, farm machinery, trailer, and rental equipment**, including service or repair facilities as an accessory use and if conducted within a completely-enclosed building, and **heavy equipment and/or commercial truck sales, service and repair**, such as excavation machinery, commercial trucks, buses, farm equipment, manufactured homes, trailers and other similar machinery, subject to the requirements of Section 436. *(Amended by Ordinance No. 19-03, 06/03/2019)*

206.3 Accessory uses customarily incidental to the above permitted uses, including, but not limited to:

206.3.1 **Accessory retail sales of products produced on-site** so long as the sales area is no more than ten percent (10%) of the total floor area or three thousand (3,000) square feet, whichever is less.

206.3.2 **Alternative energy production facilities** (Geothermal Systems, Outdoor Hydronic Heater Systems Accessory Solar Energy Systems, Accessory Wind Energy Systems), subject to the requirements of Section 404.

206.3.3 **Keeping of carriage and buggy horses**, for the sole purpose of providing means of transportation via a carriage, subject to the requirements of Section 442 when located on a parcel of less than ten (10) acres.

206.3.4 **Man-made lakes, dams, ponds, and impoundments**, subject to the requirements of Section 444.

- 206.3.5 **Manure storage facilities**, subject to the requirements of Section 446.
- 206.3.6 **Recycling collection facilities**, provided such facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals, the facility is posted to prohibit the disposal of any material, good or furnishing that cannot be placed within the actual recycling bin, and the total size of the facility is less than three hundred (300) square feet.
- 206.3.7 **Sheds**, provided that no more than two (2) such sheds shall be permitted for each residence.
- 206.3.8 **Signs**, subject to the requirements of Section 322.
- 206.3.9 **Customary accessory structures** incidental to the listed permitted uses, subject to the following setback requirements:

All accessory buildings shall be located in the rear or side yards, or in the front yard, provided that the accessory building is located behind the minimum building setback line. Accessory buildings on lots adjacent to actively-farmed properties in any zoning district shall be set back at least 10 feet from the side and rear property lines, with all other accessory buildings being set back from rear and side property lines, based on the square footage area of the building, as follows:

Area	Side Yard Setback	Rear Yard Setback
Less than 160 square feet	5 feet	5 feet
160-300 square feet	10 feet	10 feet

Buildings greater than 300 square feet in area shall have the same side and rear yard setbacks as principal buildings. *(Amended by Ordinance No. 17-02, 09/11/17)*

- 206.3.10 **Farm House Expansion**, subject to the criteria set forth in the definition of Farm House Expansion in Section 112. *(Amended by Ordinance No. 17-, 09/11/17)*
- 206.4 Uses Permitted By Special Exception. (Subject to the review procedures of Section 604.3.)
- 206.4.1 **Adult uses**, subject to the requirements of Section 402.
- 206.4.2 **Alternative energy production facilities** (Principal Solar Energy Systems and Principal Wind Energy Systems), subject to the requirements of Section 404.
- 206.4.3 **Billboards**, subject to the requirements of Section 413.
- 206.4.4 **Freestanding communication antennas, towers and equipment**, subject to the requirements of Section 420.2.
- 206.4.5 **Reserved for Future Use** *(Amended by Ordinance No. 19-03, 06/03/2019)*
- 206.4.6 **Heavy industrial uses**, subject to the requirements of Section 437.
- 206.4.7 **Hospitals with related uses**, subject to the requirements of Section 441.
- 206.4.8 **Junkyards**, subject to compliance with the Providence Township Junkyard Ordinance.
- 206.4.9 **Methadone treatment facilities**, subject to the requirements of Section 448.
- 206.4.10 **Mini-Warehouses/Self-Storage facilities**, subject to the requirements of Section 449.

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- 206.4.11 **Power generation facilities**, subject to the requirements of Section 454.
- 206.4.12 **Recycling facilities for paper, plastic, glass and metal products**, subject to the requirements of Section 455.
- 206.4.13 **Sawmills**, subject to the requirements of Section 462.
- 206.4.14 **Septage and compost processing**, subject to the requirements of Section 463.
- 206.4.15 **Single-family dwellings** used in conjunction with a permitted or special exception use in this Zone, provided the dwelling is located on the same lot as the other industrial use. The dwelling may be, but is not required to be, in the same structure as the other industrial use.
- 206.4.16 **Slaughtering, processing, rendering, and packaging of food products and their byproducts**, subject to the requirements of Section 466.
- 206.4.17 **Solid waste disposal, processing and transfer facilities**, subject to the requirements of Section 467.
- 206.4.18 **Truck or motor freight terminals**, subject to the requirements of Section 468.
- 206.4.19 **Truck stops**, subject to the requirements of Section 469.
- 206.4.20 **Warehousing and wholesale trade establishments**, subject to the requirements of Section 470.
- 206.5 Lot Area Requirements. Unless otherwise specified, each use within this Zone shall have a minimum lot size of forty-three thousand, five hundred sixty (43,560) square feet.
- 206.6 Maximum Lot Coverage. Seventy percent (70%).
- 206.7 Minimum Lot Width. Two hundred feet (200').
- 206.8 Minimum Setback Requirements.
- 206.8.1 **Front Yard Setback**. All buildings, structures (except permitted signs) and outdoor loading areas, dumpsters, and outdoor storage areas shall be set back at least fifty feet (50') from the adjoining right-of-way. All parking lots shall be set back at least twenty feet (20') from adjoining right-of-way.
- 206.8.2 **Side Yard Setbacks**. All buildings, structures (except permitted signs), dumpsters, and off-street loading areas shall be set back at least thirty feet (30') from any side property lines. All outdoor storage areas and off-street parking lots shall be set back at least twenty feet (20') from any side lot lines, unless joint parking lots and/or loading areas are shared by adjoining uses. In such instances, one of the side yard setbacks can be waived solely for parking and/or loading facilities.
- 206.8.3 **Rear Yard Setback**. All buildings, structures, dumpsters, and off-street loading areas shall be set back at least thirty-five feet (35') from any rear property lines. All outdoor storage areas and off-street parking lots shall be set back at least twenty-five feet (25') from any rear lot lines.
- 206.8.4 **Residential Buffer Strip**. Any use adjoining land within a residential zone, or across a road from land within a residential zone, shall maintain a seventy-five foot (75') setback for buildings, structures, dumpsters, outdoor storage areas, and off-street loading areas from the residential zone. Off-street parking lots shall be set back at least fifty feet (50') from adjoining residentially-zoned properties. All of these setback areas shall be devoted to landscaping.
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- 206.9 Maximum Permitted Structural Height. The height of any principal or accessory structure shall not exceed thirty-five feet (35'), except that chimneys, flagpoles, water tanks, and other mechanical appurtenances may be built to a height not exceeding seventy-five feet (75') above the finished grade when erected upon or as an integral part of a building. All structures extending above thirty-five feet (35') from grade (except permitted signs) shall be set back a distance at least equal to their height from all property lines.
- 206.10 Off-Street Loading. Off-street loading shall be provided, as specified in Section 312. Where possible, no off-street loading area shall be permitted on any side of a building facing adjoining lands within a residential zone, nor any side of a building facing an adjoining street.
- 206.11 Off-Street Parking. Off-street parking shall be provided, as specified in Section 313.
- 206.12 Signs. Signs shall be permitted, as specified in Section 322.
- 206.13 Driveway and Access Drive Requirements. Driveways and access drives shall be limited to one (1) access drive per road frontage, unless said frontage exceeds three hundred feet (300), in which case, one (1) additional access drive shall be permitted. Driveways and access drives shall conform to Sections 300, 301, 302, and 303.
- 206.14 Screening. A visual screen must be provided along any adjoining lands within a residential zone, regardless of whether or not the residentially-zoned parcel is developed.
- 206.15 Landscaping. Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. *(Amended by Ordinance No. 20-03, 09/14/2020)*
- 206.16 Waste Products. Waste dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be set back a minimum of seventy-five feet (75') from any adjoining residentially-zoned properties. All waste receptacles shall be completely enclosed within a fenced or masonry enclosure, equipped with a self-latching door or gate.
- 206.17 Industrial Operations Standards. All industrial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal government regulations, as required by the most recent regulations made available from these governmental bodies.
- 206.18 Outdoor Storage. Within this Zone, outdoor storage is permitted, provided all outdoor storage areas are screened from adjoining roads and properties, and they comply with all of those setbacks specifically imposed thereon, listed in this section.
- 206.19 General Provisions. All uses permitted within this Zone shall also comply with the General Provisions in Article 3.

Article 3

General Provisions

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

Section 300 Reserved For Future Use *(Amended by Ordinance No. 20-03, 09/14/2020)*

Section 301 Access to Properties and Structures

- 301.1 Every building hereafter erected or moved and every new principal use established shall have access to a public or private street.
- 301.2 All structures shall be sited on lots in such manner to provide for safe and convenient access for servicing, fire protection, waste collection, off-street parking, and loading spaces. The erection of buildings without approved access shall not be permitted.
- 301.3 Access to lots containing single-family dwellings and farms shall be via driveways (see Section 303). Access to lots containing other uses shall be via access drives (see Section 300).

Section 302 Clear-Sight Triangle

- 302.1 On corner lots, there shall be provided and maintained a clear-sight triangle of at least one hundred feet (100'), as measured along the centerline of any local and/or collector roads and at least one hundred fifty feet (150'), as measured along the centerline of any arterial roads from the intersecting roads. No structure, planting, excavation, nor other visual obstruction shall be permitted at a height greater than thirty inches (30") within such area. All such clear-sight triangles shall be depicted upon proposed subdivision and land development plans and sketch plans for zoning permit applications. If the clear-sight triangle is not contained entirely within the public right-of-way, the plan shall include a note granting the Township access to remove any visual obstruction within the clear-sight triangle.
- 302.2 Clear sight triangles for driveways are regulated by the Providence Township Driveway Ordinance. Clear sight triangles for access drives are regulated by the Providence Township Subdivision and Land Development Ordinance. *(Amended by Ordinance No. 20-03, 09/14/2020)*

Section 303 Driveway Requirements (Single-Family Dwellings and Farms)

- 303.1 All driveways shall be designed in accordance with the applicable provisions of the Providence Township Subdivision and Land Development Ordinance relating to driveways. *(Amended by Ordinance No. 20-03, 09/14/2020)*

Section 304 Establishment of More Than One Principal Use On a Lot

More than one principal use may be established on a single lot only when each use complies with all of the lot area, yard and all other requirements of this Zoning Ordinance, as though it were on an individual lot, and a plan has been recorded in compliance with the Subdivision and Land Development Ordinance (SLDO). An applicant for more than one principal use on a lot shall be required to submit information and detailed plans that demonstrate compliance with this section (e.g., ghost property lines, and related setbacks, respective ghost lot coverage calculations, etc.).

Section 305 Fences and Walls

- 305.1 Notwithstanding other provisions of this Zoning Ordinance within Residential Zones, fences and walls are permitted within required yard areas,
- 305.2 No fence or wall (except agricultural, required junkyard, tennis court walls or fences, or retaining walls, as noted below) shall be erected to a height of more than:
 - 305.2.1 Six feet (6') in a front yard, except that fences and walls erected upon reverse frontage lots may extend up to a height of eight feet (8') within that front yard that does not contain vehicular access. *(Amended by Ordinance No. 20-03, 09/14/2020)*
 - 305.2.2 Eight feet (8') in any side or rear yard. *(Amended by Ordinance No. 20-03, 09/14/2020)*
- 305.3 Notwithstanding other provisions of this Zoning Ordinance within non-Residential Zones, no fence or wall (except agricultural, required junkyard, tennis court walls or fences, or retaining walls, as noted below in Section 305.5), shall be erected to a height of more than ten feet (10') in any yard.
- 305.4 Fences shall be installed so that the finished side faces outward from the property upon which it is located.
- 305.5 The use of retaining walls higher than four feet (4'), up to a maximum height of twelve feet (12'), is permitted, subject to the following findings: *(Amended by Ordinance No. 20-03, 09/14/2020)*
 - 305.5.1 That the proposed height of the retaining wall is necessary to facilitate an efficient use of the site and/or protect an important or sensitive natural or cultural feature of the site.
 - 305.5.2 That the applicant has submitted written expert evidence from a professional registered in the Commonwealth of Pennsylvania to perform such duties, that the proposed retaining wall is designed to assure structural integrity and will in no way adversely affect any drainage pattern and/or underground utility lines, nor interfere with their rights-of-way.
 - 305.5.3 That the applicant has provided sufficient separation and/or physical barriers between the proposed retaining wall and any pedestrian and/or vehicle movement areas to ensure adequate vehicle and pedestrian safety.
 - 305.5.4 That the base of the retaining wall is set back a horizontal distance at least equal to the height from each property line.
- 305.6 No fence shall cause visual blockage within a required clear-sight triangle.
- 305.7 Fences and walls shall be constructed of durable materials suited for its purpose and the use of discarded materials, vehicles, and appliances is prohibited. No wall or fence shall be constructed of corrugated metal, corrugated fiberglass, or sheet metal.

Section 306 Front Yard Setback Exceptions

When an unimproved lot is situated between two (2) improved lots with front yard dimensions less than those required for the Zone, the front yard required for a principal dwelling may be reduced to a depth equal to the average of the two (2) adjoining lots, provided that in no case shall the front yard be less than twenty feet (20') from an abutting street right-of-way line.

Section 307 Height Limit Exceptions

- 307.1 The height regulations do not apply to the following structures or projections, provided such structures or projections do not exceed a maximum height of one hundred nine-nine feet (199'), are set back a horizontal distance at least equal to their height from any property line, are not used for habitable floor space, comply with applicable FAA regulations, and are constructed in accordance with the prevailing Uniform Construction Code.
- 307.1.1 Water towers, antennas, utility poles, smokestacks, chimneys, farm silos, windmills, flagpoles, light poles for outdoor recreation, clock or bell towers, spires, steeples, belfries, cupolas, monuments, dormers, satellite dish antennas, electrical transmission lines and structures, conveyors, derricks, skylights, solar energy collectors, and other similar structures.
 - 307.1.2 Roof-top structures for the housing of elevators, stairways, water storage tanks, ventilating fans, and other mechanical appurtenances.
 - 307.1.3 Parapet walls or cornices used solely for ornamental purposes if not in excess of five feet (5') above the roof line.
 - 307.1.4 Church roofs.
- 307.2 In no case shall any freestanding or roof-top structure above the maximum permitted height be used for the purpose of providing additional floor space for any use.
- 307.3 In lieu of this section, telecommunications towers, wireless communication facilities, and similar antennas shall be subject to the regulations of Section 420.

Section 308 Historic Site Demolition

- 308.1 Purpose. To provide the means to protect and preserve historic sites and structures by establishing a process for public and technical review.
- 308.2 Regulated Activity. A special exception is required for the proposed demolition of any structure that is:
- 308.2.1 Individually listed on the inventory of historic places in the Providence Township Comprehensive Plan 2008, as amended.
 - 308.2.2 Listed individually in the National Register of Historic Places (a listing maintained by the U. S. Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
 - 308.2.3 Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered Historic District or a District preliminarily determined by the Secretary to qualify as a registered Historic District.

308.2.4 Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior.

308.2.4 Individually listed on a local inventory of historic places when the local inventory is maintained by an organization that has been certified by an approved state program or the Secretary of the Interior.

308.3 Demolition of a Historic Structure.

308.3.1 No historic structure shall be demolished until the applicant has obtained special exception approval and a zoning permit for such demolition.

308.3.2 Prior to the application for special exception approval to demolish a historic structure, the applicant is required to meet with the staff of the Lancaster County Historical Society and/or the Pennsylvania Historical and Museum Commission to inform the staff about the structure and gain their ideas about potential preservation options for the building/structure.

The applicant is required to submit with the application for a special exception all of the following materials, when available:

308.3.2.1 Historic deeds, surveys and site plans of the subject property.

308.3.2.2 Current and historic photos of the property.

308.3.2.3 A description of the specific reasons why the historic structure cannot accommodate a permitted use and the demolition is warranted.

308.3.2.4 A letter of findings from the Lancaster County Historical Society and/or the Pennsylvania Historical and Museum Commission.

308.3.2.5 If the applicant is not the landowner, a notarized letter from the landowner requesting demolition of the historic structure.

308.3.2.6 A description of specific measures and/or relief that could enable the preservation of the subject historic structure, or specific reasons why the historic structure cannot accommodate a permitted use and the demolition is warranted.

308.3.3 In evaluating the merits of a special exception, the Zoning Hearing Board shall consider the findings of the Lancaster County Historical Society and/or the Pennsylvania Historical and Museum Commission in its review of the proposed demolition.

308.3.4 Should the Zoning Hearing Board determine that the historic structure retains significant historic value and can be practically adapted to meet the needs of the applicant, the special exception shall be denied.

Section 309 Reserved for future Use

Section 310 Reserved For Future Use (*Amended by Ordinance No. 20-03, 09/14/2020*)

Section 311 Minimum Habitable Floor Area

311.1 All dwelling units must conform to the following:

311.1.1 Single family detached, single family semi-detached, manufactured homes and townhouses shall provide a minimum habitable floor area of six hundred (600) square feet per dwelling unit. (*Amended by Ordinance No. 17-02, 09/11/17*)

311.1.2 Multi-unit residential dwellings and conversion apartments shall provide a minimum habitable floor area of six hundred (600) square feet per dwelling unit.

Section 312 Off-Street Loading Spaces

312.1 When Required. Compliance with this section shall be required prior to the occupancy of any building or use that requires off-street loading. Off-street loading spaces shall be provided on the same lot as the use that it serves. These facilities shall be provided whenever:

312.1.1 A new use is established.

312.1.2 The use of a property or building is changed such that more loading space is required.

312.1.3 An existing use is enlarged such that more loading space is required.

312.2 Site Plan Approval.

312.2.1 Each application for a zoning permit for a use for which off-street loading spaces are required shall include a site plan drawing showing the proposed layout of the off-street loading spaces. The drawing shall clearly include the design elements required by this section.

312.2.2 No zoning permit shall be issued for any use for which a loading area is required, unless the site plan has been approved or necessary variances have been approved.

312.3 Surfacing. All off-street loading spaces, including access drives, shall be constructed and maintained with a paved surface, as defined herein.

312.4 Location and Orientation. Except as provided elsewhere, a ground-level, off-street loading space may only be located in any side or rear yard. No exterior portion of an off-street loading space (including access drives) shall be located within fifty feet (50') of a Residential Zone. When possible, no exterior portion of an off-street loading space shall be located on the face of a building facing any adjoining land in the Residential Zone.

312.5 Connection To Street. Every off-street loading space shall be connected to a street by means of an access drive. The access drive shall be at least twenty-four feet (24') wide, exclusive of curb returns and gutters.

312.6 Separation From Streets, Sidewalks and Parking Lots. Off-street loading spaces shall be designed so that there will be no need for vehicles to back onto streets or sidewalks. Furthermore, off-street loading spaces shall not interfere with off-street parking lots or with the free movement of vehicles and pedestrians on the site.

312.7 Drainage. Off-street loading spaces (including access drives) shall be drained to prevent damage to other properties or public streets. Furthermore, all off-street loading spaces shall be designed to prevent the collection of standing water on any portion of the loading facility surface.

312.8 Required Off-Street Loading Space Sizes. Off-street loading spaces shall have a rectangular shape with not less than the following dimensions. Angled spaces will need to be longer to achieve the rectangular shape.

Facility	Length	Width	Height (if covered or obstructed)
Industrial, Wholesale and Storage Uses, and Shopping Centers	63 feet	12 feet	15 feet
All Other Uses	33 feet	12 feet	15 feet

312.9 Access. Off-street loading spaces shall be designed so that each vehicle may proceed to and from

the space provided for it without requiring the moving of any other vehicle. All access drives shall be so designed so that there will be no need for drivers to back out onto a street. All dead-end loading spaces shall be designed to provide sufficient back-up and turn-around area for all vehicles. Such back-up and turn-around areas shall also be considered to be part of the off-street loading space for purposes of location, setbacks and screening.

- 312.10 Lighting. Lighting shall comply with Section 310.
- 312.11 Landscaping and Screening Requirements. Stand-alone, off-street loading spaces shall be surrounded by a fifteen foot (15') wide landscape strip. All off-street loading spaces shall be screened from adjoining Residential Zones and adjoining public streets.
- 312.12 Loading Area Markings. All off-street loading spaces shall be marked and maintained for the purpose of defining all loading spaces and interior drives. As a minimum, the lines of all off-street loading spaces and interior drives (including directional arrows) shall be in a color typically suitable for such markings, and shall be at least four inches (4") in width. Painted lines, arrows and dividers shall be provided and maintained to control truck parking and to direct vehicular circulation.
- 312.13 Schedule of Required Off-Street Loading Spaces. The schedule of required off-street loading spaces is as follows:

Use	Gross Floor Area (square feet)	Number of Spaces
Commercial, wholesale, manufacturing, hospital, laundry, institutional, or similar uses	Under 8,000	1
	8,000 to 40,000	2
	Over 40,000 to 100,000	3
	Over 100,000 to 250,000	4
	Each additional 200,000	1
Office buildings or hotels	Under 100,000	1
	Over 100,000 to 300,000	2
	Over 300,000	3

Section 313 Off-Street Parking

- 313.1 When Required. Off-street parking is required in accordance with the provisions of this section prior to the occupancy of any building or use. Off-street parking shall be provided whenever:
- 313.1.1 A building is constructed or a new use is established.
- 313.1.2 The use of an existing building is changed to a use requiring more parking facilities.
- 313.1.3 An existing building or use is altered or enlarged so as to increase the amount of parking space required.
- 313.2 Reduction of Existing Parking. Off-street parking facilities existing at the effective date of this Zoning Ordinance shall not subsequently be reduced to an amount less than that required under Section 313.19.
- 313.3 Parking for Single-Family Detached Dwellings. Every single-family detached dwelling shall be required to provide at least two (2) off-street parking spaces that are each a minimum of nine feet (9') wide and eighteen feet (18') long. Such spaces must be provided behind the street right-of-way line and may be within garages, carports and/or driveways. The remaining regulations contained in

this section do not apply to off-street parking facilities serving one (1) single-family detached dwelling.

313.4 Site Plan Approval.

313.4.1 Each application for a zoning permit for a use that requires off-street parking spaces shall include a site plan showing the proposed layout of the lot. The plan shall clearly indicate all of the design elements required here below.

313.4.2 No zoning permit shall be issued for any use for which off-street parking spaces are required, unless the site plan has been approved or necessary variances have been obtained.

313.5 Surfacing. All off-street parking lots, including access drives, shall be constructed and maintained with a paved surface, as defined herein.

313.6 Separation From Streets and Sidewalks. Parking spaces shall be guarded by curbs or other protective devices, which shall be arranged so that parked cars cannot project into streets, yards or walkways.

313.7 Parking Space Sizes.

313.7.1 Parallel parking shall be a minimum width of seven feet (7') and a minimum length of twenty-three feet (23').

313.7.2 Perpendicular parking shall be a minimum width of eight feet, six inches (8', 6") and a minimum length of eighteen feet (18').

313.7.3 Parking space length and width can be increased from minimum sizes where appropriate in accordance with location, use and turnover rate.

313.7.4 Encroachments, such as columns and light poles, may encroach into a module by one foot (1') and affect up to twenty percent (20%) of the total number of parking spaces.

313.7.5 Angled parking may be pull-in or reverse (back-in).

313.7.6 Parking spaces for the physically handicapped shall meet the Americans With Disabilities Act (ADA).

313.7.7 Off-street parking areas shall be oriented to, and within a reasonable walking distance of, the buildings they are designed for, and consistent with adjacent neighborhoods.

313.7.8 Parked vehicles adjacent to sidewalks shall not overhang or extend over the sidewalk in a manner that restricts pedestrian circulation. Where such overhang is not restricted by a wheel stop or other device, sidewalks shall have a four foot (4') minimum clearance width from any obstacles.

313.7.9 Not less than a two foot (2') radius of curvature shall be permitted for horizontal curves in parking areas.

313.7.10 All dead-end parking lots shall be designed to provide sufficient back-up area for all end stalls.

313.7.11 Painted lines, arrows and dividers shall be provided and maintained to control parking and, when necessary, to direct vehicular circulation.

313.7.12 The typical cross-section of any parking compound shall meet the following minimum standards:

313.7.12.1 Non-permeable Pavement. Crushed aggregate base course with a minimum thickness of six inches (6"), as specified in PennDOT Specifications, *Manual Form 408*, and its latest revisions, or other PennDOT-approved equivalent. Pavement shall consist of a minimum of one and one-half inches (1½") of binder courses and one inch (1") wearing surface. Material shall be equal or superior to PennDOT Specifications for Bituminous Surface Course ID-2 and shall be applied in accordance with PennDOT Specifications, *Manual Form 408*, and its latest revisions, or other PennDOT-approved equivalent.

313.7.12.2 Permeable Pavement. Permeable pavement is encouraged but not required. Permeable pavement shall not be located on fueling stations, sites with expansive soils or high depth-to-bedrock, areas with the water table less than two feet (2') below the bottom of the pavement base, and less than one hundred feet (100') from drinking wells. Permeable pavement includes paving units, porous asphalt pavement, or porous concrete (using single-sized aggregate and low water content); uniformly graded stone aggregate with void space; filter fabric lining the subsurface beds; and uncompacted (or hand compacted) subgrade. Permeable pavement shall consider the infiltration rate of the soil subgrade under the base. Constant supervision during construction is encouraged as sediment must be kept from the aggregate base.

313.7.13 Shared parking is encouraged. The number of parking spaces may be reduced if shown that the uses are compatible with parking needs.

313.8 Interior Driveways.

313.8.1 Driveways between rows of parking spaces shall have the minimum widths shown:

Angle of Parking	Width of Driveway: One-Way Traffic	Width of Driveway: Two-Way Traffic
90 Degrees	24 feet	24 feet
60 Degrees	20 feet	24 feet
45 Degrees	15 feet	24 feet
30 Degrees	12 feet	24 feet
Parallel	12 feet	24 feet

313.8.2 Interior driveways in areas where there is no parking permitted shall be at least twelve feet (12') wide for each lane of traffic.

313.9 Marking of Parking Spaces and Interior Drives. All parking lots shall be adequately marked and maintained for the purpose of defining parking spaces and interior drives. The lines of all parking spaces and interior drives (including directional arrows, etc.) shall be solid white and four inches (4") in width. White paint for these lines shall conform to Federal Specification TT-P-115C, Type 1, for white reflective traffic line paint, or equivalent.

313.10 Lighting. Lighting shall comply with the applicable provisions of the Providence Township Subdivision and Land Development Ordinance. (*Amended by Ordinance No. 20-03, 09/14/2020*)

313.11 Access Drive Requirements. Every parking lot shall be connected to a street by means of an access drive, which access drive shall be constructed in accordance with the applicable provisions of the Providence Township Subdivision and Land Development Ordinance. (*Amended by Ordinance No. 20-03, 09/14/2020*)

313.12 Speed Bumps and Traffic Calming Devices.

313.12.1 Speed bumps, constructed as part of access drives or parking lots, shall be marked with permanent, yellow diagonal stripes.

- 313.12.2 The speed bumps shall be in the form of mounds or depressions in the pavement and shall be designed to restrain motor vehicle speed.
- 313.12.3 There shall be a warning sign posted at each entrance to a parking area having speed bumps.
- 313.12.4 In no case shall the overall height (or depth) of speed bumps exceed two inches (2").
- 313.12.5 Speed bumps and traffic calming devices shall be set back at least fifty feet (50') from the street right-of-way of any local, marginal access or collector road, and at least one hundred feet (100') from the street right-of-way of any expressway or arterial road.
- 313.13 Joint Parking Lots. Parking lots may be designed to serve more than one (1) use, provided that the number of spaces is not less than the sum of the spaces that would be required for each use if calculated separately. For the purpose of determining required landscape strips and interior landscaping required by Section 313.18., all parking spaces within a joint parking lot shall be combined.
- 313.14 Prohibited Uses of a Parking Lot. Parking lots are for the sole purpose of accommodating the passenger vehicles of persons associated with the use which requires them. Parking lots shall not be used for the following and/or loading purposes:
 - 313.14.1 Sale, display or storage of automobiles or other merchandise, except as otherwise permitted by this Zoning Ordinance.
 - 313.14.2 Parking vehicles accessory to the use.
 - 313.14.3 Performing services (including services to vehicles).
 - 313.14.4 Placement or storage of trailers, trucks, portable storage containers, palettes or other similar structures, vehicles, items or materials.
 - 313.14.5 Off-street loading required by Section 313, except during hours when business operations are suspended.
- 313.15 Access. Parking facilities shall be designed so that each vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle. All commercial and industrial use access drives shall be so designed and constructed such that vehicles need not reverse onto the street in order to exit the parking facility.
- 313.16 Location. All parking spaces shall be provided on the same premises, except that, if the required number of parking spaces cannot be reasonably provided on the premises, the Zoning Hearing Board may permit such spaces to be provided on another property in accordance with the standards for special exception. To approve the use, the Board must find that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Zoning Ordinance, including, but not limited to, those general criteria and specifically as follows:
 - 313.16.1 The proposed off-site location for the off-street parking spaces is located within the same Zone as the principal use.
 - 313.16.2 The proposed off-site location for the off-street parking spaces is located within one hundred fifty feet (150') of the premises containing the principal use.
 - 313.16.3 Adequate pedestrian access from the off-site parking spaces to the principal use is provided to the satisfaction of the Zoning Hearing Board.
 - 313.16.4 The applicant provides written evidence of a binding agreement in a form acceptable to the

Township Solicitor that ensures ongoing use and access to the off-site parking spaces.

- 313.16.5 Such off-lot spaces shall not thereafter be reduced or encroached upon in any manner. The same off-lot spaces may not be claimed by more than one (1) user for use at the same time.
- 313.17 Bus Stop. Where provided, bus stops shall be located and designed to permit the safe discharge and collection of occupants of the bus at the use within the lot. Bus stops shall be linked with a safe means of pedestrian access to the principal use of the property.
- 313.18 Landscaping and Screening Requirements. The following landscaping and screening requirements shall apply to all parking lots:
- 313.18.1 Front Yard Landscape Strip. When a parking lot is located in a yard which abuts a street, a landscape strip shall be provided along the entire streetline. This strip shall be measured from the street line or the closest edge of any access drive along the street frontage, whichever produces the wider landscape strip. This landscape strip may be located within any other landscape strip required to be located along a street. The following are the minimum widths of landscape strips:

Number of Parking Spaces in Parking Lot, Including Joint Facilities	Landscape Strip Width Measured In Feet From the Street R.O.W. Line*
Less than 100	15
100-250	20
Over 250	25
*Or the closest edge of any access drive along the street frontage, whichever produces the wider landscape strip.	

- 313.18.2 Side and Rear Yard Landscape Strips. Unless otherwise indicated, all off-street parking lots shall be surrounded by a ten foot (10') wide landscape strip.
- 313.18.3 Interior Landscaping.
- 313.18.3.1 Except in those instances when off-street parking spaces are provided on a story either above or below grade, or when such off-street parking spaces are provided at grade, but covered with a roof, any parking lot, or portion thereof, containing twenty (20) or more parking spaces, shall devote a minimum of five (5) square feet per parking space to interior landscaping.
- 313.18.3.2 Such interior landscaping shall be used:
- A. At the end of parking space rows and to break up continuous rows of parking spaces.
- B. Adjoining and to help visually define travel lanes through or next to the parking lot.
- 313.18.3.3 Landscaped areas situated outside of the parking lot, such as areas surrounding buildings, shall not constitute interior landscaping.
- 313.18.3.4 Ground cover alone is not sufficient to meet this requirement. Trees, shrubs, or other approved material shall be provided. At least one (1) mature shade tree shall be provided for each eight hundred (800) square feet (or fraction) of required interior landscaping area. These trees shall have a clear trunk at least five feet (5') above finished-grade level.
- 313.18.3.5 Parked vehicles may not overhang interior landscaped areas more than two and one-half feet (2½'). Where necessary, wheel stops or curbing shall be provided to insure no greater overhang.
- 313.18.3.6 If a parking lot of under twenty (20) spaces is built without interior landscaping, and later additional spaces are added so that the total is twenty (20) or more, the interior landscaping shall be provided for the entire parking lot.

- 313.18.4 Applicants are encouraged to utilize rain gardens within the interior landscape islands and front, side and rear yard landscape strips in areas not underlain with carbonate geology.
- 313.18.5 Screening. When a parking lot is located on property which is adjacent to a Residential Zone, the parking lot shall be screened from the adjoining property in accordance with Section 320.4.
- 313.19 Schedule of Required Parking Spaces. Except as provided for in Sections 313.19.1 and 3, the minimum number of passenger and oversized off-street parking spaces to be provided for each land use type shall be as indicated in the following table. Any use involving a combination of several uses shall provide the sum of the number of spaces required for each individual use. Any calculation that results in a fraction shall require an additional full space.

Type of Use	Minimum of One Parking Space for Each
RESIDENTIAL USES	
Single-family detached dwellings and seasonal dwellings	1/2 dwelling unit (i.e., two spaces per dwelling unit)
Boarding houses, group homes, and bed and breakfasts	Bedroom
Duplex, townhouse, multi-unit, and conversion apartment dwellings	1/3 dwelling unit (i.e., three spaces per dwelling unit). Such parking spaces can take the form of private driveways, or garages and/or common parking lots, provided all spaces required are within 150 feet of the unit served.

Type of Use	Minimum of One Parking Space for Each
COMMERCIAL USES	
Automotive repair, filling and washing facilities	400 square feet of gross floor and ground area devoted to repair and service facilities, in addition to areas normally devoted to automotive storage, plus one per employee on major shift
Automobile, boat, and trailer sales	1,000 square feet of gross indoor and outdoor display areas
Carpeting, drapery, floor covering, and wall covering sales	500 square feet of gross floor area
Convenience stores	75 square feet of gross floor area
Drive-thru and/or fast-food restaurants	Two seats, plus one per each two employees
Food markets and grocery stores	150 square feet of gross floor area for public use, plus one per each employee on two largest shifts
Funeral homes	100 square feet of gross floor area, plus one per each employee and one per each piece of mobile equipment, such as hearses and ambulances
Furniture sales	500 square feet of gross floor area
Hotels, motels	Guest sleeping room, plus one per each employee on two largest shifts. (Restaurants and other accessory uses shall add to this requirement.)
Mini-warehouses	25 units, plus one per 250 square feet of office space, plus two per any resident manager
Nightclubs and taverns	Two seats plus one per employee on largest shift
Office buildings	300 square feet of gross floor area

Type of Use	Minimum of One Parking Space for Each
COMMERCIAL USES	
Professional offices of veterinarians, physicians, dentists, etc.	Six spaces per each physician or dentist, etc.
Retail stores or shops (except those listed above)	200 square feet of floor area devoted to public use and/or sales area, plus one per each employee on two largest shifts
Restaurants	Four seats plus one per each employee on largest shift
Shopping centers or malls	200 square feet of gross leasable floor area
Other commercial buildings	400 square feet of gross floor area

Type of Use	Minimum of One Parking Space for Each
INDUSTRIAL USES	
Industrial and manufacturing establishments	Employee on the two largest shifts or at least one space per each 1,000 square feet of gross floor area, whichever is the greatest number
Warehousing	Employee on the two largest shifts

Type of Use	Minimum of One Parking Space for Each
RECREATION USES	
Amusement arcades	80 square feet of gross floor area
Athletic fields	Four seats of spectator seating; however, if no spectator seating is provided, a temporary parking area shall be provided on the site. Such area must provide sufficient numbers of spaces to serve all users of the site.
Bowling alleys, billiards rooms	1/4 lane/table and one per each two employees
Campgrounds	Campsite, plus one per employee, plus 50% of the spaces normally required for accessory uses
Golf courses	1/8 hole, plus one per employee, plus 50% of the spaces normally required for accessory uses
Golf driving ranges	Tee, plus one per employee
Miniature golf courses	1/2 hole, plus one per employee
Riding schools or horse stables	Two stalls, plus one per every four seats of spectator seating
Picnic areas	Table
Skating rinks	Four persons of legal occupancy, plus one per employee
Swimming pools (other than one accessory to a residential development)	Four persons of legal occupancy, plus one per employee
Tennis or racquetball clubs	1/4 court, plus one per employee, plus 50% of the spaces normally required for accessory uses

Type of Use	Minimum of One Parking Space for Each
SOCIAL AND INSTITUTIONAL USES	
Auditorium, banquet, conference, and	200 square feet, but not fewer than one space per each

Type of Use	Minimum of One Parking Space for Each
SOCIAL AND INSTITUTIONAL USES	
meeting facilities; church, theater and other such places of public assembly	three seats
Clubs, lodges and other similar places	200 square feet of gross floor area, plus one per each employee on two largest shifts
Nursing or rest homes	Three accommodations (beds) in addition to those needed for doctors and support staff
Hospitals, sanitariums	Spaces shall be provided for visitors, at the rate of at least one space per each 1.5 accommodations (beds). Such spaces shall be in addition to those necessary for doctors and other personnel.
Museums, art galleries, cultural centers, libraries	400 square feet of gross floor area
Rehabilitation centers (without overnight accommodations)	Employee, plus one per each three people anticipated to be handled through the facility
Schools below grade ten, including kindergarten and day-care centers	Six individuals enrolled
Schools, tenth grade and above, including colleges	Three students enrolled
Vocational training and adult education facilities	1.5 students enrolled

313.19.1 All other uses not specifically mentioned above shall provide off-street parking spaces to accommodate one (1) space for the maximum number of persons regularly employed, having business and/or resident upon the premises at any given time.

313.19.2 For commercial and industrial uses, no off-street parking area shall accommodate more than one hundred twenty percent (120%) of the minimum requirement, regardless of whether such additional spaces are provided with pervious surfacing, except as provided for below by Section 313.19.3.

313.19.3 Alternative off-street parking standards to those provided in this section may be permitted by the Zoning Hearing Board as a special exception. The applicant shall prove that adequate parking is provided for all uses within the development. Such proof shall include, but not necessarily be limited to, the following:

313.19.3.1 Estimates of required parking needs based upon actual traffic or parking surveys for existing similar land uses located in comparable settings.

313.19.3.2 Analysis of shared parking facilities with other uses that routinely experience peak parking demands at different times of the day, week or season, and where the parking spaces required by one use can also accommodate another nearby use.

313.19.3.3 Analysis of the possible use of permeable surfaces for overflow parking where such overflow parking area would be used sparingly and where the applicant can show that the permeable surfaces will be constructed of stable materials and will be environmentally beneficial to the community.

313.19.3.4 Analysis of the likelihood of the use of bus service (both public transit and charter service) by a significant volume of patrons.

313.20 Recreational Vehicles, Boats, Campers, and Personal Cargo Trailers. Within the Residential Zones, or upon any property used principally for residential purposes, the exterior storage of recreational vehicles, boats, campers, and personal cargo trailers is permitted only according to the following requirements:

- 313.20.1 The parking of one recreational vehicle, boat, camper, or personal cargo trailer is permitted in a driveway or atop any impervious surface in any yard, so long as the vehicle is set back no less than ten feet (10') from any street right-of-way, and five feet (5') from adjoining property lines. Any area used for storage of a recreational vehicle, travel trailer, boat or personal cargo trailer shall be maintained so as to keep vegetation properly trimmed, debris or litter disposed of regularly, and some means to prevent the leakage of fuels and/or lubricants into the ground. All vehicles shall maintain required licensure
- 313.21 Parking of a Vehicles with a GVWR of 17,500 Pounds or Greater. Within all Residential Zones, the parking of no more than one (1) vehicle with a GVWR of 17,500 pounds or greater is permitted, subject to the following conditions.
- (GVWR is the maximum operating weight/mass of a vehicle as specified by the manufacturer including the vehicle's chassis, body, engine, engine fluids, fuel, accessories, driver, passengers and cargo but excluding that of any trailers)
- 313.21.1 The parking is limited to a vehicle operated by the occupant of the residence and must be located within a completely-enclosed garage, unless the site has at least two (2) acres. Such parking space shall not be leased to a nonresident of the lot.
- 313.21.2 No business, occupation, or service of the vehicle shall be conducted therein.
- 313.21.3 Any driveway used for vehicle access shall have a minimum inside turning radius of fifty feet (50').
- 313.21.4 The driveway upon which a vehicle is parked must have sufficient area for a truck turnaround so that the vehicle can enter and exit the site in a forward direction.
- 313.21.5 The vehicle must be parked behind the front building setback line.
- 313.21.6 Any driveway used for vehicle access shall have a minimum one hundred foot (100') paved apron measured from the street right-of-way.
- 313.21.7 Vehicles of any kind or type without current license plates and current inspection stickers shall not be parked or stored upon any property, other than in a completely-enclosed garage or other accessory building. This requirement shall not apply to implements and other vehicles not normally used as conveyances on the public streets.
- 313.22 Parking of Unlicensed and/or Uninspected Vehicles or Trailers. Except as set forth below, vehicles or trailers of any kind or type, or parts thereof, without current license plates and current inspection stickers, shall not be parked or stored other than in a completely-enclosed accessory building. This requirement shall not be applicable to farm equipment and other agricultural vehicles not originally built to be customarily used for travel on public highways.
- One (1) vehicle and/or one (1) trailer that does not have a current inspection plate and a current inspection sticker may be stored outside a completely-enclosed accessory building, if the vehicle is stored to the rear of the principal building located on the lot, and is not within twenty-five feet (25') of any property line.
- The unlicensed and uninspected vehicle must be operable and may not have wheels or substantial parts removed. In addition, if an unlicensed and uninspected vehicle and/or unlicensed and uninspected trailer is offered for sale, it may be stored in the front yard for a period of not more than thirty (30) days, whether the days are consecutive or nonconsecutive.
- 313.23 Permanent/Temporary Occupancy Requirements. No persons or family shall be permitted to permanently reside within any tent, travel trailer, bus, boat, camper, or motor home; however,

temporary occupancy of a tent, travel trailer, camper, or motor home shall be permitted within an approved campground or for periods of up to thirty (30) days in any calendar year on the property of a friend or relative. Nothing in this Section shall limit the right of a person to rent space in an approved campground and use that space for a tent, travel trailer, camper or motor home at any time during the period when the approved campground is open for business. *(Amended by Ordinance No. 17-02, 09/11/17)*

Section 314 On-Lot Sewage Disposal System Requirements

314.1 Two Disposal Sites Required.

- 314.1.1 For uses that will not be served by public or community sewage disposal systems, no lot shall be created or built upon, and no subdivision or land development plan shall be approved, unless and until primary and secondary on-lot sewage disposal sites are located and approved by the Township Sewage Enforcement Officer pursuant to all applicable regulations.
- 314.1.2 No subdivision or land development plan shall be approved and recorded, unless and until said plan and any deeds relating thereto are marked with the metes and bounds descriptions of the approved primary and secondary on-lot sewage disposal sites. The locations of the approved primary and secondary sites shall be depicted by a rectangle enclosing the tested area, and shall depict the exact locations of failed and passing percolation holes, soil probes by number, limiting zone depth in inches for each soil probe, and the percentage of slope over the tested area with an arrow depicting slope direction. Where one or more of the proposed lots contain an existing dwelling or other structure with an on-lot sewage disposal system, an approved secondary site shall be located and described as a condition of approval.
- 314.1.3 The owner and/or developer of any lot, subdivision or land development that is subject to the requirements of this section shall cause each plat, plan, deed, agreement of sale, and/or any other document offering the lot for sale, lease or other transfer to be annotated with a notice in the form of a restrictive covenant, approved by the Township, to the buyer, tenant, or other party in interest advising of, and enforcing, the requirements of this section. Such covenant shall protect the secondary on-lot sewage disposal site from excavation, construction and other activities that would result in disturbance of the soils' ability to renovate sewage effluent, until such time as the secondary on-lot sewage disposal site is activated due to malfunction of the initial disposal site.
- 314.1.4 The notice required by Section 314.1.3 shall state to the effect that there exist primary and secondary on-lot sewage disposal sites and that the secondary site shall be protected from use and not disturbed in any manner which would impact its intended use, until such time as it is necessary to construct a second on-lot sewage disposal system. Said notice shall specifically refer to this section and any other documents or materials, including, but not limited to, deeds, deed restrictions, restrictive covenants, land development plans, and similar documents, which identify or relate to the secondary site.
- 314.2 Lot Area. Regardless of any maximum lot area requirements listed elsewhere in this Zoning Ordinance, the minimum required lot size may be increased to insure an acceptable level of nitrate-nitrogen in the adjoining groundwater and to properly accommodate a secondary on-lot sewage disposal site. Such determinations will be made by PA DEP, through the sewer module review process. The applicant shall prove that the amount of land needed is the minimum necessary for such protection to insure an acceptable level of nitrate-nitrogen in the adjoining groundwater and to properly accommodate a secondary on-lot sewage disposal site.

Section 315 Open Space Requirements

- 315.1 Other Regulations. In those instances where open space is required elsewhere in this Zoning Ordinance, or when an applicant proposes the use of open space, such open space shall comply with the following:
- 315.2 Required Open Space Design. Required open space shall be designed and arranged to achieve at least one (1) of the following objectives, and the applicant shall demonstrate those specific measures employed to achieve these objectives:
- 315.2.1 Protection of important natural resources (e.g., streams, ponds, wetlands, steep slopes, woodlands, unique geologic features, wildlife habitats, aquifer recharge areas, etc.).
- 315.2.2 Protection of important historical and/or archaeological sites.
- 315.2.3 Provision of usable play and recreation areas that are conveniently accessible to residents within the development and the Township.
- 315.2.4 Integration of greenbelts throughout the development that link residences with on-site or adjoining parks, schools or other similar features.
- 315.3 Ownership and Maintenance. An essential element of the provision of open space is a written description regarding its ownership and/or disposition. Such ownership and/or disposition shall be accomplished through any of the following:
- 315.3.1 An offer of dedication to the Township. The Township shall not be obligated to accept dedication of the common open space.
- 315.3.2 With permission of the Township, and with an appropriate conservation easement as specified in Section 315.4, the developer may transfer ownership of the common open space or a portion thereof to a private, nonprofit 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 reverter or retransfer if the organization is unable to maintain the land, and the organization must enter into a maintenance agreement with the Township.
- 315.3.3 The developer shall provide for and establish an organization for the ownership and maintenance of the common open space which shall be generally consistent with the requirements for unit owners; associations found in the Pennsylvania Uniform Condominium Act, 68 Pa. C.S. § 3101 et seq. or the Pennsylvania Planned Community Development Act. If such an organization is created, the agreements of sale and deeds for all lots shall contain the following requirements in language acceptable to the Township Solicitor.
- 315.3.3.1 Such organization shall not dispose of the common open space by sale or otherwise, except to the Township, unless the Township has given prior written approval. Such transfer shall be made only to another organization which shall maintain the common open space in accordance with this Zoning Ordinance.
- 315.3.3.2 The organization and all lot owners shall enter into a maintenance agreement with the Township and shall agree to be bound by the provisions of Article VII of the Pennsylvania Municipalities Planning Code relating to the maintenance of deteriorating common open space by municipalities.
- 315.3.3.3 The Township may require the establishment of a reserve fund to provide for maintenance of or capital improvements to the common open space.
- 315.4 Permanent Protection of Common Open Space. Required common open space shall be subject to

permanent conservation easements in a form that is acceptable to the Township Solicitor. Such conservation easement shall, unless waived by the Board of Supervisors, limit future development and define the range of permitted activities. (For example, the clearing of woodland habitat shall generally be prohibited, except as necessary to create trails, active recreation facilities and/or to install subsurface septic disposal systems or spray irrigation facilities.) The determination of necessity shall lie solely with the Board of Supervisors.

Section 316 Operations and Performance Standards

316.1 Required Compliance With Applicable Regulations.

- 316.1.1 All uses within the Township shall operate in compliance with all applicable State and Federal regulations. Performance standards identified herein are applicable to all land uses, existing and/or proposed, in all Zones of the Township.
- 316.1.2 No use or premises shall be developed, operated, altered, or occupied in a manner as to create any dangerous, injurious, noxious, or otherwise harmful, relative to fire, explosive, radiation, or other hazard; noise or vibration; smoke, dust, odor, or other form of air pollution; electrical or other disturbance; liquid or solid refuse or wastes; conditions conducive to the breeding of vermin; or other substance, condition, or element, in any manner or amount as to adversely affect the surrounding areas as described herein.
- 316.1.3 Notwithstanding the laws and regulations of the United States Environmental Protection Agency, PA DEP, and any other State and/or Federal regulations, the standards contained herein shall be utilized by the Township as regulatory controls on land use.
- 316.1.4 These standards shall be utilized in the evaluation of all zoning applications, zoning enforcement activities, subdivision plan proposals, and land development plan proposals, where applicable.
- 316.1.5 These standards shall also be utilized as regulatory measures in the evaluation of existing land uses and activities conducted thereon. Compliance with these standards shall be demonstrated on a continuous basis and shall be enforced by the Zoning Officer
- 316.1.6 Property owners and/or proprietors who have been cited for any violation(s) of the performance standards identified herein shall be responsible for all costs and fees (including, but not limited to, reasonable attorneys fees) incurred by the Township, through its professional consultants and administrative staff in their performance of background investigations, legal proceedings, retributions, and rectification measures.
- 316.1.7 The following lists Township regulations and other known governmental regulations associated with various land uses and their impacts. This list in no way excludes or limits Federal or State jurisdiction over uses within the Township, but is merely provided for information to applicants and landowners.

316.2 Air Pollution, Airborne Emissions and Odor.

- 316.2.1 The Pennsylvania Air Pollution Control Act, enacted January 8, 1960, and as amended, in conjunction with Chapter 131- Ambient Air Quality Criteria and Chapter 123 - Standards for Contaminants of Article III Title 25 - Rules and Regulations of 1971, as amended, of PA DEP shall be considered as minimum standards for the control of smoke, dust, fumes, and emissions and shall control the emission of smoke, dust, dirt, fly ash, fumes, vapors, gases, and odors.
- 316.2.2 No use shall discharge contaminants to the air in excess of the limits prescribed herein, or as may be amended and/or created by State and/or Federal laws, rules, and regulations, unless

such measures shall be utilized as prescribed by the applicable regulatory agency.

- 316.2.3 There shall be no emission into the atmosphere of visible gray smoke of a shade darker than No. 1 on the Ringelmann Smoke Chart, as published by the U. S. Bureau of Mines or successor agency. Visible gray smoke as dark as No. 2 on the said chart may be emitted if permitted by State and/or Federal regulatory controls for a period or periods totaling no more than four (4) minutes within any given eight (8) hour period. These provisions shall apply to smoke of other colors having an equivalent apparent opacity.
- 316.2.4 No use shall discharge particulate matter into the atmosphere from incinerators in excess of 9.1 grains per cubic foot of gas at standard conditions corrected to twelve percent (12%) carbon dioxide, except as may be designated under specific contaminants and as regulated by State and/or Federal regulatory controls.
- 316.2.5 Open burning shall be consistent with the provisions and restrictions of all codes, regulations, and ordinances adopted by the Township.
- 316.2.6 No use shall emit odorous gases or other odorous matter in such quantities as to be offensive at any point on or beyond the property line of the use generating such odor. The guide for determining such quantities of offensive odors shall be the fifty percent (50%) response level of Table L "Odor Thresholds in Air" contained in the publication *Research on Chemical Odors: Part I - Odor Thresholds for 53 Commercial Chemicals*, October 1968, Manufacturing Chemists Association, Inc., Washington, D.C., and as may be amended.
- 316.3 Electrical, Diesel, Gas, or Other Power. "Rules and Regulations" of the Pennsylvania Departments of Health and Environmental Protection, as well as any and all regulations that may succeed or replace these regulations. Every use requiring electrical, diesel, gas, or other power source shall be so operated that any service lines or substation, conform to the highest applicable safety requirements, and be constructed, installed, etc., so that they will be an integral part of the architectural features of the plant, and concealed from abutting Residential Zones.
- 316.4 Fire and Explosives.
- 316.4.1 It is the responsibility of each property owner and/or tenant to ensure that his/her use does not jeopardize the public health, safety, and welfare of the Township because of potential explosive, fire and/or hazardous condition.
- 316.4.2 All activities and all storage of flammable and explosive materials shall be provided with safety devices against hazards of fire and explosion, along with adequate firefighting and fire suppression equipment and devices as detailed and specified by State and Federal regulations.
- 316.4.3 All explosive material shall conform to the requirements of Chapter 211, Title 25, PA DEP, Rules and Regulations for Storage, Handling and Use of Explosives.
- 316.5 Glare and Heat. "Rules and Regulations" of PA DEP, as well as any and all regulations that may succeed or replace these regulations. In addition, all uses shall comply with those lighting standards listed in Section 310. No use shall produce heat above the ambient temperature that is perceptible beyond the subject property.
- 316.6 Materials and Waste Storage, Handling and Disposal.
- 316.6.1 All principal commercial, industrial, institutional, and health-care related uses shall be required to provide detailed information regarding materials and waste handling, including:
- 316.6.1.1 Listing of all materials to be used and/or produced on the site.
- 316.6.1.2 Listing of all wastes generated on the site.
- 316.6.1.3 Written evidence that the storage, treatment, processing, transfer, and disposal of all

materials and wastes shall be accomplished in a manner that complies with all applicable Federal, State, County, and Township requirements, including, but not limited to, the following:

- A. The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101).
- B. The Pennsylvania Solid Waste Management Act (Act 97).
- C. The Federal Emergency Management Act.
- D. The Federal Superfund Amendment and Reauthorization Act.
- E. The Pennsylvania Hazardous Materials Emergency Planning and Response Act.
- F. The Pennsylvania Low-Level Radioactive Waste Disposal Act.

- 316.6.1.4 No flammable or explosive liquids, solids, or gases shall be stored above the ground, except within receptacles which meet all local, State and/or Federal regulations, unless restricted or prohibited by other regulatory controls contained within this Zoning Ordinance.
- 316.6.1.5 All storage facilities for fuel stored outdoors shall be enclosed by a security fence and screened from adjoining roads and properties.
- 316.6.1.6 All storage facilities for fuel stored outdoors shall be located in accord with any State and/or Federal regulatory requirements for separation distances.
- 316.6.1.7 Highly flammable or toxic or hazardous or explosive liquids, solids or gases shall be stored above-ground in leak-proof, double-walled, containment vessels which accommodate testing for leaks, and all such containment vessels and facilities shall be suitably screened by natural plantings so that they are not visible from lot lines.
- 316.6.1.8 No substance which has the potential to contaminate groundwater or surface waters shall be permitted to be stored outdoors, unless the property owner and/or proprietor provides safeguards from potential contamination satisfactory to the Township based upon State and Federal regulations.
- 316.6.1.9 No materials or wastes shall be stored or deposited upon a lot in such form or manner that they:
 - A. May be transferred off the lot by natural causes or forces.
 - B. Can contaminate a stream or watercourse.
 - C. Render a stream or watercourse undesirable as a source of water supply or recreation.
 - D. Will destroy aquatic life.
- 316.6.1.10 All materials or wastes which might cause fumes, or dust, or which constitute a fire hazard or which may be edible or otherwise attractive to vermin, shall be stored only if enclosed in containers which are adequate to eliminate such hazards.
- 316.6.2 All uses must properly dispose of wastes in accordance with all applicable laws and regulations. The outdoor accumulation of trash, garbage, refuse, or junk for a period exceeding fifteen (15) days is prohibited.
- 316.7 Mine Reclamation and Open Pit Setback. Pennsylvania Act No. 1984-219, the "Noncoal Surface Mining Conservation and Reclamation Act," as well as any and all regulations that may succeed or replace these regulations.
- 316.8 Noise Pollution. "Rules and Regulations" of PA DEP, as well as any and all regulations that may succeed or replace these regulations.
- 316.9 Radiation, Radioactivity, and Electrical Interference. "Rules and Regulations" of the Pennsylvania Departments of Health and Environmental Protection, as well as any and all regulations that may succeed or replace these regulations.
- 316.10 Sewage and Other Waste Disposal. "Rules and Regulations" of the Pennsylvania Departments of Health and Environmental Protection, as well as any and all regulations that may succeed or replace these regulations. In addition, all uses shall comply with those applicable standards listed in Sections 314 and 316.6.

316.11 Vibration. “Rules and Regulations” of PA DEP, as well as any and all regulations that may succeed or replace these regulations. In addition, no use shall create vibration that is perceptible beyond the subject property or produces a peak measurement of 0.002g from either seismic or electronic vibration detection devices.

316.12 Water Quality.

316.12.1 The Clean Streams Law, June 3, 1937 P.L. 1987, 35 P.S. 691.1 as amended, as well as any and all regulations that may succeed or replace these regulations.

316.12.2 PA Code, Title 25, Chapters 93 and 102.

316.12.3 PA DEP water quality anti-degradation guidelines.

316.12.4 PA DEP best management practices for storm water management.

Section 317 Outdoor Storage and Display Requirements

317.1 Shopping Cart Storage. For grocery stores, stores containing grocery departments, variety stores, home improvement and building supply stores, and other uses that provide shopping carts for use by customers, the outdoor storage and collection of shopping carts is permitted, subject to the following:

317.1.1 Shopping carts may be collected and stored immediately in front of the storefront (upon sidewalks, or under a canopy) and/or within the parking lot.

317.1.2 In no case shall such designed shopping cart storage and collection areas be located upon any facilities used for vehicle circulation, required parking and loading areas, or emergency vehicle access provisions (e.g., fire lanes).

317.1.3 Shopping cart storage and collection areas shall not interfere with clear pedestrian access (sidewalk or other area) at least eight feet (8') wide adjoining the storefront.

317.1.4 Signage for shopping cart storage and collection areas shall be governed by those regulations pertaining to on-site directional and informational signs as regulated by this Zoning Ordinance.

317.2 Seasonal Sidewalk Displays. For commercial uses, seasonal sidewalk displays related to retail sales are permitted, subject to the following:

317.2.1 Only seasonal merchandise may be displayed.

317.2.2 The location of such outdoor displays shall be limited to sidewalks, under canopies, and other areas immediately in front of the building/storefront. The stacking or display of such items shall be arranged to provide clear pedestrian access (sidewalk or other area) at least eight feet (8') wide.

317.2.3 In no case shall the location of such sidewalk display areas occur within any area used for vehicular circulation, required parking and loading areas, or emergency vehicle access provisions (e.g., fire lanes).

317.2.4 In no case shall such sidewalk display area exceed fifty percent (50%) of the linear area of the storefront.

317.2.5 No signage, except as authorized by this Zoning Ordinance, shall be permitted.

- 317.2.6 The applicant shall submit a working plan to the Township for the cleanup of litter and debris which may result from such outdoor display. Also, the applicant shall depict intended sidewalk display areas upon any permit applications and/or plans required by the Township. No additional permits shall be required, unless such area is to change location or size.

317.3 Special Event Sales. For commercial uses, special events are permitted, subject to the following:

- 317.3.1 Only two (2) special event sales shall be permitted per calendar year. Such special event sales shall be limited to no more than a total of thirty (30) days per calendar year.
- 317.3.2 Areas used for special event sales displays shall be sited to comply with the setback requirements for a principal structure or principal use, whichever is greater.
- 317.3.3 Special event sales may be located within the parking lot, provided that such location does not contribute to congestion within the parking lot and upon the access drives that provide direct access to public roads. Within parking lots, such display areas shall be clearly delineated from the adjoining parking lot by the use of identifiable barriers (such as tents, canopies, temporary fences, or ropes). Additionally, location within the parking lot shall only be permitted insofar that the remaining parking spaces available for use are greater than or equal to the number of such spaces required for the principal use by this Zoning Ordinance.
- 317.3.4 The area devoted to special event sales displays shall not exceed twenty percent (20%) of the gross leasable floor area of the use(s) conducting the special event sale.
- 317.3.5 In shopping centers, special event sales shall be jointly held by all of those occupants of the shopping center that wish to participate. Individual occupants of a shopping center shall be permitted to conduct separate special event sales.
- 317.3.6 All uses conducting a special event sale shall be responsible for the ongoing cleanup of litter and debris. Also, no exterior public address or lighting systems shall be used that produce glare or noise impacts discernible at, or beyond, the property line.
- 317.3.7 Signage for special event sales shall comply with the applicable requirements contained within this Zoning Ordinance.

Section 318 Projections Into Yards

318.1 The following projections and features shall be permitted into required yards:

- 318.1.1 Projecting architectural features (such as bay windows, cornices, eaves, fireplaces, chimneys, window sills, and similar features), provided that any single such feature does not exceed five (5) square feet in external area, when viewed in plan view.
- 318.1.2 Uncovered stairs and landings, provided that such stairs or landings do not exceed three feet (3') six inches (6") in height.
- 318.1.3 Open balconies and fire escapes, provided that such balcony or fire escape is not supported on the ground and does not project more than five feet (5') into any yard nor come within three feet (3') of any property line.
- 318.1.4 Sidewalks, storm water inlets, and/or storm water outlets.

Section 319 Road Classifications and Front Yard Setbacks

319.1 For the purpose of this section, the Township's roads shall be classified, as follows.

RURAL PRINCIPAL ARTERIAL

PA Route 272 (Lancaster Pike)

RURAL MINOR ARTERIAL

US Route 222 (Beaver Valley Pike)

RURAL MINOR COLLECTOR

Rawlinsville Road

Miller Road

Cinder Road

Hollow Road

Buck Heights Road

Camargo Road

Smithville Road

Truce Road

RURAL LOCAL COLLECTOR

Pennsy Road

Clearfield Road

Byerland Church Road

Refton Road

RURAL LOCAL ROADS

All other roads not listed:

319.2 Future rights-of-way widths shall be used to determine applicable front yard setbacks when the width of an existing right-of-way is less than that listed above. Unless otherwise known to the Township, the future rights-of-way widths shall be measured from the centerline of the existing road.

Section 320 Screening and Landscaping Requirements

320.1 Required Landscape Plan. If subdivision or land development approval will be required, any required landscape plan shall be provided in the subdivision or land development approval process and shall not be required for the consideration of zoning approval. Furthermore, the Board of Supervisors may waive or modify provisions contained in Section 320 in accordance with Section 702 of the Providence Township Subdivision and Land Development Ordinance. (*Amended by Ordinance No. 20-03, 09/14/2020*)

320.1.1 Landscape buffers and screens used to protect adjoining properties, Residential Zones and streets.

320.1.2 Screening used to prevent the spillage of headlights onto adjoining properties.

320.1.3 Typical interior landscape island treatments including rain gardens, if applicable.

320.1.4 Typical landscape strip treatments, including rain gardens, if applicable.

320.1.5 Typical screening treatments.

320.1.6 Landscape treatments at access drives' intersections with streets.

320.2 Yard Ground Cover. Any part of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks, and designated storage areas shall be planted with an all-season ground cover approved by the Board of Supervisors (e.g., grass, ivy, vetch, pachysandra, etc.). In addition, gravel can be substituted to provide an attractive appearance, and all non-surviving plants shall be replaced promptly.

320.3 Landscaping Requirements.

- 320.3.1 Any required landscaping (landscape strips and interior landscaping) shall include a combination of the following elements: deciduous trees, ground covers, evergreens, shrubs, vines, flowers, rocks, gravel, earth mounds, berms, walls, fences, screens, sculptures, fountains, sidewalk furniture, or other approved materials. Artificial plants, trees, and shrubs may not be used to satisfy any requirement for landscaping or screening. No less than eighty percent (80%) of the required landscape area shall be vegetative in composition, and no outdoor storage shall be permitted within required landscape areas and/or strips.
- 320.3.2 For each eight hundred (800) square feet of required area for landscape strips, one (1) shade/ornamental tree shall be provided. Deciduous trees shall have a clear trunk at least five feet (5') above finished grade. Evergreen trees shall have a minimum height of five feet (5'). All required landscape strips shall have landscaping materials distributed along the entire length of the lot line abutting the yard.
- 320.3.3 Interior landscaping within off-street parking lots shall be provided in accordance with Section 313.18.
- 320.3.4 Those landscape strips and/or screens that are located at the periphery of a property shall include low-level vegetation to act as a trash and litter trap/barrier for the subject property. Such vegetation shall be located and maintained so as not to interfere with any clear-sight triangle.

320.4 Screening.

- 320.4.1 Such screening shall be located as specified. When no location is specified, screening shall occur along the subject property's lot line, except that screening can be located elsewhere on the subject property if the applicant can prove that the alternate location affords a more effective screen for the proposed use by reason of natural site conditions, on and adjoining the site, or because of the site design. Alternate screening location shall be approved by the Board of Supervisors as part of the land development process; when no land development is required, the Zoning Officer may approve an alternate screening location with assistance from the Township Engineer.
- 320.4.2 Screening shall be arranged so as to block the ground level views between grade, and a minimum height of six feet (6'). Landscape screens must achieve this visual blockage within two (2) years of installation and shall be comprised of plants approved for screening purposes, as listed in Section 320.5. As screens can take many forms and incorporate different materials and treatments (e.g., vegetation, berms, fences, walls, and combinations), the following present several typical landscape screening arrangements:
- 320.4.2.1 Evergreen Tree Screen. Screening may consist of a minimum of two (2) rows of evergreen trees that are at least three (3) years in age and a minimum of six feet (6') in height at the time of planting. Each row of evergreen trees shall be located at least fifteen feet (15') apart with plants arranged fifteen feet (15') on center, staggered alternatively.
- 320.4.2.2 Deciduous Tree and Evergreen Shrub Screen. Screening may consist of a minimum of two (2) rows of vegetation (e.g., deciduous trees with evergreen shrubs). Deciduous trees shall be at least three (3) years in age, with a minimum two inch (2") diameter clear trunk at least five feet (5') above finished grade, that are planted a maximum of forty feet (40') apart on center. Evergreen shrubs shall be located beneath and between the deciduous trees planted at an initial height of not less than four feet (4'), with a minimum mature height of six feet (6'). Evergreen shrubs shall be planted no more than five feet (5') apart on center.
- 320.4.2.3 Combined Tree and Shrub Screen. Screening may consist of a combination of a mini-

mum of two (2) rows of evergreen trees alternating with a minimum of two (2) rows of deciduous trees and evergreen shrubs. Evergreen trees shall be at least three (3) years in age and a minimum of six feet (6') in height at the time of planting. Each row of evergreen trees shall be located at least fifteen feet (15') apart with plants arranged fifteen feet (15') on center, staggered alternatively. Deciduous trees shall be at least three (3) years in age, with a minimum two-inch (2") diameter clear trunk at least five feet (5') above finished grade, that are planted a maximum of forty feet (40') apart on center. Evergreen shrubs shall be located beneath and between the deciduous trees planted at an initial height of not less than four feet (4'), with a minimum mature height of six feet (6'). Evergreen shrubs shall be planted no more than five feet (5') apart on center.

320.4.2.4 Alternate Arrangements. An applicant can request an alternate landscape screen arrangement if he/she can prove through expert evidence that the proposed alternate arrangement:

- A. Will result in an equally effective blockage of ground-level views between the subject and adjoining properties.
- B. Will employ an attractive combination of vegetation (e.g., deciduous and evergreen trees, hedges, or shrubs) that presents a more natural appearance.
- C. Has a better chance for long-term survival and maintenance given the characteristics of the location upon the subject property.
- D. Alternate screening arrangements shall be approved by the Board of Supervisors as part of the land development process; when no land development is required, the Zoning Officer may approve alternate screening arrangements with assistance from the Township Engineer.

320.4.2.5 Walls, fences, earth berms, or other approved similar materials may also be used to supplement the required vegetation of a landscape screen. No wall or fence shall be constructed of corrugated metal, corrugated fiberglass, or sheet metal. Screens located within the front yard that incorporate a sight-tight fence or wall shall include on the street side of the screen the use's required front yard landscape strip, along with its required shade trees as specified in the above Section 320.3.2.

320.5 Selection of Plant Materials.

320.5.1 No vegetation shall include any invasive species as defined herein. Trees and shrubs shall be typical of their species and variety; have normal growth habits, well-developed branches, densely foliated, vigorous, and fibrous root systems. They shall have been grown under climatic conditions similar to those in the locality of the project or properly acclimated to conditions of the locality of the project.

320.5.2 Any tree or shrub which dies shall be replaced. All landscaping and screening treatments shall be properly maintained. Landscape materials that die or are damaged shall be replaced within thirty (30) days, season permitting.

320.5.3 The following lists the types of vegetation approved for specific required uses by this Zoning Ordinance within the Township:

APPROVED SHADE TREES	
Botanical Name	Common Name (N–Native)
<i>Acer rubrum</i>	Red Maple (N)
<i>Acer saccharum</i>	Sugar Maple (N)
<i>Betula nigra</i>	River Birch (N)
<i>Carpinus betulus</i>	European Hornbeam
<i>Celtis occidentalis</i>	Common Hackberry (N)

APPROVED SHADE TREES	
Botanical Name	Common Name (N–Native)
<i>Cercidiphyllum japonicum</i>	Katsura Tree
<i>Fraxinus americana</i>	White Ash (N)
<i>Fraxinus pennsylvanica lanceolata</i>	Green Ash (N)
<i>Ginkgo bi/oba</i> (males only)	Ginkgo, Maidenhair Tree
<i>Gleditsia tricanthos 'inermis'</i>	Common Honeylocust
<i>Gymnocladus dioicus</i>	Kentucky Coffee-tree (N)
<i>Liquidambar styraciflua</i>	Sweet Gum (N)
<i>Liriodendron tulipifera</i>	Tulip Tree (N)
<i>Nyssa sylvatica</i>	Black Gum (N)
<i>Plantanus xacerifolia</i>	London Planetree
<i>Quercus palustris</i>	Pin Oak
<i>Quercus rubra</i>	Red Oak(N)
<i>Quercus prinus</i>	Chestnut Oak (N)
<i>Tilia tomentosa</i>	Silver Linden
<i>Tilia cordata</i>	Littleleaf Linden
<i>Ulmus americana</i>	American Elm (N)
<i>Zelkova serrata</i>	Japanese Zelkova

APPROVED SMALL DECIDUOUS TREES	
Botanical Name	Common Name (N–Native)
<i>Acer buergeranum</i> (tree form)	Trident Maple
<i>Acer campestre</i>	Hedge Maple
<i>Acer griseum</i>	Paper Bark Maple
<i>Amelanchier canadensis</i> (tree form)	Serviceberry (N)
<i>Betula populifolia</i>	Gray Birch (N)
<i>Carpinus caroliniana</i>	Ironwood, American Hornbeam (N)
<i>Cercis canadensis</i>	Eastern Redbud (N)
<i>Chionanthus virginicus</i>	Fringetree (N)
<i>Cladrastis lutea</i>	American Yellow-wood (N)
<i>Cornus florida</i>	Flowering Dogwood (N)
<i>Cornus kousa</i>	Kousa Dogwood
<i>Cornus mas</i>	Cornelian Cherry
<i>Halesia carolina</i>	Carolina Silverbell (N)
<i>Koelreuteria paniculata</i>	Golden-rain Tree
<i>Magnolia stellata</i>	Star Magnolia
<i>Magnolia virginiana</i>	Sweet Bay Magnolia (N)
<i>Malus floribunda</i>	Japanese Flowering Crabapple
<i>Malus 'Red Barron'</i>	Red Baron Flowering Crabapple
<i>Ostrya virginiana</i>	Hop-hornbeam (N)
<i>Oxydendrum arboretum</i>	Sourwood (N)
<i>Parrotia persica</i>	Persian Parrotia
<i>Phellodendron amurense</i>	Amur Corktree
<i>Prunus sargentii</i>	Sargent Cherry
<i>Prunus serrulata</i>	Kwanzan Cherry
<i>Stewartia pseudocamellia</i>	Japanese Stewartia
<i>Syringa amurensis japonica</i>	Japanese Tree Lilac
<i>Ulmus parvifolia</i>	Chinese Elm

APPROVED EVERGREEN TREES FOR SCREENING	
Botanical Name	Common Name (N–Native)
<i>Abies concolor</i>	White Fir (N)
<i>Chamaecyparis nootkatensis 'pendula'</i>	Weeping Nootka False-Cypress
<i>Chamaecyparis thyoides</i>	Atlantic White Cedar (N)
<i>Ilex opaca</i>	American Holly (N)
<i>Juniperus virginiana</i>	Eastern Red Cedar (N)
<i>Picea abies</i>	Norway Spruce
<i>Picea omorika</i>	Serbian Spruce
<i>Picea pungens</i>	Colorado Spruce (N)
<i>Pinus flexilis</i>	Limber Pine (N)
<i>Pinus strobus</i>	Eastern White Pine (N)
<i>Pinus strobus 'Fastigiata'</i>	Pyramidal White Pine (N)
<i>Pinus thunbergi</i>	Japanese Black Pine
<i>Pseudotsuga taxifolia</i>	Douglas Fir (N)
<i>Thuja occidentalis 'pyramidalis'</i>	Pyramidal Arborvitae (N)
<i>Thuja occidentalis</i>	'Emerald Green Arborvitae (N)
<i>Tsuga canadensis</i>	Canadian Hemlock (N)

APPROVED DECIDUOUS SHRUBS	
Botanical Name	Common Name (N–Native)
<i>Aesculus parviflora</i>	Bottlebrush Buckeye (N)
<i>Aronia arbutifolia</i>	Red Chokeberry (N)
<i>Aronia melanocarpa</i>	Black Chokeberry (N)
<i>Buddleia davidii and cultivars</i>	Butterflybush
<i>Calycanthus floridus</i>	Common Sweetshrub
<i>Cephalanthus occidentalis</i>	Buttonbush (N)
<i>Chaenomeles speciosa</i>	Common Flowering Quince
<i>Clethra alnifolia and cultivars</i>	Summersweet Clethra
<i>Cornus alba and cultivars</i>	Tatarian Dogwood
<i>Cornus amomum</i>	Silky Dogwood (N)
<i>Cornus racemosa</i>	Gray Dogwood (N)
<i>Cornus sericea</i>	Redosier Dogwood (N)
<i>Cotinus coggygria and cultivars</i>	Smokebush
<i>Fothergilla major</i>	Large Fothergilla (N)
<i>Hamamelis virginiana</i>	Common Witchhazel (N)
<i>Hydrangea quercifolia</i>	Oakleaf Hydrangea (N)
<i>Ilex verticillata</i>	Common Winterberry (N)
<i>Itea virginica</i>	Virginia Sweetspire (N)
<i>Lindera benzoin</i>	Spicebush (N)
<i>Myrica pennsylvanica</i>	Northern Bayberry (N)
<i>Philadelphus virginialis</i>	Sweet Mockorange
<i>Physocarpus opulifolius</i>	Common Ninebark (N)
<i>Sambucus canadensis</i>	American Elder (N)
<i>Spiraea x vanhouttei</i>	Van Houtte Spiraea
<i>Symphoricarpos albus</i>	Common Snowberry (N)
<i>Syringa vulgaris and hybrids</i>	Common Lilac
<i>Vaccinium corymbosum</i>	Highbush Blueberry (N)

APPROVED DECIDUOUS SHRUBS	
Botanical Name	Common Name (N–Native)
<i>Viburnum acerifolium</i>	Mapleleaf Viburnum (N)
<i>Viburnum carlesii</i>	Korean Spice Viburnum
<i>Viburnum dentatum</i>	Arrow Wood Viburnum (N)
<i>Viburnum dilatum and cultivars</i>	Linden Viburnum
<i>Viburnum lentago</i>	Nannyberry Viburnum (N)
<i>Viburnum plicatum tomentosum</i>	Doublefile Viburnum
<i>Viburnum prunifolium</i>	Black Haw Viburnum (N)

APPROVED EVERGREEN SHRUBS FOR SCREENING	
Botanical Name	Common Name (N–Native)
<i>Chamaecyparis pisifera 'Boulevard'</i>	Boulevard False Cypress
<i>Ilex glabra</i>	Inkberry (N)
<i>Juniperus chinensis shrub cultivars</i>	Chinese Juniper
<i>Kalmia latifolia</i>	Mountain Laurel (N)
<i>Leucothoe jontanesisana</i>	Drooping Leucothoe (N)
<i>Picea glauca 'conica'</i>	Dwarf Alberta Spruce
<i>Pieris floribunda</i>	Dwarf Alberta Spruce
<i>Pinus mugo</i>	Mugho Pine
<i>Rhododendron catawbiense & cultivars</i>	Catawba Rhododendron (N)
<i>Rhododendron 'P.J.M' and cultivars</i>	P.J.M. Rhododendrons
<i>Taxus x media and cultivars</i>	Yew
<i>Thuja occidentalis 'Techny'</i>	Mission Arborvitae

Section 321 Sensitive Environmental Features Overlay

321.1 **Purpose.** The purpose of the Sensitive Environmental Features Overlay is to ensure the public health, safety and welfare through the protection of slopes, streams, wetlands, and surface water, which are considered some of the Township's most important natural resources. The Sensitive Environmental Features Overlay includes the following:

321.1.1 Steep Slope Protection Overlay.

321.1.2 Stream Corridor Protection Overlay.

321.1.3 Surface Water Protection Overlay.

321.1.4 Wetland Protection Overlay

321.2 **Conflict.** In the event that the provisions of this section and the provisions of other applicable Township ordinance standards are in conflict, the more restrictive provisions shall apply.

In the event that two (2) or more sensitive environmental features overlap, the features with the most restrictive standard (the least amount of permitted alteration) shall apply to the overlap area.

All development within the Sensitive Environmental Features Overlay shall be in accordance with the Providence Township Floodplain Management Ordinance, if applicable. (*Amended by Ordinance 17-02, 09/11/17*)

321.3 Steep Slope Protection Overlay. Steep slopes and hillsides are unique areas. Steep slope areas are fragile and susceptible to erosion, landslides, mudslides, degradation of their natural vegetation, and increased flooding using conventional development practices. By protecting this asset, the Township intends to:

- Guide development away from steep areas.
- Minimize grading and other site preparation in steep areas.
- Provide safe means for ingress and egress while minimizing scarring from hillside construction.
- Preserve the natural conditions in steep areas.
- Prevent flooding and the deteriorating effects of erosion to streams and drainage areas.

321.3.1 Establishment of Boundaries.

321.3.1.1 The Steep Slope Protection Overlay shall consist of all land which has twenty percent (20%) slope or more. The Steep Slope Protection Overlay boundary shall be based on a topographic investigation of critical sloped areas. The average natural slope of an area shall be determined by dividing the horizontal run of the slope into the vertical rise of the same slope and converting the resulting figure into a percentage value. The sloped area shall be measured at right angles to the natural contours.

321.3.1.2 Isolated pockets of steep slopes containing less than two thousand (2,000) square feet shall be exempt from this section, unless the area is a portion of all steep slope areas within the property where the sum of all steep slope areas exceed two thousand (2,000) square feet.

321.3.1.3 Should a dispute concerning any boundary of the steep slope area arise, the initial determination of the Zoning Officer may be appealed to the Zoning Hearing Board. The burden of proof in such appeal shall be on the property owner.

321.3.1.4 The Steep Slope Protection Overlay area shall be defined by metes and bounds. A conservation easement covering the Steep Slope Protection Overlay area shall be provided.

321.3.1.5 The Steep Slope Protection Overlay boundary shall be established at the time of subdivision or land development, or when there is no subdivision or land development proposed, the application for a zoning permit.

Zoning permit applications shall include a drawing indicating the metes and bounds of the Steep Slope Protection Overlay boundary in accordance with the above standards.

321.3.2 Permitted Uses. The Steep Slope Protection Overlay area permits all uses, and activities performed in conjunction with the uses permitted in the underlying zoning district, if conducted in accordance with the following provisions.

321.3.3 Standards.

321.3.3.1 No more than thirty-five percent (35%) of the original ground cover within the Steep Slope Protection Overlay area may be disturbed by grading, filling, or other means.

321.3.3.2 All proposed lots within the Steep Slope Protection Overlay area shall have a minimum of one half (½) acre in area, which is not steep slope area, as that term is defined in Section 321.3.1

321.3.3.3 No grading, filling, or other alteration of the original, undisturbed slopes may be performed prior to the submission of a subdivision plan, land development plan, or zoning permit application for area within the Steep Slope Protection Overlay area, with the intent to circumvent the provisions of this section. Unauthorized grading performed within a steep slope area shall be considered a violation of this Zoning Ordinance.

- 321.3.3.4 The final subdivision or land development plan shall note the easements' location and the restrictions imposed thereby.
- 321.3.3.5 All deeds for lots created by subdivision shall contain language detailing the easements' location and the restrictions imposed thereby.
- 321.4 Stream Corridor Protection Overlay. Streams and the natural areas around them are important hydrological and environmental assets. By protecting this asset, the Township intends to:
- Protect wildlife.
 - Preserve existing non-invasive vegetation along streams.
 - Minimize the negative effects on streams from agriculture and development-related erosion.
 - Minimize scenic degradation.
 - Preserve natural and man-made waterways.
- 321.4.1 Establishment of Boundaries. The Stream Corridor Protection Overlay shall consist of land located on each side of a perennial stream. The Stream Protection Overlay boundary shall be based on a delineation of critical environmental features that are related to the waterway.
- 321.4.1.1 Critical areas include:
- A. Alluvial Soils. All alluvial soils adjacent to the perennial stream.
 - B. Wet Soils. All wet soils immediately adjacent to or bordering within fifty feet (50') of the perennial stream. Wet soils include springs and other intermittent drainage areas.
 - C. Steep Slopes. Where the base of a steep slope is fifty feet (50') or less from the stream or drainage-way, or if the stream or drainage-way is in a ravine, the critical area shall extend to the top of the steep slope(s) or ravine, plus an additional twenty feet (20') of moderate or lesser slope. (Steep slope equals twenty percent [20%] or greater.)
 - D. Wooded Areas. Where forested land having a predominance of trees of four inch (4") caliper or greater exists within fifty feet (50') of the stream or drainage-way. The Stream Corridor Protection Overlay boundary will include wooded areas located within one hundred feet (100') from the stream bank.
 - E. Where critical areas do not exist, a minimum buffer of at least twenty-five feet (25') on each side of the waterway shall be established.
- 321.4.1.2 Should a dispute concerning any boundary of the Stream Corridor Protection Overlay area arise, the initial determination of the Zoning Officer may be appealed to the Zoning Hearing Board. The burden of proof in such appeal shall be on the property owner.
- 321.4.1.3 The Stream Corridor Protection Overlay area shall be defined by metes and bounds. A conservation easement covering the Stream Corridor Protection Overlay area shall be provided.
- 321.4.1.4 The Stream Corridor Protection Overlay boundary shall be established at the time of subdivision or land development, or when there is no subdivision or land development proposed, the application for a zoning permit.
- 321.4.2 Permitted Uses. The following shall be permitted uses in the Stream Corridor Protection Overlay, provided that they are in compliance with the provisions of the underlying district, are not prohibited by another ordinance, and do not interfere with the stream corridor.
- 321.4.2..1 Crossings for farm vehicles and livestock, and livestock watering facilities, subject to written evidence of approval of a water obstruction permit and best management practices when required.
- 321.4.2..2 Crossings for roads and railroads, provided that such crossings are accomplished upon the least possible land area and disruption of the Stream Corridor Protection Overlay

- area.
- 321.4.2..3 Public sewer lines, public water lines and public utility transmission lines, provided such lines are installed in such a manner that is most compatible with the installation and ongoing maintenance of the Stream Corridor Protection Overlay area.
- 321.4.2..4 Passive recreation uses that prevent the harmful compaction of soil, tree root damage, channelization (natural or man-made) of surface water flow. Pedestrian paths shall be provided with raised walkways. Impervious surface lot coverage is expressly prohibited.
- 321.4.2..5 Application of pesticides and herbicides that are specifically approved for the treatment and/or removal of invasive and/or noxious species within close proximity of watercourses, provided such pesticides and herbicides are used in strict accord with label instruction. Any materials applied as part of a County and/or State approved pest control program (e.g., West Nile Virus, etc.).
- 321.4.3 Prohibited Uses. The following uses and activities are expressly prohibited within the Stream Corridor Protection Overlay area:
- 321.4.3.1 Any use that interferes with the natural maturation and maintenance of the non-invasive vegetative plantings.
- 321.4.3.2 Storage and/or disposal of any toxic, hazardous or noxious materials and substances.
- 321.4.3.3 Application of fertilizers, pesticides, herbicides and/or other chemicals in excess of that permitted on an approved conservation and/or nutrient management plan as approved by the responsible agency.
- 321.4.3.4 Areas devoted to the on-site absorption of sewage effluent and/or agricultural fertilizers, including, but not limited to, manure.
- 321.5 Surface Water Protection Overlay. Lakes and ponds and the natural areas around them are important hydrological and environmental assets. It is the intent of the Surface Water Protection Overlay to preserve these natural and man-made assets. By protecting this asset, the Township intends to:
- Protect wildlife.
 - Preserve existing non-invasive vegetation along lakes or ponds.
 - Minimize the negative effects on lakes or ponds from agriculture and development-related erosion.
 - Minimize scenic degradation.
 - Preserve the integrity of ponds and lakes as functioning wetland areas.
- 321.5.1 Establishment of Boundaries. The Surface Water Protection Overlay shall consist of the area within twenty-five feet (25') of the high water mark of a lake or pond.
- 321.5.1.1 Should a dispute concerning any boundary of the Surface Water Protection Overlay area arise, the initial determination of the Zoning Officer may be appealed to the Zoning Hearing Board. The burden of proof in such appeal shall be on the property owner.
- 321.5.1.2 The Surface Water Protection Overlay area shall be defined by metes and bounds. A conservation easement covering the Surface Water Protection Overlay area shall be provided.
- 321.5.1.3 The Surface Water Protection Overlay boundary shall be established at the time of subdivision or land development, or when there is no subdivision or land development proposed, the application for a zoning permit.
- 321.5.2 Permitted Uses. The following shall be permitted uses in the Surface Water Protection Overlay, provided that they are in compliance with the provisions of the underlying district, are not prohibited by another ordinance, and do not interfere with the stream corridor.
- 321.5.2.1 Crossings for farm vehicles and livestock, and livestock watering facilities, subject to

- written evidence of approval of a water obstruction permit and best management practices when required.
- 321.5.2.2 Crossings for roads and railroads, provided that such crossings are accomplished upon the least possible land area and disruption of the Surface Water Protection Overlay area.
- 321.5.2.3 Public sewer lines, public water lines and public utility transmission lines, provided such lines are installed in such a manner that is most compatible with the installation and ongoing maintenance of the Surface Water Protection Overlay area.
- 321.5.2.4 Passive recreation uses that prevent the harmful compaction of soil, tree root damage, and channelization (natural or man-made) of surface water flow. Pedestrian paths shall be provided with raised walkways. Impervious surface lot coverage is expressly prohibited.
- 321.5.2.5 Application of pesticides and herbicides that are specifically approved for the treatment and/or removal of invasive and/or noxious species within close proximity of water-courses, provided such pesticides and herbicides are used in strict accord with label instruction. Any materials applied as part of a County and/or State approved pest control program (e.g., West Nile Virus, etc.).
- 321.5.3 Prohibited Uses. The following uses and activities are expressly prohibited within the Surface Water Protection Overlay area:
- 321.5.3.1 Any use that interferes with the natural maturation and maintenance of the non-invasive vegetative plantings.
- 321.5.3.2 Storage and/or disposal of any toxic, hazardous or noxious materials and substances.
- 321.5.3.3 Application of fertilizers, pesticides, herbicides and/or other chemicals in excess of that permitted on an approved conservation and/or nutrient management plan as approved by the responsible agency.
- 321.5.3.4 Areas devoted to the on-site absorption of sewage effluent and/or agricultural fertilizers, including, but not limited to, manure.
- 321.5.4 Standards.
- 321.5.4.1 The Surface Water Protection Overlay area shall contain no more than fifteen percent (15%) impervious surface.
- 321.5.4.2 No alteration or diversion of the surface water is permitted without proper approval from PA DEP.
- 321.5.4.3 At least seventy percent (70%) of the shoreline area shall remain in its natural state as open space.
- 321.6 Wetland Protection Overlay. Wetlands and the natural areas around them are important hydrological and environmental assets. It is the intent of the Wetland Protection Overlay to preserve these natural and man-made assets. The requirements of this section help to protect valuable wetlands that:
- Supply food and habitats for wildlife.
 - Recharge groundwater, particularly during periods of drought.
 - Offer breeding, spawning, feeding, and cover for fish and amphibians.
 - Provide important nesting, migrating and wintering areas for waterfowl.
 - Naturally store surface waters during floods and storms.
 - Purify ground and surface waters by filtering and assimilating pollutants.
- 321.6.1 Establishment of Boundaries. Wetlands shall be delineated by qualified experts having formal training and experience and using the techniques set out by the following reference manuals:
- The U. S. Army Corps of Engineers Technical Report Y87-1, Corps of Engineers Wetlands Delineation Manual.
 - The U.S. Environmental Protection Agency Wetlands Identification Delineation Manual,

Volume I, Rational, Wetland Parameters, and Overview of Jurisdictional Approach, Volume II, Field Methodology, as most recently updated or modified.

- PA DEP's Resources Wetlands Identification and Delineation, Chapter 105 Dam Safety and Waterways Management Rules and Regulations, as most recently updated or modified.

321.6.2 The Wetland Protection Overlay shall be established using the combination of the following methods that delineates the greatest land area:

- 321.6.2.1 The outside edge of the identified wetland. *(Amended by Ordinance No. 20-03, 09/14/2020)*
- 321.6.2.2 Any area adjoining a wetland that possesses upward slopes in excess of ten percent (10%). *(Amended by Ordinance No. 20-03, 09/14/2020)*
- 321.6.2.3 Should a dispute concerning any boundary of the Wetland Protection Overlay area arise, the initial determination of the Zoning Officer may be appealed to the Zoning Hearing Board. The burden of proof in such appeal shall be on the property owner.
- 321.6.2.4 The Wetland Protection Overlay area shall be defined by metes and bounds. A conservation easement covering the Wetland Protection Overlay area shall be provided.
- 321.6.2.5 The Wetland Protection Overlay boundary shall be established at the time of subdivision or land development, or when there is no subdivision or land development proposed, the application for a zoning permit.

321.6.3 Standards. Any property located within the Wetland Protection Overlay shall be permanently protected from filling, grading, clearing, water diversion, and/or development.

321.7 Floodplain Protection Overlay. The purpose of the Floodplain Protection Overlay is to prevent development in areas unfit therefore by reason of flooding; to minimize danger to public health by protecting water supply and natural drainage; to promote the health, safety and welfare of residents, and property owners in or near streams and areas subject to flooding; and to provide for the preservation of natural drainage-ways while providing for such uses and development as are compatible with these objectives. The intent of the Floodplain Protection Overlay under this Zoning Ordinance is to coordinate the use of land in the floodplain area with the Providence Township Flood Plain Management Ordinance, as amended.

In the event of any conflict, the more restrictive provision shall apply. With respect to regulations of uses and procedures to be followed in the floodplain areas delineated in this Zoning Ordinance, the applicable regulations of the Providence Township Flood Plain Management Ordinance are incorporated herein by reference.

321.7.1 Establishment of Boundaries. The Floodplain Protection Overlay is defined and established to be the low area adjoining and including any water or drainage course or body of water subject to periodic flooding or overflow and delineated as either those areas identified in the Providence Township Flood Plain Management Ordinance, as amended, as being subject to the one hundred (100) year flood on the flood insurance study and map prepared for the Township by the Federal Emergency Management Agency (FEMA), dated April 5, 2016, as subsequently amended. *(Amended by Ordinance 17-02, 09/11/17)*

321.7.2 Permitted Uses. The following shall be permitted uses in the Floodplain Protection Overlay, provided that they are in compliance with the provisions of the underlying district, are not prohibited by another ordinance, and do not interfere with the stream corridor.

- 321.7.2.1 Forestry, lumbering and reforestation, excluding storage and structures related to the harvesting of lumber products.
- 321.7.2.2 Horticultural uses related to the raising and propagating of trees, shrubs, flowers, and other vegetative materials.
- 321.7.2.3 Activities related to the preservation of natural amenities.
- 321.7.2.4 Public and private parks and conservation areas.

- 321.7.2.5 Farms and agricultural uses related to the tilling of the land, the raising of farm products, the raising and keeping of horses, cattle and other livestock, and the raising of poultry and poultry products, excluding buildings. *(Amended by Ordinance No. 17-02, 09/11/17)*
- 321.7.2.6 Wildlife sanctuary, woodland preserves, and arboretum.
- 321.7.2.7 Game farm, fish hatchery, hunting and fishing reserves, excluding structures.
- 321.7.2.8 Pasture and grazing land, and all fencing erected on that pasture and grazing land. *(Amended by Ordinance No. 17-02, 09/11/17)*
- 321.7.2.9 Front, side and rear yards and required lot area for any district.

321.7.3 Standards. The regulation of uses, design standards and procedures to be followed in the Floodplain Protection Overlay are the applicable regulations of the Providence Township Flood Plain Management Ordinance, which are incorporated herein by reference. *(Amended by Ordinance No. 17-02, 09/11/17)*

Section 322 Signs

322.1 Purpose.

- 322.1.1 To provide for signs as a means of effective visual communication.
- 322.1.2 To promote adopted comprehensive planning and zoning objectives.
- 322.1.3 To assure compatibility of signs with land uses and buildings in the vicinity of the signs and in the community as a whole.
- 322.1.4 To improve the safety of pedestrians, vehicular traffic and property.
- 322.1.5 To enhance the economic value of the community.
- 322.1.6 To enhance the aesthetic environment.
- 322.1.7 To minimize adverse effects of signs on nearby property.
- 322.1.8 To otherwise promote the public health, safety, morals, and general welfare of the community.
- 322.1.9 To regulate the use of signs through a sign permitting process.
- 322.1.10 To enable the fair and consistent enforcement of these sign regulations.

322.2 Sign Area and Height. The following guidelines shall apply when interpreting area and height regulations in this section.

- 322.2.1 Area. The area of a sign shall be the area of the smallest rectangle, triangle, or circle that will encompass all elements of the sign, such as letters, figures, symbols, designs, or other display.
 - 322.2.1.1 When the sign is a separate unit, the area shall include any borders, framing, trim, decorative attachments, background, and space between elements; it shall not include any supporting structure, unless that structure is illuminated, is in the form of a symbol, or contains advertising elements.
 - 322.2.1.2 When the sign is applied to a wall or otherwise has no definable edges, the area shall include all color, artwork, or other means used to differentiate the sign from the surface upon which it is placed.

- 322.2.2 Height. The height of a sign shall be measured from the average ground-level beneath the sign to the highest point of the sign. The ground-level shall be the lower of the ground-level existing at the time of construction or the ground-level existing prior to construction and prior to any earth disturbance at the site. This prior ground-level may be established by any reliable source, including without limitation, existing topographic maps, aerial photographs, photographs of the site, or affidavits of people who are personally familiar with the site. No person(s) shall artificially increase the maximum height of a sign by altering the grade at the base of the sign by any means.
- 322.2.2.1 The height of freestanding signs shall be controlled by the standards in Tables 1 and 2 listed in Section 322.5.
- 322.2.2.2 Wall signs may be at any height on the wall to which they are attached, except that they may not extend higher than the top of the wall.
- 322.2.2.3 Roof signs may extend no more than five feet (5') above the lowest point where they are attached to the building, and may not extend above the highest point of the roof.
- 322.3 General Regulations. The following regulations shall apply to all signs, in addition to the specific regulations contained in the following provisions of this section. Where these general regulations are contradicted by a specific regulation, the specific regulation shall control.
- 322.3.1 All signs shall be constructed of durable materials, maintained in good condition, and secured in a safe manner.
- 322.3.2 When a sign becomes unsafe, the Zoning Officer shall give written notice to the owner of the premises on which the sign is located that the sign must be made safe or removed immediately.
- 322.3.3 The areas surrounding all signs shall be maintained in a neat, clean and attractive condition.
- 322.3.4 All signs shall be removed within three (3) months if the purpose for which they were erected no longer exists.
- 322.3.5 Each property that displays one (1) more permanent freestanding signs and that is in an area where street addresses have been assigned, must prominently display the address on one (1) permanent freestanding sign visible from the street. The address must include the street number; the street name is optional. The address must be of a size and design that is easily identifiable and legible from moving traffic in the street at a distance of one hundred feet (100') (three inch [3"] high lettering/numerals with a three-quarter inch [$\frac{3}{4}$ "] stroke). The area taken up by the address does not count as part of the sign area. Shopping center signs are exempt from this requirement.
- 322.3.6 No temporary signs shall be permitted, except as authorized elsewhere in this section.
- 322.3.7 No sign shall be located within a street right-of-way, except a government sign, a public utility sign, a sidewalk sign, a nonprofit organization sign, or another sign approved by the Board of Supervisors or PennDOT.
- 322.3.8 No sign, including trim, border and supports, shall be located within ten feet (10') of any property line or street right-of-way line.
- 322.3.9 No sign within the clear-sight triangle shall obstruct vision between the heights of thirty inches (30") and eight feet (8') above the elevation of the centerline of the street.
- 322.3.10 No signs shall be painted, pasted, nailed, stapled, or otherwise attached to utility poles, trees, fences, fire hydrants, or in an unauthorized manner to walls or other signs, except insofar as

such signs comply with generally applicable rules, regulations, or policies formally adopted by the Board of Supervisors.

- 322.3.11 No sign shall be placed so as to obstruct any door, stairway, window, fire escape, or other means of egress or ingress.
- 322.3.12 No sign shall be placed so as to obstruct ventilation or light from a building.
- 322.3.13 No overhead sign shall have a clearance of less than eight feet (8') between any pedestrian walk and the lowest part of the sign nor less than seventeen feet (17'), six inches (6") between any roadway and the lowest part of the sign.
- 322.3.14 No flat wall sign shall project more than eighteen inches (18") from the face of the wall to which it is attached over a public sidewalk.
- 322.3.15 No wall projecting sign shall project more than forty-eight inches (48") from the face of the wall to which it is attached over a public sidewalk.
- 322.3.16 No sign shall have lights or other illuminating devices that constitute a public safety or traffic hazard.
- 322.3.17 No sign shall be permitted which imitates or which might be confused with an official traffic sign or signal, such as by containing the words "Stop" or "Danger" or by including red, green or yellow lights.
- 322.3.18 No sign or window display shall include a revolving beam or beacon of light resembling an emergency vehicle or facility.
- 322.3.19 No sign shall advertise activities or products that are illegal under Federal, State or local municipal laws or regulations.
- 322.3.20 No sign shall include statements, words, or pictures that are considered to be vulgar, obscene, or pornographic. No sign shall depict "specified anatomical areas" or "specified sexual activities," both as defined herein.
- 322.3.21 No banners, streamers, pennants, spinners, reflectors, tinsel, inflatables and similar objects shall be displayed outside a building, with the exception of the following: Within the Commercial (C) and Industrial (I) Zoning Districts, banners, streamers, pennants, spinners, reflectors, tinsel, inflatable objects and similar items with no lettering that are associated with a special sale or other event at a property shall be permitted for a period not to exceed twenty (20) consecutive days. In addition, up to six temporary signs with lettering, not to exceed five square feet in area, advertising a special sale or event at a property shall be permitted for a period not to exceed twenty (20) consecutive days. *(Amended by Ordinance No. 17-02, 09/11/17)*
- 322.3.22 In addition to any other signage permitted by this section, each commercial or industrial property may display one (1) flag not to exceed thirty-five (35) square feet with a company or corporate identification logo on the premises on an approved, standard flagpole.
- 322.3.23 No sign shall emit smoke, visible vapors, particles, sound, or odor.
- 322.3.24 No sign shall be placed on an automobile, truck, or other vehicle if that vehicle is being used primarily for displaying such sign.
- 322.3.25 No inflatable signs shall be permitted with the exception of the following: inflatable signs shall be permitted in the Commercial or Industrial Zoning Districts and such inflatable signs shall be considered a special sale or event sign as identified in Section 322.3.21 and shall be subject to the same time limitations set forth in that Paragraph. *(Amended by Ordinance No.*

17-02, 09/11/17)

- 322.3.26 No open flames shall be permitted as part of a sign or in any other way to attract attention.
- 322.3.27 Advertising painted upon or displayed upon a barn or other structure shall be considered a sign and shall comply with this section.
- 322.3.28 Any sign may be exempted from the regulations of this section as a special exception, if the applicant can demonstrate to the satisfaction of the Zoning Hearing Board that the sign has been authenticated as historically significant and accurate for its specific location, whether original or a replica.
- 322.3.29 Signs may be interior lighted with non-glaring lights; signs may be externally lighted by lights that are shielded so there is no direct light transmitted to other properties or public rights-of-way.
- 322.3.30 The light from any illuminated sign shall not adversely affect the vision of operators of vehicles moving on public or private streets or parking areas, any Residential Zone, or any part of a building or property used for residential purposes.
- 322.3.31 No lighting shall be permitted to outline buildings or structures or parts thereof through the use of exposed neon tubing, strings of lights, or other means with the exception of customary holiday decorations, which may be installed thirty (30) days prior to and removed not later than twenty-one (21) days after the holiday.
- 322.3.32 Business signs in other than the Commercial Zone (C) and Industrial Zone (I) shall not be illuminated when the business is closed.
- 322.3.33 All electrically illuminated signs shall be constructed to the standards/listing of the Underwriters Laboratories, Inc. and the latest edition of the National Electrical Code.
- 322.3.34 The lighting of all signs shall comply with Section 310.
- 322.3.35 Electronically changing messages, including digital signs or other animated and/or video-like displays shall be limited to the Commercial Zone (C) and Industrial Zone (I), and shall comply with the following requirements:
- 322.3.35.1 Such signs shall employ sufficient size lettering and/or symbols for immediate recognition by motorists.
 - 322.3.35.2 Such signs shall display simple and static messages for immediate recognition by motorists. Messages shall be complete in each display cycle and shall not require viewers to see multiple display cycles to derive its meaning.
 - 322.3.35.3 Such signs shall use instantaneous transitions from one message display cycle to the next with no blank-outs, crossing, fading, streaming, zooming, flashing, or any other animated effect for immediate recognition by motorists.
 - 322.3.35.4 All dynamic message display sign owners must use at least ten percent (10%) of the operating time for community service (i.e., time, temperature, and school closing, weather, nonprofit, announcements).
- 322.4 Existing Billboards and Signs. The lighting of new, or replacement of lighting systems of existing billboards and signs, shall be subject to the following requirements:
- 322.4.1 Externally illuminated billboards and signs shall have fixtures mounted at the top of the billboard or sign and aimed downward. The fixtures shall be designed, fitted and aimed to shield the source from off-site view and to place the light output onto the billboard or sign, and not to project their output into the windows of neighboring residences, adjacent uses, past the face of the billboard or sign, skyward or onto a public roadway. Lighting shall be by linear fluorescent. At no point on the face of the sign or billboard, and at no time, shall the

illumination exceed 30 (thirty) vertical foot-candles during nighttime.

- 322.4.2 The light source for internally illuminated signs and billboards shall not exceed one thousand (1,000) initial lumens per square foot of sign face.
- 322.4.3 The illumination of billboards shall be set back a minimum of four hundred feet (400') of a Residential Zone.
- 322.4.4 The maximum illumination on the face of an externally illuminated billboard or sign shall not exceed thirty (30) foot-candles and shall have a maximum to minimum uniformity ratio not to exceed six to one (6:1).
- 322.4.5 Rotating, traveling, pulsing, flashing, animated, "marching" or oscillating light sources, lasers, beacons, or strobe lighting shall not be permitted within five hundred feet (500') of a signalized traffic intersection and Residential Zone.
- 322.4.6 The use of highly reflective signage that creates nuisance glare or a safety hazard shall not be permitted.
- 322.4.7 Applications for the lighting or re-lighting of signs and billboards shall include a point-by-point plot of illuminance on the sign or billboard face, catalog cuts of proposed fixtures, glare reduction devices, lamp types, mounting type and locations, aiming angles, proposed hours of operation, and method for automatically extinguishing the lighting.
- 322.5 Specific Sign Requirements. The tables on the following three pages tabulate requirements imposed upon permanent, temporary and planned center signs as permitted within the Township.
- 322.5.1 Reverse frontage or corner lots located within the Commercial (C) or Industrial (I) Zoning Districts may be allowed a maximum of two (2) freestanding signs with cumulative square footage for the two signs not to exceed a total area of one hundred (100) square feet, as set forth in Table 1. When two (2) freestanding signs are permitted pursuant to this section, the signs must be placed in separate yards, along different roads. *(Amended by Ordinance No. 20-03, 09/14/2020)*
- 322.5.2 For properties located in the Commercial (C) or Industrial (I) Zoning Districts, and as set forth in Table 1, wall signs, the size of which shall be a maximum of fifteen percent (15%) of the total square footage of the wall area of the largest wall of the building, shall be permitted. The permitted square footage for wall signs may be allocated to multiple signs; provided, however, that only one wall sign per wall shall be permitted. *(Amended by Ordinance No. 20-03, 09/14/2020)*

TABLE 1 - PERMANENT SIGN REQUIREMENTS

Sign Type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Height of Freestanding Signs	Maximum Height Of Flat Roof & Wall Signs	Maximum Height Of Roof & Wall Projecting Signs	Maximum Projection from Wall/Roof Projecting Signs	Permitted Zones	Other Requirements	Zoning Permit Required
Signs owned & associated with uses operated by the Township. Official traffic signs.	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	All		No
Signs identifying public & semi-public uses (e.g., schools, churches, utilities, hospitals, libraries, parks, fire stations, post offices, & other similar uses).	2 per principal building	64 sq. ft. for freestanding signs; 20% of the area of the wall/roof facade not to exceed 300 sq. ft.	10 ft.	Height of wall to which sign is attached.	Height of wall to which sign is attached	10 ft., but no closer than 10 ft. from any lot line	All		Yes
Residential nameplates identifying name of home, the occupant, or both, not including name listing on mailbox.	1 per dwelling unit	2 sq. ft.	5 ft.	10 ft.	Not Permitted	Not Permitted	All		No
Property control signs (e.g., "No Trespassing," "Private Property," "No Hunting or Fishing," "Posted," "Private Drive," or similar type signs).	1 per 25 lineal feet of property line	2 sq. ft. per sign	5 ft.	Not Permitted	Not Permitted	Not Permitted	All	Spacing at no less than 25 ft. intervals.	No
Institutional & residential development/neighborhood signs. Such signs shall only list the name of the neighborhood/development & shall not list any names of contractors, realtors, or both.	1 per street entrance, but no more than 2 total	1 sq. ft. per dwelling, not to exceed 32 sq. ft. per sign	15 ft.	Height of wall to which sign is attached.	Height of wall to which sign is attached.	10 ft., but no closer than 10 ft. from any lot line.	RC, R-1, R-2, R-3, C, I	The applicant shall submit a written description of the maintenance responsibilities in a form satisfactory to the Township Solicitor.	Yes
Individual business signs identifying the name & type of business, any trademark of the business conducted on the premises, or any combination thereof. This does not include businesses contained within planned centers, as defined herein.	1*	12 sq. ft.*	15 ft.	Height of wall to which sign is attached.	Height of wall to which sign is attached.	20 ft., but not closer than 10 ft. from any lot line	All others except C or I*	No flat wall sign, nor wall projecting sign shall be larger than 15% of the wall area to which the sign is attached.	Yes
Individual business signs identifying the name & type of business, any trademark of the business conducted on the premises, or any combination thereof. This does not include businesses contained within planned centers, as defined herein.	2*	100 sq. ft. (free standing)** plus the maximum wall sign area set forth in the Other Requirements section of this Table 1.**	15 ft.	Height of wall to which sign is attached.	Height of wall to which sign is attached.	20 ft., but not closer than 10 ft. from any lot line	C, I*	No flat wall sign, nor wall projecting sign, shall be larger than 15% of the area of the largest wall of the building. The permitted square footage for wall signs may be allocated to multiple signs, provided, however, that only one wall sign per wall shall be permitted.**	Yes
On-site directional, entrance, exit, rest room, & other informational signs.	4 per building	2 sq. ft. per sign; however, no more than 10% shall exceed 16 sq. ft.	5 ft.	10 ft.	Height of wall to which sign is attached.	2 ft.	All		No
Billboards.	See Section 413 of this Zoning Ordinance.								Yes
	*(Amended by Ordinance No. 17-02, 09/11/2017) ***(Amended by Ordinance No. 20-03, 09/14/2020)								

TABLE 2 - TEMPORARY SIGN REQUIREMENTS

Sign Type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Height of Freestanding Signs	Maximum Height Of Flat Roof & Wall Signs	Maximum Height Of Roof & Wall Projecting Signs	Maximum Projection from Wall/Roof Projecting Signs	Permitted Zones	Other Requirements	Zoning Permit Required
Temporary signs of contractors, architects, mechanics, landscapers, & artisans, displayed only while actual on-site work is in progress.	1 per firm whose work is in progress	6 sq. ft.	5 ft.	Not Permitted	Not Permitted	Not Permitted	All	Should a sign be left on-site beyond the allowable time period, the Township may impound it & recover a fee from owner equal to cost of impoundment & storage.	No
Real estate sale, sold or rent signs when placed upon the property (unit) to be rented or sold, containing less than 3 acres.	1 per street frontage; maximum of 2 signs	6 sq. ft. per sign	5 feet.	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All	All such signs shall be removed within 5 days of final sales transaction or upon rental occupancy, or be subject to Township impoundment and a recovery fee.	No
Real estate sale, sold or rent signs when placed upon the property (unit) to be rented or sold, containing more than 3 acres.	1 per street frontage; maximum of 2 signs	32 sq. ft. per sign	10 ft.	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All	Same as above	Yes
Proposed development signs for residential, office, or both, complexes.	1 per 25 lineal feet of property line	1 sq. ft. per unit of occupancy, not to exceed 32 sq. ft.	10 ft.	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All, but only after final plan is approved	Such signs shall be removed upon completion of construction of final unit.	Yes
Proposed development signs for commercial uses, industrial uses, other nonresidential uses, or any combination thereof.	1 per street frontage; maximum of 2 signs	1 sq. ft. per 1,000 sq. ft. of gross leasable floor area, not to exceed 64 sq. ft.	10 ft.	Height of wall to which sign is attached.	Not Permitted	Not Permitted	C, I	All such signs shall be removed upon completion of building construction.	Yes
Temporary signs for businesses **(e.g., grand openings, change of use or ownership, closeout sale, clearance sale, holiday sale, etc.).	1 per business per event	32 sq. ft. if freestanding; 48 sq. ft. if attached to wall	10 ft.	Height of wall to which sign is attached.	Not Permitted	Not Permitted	C, I	Such signs may only be used during six (6) non-consecutive periods per calendar year, not to exceed twelve weeks total. *	Yes
Roadside stand signs for the sale of agricultural products upon a principal farm property.	1 per farm	5 sq. ft.	5 ft.	Height of wall to which sign is attached	Height of wall to which sign is attached.	5 ft.	All	Roadside stand signs shall only be displayed during seasons when products are for sale.	No
Garage/yard sale signs upon properties conducting such sales.	2	4 sq. ft. per sign	5 ft.	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All	See Section 433 for additional requirements.	Yes
Political signs.	Unlimited	12 sq. ft.	5 ft.	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All	Such signs may only be displayed between 30 days prior to and 30 days after an election.	No
Signs identified in Section 322.3.21*	NA*	NA*	NA*	NA*	NA*	NA*	NA*	See Section 322.3.21 for number of periods and length of display*	No*
*(Amended by Ordinance No. 17-02, 09/11/2017) **(Amended by Ordinance No. 20-03, 09/14/2020)									

TABLE 3 - PLANNED CENTER SIGN REQUIREMENTS

Sign Type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Permitted Height	Other Requirements	Zoning Permit Required
Freestanding shopping center sign.	1 per street frontage with entrance or exit	1 sq. ft. for each 4 lineal feet of frontage within the shopping center, with a maximum of 110 sq. ft.	20 ft.	This sign shall devote no less than 50% of the total sign area (per side) to the advertisement of the shopping center's name.	Yes
Anchor tenant sign for one use containing more than 150 lineal feet of storefront.	1 per side facing a street, with a maximum of 2 signs	If sign is less than 300 ft. from facing street, then sign can be up to a maximum of 100 sq. ft.. If sign is more than 300 ft. from facing street, then sign can be up to a maximum of 150 sq. ft.	Height of wall to which sign is attached.	These signs shall only be provided as flat wall, wall projecting or roof signs.	Yes
Storefront sign for one use containing up to 150 lineal feet of storefront.	1 per principal use	2 sq. ft. per lineal foot of storefront up to a maximum of 75 sq. ft.	Height of wall to which sign is attached.	This sign shall only be provided as a flat wall or a wall projecting sign.	Yes
Storefront under-canopy signs for all principal uses.	1 per use with less than 150 lineal feet of storefront; 2 per use with more than 150 lineal feet of storefront.	4 sq. ft.	to base of canopy, or where no canopy is provided, 10 ft.	No under-canopy sign shall have a vertical dimension of more than 18 inches from its lowest to highest point. The base of an under-canopy sign shall be no less than 8 ft., 6 in. above the finished grade below such sign.	Yes
Outparcel signs for principal free-standing uses sharing common ingress and egress to shopping center.	2 per principal use, but only 1 per wall	75 sq. ft. per sign, not exceeding 20% of wall area to which sign is attached.	Height of wall to which sign is attached.	These signs shall only be provided as flat wall, wall projecting or roof signs.	Yes

322.6 Nonconforming Signs. Nonconforming signs may continue to be displayed as long as there is compliance with the following limitations and conditions:

- 322.6.1 There shall be no expansion or increase in the nonconforming aspect in any way.
- 322.6.2 Maintenance and repair of the sign are permitted. If necessary, up to fifty percent (50%) of the entire area of a sign and its supporting structure may be replaced in the event of damage. Any such replacement must be completed within six (6) months of the damage occurring.
- 322.6.3 The sign must be brought into conformity if, for a period of at least three (3) months, the message has no longer applied to an activity on the premises (this does not apply to billboards).

322.7 Permitting Procedures and Fees.

- 322.7.1 Permits for the placement of signs are required as indicated by the last column in the tables listed in Section 322.5. All signs requiring permits must have such permit prior to the erection, installation, or alteration of the sign. Sign permit applications, forms, plan requirements, and fees shall be established by resolution of the Board of Supervisors.

The following operations shall not require a permit:

- 322.7.1.1 **Replacing Copy.** The changing of the advertising or message on an approved painted or printed sign which is specifically designed for the use of replaceable copy, as long as the sign is not made nonconforming by such action.
- 322.7.1.2 **Maintenance.** Painting, repainting, cleaning, and other normal maintenance and routine repair of a sign or a sign structure, unless a structural change is made, or unless the sign is nonconforming.
- 322.7.2 Application for permit shall be made in writing to the Zoning Officer and shall contain all information necessary for such Officer to determine whether the proposed sign, or the proposed alterations, conform to the requirements of this Zoning Ordinance. All applications for sign permits shall be accompanied by scaled plans or diagrams showing the following:
 - 322.7.2.1 Exact dimensions of the lot, including any right-of-way lines or building upon which the sign is proposed to be erected.
 - 322.7.2.2 Exact size, dimensions, and location of the said sign on the lot or building, together with its type, construction, materials to be used, and the manner of installation.
 - 322.7.2.3 Any other lawful information that may be required of the applicant by the Zoning Officer.
- 322.7.3 No sign permit shall be issued except in conformity with the regulations of this Zoning Ordinance, or upon order of the Zoning Hearing Board, pursuant to the issuance of a variance.
- 322.7.4 Permits shall be granted or refused within forty-five (45) days from the date of application, or within forty-five (45) days from the date of the Zoning Hearing Board's decision, where applicable.
- 322.7.5 The Zoning Officer, upon determining that a sign is in violation of the Zoning Ordinance, shall notify the owner of the lot in writing to remove said sign within five (5) days from date of such notice.

Upon failure to comply with such notice within the prescribed time, the Zoning Officer is hereby authorized to remove or cause removal of such sign, and shall assess all costs and expenses incurred in said removal or repair against the landowner and/or owner or lessee of

the sign. The Zoning Officer may cause any sign which is a source of immediate peril to persons or property to be removed summarily and without notice.

Section 323 Storm Water Management

Any action involving an “earthmoving activity” shall demonstrate compliance with the Providence Township Storm Water Management Ordinance, adopted May 5, 2014, as amended.

Article 4

Specific Criteria

Section 400 **Specific Criteria for Permitted Uses and Special Exceptions**

- 400.1 Applicability. It is the intent of this Article to provide special controls and regulations for particular uses that are permitted by right, or special exception within the various Zones established in this Zoning Ordinance. All uses must comply with the standards expressed within the underlying Zone and all other applicable sections of this Zoning Ordinance, unless those standards expressed within this Article differ; in such case, the specific standards listed within this Article shall apply.
- 400.2 Permitted Uses. For uses permitted by right, these standards must be satisfied prior to approval of any application for a land development (when applicable) or a zoning permit. The applicant shall have the burden of proof that the proposed use is in compliance with these standards and all applicable regulations contained within this Zoning Ordinance, and must furnish whatever evidence is necessary to demonstrate such compliance.
- 400.3 Special Exceptions. For uses permitted by special exception, this Article sets forth standards that shall be applied to each respective special exception. The applicant shall have the burden of proof that the proposed use meets all applicable regulations contained within this Zoning Ordinance, including, but not limited to, those general criteria contained within Section 604.3 and those contained within Article 4. The applicant shall also submit competent evidence demonstrating a substantial likelihood of compliance with the requirements of Article 5. These standards must be satisfied prior to approval of any application for a special exception by the Zoning Hearing Board.

Section 401 **Adaptive Reuse of Agricultural Buildings**

- 401.1 The adaptive reuse of buildings previously, but no longer, used for an agricultural purpose that existed on December 22, 2014, is permitted by special exception. Any proposed use under this section must be a use that is permitted in another zoning district in the Township but is not a permitted use or permitted special exception use in the zoning district in which the property is located. In the Agricultural (A) Zoning District (but in no other zoning district within the Township), the creation of a new dwelling unit within the building is permitted, subject to the limitations expressed in Section 200.5. Any proposed use shall comply with all specific criteria set forth in the applicable section of Article 4 set forth for that use, if any. (*Amended by Ordinance No. 17-02, 09/11/17*)
- 401.2 Any number of uses may be permitted under this section, provided that the Zoning Hearing Board finds that such multiple uses are designed and developed to function in a coordinated fashion, and that the uses are not inherently incompatible by reason of impact.
- 401.3 Any use proposed under this section that has specific criteria shall comply with such other specific criteria, unless the Zoning Hearing Board finds that such other specific criteria are not necessary because the specific criteria provide a level of protection that exceeds that necessary to protect:
- 401.3.1 The character of the site and its surroundings.
- 401.3.2 Adjoining properties because of man-made and/or natural conditions upon the site.

- 401.4 The applicant shall furnish evidence of an approved means of water supply and sewage disposal to serve all proposed uses.
- 401.5 The applicant shall obtain any necessary land development approvals.
- 401.6 The applicant must provide for sufficient off-street parking spaces and off-street loading spaces for all of those uses proposed. All off-street parking and/or loading areas shall be screened from adjoining residences, and off-street loading areas shall be screened from adjoining roads.
- 401.7 The Zoning Hearing Board will approve the proposed use(s) only upon finding that the site and buildings provide for a logical location for such use(s) that:
 - 401.7.1 Can be effectively accommodated without adverse impact to adjoining uses.
 - 401.7.2 Will not introduce uses that would be adversely impacted by other uses, activities or operations contained either on, or adjoining, the site.

Section 402 Adult Uses

- 402.1 An adult use shall not be permitted to be located within one thousand feet (1,000') of any other adult-related use.
- 402.2 No adult use shall be located within one thousand five hundred feet (1,500') of a Residential Zone.
- 402.3 No adult use shall be located within one thousand five hundred feet (1,500') of any parcel of land which contains any one or more of the following specified land uses:
 - 402.3.1 Amusement park.
 - 402.3.2 Camp (for minors' activity).
 - 402.3.3 Child-care facility.
 - 402.3.4 Church or other similar religious facility.
 - 402.3.5 Community center.
 - 402.3.6 Museum.
 - 402.3.7 Park.
 - 402.3.8 Playground.
 - 402.3.9 School.
 - 402.3.10 Other lands where minors congregate.
- 402.4 The distance between any two (2) adult uses shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of each establishment. The distance between any adult use and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of the adult-related use to the closest point on the property line of said land use.

- 402.5 No materials, merchandise, or film offered for sale, rent, lease, loan, or for view upon the premises shall be exhibited or displayed outside a building or structure.
- 402.6 Any building or structure used and occupied as an adult use shall be windowless, or have an opaque covering over all windows or doors of any area in which materials, merchandise, or film are exhibited or displayed, and no sale materials, merchandise, or film shall be visible from outside the building or structure.
- 402.7 No sign shall be erected upon the premises pictorially depicting or giving a visual representation of the type of materials, merchandise or film offered therein.
- 402.8 Each entrance to the premises shall be posted with a notice specifying that persons under the age of seventeen (17) years are not permitted to enter therein and warning all other persons that they may be offended upon entry.
- 402.9 No adult use may change to another adult use, except upon approval of an additional conditional use.
- 402.10 The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate.
- 402.11 No unlawful sexual activity or conduct shall be permitted.
- 402.12 No more than one (1) adult use may be located within one (1) building or industrial park.

Section 403 Airports/Heliports

- 403.1 The minimum lot area for airports/heliports is thirty (30) acres and five (5) acres for heliports, respectively.
- 403.2 All facilities shall be designed and operated in strict compliance with all applicable Federal and State laws and regulations.
- 403.3 The applicant shall furnish evidence of the obtainment of a license from the Pennsylvania Department of Transportation (PennDOT), Bureau of Aviation, prior to the approval of the conditional use application.
- 403.4 The applicant shall furnish evidence of the techniques that will be used to employ “fly-neighborly” guidelines to avoid adverse audio-visual impacts to nearby residents and livestock.
- 403.5 No part of the take-off/landing strip and/or pad shall be located nearer than three hundred feet (300') from any property line.

Section 404 Alternative Energy Production Facilities

Geothermal Systems

Outdoor Hydronic Heater Systems

Accessory Solar Energy Systems

Accessory Wind Energy Systems

Principal Solar Energy Systems

Principal Wind Energy Systems

- 404.1 Geothermal Systems are permitted as an accessory use in all zones subject to the following regulations:
- 404.1.1 The design and installation of geothermal systems and related boreholes for geothermal heat pump systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), the International Ground Source Heat Pump

Association (IGSHPA), the American Society for Testing and Materials (ASTM), the Air-Conditioning and Refrigeration Institute (ARI), or other similar certifying organizations, and shall comply with the Township Building Code and with all other applicable Township requirements. The manufacturer specifications shall be submitted as part of the application.

404.1.2 Only the following types of geothermal energy systems shall be permitted:

- 404.1.2.1 Closed horizontal loop;
- 404.1.2.3 Closed vertical loop; and
- 404.1.2.4 Open horizontal loop systems relying upon injection wells or water courses.

404.1.3 Unless otherwise specified, geothermal system shall be located a minimum distance of twenty five feet (25) feet from any property line.

404.1.4 For closed loop systems, the following shall apply:

- 404.1.4.1 Closed loop geothermal systems relying upon circulating fluids, only nontoxic, biodegradable circulating fluids such as food grade propylene glycol shall be permitted.
- 404.1.4.2 Horizontal closed loop systems shall be no more than twenty (20) feet deep.

404.1.5 For open horizontal loop systems, the following shall apply:

- 404.1.5.1 Water Extraction
 - A. Open loop systems may utilize a watercourse to the extent permissible under Federal, State, or local municipal laws or regulations.
 - B. Open loop systems which extract water from groundwater sources shall comply with extraction limitations set for potable water wells under Federal, State, or local municipal laws or regulations. Installation requirements for extraction wells shall be the same as those for potable water wells, with respect to those regulations designed to prevent aquifer contamination (grouting, etc.), or in conformance with IGSHPA standards, as determined by the Township Engineer.
- 404.1.5.2 Discharge of Water
 - A. Discharge of water from open loop systems into sanitary sewer systems shall be prohibited, except upon approval by the sanitary sewage system provider.
 - B. Discharge of water from open loop systems into storm sewers shall not be permitted.
 - C. Discharge of water from open loop systems into a watercourse shall require certification by a licensed professional engineer registered by the Commonwealth of Pennsylvania that the design of the watercourse is such that the watercourse can be expected to retain its capacity to meet the needs of the geothermal system over the lifetime of the system and of any other water discharges for which it is used.
 - E. Discharge of water from open loop systems into a watercourse, shall comply with all Federal, State, or local municipal laws or regulations.
 - F. Underground injection of water discharge from an open loop system shall be subject to the following conditions:
 - G. Returned water shall contain no treatment additives or other introduced chemicals.
 - H. The return well shall be located a minimum distance of two hundred (200) feet from wells on adjacent properties.
 - I. The return well shall be located a minimum distance of one hundred (100) feet from the on-site well.
 - J. The return well shall recharge the groundwater from which supply water is extracted.

- K. When such return wells are included as “Class V Underground Injection Wells,” the applicant shall submit an “Inventory of injection Wells” form, available from the U.S. Environmental Protection Agency and shall comply with all Federal, State, or local municipal laws or regulations.
- L. The use of open loop systems within identified well head protection areas is prohibited.

404.2 Outdoor Hydronic Heater Systems are permitted as an accessory use in the Agricultural Zone subject to the following regulations:

- 404.2.1 The design and installation of outdoor hydronic heaters shall conform to applicable industry standards, including those of the US Environmental Protection Agency (EPA), American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Township Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
- 404.2.2 Outdoor hydronic heaters shall be located a minimum distance of one hundred fifty (150) feet from any property line, street right-of-way, or any inhabited dwelling not located on the lot on which the outdoor hydronic heater is proposed.
- 404.2.3 Outdoor hydronic heaters shall have a permanent attached stack. The minimum height of all stacks shall be twenty (20) feet above the ground and otherwise installed according to the manufacturer’s specifications.
- 404.2.4 The owner of the outdoor hydronic heater shall provide evidence indicating that the maintenance and operation of the outdoor hydronic heater is in compliance with the Operation and Performance Standards of this Ordinance (see Section 316), as well as in compliance with all emissions of air quality standards promulgated by the US Environmental Protection Agency (EPA), PA DEP, or other relevant state or federal agency including emissions of dust and particulates.

404.3 Accessory Solar Energy Systems are permitted as accessory uses in all zones subject to the following regulations:

- 404.3.1 A system is considered an accessory solar energy system only if it supplies electrical or thermal power primarily for on-site use, except that when a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company. The owner of the accessory solar energy system shall provide written confirmation that the public utility company has been informed of the customer’s intent to install an interconnected customer-owned generator and also approves of such connection. Off-grid systems shall be exempt from this requirement.
- 404.3.2 The design and installation of accessory solar energy system shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Township Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
- 404.3.3 For the purposes of this Ordinance, all ‘at grade’ or ‘above grade’ features and facilities relating to ground mounted and/or freestanding solar energy systems including solar photovoltaic cells, panels, or arrays, or solar hot air or water collector

device panels, lines, pumps, batteries, mounting brackets, framing, and foundations shall be considered impervious surface and subject to the maximum lot coverage requirements of the underlying zone, unless the applicant can demonstrate by credible evidence that storm water will infiltrate into the ground beneath the solar collection systems at a rate equal to that of the infiltration rate prior to placement of the system.

- 404.3.4 Whenever practical, accessory solar energy systems shall be attached to a building, or located on an impervious surface. If not designed to be attached to the building, the applicant shall demonstrate by credible evidence that such systems cannot feasibly be attached to a building due to structural limitations of the building.
- 404.3.5 Accessory solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street rights-of-way.
- 404.3.6 On-site utility and transmission lines shall, to the extent feasible, be placed underground.
- 404.3.7 No part of any accessory solar energy system shall be located within or above any front yard, along any street frontage, nor within any required setback of any property.
- 404.3.8 Ground mounted and/or freestanding accessory solar energy systems shall be located a minimum distance of one and one half (1.5) times the height of the highest point of the solar collection system, from any inhabited structure located on the lot on which the accessory solar energy system, property line, and street right-of-way.
- 404.3.9 Accessory solar energy systems mounted on the roof of any building shall be subject to the maximum height regulations specified within the underlying zone.
- 404.3.10 Accessory solar energy systems which are ground mounted or freestanding detached from the principal or accessory structure shall not exceed fifteen (15) feet in height.
- 404.3.11 The applicant shall submit a plan for the removal of the accessory solar energy system when it becomes functionally obsolete or is no longer in use. The owner shall be responsible for the removal of the system within six (6) months from the date the applicant ceases use of the system or the system becomes obsolete. It shall be presumed that the solar energy system is obsolete or is no longer in use if no electricity is generated for a continuous period of six (6) months.
- 404.4 Accessory Wind Energy Systems are permitted as an accessory use in all zones subject to the following regulations:
- 404.4.1 A system is considered an accessory wind energy system only if it supplies electrical power primarily for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company. The owner of the accessory wind energy system shall provide written confirmation that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator, and also approves of such connection. Off-grid systems shall be exempt from this requirement.
- 404.4.2 The design and installation of all accessory wind energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd

Wind Energies, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Township Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.

- 404.4.3 No more than one (1) accessory wind energy system shall be permitted per property.
- 404.4.4 Accessory wind energy systems shall not generate noise which exceeds fifty-five (55) decibels nor ten (10) decibels above ambient noise in any one hour, whichever is higher. Noise is measured from the property line of closest neighboring inhabited structure or nearest habitable structure setback on abutting property. The ambient sound measurement, known as "A-weighted sound level" is taken where the noise from the wind turbine cannot be heard, or with the wind turbine shut down. The ambient sound level shall be considered the level that is exceeded ninety (90) percent of the time when the noise measurements are taken. The fifty-five (55) decibel or ten (10) decibel level may be exceeded during short-term events such as utility outages and/or severe wind storms.
- 404.4.5 All on-site utility and transmission lines shall be placed underground.
- 404.4.6 No part of any accessory wind energy system shall be located within or above any front yard, along any street frontage, nor within any required setback of any property.
- 404.4.7 All accessory wind energy systems shall be located a minimum distance of one and one tenth (1.1) times the turbine height from any inhabited structure not located on the lot on which the accessory wind energy system is proposed, property line, street right-of-way, or overhead utility line.
- 404.4.8 No portion of any accessory wind energy system shall extend over parking areas, access drives, driveways or sidewalks.
- 404.4.9 The minimum height of the lowest position of the wind turbine shall be fifteen (15) feet above the ground. If the wind turbine proposed is a Vertical Axis Wind Turbine (also referred to as a 'helix type' turbine or VAT), the height between the lowest point of the turbine and the ground may be reduced to eight (8) feet.
- 404.4.10 Accessory wind energy systems shall not display advertising, except for reasonable identification of the accessory wind energy system's manufacturer. Such sign shall have an area of less than four (4) square feet.
- 404.4.11 When an accessory building is necessary for storage cells or related mechanical equipment, the accessory building shall not have a floor area exceeding two hundred (200) square feet, and shall comply with the accessory building requirements specified within the underlying zone.
- 404.4.12 Accessory buildings shall not be located within any front yard or along any street frontage, nor within any required setback of any property.
- 404.4.13 The applicant shall submit a plan for the removal of the accessory wind energy system when it becomes functionally obsolete or is no longer in use. The owner shall be responsible for the removal of the system within six (6) months from the date the applicant ceases use of the system or the system becomes obsolete. It shall be presumed that the wind turbine is obsolete or is no longer in use if no electricity is generated for a continuous period of six (6) months.

404.5 Principal Solar Energy Systems are permitted by special exception in the Industrial Zone subject to the following regulations:

- 404.5.1 The layout, design, and installation of principal solar energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Township Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
- 404.5.2 For the purposes of this Ordinance, all 'at grade' or 'above grade' features and facilities relating to ground mounted and/or freestanding solar energy systems including solar photovoltaic cells, panels, or arrays, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing, and foundations shall be considered impervious surface and subject to the maximum lot coverage requirements of the underlying zone, unless the applicant can demonstrate by credible evidence that storm water will infiltrate into the ground beneath the solar collection systems at a rate equal to that of the infiltration rate prior to placement of the system.
- 404.5.3 Whenever practical, all principal solar energy systems in the A zone shall be attached to a building; or if ground mounted and/or freestanding, the applicant shall demonstrate by credible evidence that:
- 404.5.3.1 The area proposed for the principal solar energy systems does not predominantly consist of Class I, II and/or III soils, as identified in the soil survey, and is generally unsuitable for agricultural purposes; and
- 404.5.3.2 such facilities cannot feasibly be attached to a building due to structural limitations of the building.
- 404.5.4 All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
- 404.5.5 All principal solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street rights-of-way.
- 404.5.6 Principal solar energy production facilities mounted on the roof of any building shall be subject to the maximum height regulations specified within each the underlying zone.
- 404.5.7 For purposes of determining compliance with lot coverage standards of the underlying zone, the total surface area of all ground-mounted and freestanding solar collectors including solar photovoltaic cells, panels, arrays, and solar hot air or water collector devices shall be considered impervious.
- 404.5.8 All mechanical equipment of principal solar energy systems including any structure for batteries or storage cells, shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, and provided with screening in accordance with Screening and Landscaping requirements of this Ordinance (see Section 320).
- 404.5.9 A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fence.
- 404.5.10 The applicant shall submit a plan for the removal of the principal solar energy systems when it becomes functionally obsolete or is no longer in use. The principal solar energy system owner is required to notify the Township immediately upon

cessation or abandonment of the operation. The owner shall be responsible for the removal of the facility within six (6) months from the date the applicant ceases use of the facility or the facility becomes obsolete. At the time of issuance of the permit for the construction of the principal solar energy system, the owner shall provide financial security in form and amount acceptable to the Township to secure the expense of dismantling and removing said structures.

404.6 Principal Wind Energy Systems are permitted by special exception in the Industrial Zone subject to the following regulations:

- 404.6.1 The layout, design, and installation of principal wind energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Township Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
- 404.6.2 Principal wind energy systems shall not generate noise which exceeds fifty-five (55) decibels nor ten (10) decibels above ambient noise in any one hour, whichever is higher. Noise is measured from the property line of the closest neighboring inhabited structure or nearest habitable structure setback on abutting property. The ambient sound measurement, known as "A-weighted sound level" is taken where the noise from the wind turbine cannot be heard, or with the wind turbine shut down. The ambient sound level shall be considered the level that is exceeded ninety (90) percent of the time when the noise measurements are taken. The fifty-five (55) decibel or ten (10) decibel level may be exceeded during short-term events such as utility outages and/or severe wind storms.
- 404.6.3 All on-site utility and transmission lines shall be placed underground.
- 404.6.4 All principal wind energy systems shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Manual regulation by wind energy system personnel shall not be considered a sufficient braking system for overspeed protection.
- 404.6.5 Principal wind energy systems shall not be artificially lighted, except to the extent required by the Federal Aviation Administration (FAA).
- 404.6.6 Wind turbines and towers shall not display advertising, except for reasonable identification of the principal wind system's manufacturer. Such sign shall have an area of less than four (4) square feet.
- 404.6.7 Wind turbines and towers shall be a non-obtrusive color such as white, off-white or gray.
- 404.6.8 All principal wind energy systems shall, to the extent feasible, be sited to prevent shadow flicker on any occupied building on adjacent property.
- 404.6.9 A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fence.
- 404.6.10 All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
- 404.6.11 No portion of any principal wind energy system shall extend over parking areas, access drives, driveways or sidewalks.

- 404.6.12 All principal wind energy systems shall be independent of any other structure and shall be located a minimum distance of one and one tenth (1.1) times the turbine height from any inhabited structure, property line, street right-of-way, or overhead utility line.
- 404.6.13 The minimum height of the lowest position of the wind turbine shall be thirty (30) feet above the ground.
- 404.6.14 All mechanical equipment of principal wind energy systems including any structure for batteries or storage cells, shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, and provided with screening in accordance with Screening and Landscaping requirements of this Ordinance (see Section 320), and the wind turbines' climbing apparatus shall be limited to no lower than twelve (12) feet from the ground or the wind turbines' climbing apparatus shall be fully contained and locked within the tower structure.
- 404.6.15 The applicant shall submit a plan for the removal of the principal wind energy system when it becomes functionally obsolete or is no longer in use. The principal wind energy system owner is required to notify the Township immediately upon cessation or abandonment of the operation. The owner shall be responsible for the removal of the facility within six (6) months from the date the applicant ceases use of the facility or the facility becomes obsolete. At the time of issuance of the permit for the construction of the principal wind energy system, the owner shall provide financial security in form and amount acceptable to the Township to secure the expense of dismantling and removing said structures.

Section 405 Amusement Arcades

- 405.1 All activities shall take place within a completely-enclosed building.
- 405.2 The applicant must furnish evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the arcade.
- 405.3 A minimum of one (1) parking space for each eight (80) square feet of gross floor area shall be provided. In addition, any accessory uses (e.g., snack bar) shall also require parking to be provided in accordance with this Ordinance.
- 405.4 A working plan for the cleanup of litter shall be furnished and implemented by the applicant.

Section 406 Amusement, Theme and/or Zoo Parks

- 406.1 Purpose. This section provides for a two-stage review process for large-scale amusement uses that is consistent with the Pennsylvania Municipalities Planning Code, by encouraging innovation and promoting flexibility, economy and ingenuity in the development process. Specifically, applications submitted under this section will be required to obtain a special exception approval of a Master Concept Plan that will require a detailed explanation of the proposed use's design, operation and impacts. Then, once the Master Concept Plan is approved, subsequent revisions or adjustments that were contemplated under the approved Master Concept Plan will be regulated as permitted uses. Subsequent alterations that were not contemplated by the previously-approved Master Concept Plan will require another conditional use approval.
- 406.2 Design and Operational Objectives. Applications submitted pursuant to this section are required to demonstrate to the satisfaction of the Board of Supervisors that:

- 406.2.1 The proposed use is coordinated to function as a single site.
- 406.2.2 The proposed design will provide for efficient functioning of the proposed use amid its surroundings without creating an undue adverse impact.
- 406.2.3 The proposed use has access to adequate utilities and public services to ensure the public welfare upon the site and will not overburden such utilities and services to the detriment of the rest of the Township.
- 406.2.4 The proposed use is designed, where practicable, to properly integrate and protect important natural features contained upon the site, both during and after construction, and during subsequent operation of the use.
- 406.2.5 The proposed use presents a pleasant appearance on the site and as viewed from adjoining roads and properties.
- 406.2.6 The applicant has a management structure and capacity that can ensure that these preceding objectives will be continuously satisfied.
- 406.3 Stage 1 - Master Concept Plan. Prior to, or coincidental with, the approval of a land development for any of the above-described uses regulated in this section, the applicant shall submit a Master Concept Plan for special exception approval. Such Master Concept Plan shall include a textual and/or graphic description of the following items:
 - 405.3.1 The location, boundaries, dimensions, acreage, and ownership of the land to be included within the proposed use.
 - 406.3.2 The specific types and mixture of uses proposed for the land to be included within the proposed use. This will require submission of a schematic drawing of proposed use types within their respective areas, along with a disturbance envelope within which all development activities will be confined.
 - 406.3.3 A listing of the relevant design standards applied to the use as required by the Zoning Ordinance, and a determination of the proposed use's compliance with such standards. Should the Zoning Hearing Board attach a condition of approval, such conditioned standard shall be listed along with the use's determination of compliance.
 - 406.3.4 The circulation network contained upon the land to be included within the proposed use, including roads, sidewalks, off-street parking lots, unimproved overflow parking areas, off-street loading areas, emergency access points, major intersections, and any traffic improvements proposed to accommodate the proposed use.
 - 406.3.5 The name, location, centerline, and present right-of-way width of all abutting streets.
 - 406.3.6 Any regional facilities that are proposed and will serve more than one (1) lot within the proposed development. Examples of such facilities could include storm water management devices, open space areas, pedestrian pathways, signs, and wastewater or water facilities.
 - 406.3.7 Qualified expert testimony and impact reports that demonstrate compliance with each of the following requirements and provide for an upset limit of impact regarding each requirement (e.g., maximum traffic volume, maximum sound pressure, maximum structure height, maximum glare, etc.).
 - 406.3.8 A Traffic Impact Report.
 - 406.3.9 Access management so as not to cause traffic back-up onto adjoining roads during peak entrance and exit periods. This shall require special attention to, and description of, the on-

- site stacking volumes caused by toll booth locations and the number, location, and times of traffic control personnel posting.
- 406.3.10 Noise controls as regulated by this Ordinance.
- 406.3.11 Lighting plans as regulated by this Ordinance.
- 406.3.12 Methods of water supply and sanitary sewage disposal in accordance with applicable State regulations. If public water and/or sewer is to be used, documentation by the respective agency of the adequacy of such system to serve the proposed use.
- 406.3.13 Methods of policing and security to include a written statement from the ranking police officer that adequate police protection is available to serve the proposed use. Also, the applicant is required to provide expert evidence regarding security measures that will be used on the site to ensure adequate public safety during and after conduct of the proposed use.
- 406.3.14 Methods of fire protection and ambulance service to include written statements from the chiefs of the first-due fire company and ambulance company that will serve the proposed use that attest that adequate fire protection and ambulance service are available to serve the proposed use.
- 406.3.15 Capacity of off-street parking lots and off-street loading areas in relation to the schedules of required spaces listed in this Ordinance. In addition, an unimproved, grassed, overflow parking area shall be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior access drives of the permanent parking lot. Overflow parking areas shall contain fencing to confine vehicles on the site.
- 406.3.16 The handling and disposal of materials and wastes as required by this Ordinance.
- 406.3.17 Methods used to contain, collect and dispose of litter on the site. This shall include a written description of a working plan for litter cleanup.
- 406.3.18 For uses involving the keeping of animals, a written plan that describes the methods used to:
- 406.3.18.1 Contain and prevent their escape.
 - 406.3.18.2 Dispose of deceased animals in compliance with applicable State laws.
 - 406.3.18.3 Handle and dispose of animal wastes in a manner that is compatible with surrounding uses, both on and off of the site.
- 406.3.19 Scaled graphic representations of those signs used to attract the public onto the site.
- 406.3.20 Exterior areas used for the storage of automobiles or other vehicles shall be completely enclosed by a six foot (6') high fence, and shall be subject to the landscaping and screening requirements imposed upon off-street parking lots. The outdoor storage of vehicle parts, lubricants and fuels, or other materials or equipment used in the service of motor vehicles, and the demolition of junking of vehicles is prohibited.
- 406.3.21 Maximum permitted height for uses regulated by this section can exceed thirty-five feet (35'), provided:
- 406.3.21.1 That the proposed structure is set back a horizontal distance at least equal to its height from each property line.
 - 406.3.21.2 The applicant must demonstrate that adequate local rescue and firefighting capacity exists to ensure the safety of those who might be located above forty-five feet (45'), by reason of adequate emergency vehicles and equipment and/or employed fire suppression measures.

- 406.3.21.3 The applicant must submit that the proposed structure does not violate Federal Aviation Regulations No. 77.
 - 406.3.21.4 If applicable, the applicant must demonstrate compliance with the American Society of Testing Materials (ASTM) F770-88 Standard Practice for Operation Procedures for Amusement Rides and Devices.
 - 406.3.21.5 If proposed, standpipe and sprinkler connection fixtures shall be located so as to be readily accessible to firefighting personnel, and hose pre-connects for full access to each floor shall be provided.
 - 406.3.21.6 If applicable, the applicant must demonstrate that the rescue of patrons on each amusement ride can occur in a safe and expedient manner during times of emergency.
- 406.4 Modifications of Standards. As part of the Master Concept Plan conditional use review, the Zoning Hearing Board may permit the modification of the standards applied to the proposed use in order to encourage the use of innovative design. An applicant desiring to obtain such approval shall, when making application for the Master Concept Plan, also make application for modification under this section. The Board of Supervisors shall consider both requests simultaneously. Any modification of the standards shall be subject to the following standards:
- 406.4.1 Such modifications of standards better serve the design and operational objectives listed in Section 406.2 of this Zoning Ordinance.
 - 406.4.2 Such modifications of standards would not result in adverse impact to adjoining properties, nor future potential inhabitants within the vicinity.
 - 406.4.3 Such modifications will not result in an increase in permitted lot coverage for the site.
 - 406.4.4 The extent of modification provides the minimum amount of relief necessary to ensure compliance with the requirements of this section.
- 406.5 Stage 2 - Site Development Plan. Upon approval of a conditional use for the Master Concept Plan, the applicant must apply for a zoning permit before constructing the proposed use. As part of the granting of a zoning permit for uses proposed and contained in the Master Concept Plan, the Zoning Officer shall review an application submitted by the applicant. Such application shall include, but not be limited to, the following:
- 406.5.1 Any information necessary to demonstrate compliance with all applicable regulations contained within this Ordinance, plus any conditions of approval imposed upon the use.
 - 406.5.2 A scaled site plan that demonstrates the proposed use's compliance with the approved Master Concept Plan, plus any conditions of approval attached to the granting of the Master Concept Plan. The Zoning Officer may require additional review by other Township staff or Township-appointed consultants. Such zoning permit shall be approved and issued, provided that:
 - 406.5.2.1 The proposed use is consistent with those contemplated in the Master Concept Plan.
 - 406.5.2.2 The area to be disturbed for each use is consistent with the respective disturbance area depicted on the Master Concept Plan.
 - 406.5.2.3 The application complies with the applicable design standards and regulations of this Zoning Ordinance and other Township ordinances, plus any conditions of approval attached to the granting of the Master Concept Plan.
 - 406.5.2.4 The impact of the proposed use is consistent with that upset limit of impact authorized in the Master Concept Plan.

Section 407 Animal Hospitals and Veterinary Offices

- 407.1 Animal hospitals and veterinary offices are permitted in the Commercial Zone (C) and Industrial Zone (I), and by special exception in the Agricultural Zone (A), provided that the applicant has met the burden of proof that the proposed use meets all applicable regulations contained within this Zoning Ordinance, including, but not limited to, the following criteria.
- 407.2 No outdoor keeping or running of animals is permitted.
- 407.3 The applicant shall explain those measures that will ensure that the proposed use will comply with the noise regulations.
- 407.4 The applicant must furnish a plan for the storage and disposal of deceased animals within twenty-four (24) hours of an animal's death.
- 407.5 The applicant must demonstrate evidence of compliance with the Pennsylvania Dog Law.
- 407.6 The applicant must explain measures to be used to ensure that all animal wastes shall be regularly cleaned up and properly disposed of to prevent odors and unsanitary conditions.
- 407.7 The applicant is required to submit written information indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations, with particular attention to those pesticides, insecticides and detergents used.

Section 408 Auction Houses

- 408.1 All auction activities shall be conducted within a completely-enclosed building.
- 408.2 No outdoor storage or display is permitted.
- 408.3 Off-street parking shall be provided at the rate of one (1) space per each two (2) persons of legal occupancy within the auction house, plus one (1) space per employee on the site at any one time.
- 408.4 A minimum of four (4) off-street loading spaces shall be provided, subject to increases in accordance with the off-street loading standards of this Zoning Ordinance.
- 408.5 Should the proposed use include a cafeteria or refreshment counter, the applicant shall furnish and continuously implement a working plan for the collection of litter and debris.

Section 409 Automobile Filling Stations (Including Minor Incidental Repair)

- 409.1 The subject property shall have a minimum width of one hundred twenty-five feet (125').
- 409.2 The subject property shall front on an arterial or collector road.
- 409.3 The subject property shall be set back at least three hundred feet (300') from any lot containing a school, day-care facility, park or playground, library, hospital, or nursing, rest or retirement home.
- 409.4 The outdoor storage of motor vehicles (whether capable of movement or not) for more than one (1) month is prohibited).

- 409.5 All structures (including air compressors, kiosks, gasoline pump islands, but not permitted signs) shall be set back at least thirty feet (30') from any street right-of-way line.
- 409.6 No outdoor storage of auto parts shall be permitted.
- 409.7 Access driveways shall be a minimum of twenty-four feet (24') and a maximum of thirty-five feet (35') wide, and separated by seventy-five feet (75') from one another if located along the same frontage as measured from edge to edge.
- 409.8 All ventilation equipment associated with fuel storage tanks shall be set back one hundred feet (100') and oriented away from any land within a Residential Zone.
- 409.9 The applicant shall furnish evidence that the storage, dispensing and disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

Section 410 Automobile Service and Repair Facilities, Including, But Not Limited To, Auto Mechanics, Lubrication Services and Tires, Auto Paint, Brake, Muffler, Transmission, Windshield, Auto Body, Electronics, and Upholstery Shops

- 410.1 All service and/or repair activities shall be conducted within a completely-enclosed building.
- 410.2 All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads.
- 410.3 No outdoor storage of parts, equipment, lubricants, fuel, or other materials used or discarded, as part of the service or repair operation, shall be permitted.
- 410.4 All exterior vehicle storage areas shall be screened from adjoining roads and any land within a Residential Zone.
- 410.5 Reserved For Future Use. *(Amended by Ordinance No. 20-03, 09/14/2020)*
- 410.6 Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed toward any adjoining property within a Residential Zone.
- 410.7 All vehicles shall be repaired and removed from the premises promptly and no vehicle shall remain on the site for more than forty-five (45) days, unless it is stored within a completely-enclosed building.
- 410.8 The demolition or junking of motor vehicles is prohibited.
- 410.9 The applicant shall furnish evidence of how the storage and disposal of materials will be accomplished in a manner that complies with all applicable State and Federal regulations.

Section 411 Bed and Breakfasts

- 411.1 Bed and breakfasts shall only be permitted within single-family detached dwellings.
- 411.2 Any modifications to the external appearance of the building (except fire escapes) shall complement its residential character.

- 411.3 All floors above or below grade shall have a permanently-affixed, direct means of escape to ground level.
- 411.4 One (1) off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit.
- 411.5 All parking areas shall be set back a minimum of ten feet (10') from all property lines, and shall be screened from adjoining lots and streets.
- 411.6 A bed and breakfast may erect one (1) sign no larger than twelve (12) square feet in size which must be set back ten feet (10') from all lot lines.
- 411.7 Breakfast is the only meal that can be served, and only to registered, overnight guests.
- 411.8 The applicant shall furnish evidence that an approved means of sewage disposal and water supply will be used.
- 411.9 The applicant shall furnish proof of any required approval from the Pennsylvania Department of Labor and Industry.

Section 412 Beekeeping

- 412.1 It shall be the duty of the applicant to maintain each colony so as to not create a public nuisance.
- 412.2 Colonies shall be maintained in movable hives.
- 412.3 Hives shall be situated to maximize sunshine exposure and/or natural wind protection.
- 412.4 In no case shall hives be located within twenty-five feet (25') of any property line.
- 412.5 All hives must be registered in accordance with the Pennsylvania Department of Agriculture, Entomology section.
- 412.6 Hives shall not be oriented to children's play areas, either on the site or an adjoining property.

Section 413 Billboards

- 413.1 Billboards shall comply with the provisions of Section 322 Signs unless otherwise addressed in this Section.
- 413.2 No billboard shall be located within one thousand feet (1,000') of another billboard as measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of each land use.
- 413.3 Billboards shall only be permitted upon properties with frontage along an arterial road.
- 413.4 All billboards shall be a minimum of fifty feet (50') from all property lines and street rights-of-way.
- 413.5 All billboards shall be set back at least three hundred feet (300') from any land within a Residential Zone.
- 413.6 No billboard shall obstruct the view of motorists on adjoining roads, or the view of adjoining commercial or industrial uses, which depend upon visibility for identification.

- 413.7 No billboard shall exceed an overall size of two hundred (200) square feet, nor exceed twenty-five feet (25') in height.
- 413.8 All properties upon which a billboard is erected shall be regularly maintained so as not to create a nuisance by means of weeds, litter or vector habitation.
- 413.9 Any lighting uses for billboards shall only illuminate the face of the billboard and not cast glare on adjoining areas or in an upward direction.
- 413.10 Billboards incorporating LCD, LED, plasma, CRT, pixelized lights, or other animated and/or video-like display shall comply with Section 322.3.35.
- 413.11 The applicant must demonstrate that the proposed use will comply with the Pennsylvania Outdoor Advertising Control Act.

Section 414 Campgrounds

- 414.1 All campgrounds shall have a minimum lot area of ten (10) acres.
- 414.2 All campsites shall be located at least fifty feet (50') from any side or rear property line and at least one hundred feet (100') from any public street line.
- 414.3 Each campsite shall be at least three thousand (3,000) square feet in size and shall either provide parking space for one (1) automobile which will not interfere with the convenient and safe movement of traffic, or equivalent parking shall be provided in a common parking area.
- 414.4 An internal road system shall be provided, as required by the SLDO.
- 414.5 All outdoor play areas shall be set back one hundred feet (100') and screened from adjoining properties. Such outdoor play areas shall be used exclusively by registered guests and their visitors.
- 414.6 All campgrounds shall furnish centralized sanitary and garbage collection facilities that shall be set back a minimum of one hundred feet (100') and screened from adjoining properties. Such facilities shall be designed and maintained so as to be secure from native animals, such as raccoons, bears, etc.
- 414.7 Any accessory retail or service commercial uses shall be set back a minimum of one hundred feet (100') from any property line. Such accessory commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall only have vehicular access from the campground's internal road, rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining parcels.
- 414.8 All campgrounds containing more than one hundred (100) campsites shall have vehicular access to an arterial or collector road.
- 414.9 A campground may construct one (1) freestanding or attached sign containing no more than thirty-two (32) square feet. Any reference to accessory commercial or recreational facilities shall remain secondary in size to the reference of the principal campground use. Such sign shall be set back at least ten feet (10') from the street right-of-way line, at least one hundred feet (100') from any adjoining lot lines.
- 414.10 A minimum of twenty percent (20%) of the gross area of the campground shall be devoted to active and passive recreational facilities, which shall not be located within one hundred feet (100') of any property line. Responsibility for maintenance of the recreation area shall be with the landowner.

- 414.11 During operation, every campground shall have an office in which shall be located the person responsible for operation of the campground.
- 414.12 The applicant shall furnish evidence that all water facilities, sewage disposal systems, rest rooms, solid waste disposal and vector control shall be approved and maintained in accordance with the requirements of the Pennsylvania Department of Environmental Protection (PA DEP).

Section 415 Car Washes

- 415.1 Gray water recycling is required.
- 415.2 For automatic and self-service car washes, each washing bay shall provide a minimum one hundred foot (100') long, on-site stacking lane which precedes the washing process. For full-service car washes, such on-site stacking shall be a minimum of three hundred feet (300') per lane.
- 415.3 For full-service car washes, a post-washing drying area shall be provided for no less than three (3) vehicles per washing lane.
- 415.4 All structures housing washing apparatuses shall be set back one hundred feet (100') from any street right-of-way line, fifty feet (50') from any rear property line, and twenty feet (20') from any side lot line.
- 415.5 Trash receptacles shall be provided and routinely emptied to prevent the scattering of litter, and the applicant shall furnish and implement a working plan for the cleanup of litter and debris.
- 415.6 The subject property shall front on an arterial or collector road.
- 415.7 The applicant shall demonstrate adequate provision for the collection and disposal of greases and wastes.

Section 416 Cemeteries

- 416.1 All burial plots or structures shall be located at least fifty feet (50') from any street line and twenty feet (20') from any property line.
- 416.2 In areas not served by public water, the applicant must submit written evidence to assure that water supplies of surrounding properties will not be contaminated by burial activity within the proposed cemetery.
- 416.3 No burial plots or facilities are permitted in the floodplain.

Section 417 Clubhouses for Private Clubs

- 417.1 All private clubs shall front, and have access to, an arterial or collector road
- 417.2 All off-street parking shall be provided between the front face of the building and a point twenty-five (25) feet from the right-of-way line of adjoining road(s). Parking compounds will also be set back thirty (30) feet from any adjoining lot lines.
- 417.3 All outdoor recreation/activity areas shall be set back at least fifty (50) feet from any property line.

Section 418 Cluster (Residential)

- 418.1 Purpose. The purpose of the Cluster standards is to accommodate suburban residential land use as described in the *Providence Township Comprehensive Plan 2008*. Cluster standards provide a greater density, to encourage a preferred development pattern.

In compliance with Section 605.(3) of the Pennsylvania Municipalities Planning Code, this provision provides an optional set of design standards that can only be applied to property located within the Suburban Residential Zone (R-3). These optional design standards seek to achieve a well-planned and coordinated residential neighborhood.

All of the design standards of this section are vital to achieve the desired community atmosphere. While some of the requirements deal with issues that typically transcend zoning jurisdiction, they are provided as design options to attain a density bonus, and are, therefore, considered voluntarily self-imposed by prospective developers, but enforceable by the Township.

- 418.2 General Criteria.

418.2.1 The development shall adhere to the following development objectives.

- 418.2.1.1 Adverse visual impacts between adjacent properties of lower land use intensities shall be mitigated through the use of neighborhood-compatible building type and architecture, landscape buffers, building mass, building location, and building orientation.
- 418.2.1.2 Pedestrian activity shall be incorporated into all design elements.
- 418.2.1.3 Natural features shall be incorporated into undisturbed areas and open space.
- 418.2.1.4 The transportation system shall provide appropriately-designed facilities for pedestrians, bicycles, public transit, and automotive vehicles.
- 418.2.1.5 Landmark symbols and focal points shall be created with buildings, open spaces, and other visual features for community identity.
- 418.2.1.6 Buildings and other improvements shall establish a livable, harmonious, and diverse environment.
- 418.2.1.7 A diversity of housing types, sizes and costs shall be provided, with particular emphasis on scattered-site, affordable housing opportunities.
- 418.2.1.8 Efficient use shall be made of local infrastructure and services.
- 418.2.1.9 The design shall reflect the historic and traditional building styles within the region.
- 418.2.1.10 The design shall blend all of these above-described features in a way that promotes community identification and a "sense-of-belonging" for the residents.

418.2.2 The minimum area devoted to a cluster development shall be two (2) acres.

418.2.3 Public sanitary sewer and public water facilities shall serve the development.

- 418.3 Opportunity for Innovation and Flexibility. It is the intent of the Cluster standards to encourage innovative methods of design, and to utilize flexibility, economy, and ingenuity in the development. To this end, the Zoning Hearing Board may permit the developer to modify the design standards according to Section 418.18.

- 418.4 Relationship to Other Ordinances and Sections of This Zoning Ordinance. To the extent the provisions of the Cluster standards differ (are more or less restrictive) from other Township ordinances and regulations, the provisions of the Cluster standards shall govern. All non-conflicting provisions of the Zoning Ordinance and other Township ordinances and regulations shall remain in full force.

418.5 Permitted Uses.

- 418.5.1 Dwellings, single-family detached, semi-detached, Townhouse and Multi-unit residential structures.**
- 418.5.2 Emergency services,** subject to the requirements of Section 428.
- 418.5.3 Freestanding communication antennas towers and equipment,** subject to the requirements of Section 420.2.
- 418.5.4 Historic structure conversions,** subject to the requirements of Section 438.
- 418.5.5 Home occupations,** subject to the requirements of Section 440.
- 418.5.6 Medical residential campuses,** subject to the requirements of Section 447.
- 418.5.7 Nursing, rest or retirement homes ,** subject to the requirements of Section 452.
- 418.5.8 Open space, parks, playgrounds and game courts.**
- 418.5.9 Places of worship and related uses,** subject to the requirements of Section 453.
- 418.5.10 Schools and training centers.**

418.6 Accessory uses customarily incidental to the above permitted uses, including, but not limited to, the following:

- 418.6.1 Alternative energy production facilities,** subject to the requirements of Section 404.
- 418.6.2 Detached buildings used to house personal property of the residents** (e.g., garage, shed, barn, etc.).
- 418.6.3 Domestic composts,** subject to the requirements of Section 425.
- 418.6.4 ECHO housing,** subject to the requirements of Section 427.
- 418.6.5 Family day-care facilities,** subject to the requirements of Section 424.
- 418.6.6 Garage, yard and/or moving sales,** subject to the requirements of Section 433.
- 418.6.7 Gardening and raising of plants for personal use.**
- 418.6.8 Home occupations,** subject to the requirements of Section 440.
- 418.6.9 Keeping of carriage and buggy horses,** for the sole purpose of providing means of transportation via a carriage, subject to the requirements of Section 442 when located on a parcel of less than ten (10) acres.
- 418.6.10 Man-made lakes, dams, ponds, and impoundments,** subject to the requirements of Section 444.
- 418.6.11 No-impact home-based businesses.**
- 418.6.12 Play structures.**
- 418.6.13 Residential swimming pools,** subject to the requirements of Section 456.

418.6.14 **Routine repair and servicing of personal motor vehicles**, subject to the requirements of Section 459.

418.6.15 **Satellite dish antennas**, subject to the requirements of Section 461.

418.6.16 **Sheds**.

418.7 Required Mix and Integration of Dwellings.

418.7.1 A variety of single-family detached, semi-detached, townhouse, and multi-unit residential structure dwellings shall be integrated into the plan. The required mix of dwellings shall be as follows:

Total Project Area	Mix of Single-Family Detached, Semi-Detached, Townhouse, and Multi-Unit Residential Structure Dwellings
Under 10 acres	Minimum mix of 2 dwelling types. One dwelling type shall not be less than 30% of the total.
10 acres to 20 acres	Minimum mix of 3 dwelling types. No dwelling type shall be less than 10% of the total, except for a fourth dwelling type when more than 3 dwelling types are included. No dwelling type shall be greater than 50% of the total.
Over 20 acres	Minimum mix of 4 dwelling types. Three of the dwelling types, one of which must be single-family dwellings, must be at least 10% of the total. No one (1) dwelling type may be greater than 50% of the total.

418.7.2 If the development is constructed in phases, the mix of dwelling types required above shall be based upon the entire development. However, each phase of the development, except for the final phase, shall contain a minimum mix of two (2) dwelling types with one dwelling type comprising at least thirty percent (30%) of the total dwellings for that phase.

418.8 Residential Design Requirements.

418.8.1 The maximum residential density is five (5) dwelling units per acre of lot area (without the architectural density bonus in Section 418.12).

418.8.2 The maximum residential density is seven (7) dwelling units per acre of lot area (with the coordinated architectural scheme provided in Section 418.12).

418.8.3 No phase of the development shall exceed the overall density permitted in Sections 418.8.1 and 418.8.2.

418.8.4 No minimum or maximum lot area is required for individual dwellings; however, the applicant shall demonstrate that sufficient area is provided for the anticipated building footprint.

418.8.5 Open space is required in the form of squares, plazas, greenways, or expansion of adjacent public lands. Open space shall conform to Section 418.13.

418.8.6 In a townhouse structure, no more than eight (8) dwelling units shall be located in one (1) building and no building shall exceed a length of one hundred fifty feet (150').

418.8.7 In a multi-unit residential structure, no more than twelve (12) dwelling units shall be located in one (1) building and no building shall exceed a length of one hundred fifty feet (150').

418.8.8 Lot width and yard requirements are as follows:

Use	Minimum Width	Minimum Yard Setbacks ³		
		Front ¹	Side	Rear ²
Single-Family Detached	32 ft.	10 ft.	4 ft. 6 ft. with window	18 ft.
Semi-Detached	28 ft. per unit	10 ft.	4 ft. 6 ft. with window	18 ft.
Townhouse	16 ft. per unit	10 ft.	4 ft. 6 ft. with window	18 ft.
Multi-Unit Residential Structure	45 ft.	10 ft.	4 ft. 6 ft. with window	18 ft.
¹ No dwelling may be set back greater than twenty feet (20'). Front yards located along streets shall be measured from the street right-of-way. Front yards located along access drives shall be measured from the edge of the cartway. The porch area of a dwelling may encroach eight feet (8') into the front yard. All porches, which shall be open and unenclosed except for a roof or awning, shall be set back a minimum of five feet (5') from the edge of any cartway. Bay windows are permitted to extend two feet (2') into the front yard. Front yards located along arterial, major collector, and minor collector roads shall conform to the requirements of Section 306.				
² Rear garage wall, which is the wall of any garage closest to the alley cartway, may be located eight feet (8') from the alley cartway, but shall not be closer than twenty-four feet (24') from the opposite (farthest away) edge of the alley cartway.				
³ Gutters, eaves, cornices, and stoops shall be set back a minimum of three feet (3') from all property lines, except for property lines shared by townhouse dwellings and/or semi-detached dwellings.				

418.8.9 In those instances where more than one (1) building is located on the same lot, the following separation distances will be provided between each building:

Location	Aligned parallel or at an angle below 30%	Aligned at an angle greater than 30%
Front to Front	25 ft.	15 ft.
Rear to Rear	25 ft.	15 ft.
Front to Rear	25 ft.	15 ft.
Front or Rear to Side	25 ft.	15 ft.
Side to Side	8 ft., 12 ft. with window	8 ft.

418.8.10 No less than seventy-five percent (75%) of the buildings shall have their front facade facing a street or access drive.

418.8.11 No more than three (3) contiguous horizontal dwelling units in any one (1) building shall have the same front yard depths. A minimum variation of setback shall be four feet (4').

418.8.12 Required off-street parking shall be located at or behind the front facade of the building it is intended to serve and shall be set back a minimum of two feet (2') from one side lot line.

418.8.13 Off-street parking shall have direct vehicle access by way of an alley or a joint-use driveway to a street or an access drive.

418.8.14 A joint-use driveway shall access no more than four (4) dwellings.

418.9 **Building Height.** The maximum permitted building height is three (3) stories, not to exceed a measured height of thirty-five feet (35').

418.10 Maximum Lot Coverage.

Use	Maximum Lot Coverage
Single-Family Detached	70%
Semi-Detached	75%
Townhouse	85%
Multi-Unit Residential Structure	70%

418.10.1 In no case shall more than sixty-five percent (65%) of the entire project be covered with buildings, streets, sidewalks, and/or other impervious surfaces.

418.10.2 Any portion of the site not covered with impervious material shall be maintained with a vegetative ground cover and/or other ornamental plantings.

418.11 Accessory Buildings.

418.11.1 Accessory buildings, other than vehicle parking garages, shall not exceed a total floor area of two hundred (200) square feet.

418.11.2 Accessory buildings shall be located at least fifteen feet (15') behind the front facade of the principal building.

418.11.3 Accessory buildings shall be set back at least four feet (4') from the side and rear lot lines.

418.11.4 Accessory buildings, other than vehicle parking garages, shall not exceed one (1) story or ten feet (10') in height, except as provided in Section 418.11.5.

418.11.5 Accessory buildings, other than vehicle parking garages, may exceed ten feet (10') in height, up to fifteen feet (15'), but in such instances shall be set back from all side and rear property lines an additional one foot (1') for every two feet (2') or fraction thereof that these accessory buildings exceed ten feet (10') in height.

418.11.6 Accessory vehicle parking garages shall not exceed one (1) story, fifteen feet (15') in height, or a total floor area of six hundred (600) square feet.

418.11.7 Each fee simple lot shall have no more than two (2) accessory structures.

418.12 Architectural Density Bonus.

418.12.1 Density bonus is available under Section 418.8.2 for establishing a coordinated architectural scheme. It is not the intent of the Township to dictate architectural styles. However, a set of standards shall be chosen by the applicant and adhered to consistently throughout the development. Standards selected shall enhance the purpose and general criteria, as specified by Section 418.1 and Section 418.2.

418.12.2 The request for a density bonus shall include a report, prepared by a Commonwealth-registered architect, with textual and graphic building descriptions, denoting the features that will be incorporated into all building designs. The report shall include the following:

- 418.12.2.1 Building elevation(s), drawn to scale, for the front, side and rear elevations of each building/dwelling type. The elevations shall include:
 - A. Building height dimension.
 - B. Number of stories.
 - C. Building skin, trim materials.
- 418.12.2.2 Material samples and/or color boards illustrating color, texture, and size of each skin

- material to be used.
- 418.12.2.3 Written outline specifications denoting the roofing specification, mechanical, insulation performance, general construction characteristics, and manufacturer's specifications, and cut sheets on windows, doors and garage doors, gutters, specialty trim, columns, and railings.
- 418.12.2.4 Nonstructural site improvements (buffering, landscaping and screening) that will be used to protect the integrity of the neighborhood shall be described.

418.12.3 The architectural criteria are as follows:

- 418.12.3.1 There are a variety of architectural styles appropriate to the overall architectural character of the development. The architectural styles used shall be compatible and complementary to one another and the surrounding community. Classic design styles are encouraged but not required.
- 418.12.3.2 The character of the architecture on the street will reinforce pedestrian scale and have a varied look.
- 418.12.3.3 All building/dwelling types will have street elevations detailed at a quality level consistent with the most expensive type.
- 418.12.3.4 Only architectural grade shingles, metal roofing or approved specialty shingles may be used on gable roofs.
- 418.12.3.5 At least seventy-five percent (75%) of all garage doors shall face an alley or access drive. Vehicular access to and from at least seventy-five percent (75%) of all dwellings shall be from an alley and/or access drive. The only dwellings that may have vehicular access to a street are single-family dwellings and, in all such instances, the garage door must be recessed at least ten feet (10') from the front facade of the dwelling or be perpendicular to the street being accessed.
- 418.12.3.6 Windows shall be compatible in style, scale, proportion, and trim with the architectural vernacular used.
- 418.12.3.7 Window mullions, if used, must be true divided light or applied to the glass surface.
- 418.12.3.8 Shutters may be used when appropriate to the style and window. Shutters shall be sized to match the window opening. Shutters used for ganged windows are inappropriate.
- 418.12.3.9 Building and mechanical equipment, but specifically excluding utility meters, shall not be located on the front face of a building and shall be visually shielded from the public street. Utility meters should not be located on the front face of a building, but may be so located if they are completely shielded from view from adjoining properties and/or streets.
- 418.12.3.10 Entries and porches shall be consistent with the design vernacular. Entries shall face streets to the extent possible, and be clearly visible within the building facade design. Entryways may not be recessed more than two feet (2') from the front facade of the building.
- 418.12.3.11 The primary entrance of a dwelling shall be appropriately scaled to the overall massing of the building. Porches are an outdoor extension of the living space of the house and shall be at least six feet (6') in depth, to provide an adequate depth for seating and circulation to and from the dwelling. Wrap-around porches are an excellent way to capture prominent views, maximize a corner lot condition, and extend the outdoor living space, and are therefore encouraged.
- 418.12.3.12 At least thirty percent (30%) of all dwellings in the development that face street types A and B shall have a porch.
- 418.12.3.13 No more than two (2) facade material types per dwelling shall be visible on any exterior wall, excluding foundations and piers of the building. If all facades of any one dwelling are to be constructed of only one (1) facade material, the material must be wood siding or clapboard, or masonry material(s), such as brick, stone or stucco.
- 418.12.3.14 Compatible colors, value, and tone must be used on adjacent buildings. If a traditional architectural theme is used, the colors should be consistent with the architectural style.
- 418.12.3.15 The main doorway entrance for at least seventy-five percent (75%) of the residential buildings shall face a street or access drive.

- 418.12.3.16 Fences and walls located along the frontage shall complement the architectural theme of the buildings and form continuous, cohesive enclosures along the street.
- 418.12.3.17 There may be a predominance of a quality and quantity of landscaping, although emphasis herein shall be with the amounts and continuity of landscaping. Landscaping within the development shall comply with all applicable landscape requirements of the Zoning Ordinance and Subdivision and Land Development Ordinance (SLDO), where such requirements are not in conflict with specific provisions of this section.
- 418.12.3.18 Architectural design guidelines shall be subject to approval by the Township Solicitor as to their appropriateness for filing with the Lancaster County Recorder of Deeds and impose covenants and conditions upon the property. Architectural building plans shall be submitted as a component of the special exception application and fully enforceable.

418.13 Open Space Design Requirements.

- 418.13.1 A minimum open space area of twenty percent (20%) of the project's total lot area, excluding existing street right-of-way, shall be provided for open space that is located within the project. This open space area may be credited against the required open space dedication in the SLDO. The remaining mandated open space shall be provided according to the SLDO.
- 418.13.2 Required open space shall be in the form of:
 - 418.13.2.1 Greenway. A series of connected open spaces that may follow natural features, such as ravines, creeks or streams, consisting of paved paths and trails, lawns, trees, open shelters, or recreational facilities. A greenway may be used for a maximum of thirty percent (30%) of the required open space.
 - 418.13.2.2 Park. An open space area that is available for active and passive recreation, consisting of paved paths and trails, lawns, trees, open shelters, or recreational facilities.
 - 418.13.2.3 Plaza. Open space located at the intersection of streets, set aside for residential community purposes consisting of durable pavement, landscaping and formal tree plantings. A plaza must adjoin building lots along at least fifty percent (50%) of its perimeter.
 - 418.13.2.4 Square. Open space that may encompass an entire block, located at the intersection of streets, set aside for residential community purposes. Squares consist of paved walks, lawns, trees, open shelters, and residential, community, accessory use buildings.
- 418.13.3 Open space shall include at least one (1) of the following: park, plaza and/or square.
- 418.13.4 The required square shall be at least one-half (1/2) acre in size. A square must adjoin streets along at least fifty percent (50%) of its perimeter.
- 418.13.5 If provided, the park shall be at least one (1) acre, and located within one thousand feet (1,000') of the geographic center of the residential uses or form an expansion of adjacent public lands.
- 418.13.6 A greenway shall have an average width of not less than twenty-five feet (25').
- 418.13.7 At least ninety percent (90%) of the lots must be within six hundred feet (600') of a square, plaza, greenway, or park.
- 418.13.8 Ownership of the open space shall be identified and accomplished through one (1) of the following methods:
 - 418.13.8.1 The Township shall not be obligated to accept dedication of the open space.
 - 418.13.8.2 Private ownership by a nonprofit organization, among whose purposes is the preservation of open space land and/or natural resources. Such private owner shall be a bona fide conservation organization with a perpetual existence; the conveyance must contain appropriate provision for retransfer if the organization is unable to maintain the

land. Private ownership is subject to deed restrictions in favor of the Township, in language acceptable to the Township Solicitor, and the private owner shall enter into a maintenance agreement with the Township.

418.13.8.3 An association composed of the project's property owners according to Pennsylvania law. The agreements of sale and deeds for all open space lots shall contain the following requirements in language acceptable to the Township Solicitor:

- A. Open space property shall not be further transferred, except to the Township, unless the Township has given prior written approval. Such transfer shall be made only to another party which shall maintain the common open space in accordance with this Ordinance.
- B. Open space shall be subject to a maintenance agreement with the Township and shall agree to be bound by the provisions of Article VII of the Pennsylvania Municipalities Planning Code relating to the maintenance of deteriorating common open space by municipalities.
- C. The Township may require the establishment of a reserve fund to provide for maintenance of, or capital improvements to, the common open space.

418.14 Vehicular Access Requirements.

418.14.1 Vehicular access shall be designed to reduce traffic speeds and promote safe pedestrian and non-motorized vehicular travel with the use of crosswalks, signage, textured pavement, and other design materials approved by the Township.

418.14.2 Each vehicular access-way shall conform to the following widths:

	Street or Access Drive with Greater than 1,500 Average Daily Trips	Street or Access Drive With Less Than 1,500 Average Daily Trips	Alley
Right-of-Way	50-60 ft. wide (when provided)	36-50 ft. wide (when provided)	12-16 ft. wide
Auto Travel Lanes	2 lanes, each 12 ft. wide	2 lanes, each 10 ft. wide <u>or</u> 1 lane, 12 ft. wide	2 lanes, each 8 ft. wide <u>or</u> 1 lane, 12-ft. wide for one-way travel
Parking	1 or 2 lanes, each 8 ft. wide	8 ft. wide lane(s) (when provided)	None
Curb	Required	Required	None
Curb Return Radius	25 ft.	15 ft.	15 ft.
Horizontal Centerline	150 ft.	80 ft.	20 ft.

418.14.3 Fifty percent (50%) of the lineal frontage of street classification type B shall provide on-street parking along one side of the street. Guest parking, including on-street parking, shall be appropriately distributed throughout the development at the rate of one (1) parking space for every four (4) dwellings. On-street parking may be counted toward guest parking requirements.

418.14.4 On-street parking shall be defined by "bulb-outs" (also known as bump outs, nubs, knuckles, or neck-downs) and shall be provided:

418.14.4.1 At all intersections with other streets, alleys and access drives on the same side as the provided on-street parking.

418.14.4.2 Where necessary to ensure there are no continuous strips of on-street parking in excess of two hundred fifty feet (250').

“Bulb-outs” shall be approximately seven feet (7') in depth. “Bulb-outs” at intersections shall be twenty-five feet (25') in length and all other required “bulb-outs” shall be at least ten feet (10') in length, unless the Township Engineer agrees that a proposed alternate design achieves a superior, or at least substantially similar, result.

418.14.5 The circulation system should maintain a grid pattern whenever possible. The orientation of streets should enhance the visual impact of common open spaces and prominent buildings. All streets shall terminate at other streets, except stub streets when such streets act as connections to future phases of development or public land.

418.14.6 Illumination is required for streets, alleys and access drives, to increase the safety of pedestrians, as well as vehicles, while contributing to the character of the neighborhood. Within the confines of the proposal, lower light fixtures, as opposed to tall, high-intensity lights, are preferred. Light poles six feet (6') to eight feet (8') in height may replace the need for traditional streetlight fixtures, provided that the light fixtures turn on and off in a similar timing as traditional street-light fixtures.

Along the perimeter boundary of the development, illumination shall conform to the street-light standards of the SLDO.

418.14.7 All other non-conflicting streets, alleys and access drives provisions of the SLDO remain in effect.

418.14.8 Where a regional mass transit system provides service along a street adjacent to the development, or where such a system is proposed as part of an adopted municipal or regional transportation plan to serve the area of the development, an appropriate drop-off and shelter facility shall be located along such street, or within such development, or at some alternate location, as may be required by the mass transit company, applicable municipal agency, or Township.

418.14.9 Street curbs, sidewalks and walkways shall be provided according to Township specifications. Alternate surface materials, such as, but not limited to, brick and Belgian block, may be substituted when determined by the Township to be appropriate.

418.15 Streets and Access Drives Plantings.

418.15.1 Trees shall be provided along each side of all proposed streets and access drives.

418.15.2 Trees shall be located no closer than four feet (4'), and no farther than fifteen feet (15'), from the rear of the curb or edge of pavement when no curb is provided.

418.15.3 The number of required trees shall be based on a minimum of one (1) tree, on each side of a street and access drive, for every forty (40) linear feet of street/access drive. Trees may be located at varying distances and in groupings, provided the streetscape of each block length contains the required number of trees.

418.15.4 Trees, when planted, shall be at least two to two and one-half inches (2 to 2½") in diameter, measured at six inches (6") above the ground. In locations where healthy and mature trees currently exist, they may be counted toward the fulfillment of these standards.

418.15.5 Plantings may be used to complement the trees. If permanent containers are used to accommodate such plantings, they shall contain vegetation, which is hardy in all seasons, or shall be replanted according to the change in seasons. The perpetual care and maintenance of such plantings shall be the responsibility of the entity responsible for the open space.

418.15.6 Trees are not required along alleys.

418.15.7 The following varieties are acceptable trees:

American Linden	Ginkgo (male only)	Sawtooth Oak
American Red Maple	Green Ash	Scarlet Oak
American Beech	Greenspire Linden	Shingle Oak
Black Oak	Japanese Pagoda tree	Silver Linden
Bradford Pear	Japanese Slovak	Sugar Maple
Bur Oak	Little Leaf European Linden	Sycamore
Columnar Norway Maple	Marshall's Seedless Ash	Thornless Honeylocust
Common Hackberry	Norway Maple	Tulip Poplar
Crimean Linden	Pin Oak	White Ash
Eastern Poplar	Purple Beech	White Oak
European Beech	Red Oak	Willow Oak

No single species type may make up more than twenty-five percent (25%) of the total trees used for street and access drive plantings.

418.15.8 Utilities shall be located underground.

418.16 Sidewalks.

418.16.1 Sidewalks shall be provided along both sides of all streets and access drives.

418.16.2 Sidewalks shall be a minimum of four feet (4') wide.

418.16.3 Sidewalks located along street(s) type "A" shall be located a minimum of four feet (4') from the front face of curb.

418.16.4 Sidewalks located along street(s) type "B" or access drives shall be located a minimum of four feet (4') from the front face of curb.

418.16.5 Sidewalks shall include aprons for access by handicapped persons, according to standards contained within the latest version of the Americans With Disabilities Act.

418.16.6 Sidewalk planting strips may be replaced with ten foot (10') wide sidewalks at locations of passive pedestrian nodes (e.g., benches, fountains, public transit stops, and open space).

418.17 Perimeter Buffers.

418.17.1 Adverse visual impacts between adjacent properties of lower land use intensities shall be mitigated through the use of landscape buffers, neighborhood-compatible architecture, building mass, building location, and building orientation. Perimeter buffers may not be included in the open space design requirements of Section 418.13.

418.17.2 No buildings, parking areas, streets, access drives or alleys, except for perpendicular streets required to provide access to the development, shall be located within fifty feet (50') of any perimeter boundary of the development.

418.17.3 No semi-detached, townhouse and multi-unit residential structure dwellings shall be located within one hundred feet (100') of any perimeter boundary of the development.

418.17.4 Landscape buffers shall provide a semi-opaque screen from the ground to at least a height of six feet (6'). Vegetative material within this buffer shall meet the following criteria:

418.17.4.1 Deciduous tree species shall attain a height at maturity of no less than forty feet (40').

418.17.4.2 Evergreen tree species shall attain a height at maturity of no less than ten feet (10').

418.17.4.2 At least seventy-five percent (75%) of the required shrubs shall be evergreen tree species and all shrubs shall be adapted to the area.

- 418.17.4.3 Tree spacing shall be no greater than fifty feet (50') on center for deciduous trees and no greater than twenty feet (20') on center for evergreen trees. Spacing distance may be increased when required for trees with a branch length that overlaps.
- 418.17.4.4 Perimeter buffers may include a wall, fence, landscaped earthen berm, planted vegetation, existing vegetation, or any appropriate combination of the elements.
- 418.17.4.5 The requirement for landscape buffers may be modified under Section 418.18 in infill areas, in order to maintain the continuity of the community.
- 418.17.4.6 No single species type may make up more than twenty-five percent (25%) of the total plantings of that category (e.g. deciduous, evergreen or shrub).

418.18 Modifications of Design Standards.

- 418.18.1 The Zoning Hearing Board may, by special exception, permit the modification of the design standards of this section, in order to encourage the use of innovative design.
- 418.18.2 Request for modification of design standards shall be submitted with the special exception application for Cluster. The Zoning Hearing Board shall consider both the Cluster and modification of design standards simultaneously.
- 418.18.3 Modifications of the design standards shall:
 - 418.18.3.1 Better serve the intended purpose of the Suburban Residential Zone (RS), as expressed in Section 418.1.
 - 418.18.3.2 Not result in greater adverse impact to adjoining properties nor future inhabitants within the Zone than the development would without the requested modifications.
 - 418.18.3.3 Not result in an increase in residential densities, beyond the maximum density permitted in Sections 418.8.1 and 418.8.2.

418.19 Special Exception Site Plan Requirements and Effect of Special Exception Site Plan Approval.

- 418.19.1 Each applicant under this section shall present a special exception site plan with the application for a special exception. The special exception site plan shall, at a minimum, contain the information identified in Section 418.19.7.
- 418.19.2 Approval of the special exception application shall make compliance with the special exception site plan and any revisions thereto a part of the approval.

The applicant and future landowners shall develop the property in the manner set forth on the special exception site plan and any revisions thereto when authorized in accordance with Sections 418.19.3 and 418.19.4.

- 418.19.3 The applicant and future landowner may, during the subdivision and land development process, make minor revisions to the site plan as may be necessary to accommodate fully-engineered, storm water management facilities, public sewer facilities, public water facilities, floodplains, and changes to street design, as may be required by PennDOT, as part of a highway occupancy permit.

The Township, during the subdivision and land development process, shall determine whether the proposed changes to the approved special exception site plan constitute minor revisions necessary to accommodate fully-engineered, storm water management facilities, public sewer facilities, public water facilities, floodplains, and changes to street design, as may be required by PennDOT, as part of a highway occupancy permit.

- 418.19.4 Minor revisions to the approved special exception site plan shall not:

- 418.19.4.1 Alter any of the items set forth in Section 418.19.4.
 - 418.19.4.2 Increase the number of dwelling units.
 - 418.19.4.3 Change the percentage or mix of each type of dwelling unit.
 - 418.19.4.4 Change the amount or location of open space areas.
 - 418.19.4.5 Change the minimum lot sizes for the residential dwellings.
 - 418.19.4.6 Result in lots or street systems that are impractical or detract from the appearance of the development.
 - 418.19.4.7 Change any item that was proposed to qualify for a density incentive.
- 418.19.5 Minor revisions to the approved special exception site plan shall:
- 418.19.5.1 Conform to the provisions of Section 418.
 - 418.19.5.2 Generally enhance the development plan, or in any case not have an adverse impact on its physical, visual or spatial characteristics.
 - 418.19.5.3 Generally enhance the streetscape and neighborhood, or in any case not have an adverse impact on the streetscape and neighborhood.
 - 418.19.5.4 Allow for equal or better results than the originally approved special exception site plan and represent the minimum modification necessary.
- 418.19.6 Any change to an approved special exception site plan which does not constitute a minor revision authorized by Section 418.19.3 must be submitted as an application to amend the special exception approval.
- 418.19.7 The special exception site plan shall include, at a minimum, the following information:
- 418.19.7.1 The project name or identifying title.
 - 418.19.7.2 The name and address of the landowner, applicant, and firm that prepared the plan.
 - 418.19.7.3 The file or project number assigned by the firm that prepared the plan, plan date, and dates of all plan revisions.
 - 418.19.7.4 A north arrow, graphic scale and written scale.
 - 418.19.7.5 The entire tract boundary with bearings and distances, and identification of all corner markers.
 - 418.19.7.6 A location map at a minimum scale of two thousand feet (2,000') to the inch, showing the relation of the tract to adjoining property and to all streets, municipal boundaries and streams located within one thousand feet (1,000') of any part of the property.
 - 418.19.7.7 Existing adjacent land uses and lot lines within two hundred feet (200') of any part of the property, including the location of all public and private streets, drives or lanes, railroads, historic sites, and other significant natural or man-made features.
 - 418.19.7.8 Names of all immediately adjacent landowners, and names and plan book numbers of all previously-recorded plans for adjacent projects.
 - 418.19.7.9 Contours at vertical intervals of two feet (2') for land with average natural slope of twelve percent (12%) or less, and at vertical intervals of five feet (5') for more steeply sloping land; location of bench mark and datum used.
 - 418.19.7.10 Areas that are subject to the one hundred (100) year flood, wetlands, water bodies, habitats of endangered species, caves, historic sites, archeological sites, and woodlands.
 - 418.19.7.11 Soil types as indicated by the most recent U.S.D.A. Soil Conservation Service Soil Survey of Lancaster County.
 - 418.19.7.12 Existing landmarks within the proposed development, including the location of all existing streets, buildings, easements, rights-of-way, sanitary sewers, water mains, storm drainage structures, and watercourses.
 - 418.19.7.13 Site data including, but not limited to, the following:
 - A. Total acreage of the tract.
 - B. Zoning district.
 - C. Proposed use of the land.
 - D. Proposed gross area of the development.
 - E. Proposed gross residential density.
 - F. Proposed number of dwelling units.

- G. Proposed mix of dwelling types.
- H. Proposed number of lots.
- I. Acreage and percentage of common open space.
- J. Proposed number of parking spaces.
- K. Proposed design incentive, including the provision under which the incentive is authorized.
- L. Total lot coverage.
- M. Total building coverage.
- 418.19.7.14 Location and surface materials of all streets, access drives, parking compounds, sidewalks, bikeways, and curbing with approximate dimensions.
- 418.19.7.15 Location of all proposed lot lines with approximate dimensions.
- 418.19.7.16 Size of all lots, lot coverage and building coverage in square feet or acreage and by percentage.
- 418.19.7.17 Location, height and configuration of all buildings. Building configurations may be schematic. Each multi-unit residential structure shall identify the number of dwelling units within the building.
- 418.19.7.18 Location, size, and use of all common open space areas, structures and recreation facilities.
- 418.19.7.19 Landscaping, buffering, screening, walls, and fences.
- 418.19.7.20 Phasing plan and development schedule, when applicable. When required, the phasing plan shall include timing and sequence of construction for all infrastructure provided by the developer. This schedule is subject to the approval of the Township. Infrastructure includes, but is not limited to, site improvements, landscaping, pedestrian accommodations, storm water management, sanitary sewerage, water supply, vehicular circulation, parking, and any off-site improvements as may be required as a condition of approval, including signalization or other improvements at the access points to the development.
- 418.19.7.21 Special Exception Impact Analysis. Each applicant under this section shall include the following:
 - A. A Traffic Impact Study, prepared to the satisfaction of the Township. The study shall document the anticipated traffic condition that will be generated by the proposed development and identify measures that mitigate negative impacts.
 - B. A public service impact study on public services and facilities, such as public water, public sewerage, police protection, fire protection, schools, and recreation. The study shall document the anticipated condition that will be generated by the proposed development and identify measures that mitigate negative impacts.

Section 419 Commercial Produce Operations

- 419.1 The minimum lot area is ten (10) acres, except that this may be reduced if the applicant can demonstrate compliance with the Pennsylvania "Right to Farm" law.
- 419.2 The maximum permitted lot coverage is thirty percent (30%), including all impervious surfaces.
- 419.3 If applicable, the applicant shall submit written evidence from the appropriate review agency that the proposed use has an approved nutrient management plan. All subsequent operations and activities shall be conducted in accordance with such plans. If, at any time, the nutrient management plan is amended, the applicant must again submit written evidence of plan approval to the Zoning Officer.
- 419.4 The applicant shall furnish evidence from the Lancaster County Conservation District that the proposed use has an approved conservation plan. All subsequent operations and activities shall be conducted in accordance with such conservation plan. If, at any time, the conservation plan is amended, the applicant must again furnish evidence from the Lancaster County Conservation District that the amended plan has been approved.

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- 419.5 The applicant shall abide by, and demonstrate a working knowledge of, those methods that will be employed to comply with the above-required nutrient management plan and conservation plan.
- 419.6 If greenhouses, or other buildings with substantially clear or translucent surfaces, are used, the applicant shall submit information that nighttime lighting will not result in glare and light trespass creating a nuisance to neighboring properties and roadways.
- 419.7 Any exhaust or ventilation fans employed shall be oriented and directed such that no direct exhaust velocity is perceptible at any adjoining property lines.
- 419.8 Any driveway or access drive providing for vehicular access to the proposed use shall be paved and shall maintain a fifty foot (50') wide radius for all turns and intersections.
- 419.9 Any on-site materials and/or waste storage facilities shall comply with the requirements of Section 316.6.
- 419.10 Within the Agricultural Zone (A), while a commercial produce operation exists, no subdivision or land development that would create an additional principal dwelling unit shall be permitted on the subject property.
- 419.11 The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed.
- 419.11.1 If the facility is to rely upon nonpublic sources of water, a water feasibility study will be provided to enable the Township to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development, to estimate the impact of the new development on existing wells in the vicinity.
- 419.11.2 A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate groundwater recharge, considering the water withdrawn by the proposed development, shall not be approved by the Township.
- 419.11.3 A water feasibility study shall include the following information:
- 419.11.3.1 Calculations of the projected water needs.
- 419.11.3.2 A geologic map of the area, with a radius of at least one (1) mile from the site.
- 419.11.3.3 The location of all existing and proposed wells within one thousand feet (1,000') of the site, with a notation of the capacity of all high-yield wells.
- 419.11.3.4 The location of all existing on-lot sewage disposal systems within one thousand feet (1,000') of the site.
- 419.11.3.5 The location of all streams within one thousand feet (1,000') of the site and all known point sources of pollution.
- 419.11.3.6 A determination of the long-term, safe yield based on the geologic formation(s) underlying the site.
- 419.11.3.7 A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and the groundwater table.
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- 419.11.3.8 A statement of the qualifications and the signature(s) of the person(s) preparing the study.
- 419.12 Should the proposed use not make use of public water, and require more than one hundred thousand (100,000) gallons of water per day, the applicant shall furnish written evidence of approval from the Susquehanna River Basin Commission.
- 419.13 The applicant shall be required to obtain an approved land development under the requirements of the SLDO.
- 419.14 The applicant shall be required to submit a Traffic Impact Report, in accordance with the SLDO.
- 419.15 The site shall include (1) off-street parking space for each employee during the largest work shift.
- 419.16 A roadside stand is permitted within one of the permanent buildings, but such use shall be limited to no more than three hundred (300) square feet of display area.
- 419.17 All buildings and storage/processing structures shall be set back at least one hundred feet (100') from adjoining roads and properties, and all off-street parking and loading spaces, outdoor storage areas and dumpsters shall be set back at least fifty feet (50') and screened from adjoining roads and properties.
- 419.18 One (1) sign, as provided for in Section 322, shall be permitted.

Section 420 Communication Antennas, Towers and Equipment

420.1 Co-Located Upon Existing Structures

- 420.1.1 This section applies to communication antennas that are co-located upon existing structures (e.g., utility transmission towers, observation towers, communication towers, silos, steeples, smokestacks, water towers, flagpoles, and other similar structures).
- 420.1.2 The applicant shall submit a copy of the written agreement with the landowner upon whose structure the antenna is to be located.
- 420.1.3 The applicant shall be required to demonstrate that it is licensed by the Federal Communications Commission (FCC) to operate the proposed use.
- 420.1.4 The applicant shall demonstrate that the proposed use will comply with the applicable standards governing human exposure to electromagnetic radiation by the FCC.
- 420.1.5 The applicant shall demonstrate that the proposed use will comply with all Federal Aviation Administration and Commonwealth Bureau of Aviation regulations.
- 420.1.6 The applicant shall submit a written certification of the existing structure's and the antenna's ability to meet the structural standards required by either the Electronic Industries Association or the Telecommunication Industry Association, and that the construction methods or other measures used will prevent the toppling of any communication antenna onto adjoining properties and/or roads, and prevent the wind-borne scattering of ice onto adjoining properties and/or roads. This certification shall be prepared by a structural engineer registered in the Commonwealth of Pennsylvania,
- 420.1.7 When one (1) or more freestanding telecommunication and wireless communications antennas are to be located on an existing structure, and the general public has access to the structure on which the freestanding telecommunication and wireless communications facilities are to be located, the applicant shall provide engineering details showing what steps have

been taken to prevent microwave binding to wiring, pipes and other metals.

For the purpose of this subsection, the term "microwave binding" shall refer to the coupling or joining of microwave energy to electrical circuits, including, but not limited to, power lines and telephone wires, during which process the transference of energy from one to another occurs.

420.2 Freestanding

420.2.1 Prerequisite Co-Location Analysis - Approval of a new freestanding communication antenna, tower and equipment will only be permitted after qualified expert demonstration by the applicant that no other opportunity exists within a two (2) mile radius of the proposed site to co-locate such antenna onto any of the following:

- 420.2.1.1 Utility transmission towers.
- 420.2.1.2 Observation towers.
- 420.2.1.3 Communication towers.
- 420.2.1.4 Silos.
- 420.2.1.5 Steeples.
- 420.2.1.6 Smokestacks.
- 420.2.1.7 Water towers.
- 420.2.1.8 Flagpoles.
- 420.2.1.9 Other similar structures.

420.2.2 Inventory Map - In order to demonstrate compliance with this section, the applicant must prepare and submit an inventory map of all such co-location opportunities within a two (2) mile radius of the proposed site and list the specific reason why each co-location site is not possible, for one or more of the following reasons:

- 420.2.2.1 Refusal of current tower owner to accommodate proposed antenna (the applicant shall identify his attempts to co-locate).
- 420.2.2.2 Topographic limitations that prevent adequate transmission coverage.
- 420.2.2.3 Adjacent impediments blocking adequate transmission coverage.
- 420.2.2.4 Technical limitations of the system that prevent adequate transmission coverage.
- 420.2.2.5 Proposed antenna exceeds structural capacity of structure or tower.
- 420.2.2.6 Inadequate space on structure or tower.
- 420.2.2.7 Reserved space on existing structure or tower for other antennas.
- 420.2.2.8 Other specifically described limiting factors rendering existing structure or tower unusable.

420.2.3 Sitting Requirements. The applicant shall demonstrate, using technical evidence, that the proposed location is necessary for the efficient operation of the system. All other uses associated with the communication antenna or tower, such as a business office, maintenance depot, business sign, or vehicle storage, shall not be located on the site, unless the use is otherwise permitted in the Zone in which the site is located.

420.2.3 Future Co-Location Requirements. In order to reduce the number of towers needed in the Township in the future, any proposed new tower or other support structure shall be designed to accommodate other co-located antennas, including, but not limited to, police, fire and emergency services.

420.2.4 Required Antenna Towers. Except as provided below, a monopole antenna tower shall be required when new towers are proposed, unless the applicant can conclusively demonstrate that:

- 420.2.4.1 The cost of erecting a monopole would preclude the provision of adequate service to the public.

- 420.2.4.2 The use of a monopole would produce an unsafe antenna support structure at the proposed location.
- 420.2.4.3 The proposed alternative antenna structure would have the least adverse visual impact on the environment and surroundings.
- 420.2.4.4 The proposed alternative antenna support structure is more architecturally compatible with surrounding uses and blends in better with the existing characteristics of the site and its surroundings.
- 420.2.5 Permitted Height. The applicant shall submit expert testimony that the communication antenna or tower is the minimum height required to function satisfactorily. In no case shall an antenna or tower exceed one hundred ninety-nine feet (199') in height.
- 420.2.6 Required Setbacks. Any communication antenna or tower shall be set back from each property line a distance equal to its height, plus fifty feet (50'). This setback shall also be applicable to guy wire anchors for the communication antenna or tower.
- 420.2.7 Required Finishes and Lighting. Communication antennas or towers shall be painted with silver or gray paint, or have a galvanized finish in order to reduce visual impact. Support structures may be painted green up to the height of nearby trees, to lessen visual impact. No communication antenna or tower may be artificially lighted, except when required by the Federal Aviation Administration, State regulations, or Township requirements.
- 420.2.8 Anti-Climbing Requirements. All communication antennas or towers shall be fitted with anti-climbing devices, as approved by the manufacturers.
- 420.2.9 Compliance With Communication Requirements. The applicant shall be required to demonstrate that it is licensed by the FCC to operate the proposed use and that it will comply with the applicable standards governing human exposure to electromagnetic radiation by the FCC. The applicant shall also demonstrate compliance with guidelines recommended by the American National Standard Institute (ANSI) (ANSI/IEEE C95-1-1992) with respect to radio frequency emissions.
- 420.2.10 Compliance With Aviation Requirements. The applicant shall demonstrate that the proposed use will comply with all applicable Federal Aviation Administration and Commonwealth Bureau of Aviation regulations.
- 420.2.11 Required Historic Site Findings. In accordance with Section 106 of the National Historic Preservation Act as an undertaking requiring a Federal permit, license or approval, the applicant shall be required to obtain a Letter of Determination from the State Historic Preservation Office of the Pennsylvania Historical and Museum Commission (PHMC), determining that the proposed use will not adversely affect any historic resources.
- 420.2.12 Required Construction Certification. The applicant shall furnish a sealed statement from a registered engineer that the support methods employed will prevent the collapse, toppling or falling of the communication antenna or tower, or portion thereof, and will prevent the wind-borne scattering of ice onto adjoining properties and/or roads.
- 420.2.13 Required Fencing and Signage. All communication antennas or towers and guy wire anchors shall be completely enclosed by a minimum eight foot (8") high, non-climbable fence. All ground-mounted satellite dishes that are used to transmit video format data shall also require prominent posting on the fence of signage warning of dangerous radiation levels. Any gates within the fence shall be self-closing and shall be locked when the site is unattended.
- 420.2.14 Required Parking. If a tower site is fully automated, two (2) off-street parking spaces shall be required. If the site is not automated, the number of required parking spaces shall equal the number

of persons on the largest shift, but in any event, may not be less than two (2) off-street parking spaces.

- 420.2.15 Required Landscaping. The applicant shall be required to provide landscaped screening around the ground-level features of the proposed use (e.g., tower base, fence, parking and loading, related buildings, guy wire anchors, etc.). In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
- 420.2.16 Required Removal Plan. The applicant shall submit a plan for the removal of the communication antenna when it becomes functionally obsolete or is no longer in use. The applicant shall be responsible for the removal of the antenna within three (3) months from the date it ceases operation or the antenna becomes obsolete.
- 420.2.17 Required As-Built Plan. Prior to issuance of a certificate of use and occupancy, the applicant shall be required to submit an “as-built” site plan, prepared by either a registered surveyor or a professional engineer, depicting elevations, the communication antenna or tower, buildings, fences, screening, access, and any accessory structures.
- 420.2.18 Required Biennial Inspection. Beginning in December, 2008, and by December 1 of each even-numbered year thereafter, any approved communication antenna or tower shall be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of such antennas or towers. At a minimum, this inspection shall be conducted in accordance with the Tower Inspection Class Checklist provided in the Electronics Industries Association (EIA) Standard 222 “Structural Standards for Steel Antenna Towers and Antenna Support Structures.” A copy of said inspection report shall be provided to the Township, along with a review fee in the amount to be determined by resolution by the Board of Supervisors. Failure to provide this inspection report and review fee shall constitute a violation of this Zoning Ordinance.

Section 421 Concentrated Animal Feeding Operations (CAFOs) and Concentrated Animal Operations (CAOs)

- 421.1 Within the Agricultural Zone (A), concentrated animal feeding operations (CAFOs) and concentrated animal operations (CAOs) are permitted by right, subject to the following criteria.
- 421.2 Any building or area used for the housing, feeding, watering, or running of livestock or poultry shall be set back at least five hundred feet (500') from all Zone boundaries, other than the Agricultural Zone (A).
- 421.3 Any building or area used for the housing, feeding, watering, or running of livestock or poultry shall be set back at least one hundred fifty feet (150') from all permanent surface waters, wetland areas, and wells that provide water for human consumption.
- 421.4 Any new concentrated animal feeding operation and all expansions to existing operations shall be required to submit a plan for control of erosion and sedimentation prepared by a professional engineer and consistent with the requirements of the Nutrient Management Act. This plan shall be required even if not required by the provisions of the Nutrient Management Act itself. All subsequent operations and activities shall be conducted in accordance with such plans. If, at any time, the nutrient management plan is amended, the applicant must submit written evidence of plan approval to the Zoning Officer.
- 421.5 The applicant shall furnish evidence from the Lancaster County Conservation District that the proposed use has an approved conservation plan. All subsequent operations and activities shall be conducted in accordance with such conservation plan. If, at any time, the conservation plan is amended, the applicant must again furnish evidence from the Lancaster County Conservation District that the amended plan has been approved.

- 421.6 The applicant shall submit and abide by written qualified evidence describing those methods that will be employed to:
- 421.6.1 Minimize odor on nearby properties. Unless these methods employ the best possible techniques and materials that can be practicably applied to the proposed use, the application will be denied.
 - 421.6.2 Dispose of dead animals according to the regulations of the Pennsylvania Department of Agriculture. In the event of a catastrophic event in which mass disposal is warranted, the Pennsylvania Department of Agriculture can require whatever disposal methods are deemed appropriate to safeguard animal and public health.
 - 421.6.3 Comply with the above-required nutrient management plan and conservation plan.
- 421.7 Any exhaust or ventilation fans employed shall be oriented and directed such that no direct exhaust velocity is perceptible at any adjoining property lines.
- 421.8 Any driveway or access drive providing for vehicular access to the proposed use shall maintain a fifty foot (50') wide radius for all turns and intersections.
- 421.9 Any on-site manure storage facilities shall comply with the requirements of Section 446.
- 421.10 All buildings used for the housing of livestock shall be fitted with a solid concrete slab or slotted floor, except for compost bedded pack areas that may be a compacted clay base.
- 421.11 The property whereupon the concentrated animal feeding operation is located shall be graded, such that runoff from the area of the operation is not discharged onto surrounding properties, onto public roads, or into any permanent surface water.
- 421.12 Applicants for any new concentrated animal feeding operation and all expansions to such existing operations must demonstrate compliance with all Federal and State regulations governing the specific operation.
- 421.13 The applicant shall establish and maintain stream corridor protection along any watercourse that is located upon the subject property, in according with Section 321.4.
- 421.14 Minimum Lot Area- Fifty (50) acres. *(Amended by Ordinance No. 19-03, 06/03/2019)*

Section 422 Convenience Stores

- 422.1 The applicant must furnish evidence as to how the use will be controlled as to not constitute a nuisance due to noise or littering outside the store.
- 422.2 A minimum of one (1) parking space for each seventy-five (75) square feet of gross floor area shall be provided. In addition, any accessory uses shall also require those spaces required by Section 313.19 of this Zoning Ordinance.
- 422.3 Exterior trash/recycling receptacles shall be provided and routinely emptied to prevent the scattering of litter, and the applicant shall furnish and continuously implement a working plan for the cleanup of litter and debris.
- 422.4 The subject property shall have a minimum width of one hundred twenty-five feet (125').
- 422.5 The subject property shall front on an arterial or collector road as defined herein.
- 422.6 The subject property shall be set back at least three hundred feet (300') from any lot containing a

school, day-care facility, playground, library, hospital or nursing, rest or retirement home.

- 422.7 All structures (including gasoline pump islands, but not permitted signs) and machinery shall be set back at least fifty feet (50') from any street right-of-way line.
- 422.8 Access driveways shall be a minimum of twenty-eight feet (28') wide and separated by one hundred feet (100') from one another, if located along the same frontage as measured from edge to edge.
- 422.9 All ventilation equipment associated with fuel storage tanks shall be set back one hundred feet (100') and oriented away from any adjoining properties within the Residential Zones.
- 422.10 All automated teller machines shall be located, or contain convenient parking spaces, so that the on-site movement of vehicles will not be hampered by those vehicles using the automated teller machines.
- 422.11 Any exterior microphone/speaker system and external lighting shall be arranged and/or screened to confine impact to the subject property.

Section 423 Day-Care Facilities - Commercial

- 423.1 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. Outdoor play areas shall be completely enclosed by a minimum four foot (4') high fence, and screened from adjoining properties located within a Residential Zone. Any vegetative materials located within the outdoor play areas shall be of a non-harmful type (not poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s).
- 423.2 Enrollment shall be defined as the largest number of persons and/or children under day-care supervision at any one time during a seven-day period.
- 423.3 Passenger "drop-off" and "pick-up" areas shall be provided on-site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site.
- 423.4 One (1) off-street parking space shall be provided for each six (6) persons enrolled.
- 423.5 All commercial day-care facilities shall obtain and maintain proper licensure from the Commonwealth of Pennsylvania.

Section 424 Day-Care Facilities - Family

- 424.1 Family day-care facilities must be conducted within dwellings having a minimum lot size of ten thousand (10,000) square feet.
- 424.2 Family day-care facilities shall offer care and supervision to no more than four (4) different nonresidents during any calendar day.
- 424.3 Family day-care facilities with enrollment of more than three (3) nonresidents shall furnish a valid Registration Certificate for the proposed use, issued by the Pennsylvania Department of Public Welfare.
- 424.4 An outdoor area shall be provided, at a minimum rate of one hundred (100) square feet per non-resident. Off-street parking lots shall not be used as outdoor areas. Outdoor areas shall not be

located within the front yard and must be set back twenty-five feet (25') from all property lines. Outdoor areas shall be completely enclosed by a six foot (6') high fence, and screened from adjoining residentially-zoned properties. The use of outdoor areas shall be limited to the hours between 8 a.m. and 8 p.m., or civic sunset, whichever occurs sooner. Any vegetative materials located within the outdoor play areas shall be of a non-harmful type (not poisonous, thorny, allergenic, etc.). All outdoor areas must provide a means of shade, such as a shade tree(s) or pavilion(s).

- 424.5 Passenger “drop-off” and “pick-up” areas shall be provided on-site, and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site.

Section 425 Domestic Composts

- 425.1 One (1) domestic compost is a permitted accessory use to a residence.
- 425.2 The placement of a framed enclosure for composting is subject to all accessory use setbacks.
- 425.3 Only waste materials from the on-site residence shall be deposited within the compost enclosure.
- 425.4 In no case shall meat or meat by-products be composted.
- 425.5 All composting enclosures shall be maintained such that they will not create a nuisance to nearby properties.

Section 426 Drive-Thru and/or Fast-Food Restaurants

- 426.1 The subject property shall provide for a suitable means of vehicular access that conveniently connects with an arterial road or collector road.
- 426.2 Exterior trash/recycling receptacles shall be provided and routinely emptied so as to prevent the scattering of litter. All applications shall include a description of a working plan for the cleanup of litter.
- 426.3 All drive-thru window lanes shall be separated from the parking lot's interior driveways and shall provide at least two hundred feet (200') of on-site stacking per lane, preceding the food order location.
- 426.4 Any exterior speaker/microphone and lighting systems shall be arranged, operated and/or screened to comply with Section 320.
- 426.5 All exterior seating/play areas shall be enclosed by a minimum three foot (3') high fence.
- 426.6 No part of the subject property shall be located within two hundred feet (200') of any land within a Residential Zone.

Section 427 ECHO Housing

- 427.1 The elder cottage may either be of portable construction, located within the building containing the principal dwelling, or located within an existing building on the property and may not exceed (1,000) square feet of floor area. *(Amended by Ordinance No. 19-03, 06/03/2019)*
- 427.2 The total building coverage for the principal dwelling, any existing, accessory structures, and the elder cottage together shall not exceed the maximum lot coverage or setback requirements for the respective Zone.

427.3 The elder cottage shall be occupied by:

427.3.1 One (1) or more persons who is at least fifty (50) years of age, a handicapped and/or disabled person who is related by blood, marriage or adoption to the occupants of the principal dwelling, or

427.3.2 The caregiver(s) who is related by blood, marriage or adoption to the elderly, handicapped or disabled occupant(s) of the principal dwelling.

427.4 For sewage disposal and water supply and all other utilities, the elder cottage shall be physically connected to those systems serving the principal dwelling; no separate utility systems or connections shall be constructed or used, unless required by PA DEP. All connections shall meet the applicable utility company standards. If on-site sewer or water facilities are to be used, the applicant shall submit evidence that the total number of occupants in both the principal dwelling and the elder cottage will not exceed the maximum capacities for which the one-unit systems were designed, unless those systems are to be expanded, in which case the expansion approvals are to be submitted. Any connection to or addition to an existing on-site sewer facility shall be subject to the review and approval of the Sewage Enforcement Officer.

427.5 A minimum of one (1) all-weather, off-street parking space, with unrestricted ingress and egress to the street, shall be provided for the elder cottage, in addition to that required for the principal dwelling.

427.6 Unless provided within an existing building, the elder cottage shall be installed and located only in the side or rear yards, and shall adhere to all side and rear yard setback requirements for principal uses.

427.7 The elder cottage, if portable, shall be removed from the property within three (3) months after it is no longer occupied by a person who qualifies for the use. If the elder cottage is located within the building containing the principal dwelling, or in an existing building on the property, the elder cottage shall be removed within the three-month period by removing the kitchen plumbing and appliances. *(Amended by Ordinance No. 19-03, 06/03/2019)*

427.8 Upon the proper installation of the elder cottage, the Zoning Officer shall issue a temporary zoning permit. Such permit shall be reviewed every twelve (12) months, until such time as the elder cottage is required to be removed. A fee, in the amount to be set by the Board of Supervisors, shall be paid by the landowner upon each renewal of the temporary zoning permit. Such fee shall be based upon the cost of the annual review of the permit.

427.9 The applicant shall submit the following signed and notarized statement:

"I understand that this use has prescribed limitations that are imposed to protect the rural character of the Township. I also recognize that the elder cottage has specific Zoning Ordinance criteria and must be removed from the property within three (3) months after it is no longer occupied by a person who qualifies for the use. I agree to comply with the specific criteria and remove the elder cottage as required by the Zoning Ordinance."

Section 428 Emergency Services

428.1 A minimum lot size of two (2) acres is required.

428.2 A maximum impervious coverage of sixty percent (60%) is permitted.

428.3 The buildings and any outdoor storage, off-street loading spaces, waste receptacles and outdoor recreation areas shall be set back at least fifty feet (50') from each lot line. Off-street parking lots

shall maintain a minimum twenty foot (20') setback from each lot line, which shall be fitted with landscaping in accordance with Section 313. In addition, off-street parking lots, off-street loading spaces, waste receptacles, and outdoor storage areas shall be screened from adjoining Residential Zones.

- 428.4 Off-street parking shall be prohibited within the front yard to ensure ease of ingress and egress to and from the station.
- 428.5 Off-street parking requirements for the station shall be based upon the sum of its various features that would be occupied at one time in accordance with Section 313.19.
- 428.6 No outdoor storage of vehicle parts, equipment, lubricants, fuel, or other materials used or discarded shall be permitted.

Section 429 Reserved for Future Use (*Amended by Ordinance No. 19-03, 06/03/2019*)

Section 430 Farm-Support Business Operation

- 430.1 The principal use of the subject property shall be an agriculture operation as defined by this Ordinance.
- 430.2 Farm-support business operation shall be operated as an accessory use to a permitted agricultural operation that contains a minimum of ten (10) acres of land that existed at the enactment date of this Zoning Ordinance.
- 430.3 For the purposes of this section, a "agricultural operation" consists of an area of land employed by a farmer as a single economic agricultural enterprise, regardless of the number of contiguous parcels, plots, or tracts comprising such an enterprise.
- 430.4 All land, structures, and site improvements (such as parking, outdoor storage areas, storm water management facilities and septic system) used exclusively by the farm-support business operation shall occupy a total area of less than one-half (1/2) acre of land area and, where possible, be located on soils that are not prime agricultural soils (Class I, II, and III soils).
- 430.5 The land area of the farm-support business operation is not be permitted to be subdivided from the farm property.
- 430.6 Structures or portions of structures for the exclusive use of the farm-support business operation shall not exceed two thousand five hundred (2,500) square feet of gross floor area.
- 430.7 Structures or portions of structures for the exclusive use of the farm-support business operation shall comply with the principal use set-backs and be located no closer to the road than the existing dwelling on the property.
- 430.8 The farm-support business operation shall be conducted and owned by the resident farmer living on the property and with the knowledge and approval of the owner of the property, if they are not the same person.
- 430.9 Employees of the farm-support business operation shall be limited not more than three (3) full-time of which one (1) may be non-residents of the farm. Employees includes the property owners and business owner, partner, and/or officer that perform the duties of an employee.
- 430.10 When there is a change in the ownership of the farm, the continuation of the farm-support business

operation shall be subject to review by the Zoning Officer, and if the use of the same character, the Zoning Officer will issue a zoning permit. If in the opinion of the Zoning Officer the farm-support business operation no longer meets the original criteria and order issued by the Zoning Hearing Board as part of the special exception application, the existing permit will no longer be valid and the new landowner will have to reapply for a special exception application.

430.11 A farm-support business operation may include:

- 430.11.1 Repair of agricultural equipment and/or small machinery;
- 430.11.2 Welding;
- 430.11.3 Painting service;
- 430.11.4 Fencing service;
- 430.11.5 Sharpening service;
- 430.11.6 Livestock grooming;
- 430.11.7 Shearing and/or trimming services;
- 430.11.8 Agricultural consulting service;
- 430.11.9 Retail sale or repair of small tools, small parts and/or specialized small agricultural equipment;
- 430.11.10 Family-scale food processing, including preparation, canning, and baking;
- 430.11.11 Small feed or fertilizer franchises or family dealerships;
- 430.11.12 Butcher shops;
- 430.11.13 Cold storage;
- 430.11.14 Limited warehousing of food and prepared agricultural products in existing agricultural buildings, existing as of date this ordinance is adopted;
- 430.11.15 Craft shops, including woodworking, cabinetry, metal-working, leatherwork, harness shops blacksmithing, carriage shops, tool making, quilts, and similar traditional handmade arts; and/or
- 430.11.16 Other similar uses.

430.12 The farm-support business operation shall not include commercial or industrial uses such as: feed, fertilizer, and grain mills; the sale and/or servicing of large agricultural equipment; mechanized canneries; rendering plants; manufacturing; and/or any other similar use.

430.13 The farm-support business operation shall be conducted in a manner that shall not emit noise, glare, odor, vibration, electrical disturbance, electromagnetic interference, dust, smoke, fumes, toxic gas, radiation, heat or any other perceptible or objectionable nuisances that would create an adverse impact to adjoining properties, or be noticeable at or beyond the property line.

430.14 The farm-support business operation shall be conducted in such a way that the property retains the visual character of a farm.

430.15 Only one (1) farm-support business operation shall be permitted per farm.

- 430.16 Unless otherwise specified in this Section the farm-support business operation shall comply with all other applicable general regulations, including but not limited to the requirements for landscaping, lighting, noise, driveways and access lanes, off-street loading, off-street parking and signage of the Zone in which the property is located.
- 430.17 Land areas occupied or designated for the farm-support business operation shall be located at least one hundred feet (100') from any off-site residential use and/or the Residential Zone (R-2), Suburban Residential Zone (R-3) and Manufactured Home Park Zone (R-4).
- 430.18 Land areas occupied or designated for the farm-support business operation shall be located at least one hundred feet (100') from any street right-of-way lines and/or property lines.
- 430.19 A farm-support business operation shall provide sufficient access and off-street parking for vehicles associated with the operation (including delivery vehicles and customer vehicles). Access shall not present a hazard to or obstruction of public roads, nor track mud or manure upon such public roads.
- 430.20 The farm-support business operation shall be serviced by public or on-lot sanitary sewer facilities, in accordance with the Township Sewage Facilities Plan as well as any ordinances adopted by Township.
- 430.21 The farm-support business operation shall be serviced by public or on-lot water supply facilities, which shall be consistent with any plans and ordinances adopted by Township.
- 430.22 Outdoor storage of materials associated with the farm-support business operation shall be permitted only within a completely fenced and screened area that shall not be visible from any residential lot.
- 430.23 Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and/or screened with landscaping materials. All containers or dumpsters shall be enclosed, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste.
- 430.24 The request for a farm-support operation shall provide documentation or testimony to the Zoning Hearing Board that the proposed farm-support business operation will not be detrimental to the agricultural operations within the Township and will not interfere or conflict with the continuation and perpetuation of agricultural activities and the health, safety, and welfare of the community. The Zoning Hearing Board may require that impact studies be furnished that evaluate the effect of the proposed operation upon the subject property, the abutting properties, and the community in general.
- 430.25 The applicant shall provide documentation to the Zoning Hearing Board concerning other governmental requirements which affect the application and the applicant's plans for compliance with those requirements.
- 430.26 The owner of a farm-support business operation must obtain a zoning permit for such operation prior to commencement of the farm-support business.
- 430.27 A land development plan shall be submitted for review and consideration. The land development plan shall comply with the provisions specified by the Township Subdivision and Land Development Ordinance.

Section 431 Flag Lots

- 431.1 Subject to the requirements set forth below, the use of flag lots is permitted for the creation of any residential lot in the Agricultural (A), Rural Residential (R-1), Residential (R-2) and Suburban Residential (R-3) Zoning Districts. *(Amended by Ordinance 17-02, 09/11/17)*

- 431.1.1 For the purpose of this section, a flag lot shall be described as containing two parts: (1) The “flag” shall include that portion of the lot that is the location of the principal and accessory buildings. (2) The “pole” shall be considered that portion of the site that is used for vehicular access between the site and its adjoining road.

431.1.2 Requirements for the Flag.

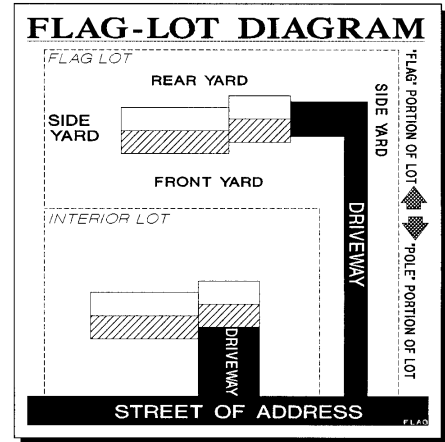
- 431.1.2.1 The minimum lot area and lot width requirements of the Zoning Ordinance shall be measured exclusively upon the flag.

- 431.1.2.2 For purposes of determining required yards and setbacks, the following shall apply:

Front Yard. The area between the principal structure and that lot line of the flag which is most parallel to the street providing vehicular access to the site. Additionally, all areas of the pole shall be considered to be within the front yard.

Rear Yard. The area between the principal structure and that lot line of the flag that is directly opposite the front yard, as described above.

Side Yards. The area between the principal structure and that one (1) outermost lot line which forms the flag and pole, plus the area on the opposite side of the principal structure. (See the Flag-Lot Diagram for a graphic depiction of the yard locations.)



431.1.3 Requirements for the Pole.

- 431.1.3.1 The pole shall maintain a minimum width of twenty-five feet (25').
- 431.1.3.2 The pole shall not exceed six hundred feet (600') in length, unless additional length is needed to avoid the disturbance of productive farmlands or some other significant natural or cultural feature.
- 431.1.3.3 No part of the pole shall be used for any portion of an on-lot sewage disposal system, nor any other improvement, except a driveway and other permitted improvements, such as landscaping, fencing, utility connections to off-site facilities, mailboxes, and signs.
- 431.1.3.4 The cartway contained on the pole shall be located at least six feet (6') from any adjoining property line, and twenty feet (20') from any existing structures on the site or any adjoining property.
- 431.1.3.5 No pole shall be located within one hundred twenty feet (120') of another on the same side of the street.

Section 432 Forestry Uses

- 432.1 Every landowner on whose land timber harvesting is to occur shall obtain a zoning permit, as required by this Zoning Ordinance.
- 432.2 Reserved For Future Use. *(Amended by Ordinance No. 20-03, 09/14/2020)*
- 432.3 The Township shall be notified in writing at least forty-eight (48) hours before any cutting of trees is to begin, including, but not limited to, those in connection with the construction of roads or trails. Such notification shall also indicate an estimated completion date.
- 432.4 The Township shall be notified in writing within forty-eight (48) hours of the completion date of the timber harvesting operation.
- 432.5 No treetops or slash shall be left within fifty feet (50') of any stream or other watercourse, or within twenty-five feet (25') of any springs, vernal ponds, seeps, natural or artificial swales or any drainage ditches. All treetops and slash shall be lopped to a maximum height of four feet (4') above the ground. *(Amended by Ordinance No. 17-02, 09/11/17)*
- 432.6 Felling or skidding on or across property of others is prohibited without the express written consent of the owners of such property. No treetops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.
- 432.7 Littering is prohibited and litter resulting from a timber harvesting operation shall be removed from the site on a daily basis.
- 432.8 All cutting, removing, skidding, and transporting of trees shall be planned and performed in such a manner as to minimize the disturbance of or damage to other trees and vegetation and the land itself, unless authorized in the approved timber harvesting plan.
- 432.9 Roads and trails shall be constructed, maintained and abandoned in such manner as to prevent soil erosion and permanent damage to soil and waterways.
- 432.10 Roads and trails shall be only wide enough to accommodate the type of equipment used, and grades shall be kept as low as possible.
- 432.11 Where possible, stream crossings shall be avoided, but where deemed necessary, unless it is physically impossible, crossings shall be made at a right angle across suitable culverts or bridges. *(Amended by Ordinance No. 20-03, 09/14/2020)*
- 432.12 Skidding across perennial or intermittent streams is prohibited, except over bridges or culverts. *(Amended by Ordinance No. 20-03, 09/14/2020)*
- 432.13 Reserved For Future Use. *(Amended by Ordinance No. 20-03, 09/14/2020)*
- 432.14 Felling or skidding on or across any public street is prohibited without the express written consent of the Township in the case of Township streets, or PennDOT in the case of State highways.
- 432.15 Upon completion of a timber harvesting operation, all roads shall be graded to eliminate any wheel ruts, and access to such roads from any public street by motor vehicles of any kind shall be effectively blocked.
- 432.16 Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49; and Title 67 Pennsylvania Code, Chapter 189, the landowner and the operator shall be responsible for repairing any damage to Township roads caused by traffic associated with the timber harvesting operation, to the extent the damage is in excess of that caused by normal traffic, and shall be required to furnish a bond to guarantee the repair of such potential damages, as determined by the Board of

Supervisors with advice from the Township Engineer.

Section 433 Garage, Yard and/or Moving Sales

- 433.1 Such sales may only be conducted by an owner or occupant of a lot.
- 433.2 No more than three (3) total sales may be conducted during any calendar year.
- 433.3 No garage, yard and/or moving sale shall be conducted for a period longer than two (2) consecutive days.
- 433.4 Such sales may offer personal possessions for sale; no import or stocking of inventory shall be permitted.
- 433.5 Only two (2) signs, not to exceed four (4) square feet in area, shall be permitted to advertise the garage/yard sale. Said sign shall be located on the lot where the sale occurs and shall be removed within six (6) hours of the completion of the sale.
- 433.6 In no case shall any aspect of the garage/yard sale be conducted in the street right-of-way.
- 433.7 The conduct of a garage, yard and/or moving sale beyond the extent described herein represents a commercial business and shall require compliance with appropriate regulations for the business operation and obtain a Township permit.

Section 434 Golf Courses and Driving Ranges

- 434.1 Golf courses may include the following accessory uses, provided such uses are reasonably sized, and located so as to provide incidental service to the golf course employees and users.
 - 434.1.1 Clubhouse, which may consist of:
 - 434.1.1.1 Restaurant, snack bar, lounge, and banquet facilities.
 - 434.1.1.2 Locker and rest rooms.
 - 434.1.1.3 Pro shop.
 - 434.1.1.4 Administrative offices.
 - 434.1.1.5 Golf cart and maintenance equipment storage and service facilities.
 - 434.1.2 Driving range and practice putting green, provided that no lighting is utilized.
 - 434.1.3 Freestanding maintenance equipment and supply buildings and storage yards.
- 434.2 The golf course design shall not allow or provide an opportunity for a golf ball to be driven across any building, building lot, parking lot, street, access drive, or driveway.
- 434.3 Golf Paths.
 - 434.3.1 Golf paths crossings of streets, access drives, or driveways shall be minimized and clearly identified on-site for both the golf cart and motor vehicle.
 - 434.3.2 Golf path crossings shall be perpendicular to the traffic movements.
 - 434.3.3 Only one (1) street, access drive or driveway may be crossed at each location.

- 434.3.4 No golf path may cross a street, access drive or driveway intersection within one hundred fifty feet (150') of the centerline of the intersection.
- 434.3.5 Golf paths crossings of streets, access drives, or driveways must be provided with a clear sight triangle of seventy-five feet (75'), measured along the street, access drive or driveway centerline, and the golf path centerline, to a location on the centerline of the golf path, five feet (5') from the edge of the roadway. No permanent obstruction over thirty inches (30") high shall be placed within this area.
- 434.3.6 Golf path intersections shall be designed to provide adequate sight distance with regard to both horizontal and vertical alignment. The required sight distance shall be governed by Section 300.9.
- 434.3.7 Golf cart paths shall not exceed a slope of eight percent (8%) within twenty-five feet (25') of the cartway crossing.
- 434.3.8 Golf path crossings shall be signed, warning motorists, pedestrians and golfers. The surface of the golf path shall be brightly painted with angle stripes.
- 434.3.9 Golf course design shall both prohibit on-grade crossing of collector or arterial roads. Golf path crossings of collector or arterial roads shall consist of a tunnel or bridge that is not located at street grade, and require the use of the tunnel. The construction of the collector or arterial roadway crossing of the tunnel shall comply with PennDOT standards.
- 434.3.10 Golf paths shall be graded so as to discharge storm water runoff. Surface conditions of paths shall be adequately protected from an exposed soil condition.
- 434.4 Golf course buildings shall be set back seventy-five feet (75') from any adjoining roads and one hundred feet (100') from adjoining Residential Zones.
- 434.5 Outdoor storage of maintenance equipment and/or golf carts shall be set back at least one hundred feet (100') and screened from adjoining Residential Zones.
- 434.6 An adequate water system, considering both quantity and quality, shall be provided. The application shall include an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate groundwater recharge, considering the water withdrawn by the proposed development, shall not be approved by the Township.

If the water source is from a municipal system, the applicant shall submit documentation that the municipal system will supply the water needed.

If the water source is a non-public facility, the analysis shall evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the analysis is to determine if there is an adequate supply of water for the proposed golf course and to estimate the impact of the golf course on existing wells in the vicinity.

A water analysis shall include, but not limited to, the following information:

- 434.6.1 Calculations of the projected water needs.
- 434.6.2 Geologic map of the area with a radius of at least one (1) mile from the site.
- 434.6.3 Location of all existing and proposed wells within one thousand feet (1,000') of the site, with a notation of the capacity of all high-yield wells.

- 434.6.4 Location of all existing on-lot sewage disposal systems within one thousand feet (1,000') of the site.
- 434.6.5 Location of all streams within one thousand feet (1,000') of the site and all known point sources of pollution.
- 434.6.6 Opinion of the long-term safe water yield based on the geologic formation(s).
- 434.6.7 Opinion on the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and the groundwater table.
- 434.6.8 Statement of the qualifications and the signature(s) of the person(s) preparing the study.

Section 435 Health and Fitness Clubs

- 435.1 The applicant must furnish evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the building.
- 435.2 Off-street parking shall be provided, as required by the combination of elements comprising the use, including accessory uses.
- 435.3 All outdoor recreation facilities shall be set back at least fifty feet (50') from the street right-of-way line, and twenty-five feet (25') from all other lot lines.
- 435.4 Any accessory eating or retail use shall not be directly accessible without passing through the main clubhouse building.
- 435.5 All lighting of outdoor recreation areas shall be designed and arranged to comply with this Ordinance.
- 435.6 If an exterior, amplified, public address system is to be utilized, the applicant shall submit qualified expert evidence that the proposed public address system will be design and operated in a manner to comply with Section 316.7.
- 435.7 A working plan for the cleanup of litter shall be furnished and implemented by the applicant.
- 435.8 This use shall expressly exclude adult uses, casinos, nightclubs, off-track betting parlors, and outdoor shooting ranges.

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Section 436 Heavy Equipment and/or Commercial Truck Sales, Service and/or Repair Facilities

- 436.1 Within the Industrial Zone (I), heavy equipment and/or commercial truck sales, service and/or repair service facilities are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Zoning Ordinance.
- 436.2 All service and/or repair activities shall be conducted within a completely-enclosed building.
- 436.3 All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads.
- 436.4 No outdoor storage of parts, equipment, lubricants, fuel, or other materials used or discarded, as part of the service or repair operation, shall be permitted. All exterior storage and/or display areas shall be screened from adjoining properties within the Residential Zones. All exterior storage/display areas shall be set back at least fifty feet (50') from adjoining street lines, and shall be covered in an all-weather, dust-free surface.
- 436.5 The demolition or junking of vehicles, boats, machinery, trucks, trailers, manufactured homes, and heavy equipment vehicles and/or parts thereof, on the property is prohibited.
- 436.6 Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed toward any adjoining property within a Residential Zone.
- 436.7 All vehicles shall be repaired and removed from the premises promptly and no vehicle shall remain on the site for more than forty-five (45) days, unless it is stored within a completely-enclosed building.
- 436.8 The applicant shall furnish evidence of how the storage and disposal of materials will be accomplished in a manner that complies with all applicable State and Federal regulations.

Section 437 Heavy Industrial Uses

- 437.1 The applicant shall provide a detailed description of the proposed use in each of the following topics:
 - 437.1.1 The nature of the on-site processing operations, the materials used in the process, the products produced, and the generation and methods for disposal of any wastes and/or by-products. In addition, the applicant shall furnish evidence that the storage and disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
 - 437.1.2 The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size.
 - 437.1.3 Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish expert evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances.
 - 437.1.4 A Traffic Impact Report, prepared according to the SLDO.

Section 438 Historic Structure Conversions

- 438.1 Historic structures include any structure identified or yet to be identified as historically, culturally and/or architecturally significant at the local, State or national level. Identification may be made by a historic preservation professional. The Lancaster County Planning Commission may be contacted for assistance.
- 438.2 The proposed use will enable the preservation, restoration or rehabilitation of the historic structure. The applicant is required to use the U. S. Secretary of the Interior's Standards for Rehabilitation, printed in their entirety in this section. All alterations, improvements, extensions, additions, or other modifications to the historic structure will be accomplished in a manner that does not jeopardize the historic status of the site and/or its structures.
- 438.3 If the applicant wants to convert the building for commercial purposes and will seek the twenty percent (20%) Federal Rehabilitation Investment Tax Credit, then the applicant is required to apply through the PHMC, and follow the guidelines that apply, which includes the Secretary of the Interior's Standards as well as any local regulations that may apply.
- 438.4 The proposed use must be compatible with the surrounding area. In determining compatibility, the Zoning Hearing Board shall consider the likely impacts of the proposed use including, but not be limited to, traffic, lighting, noise, litter, activity levels, buffer and screen plantings, signs, hours of operation, and the number of proposed employees. The Zoning Hearing Board shall also consider any public health and safety impacts that will be generated by the proposed use. All uses must demonstrate adequate means of water supply and sewage disposal. These characteristics of the proposed use will be evaluated within the context of the property, considering the nature and character of the surrounding area, topography, pedestrian and vehicular access, and any other relevant factors or circumstances.
- 438.5 All proposed off-street parking, off-street loading and waste storage containers shall be screened from adjoining roads, residences and properties within a Residential Zone.
- 438.6 Notwithstanding other regulations contained elsewhere within this Zoning Ordinance, no more than one (1) sign shall be permitted containing up to a maximum twelve (12) square feet, and is located at least ten feet (10') from each lot line, and shall not be lighted internally. The sign shall be lit from below or from above and said lighting should be sufficient to illuminate the sign but not the surrounding area.
- 438.7 The Secretary of the Interior's Standards for Rehabilitation Standards (Department of Interior Regulations, 36 CFR 67) pertain to historic buildings of all materials, construction types, sizes, and occupancy, and encompass the exterior and the interior-related landscape features and the building's site and environment, as well as attached, adjacent or related new construction. The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.
- 438.7.1 A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- 438.7.2 The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- 438.7.3 Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- 438.7.4 Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

- 438.7.5 Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
- 438.7.6 Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual quantities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
- 438.7.7 Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- 438.7.8 Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- 438.7.9 New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- 438.7.10 New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Section 439 Home Improvement and Building Supply Stores

- 439.1 All outdoor storage and display areas (exclusive of nursery and garden stock) shall be screened from adjoining roads and properties.
- 439.2 If the subject property contains more than two (2) acres, it shall front along an arterial or collector road.
- 439.3 The retail sales area shall be all areas open for public display, including, but not limited to, shelves, racks, bins, stalls, tables, and booths, plus any adjoining aisles or walkways from which consumers can inspect items for sale. The retail sales area shall include both interior and exterior areas, as listed above.
- 439.4 All exterior retail sales areas shall include a dust-free surface and a completely enclosed minimum six foot (6') high fence.
- 439.5 The applicant shall furnish expert evidence that any exterior, amplified, public address system has been arranged and design so as to comply with this Ordinance.
- 439.6 The applicant shall furnish expert evidence that any exterior lighting has been arranged and designed so as to comply with this Ordinance.
- 439.7 Any drilling, cutting, sawing, mixing, crushing, or some other preparation of building materials, plus any testing or repair of motorized equipment, shall be conducted within a completely-enclosed building.
- 439.8 The applicant shall submit a Traffic Impact Report, prepared according to the SLDO.
- 439.9 The applicant shall submit a working plan for the collection, recycling and disposal of litter and wastes.

Section 440 Home Occupations

440.1 The following uses are not to be permitted as a home occupation:

- Animal hospitals
 - Clinics
 - Commercial stables
 - Eating & drinking establishments
 - Funeral homes
 - Hospitals
 - Kennels
 - Machine shops
 - Medical offices
 - Offices of medical practitioners, excluding sole practitioners who occupy a portion of a dwelling unit in which that practitioner resides. *(Amended by Ordinance No.20-03, 09/14/2020)*
 - Repair, servicing, storage, or rental of motor vehicles
 - Tourist homes
 - Welding shops
 - Wholesale sales
- (Amended by Ordinance No. 19-03, 06/03/2019)*

440.2 Up to two (2) nonresident employees shall be permitted.

440.3 No more than one (1) home occupation may be located in any dwelling unit.

440.4 The home occupation shall not alter the appearance of the building as a dwelling unit.

440.5 No mechanical equipment shall be employed in a home occupation, other than that customarily utilized for hobby or domestic purposes.

440.6 No sales of any goods or merchandise shall occur on the premises that would require customer visitation to the site, other than those goods or merchandise which are produced on the premises or are customarily incidental to the business use and directly related thereto, such as hair care products by a barber or beautician.

440.7 No manufacturing shall occur on the premises other than the products of customary hobbies and fabrication of garments by a seamstress or tailor.

440.8 No goods shall be displayed so as to be visible from the exterior of the premises.

440.9 Home occupations shall be limited to not more than twenty-five percent (25%) of the habitable floor area of the dwelling unit.

440.10 No accessory building or structure shall be utilized as a home occupation, except that an accessory building or structure may be used as storage area for the home occupation, provided that said area shall be included in the total area permitted for a home occupation use, and further, that no such accessory building or structure shall be accessible to the public for business purposes.

440.11 In addition to the required parking spaces for the dwelling unit, one (1) parking space for each nonresident employee and patron on-site at one time shall be provided.

440.12 Only one (1) sign advertising a home occupation shall be permitted. Such sign shall not be illuminated and shall be limited to six (6) square feet in display area, including all sides of the sign.

440.13 The applicant shall submit evidence of all applicable State approvals.

- 440.14 The applicant is required to submit written information indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with Federal and State regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within Lancaster County, which have been contracted to dispose of the materials and wastes used, or generated, on-site or by some other legal means of disposal.

The zoning permit for this use shall remain valid, only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the home occupation change in the future, such that the materials used, or wastes generated, changes significantly, either in type or amount, the owner of the home occupation shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section.

- 440.15 The applicant shall submit the following signed and notarized statement:

"I understand that this use has prescribed limitations that are imposed to protect the rural character of the Township. I also recognize that continued success of my business that requires expansion beyond such limitations at this location would constitute a zoning violation. Should expansion beyond these limitations occur, I will be required to find another, more suitable, location with the appropriate zoning."

Section 441 Hospitals with Related Uses

- 441.1 The minimum lot area for hospitals is five (5) acres.
- 441.2 The subject property shall have frontage along an arterial or collector road.
- 441.3 Adequate provision shall be made for a system of roads sufficient to accommodate predictable vehicular traffic and to ensure safe and efficient vehicular access for emergency vehicles and equipment.
- 441.4 Emergency entrances shall be located on a building wall which faces away from adjoining Residential Zones, or separated by at least three hundred feet (300') from properties within the Residential Zones.
- 441.5 The applicant shall submit a Traffic Impact Report, prepared according the SLDO.
- 441.6 The applicant is required to submit written information indicating that adequate provision shall be made for the collection, disposal and recycling of garbage, trash, and medical and hazardous waste.
- 441.7 Where more than one (1) of the uses enumerated in 4__8. below are proposed, either at one time or separately over time, integrated site function and design shall be required, consistent with the creation of a campus-like environment.
- 441.8 The following uses are expressly permitted, provided they are designed, located and operated in a manner that supports the overall hospital use and campus.
- 441.8.1 Commercial day-care facilities.
- 441.8.2 Commercial schools with exclusively health-care related curricula intended to prepare enrolled students for careers in health care, nursing schools, and other allied health technology training programs.
- 441.8.3 Health and fitness clubs.

- 441.8.4 Hospitals and hospices.
- 441.8.5 Intermediate care and skilled nursing facilities.
- 441.8.6 Medical and dental offices.
- 441.8.7 Outpatient health services, including, but not limited to, laboratories, radiological and diagnostic imaging services, blood banks, outpatient surgery centers, and outpatient clinics and patient-care facilities.
- 441.8.8 Accessory buildings, uses and services customarily incidental to the above uses, including, but not limited to, the following:
 - 441.8.8.1 Administrative offices.
 - 441.8.8.2 Automobile parking lots and parking garages.
 - 441.8.8.3 Housing for students, employees and their families in accordance with the standards of the Suburban Residential Zone (R-2).
 - 441.8.8.4 Helistops.
 - 441.8.8.5 Incinerators and autoclaves.
 - 441.8.8.6 Lodging facilities for patients and their families.
 - 441.8.8.7 Public uses and essential services (e.g., private, central utility plant; electrical switching facility; steam-generation facility; heating facility; ventilation facility; and oxygen facility).
 - 441.8.8.8 Retail sales of medical/health-care related supplies (e.g., durable medical equipment, prosthetics, pharmaceutical supplies) and retail sales/service for the convenience of employees, patients and visitors (e.g., uniforms, flowers, gifts, uniform cleaning, barber/beauty salons, automatic teller banking, restaurants). All retail sales and services shall be located within buildings in which other permitted uses are located. Retail sales and services may not exceed five percent (5%) of the floor area of existing buildings.
 - 441.8.8.9 Short-term, intermittent educational programs which are not intended to prepare students for careers in health-care, but, rather, are intended to inform employees, patients, health-care providers, or the public regarding health-care issues.

441.9 Specific Requirements for Selected Accessory Uses.

- 441.9.1 Helistops. The helistop shall only be used for the emergency transport by helicopter of patients to or from other permitted health-care related uses. The helistop shall not include auxiliary facilities, such as fueling and maintenance equipment. The helistop shall be set back a minimum of three hundred feet (300') from any adjoining property and any street. The applicant must demonstrate compliance, through a written statement, and continue to comply with applicable State and Federal standards.
- 441.9.2 Incinerators and Autoclaves. Only the processing of waste generated on-site is permitted. All processing and storage of waste shall be conducted within a completely-enclosed building. All storage of waste shall be in a manner that is leak- and vector-proof. No storage of waste shall exceed seven (7) days in length. The incinerator shall be set back at least a distance equal to its height from all lot lines. The applicant must demonstrate compliance, through a written statement, and continue to comply with all applicable State and Federal standards and regulations.

Section 442 Keeping of Carriage and Buggy Horses

- 442.1 The keeping of carriage and buggy horses is for the sole purpose of providing the primary means of transportation as an accessory use to a residential dwelling.
- 442.2 A maximum of one (1) horse per acre, up to four (4) horses, used for the sole purpose of providing the primary means of transportation shall be so kept.
- 442.3 The minimum lot area shall be one (1) acre.
- 442.4 The carriage horses shall be kept within a fully-enclosed building with a durable floor surface that can withstand the wear associated with the weight and movement of horses without failure (portable storage shed floors are generally unsuitable for such purpose). The same building may also be used for the sheltering of additional carriage horses belonging to visitors.
- 442.5 All outdoor pasture/recreation areas shall be maintained with a vegetated and stable surface and enclosed with fencing to provide for the containment of the animals. Any fence shall be located at least five feet (5') from all property lines. *(Amended by Ordinance No. 17-02, 09/11/17)*
- 442.6 All animal wastes shall be properly stored and disposed of so as not to be objectionable at the site's property line. All animals, their housing and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties. *(Amended by Ordinance No. 19-03, 06/03/2019)*
- 442.7 The building for the keeping of such horses shall comply with all principal use setbacks.
- 442.8 The owner of the carriage horses shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt or odor.

Section 443 Kennels

- 443.1 Kennels are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Zoning Ordinance, including and specifically as follows.
- 443.2 The following lists minimum required lot sizes and required setbacks based upon the keeping of a specific number of animals older than six (6) months:

Type and Number of Animals Kept	Minimum Required Lot Area	Minimum Required Setback of Animal Boarding Buildings, Pens, Stalls, Runways, and Running Areas from the Nearest Property Line
5 dogs to 50 dogs	5 acres	150 ft.
5 to a maximum of 200 animals, other than dogs		
5 dog to 50 dogs, plus 1 to a maximum of 200 animals, other than dogs		
More than 50 dogs	10 acres	300 ft.
More than 51 dogs, plus more than 200 animals, other than dogs		

- 443.3 The applicant shall explain those measures that will ensure that the proposed use will comply with the noise regulations listed in Section 316.8.
- 443.4 The applicant must furnish a plan for the storage and disposal of deceased animals within twenty-four (24) hours of an animal's death.

- 443.5 The applicant must demonstrate evidence of compliance with the Pennsylvania Dog Law.
- 443.6 The applicant must explain measures to be used to ensure that all animal wastes shall be regularly cleaned up and properly disposed of to prevent odors and unsanitary conditions.
- 443.7 The applicant is required to submit written information indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with Federal and State regulations, with particular attention to those pesticides, insecticides and detergents used.

Section 444 Man-Made Lakes, Dams, Ponds, and Impoundments

- 444.1 All lakes, dams, ponds, and impoundments located along, and connected to, a stream that involve any of the following, shall require a permit from PA DEP, Bureau of Dams and Waterways, Division of Dam Safety, or a letter indicating that the proposed use does not require a PA DEP permit:
 - 444.1.1 The lake, dam, pond, or impoundment contains a volume of at least fifty (50) acre feet.
 - 444.1.2 The dam reaches a height of fifteen feet (15').
 - 444.1.3 The lake, dam, pond, or impoundment impounds the water from a watershed of at least one hundred (100) acres.
 - 444.1.4 Those uses that do not exceed the preceding thresholds are subject to the requirements for ornamental ponds and wading pools.
- 444.2 All such lakes, dams, ponds, and impoundments shall be located seventy-five feet (75') from all adjoining lot lines, as measured from the closest point of the adjoining property line to the maximum anticipated water surface elevation.
- 444.3 All lakes, dams, ponds, and impoundments not contiguous to a stream that have an intake, outlet, or both, and/or have an embankment within fifty feet (50') of a stream, shall require the obtainment of a permit from PA DEP, Bureau of Dams and Waterways, Division of Waterways and Storm Water Management.
- 444.4 All other lakes, dams, ponds and impoundments require the submission of a statement and seal by a qualified engineer that the proposed use is properly constructed and will not pose a threat to the public safety or the environment during normal flow conditions and those associated with the base flood. All dams shall be constructed to a height of one and one-half feet (1 ½') above the water surface elevation occurring during the base flood. All dams, ponds and impoundments shall be constructed in accordance with the provisions of the Providence Township Floodplain Management Ordinance, if applicable. *(Amended by Ordinance No. 17-02, 09/11/17)*
- 444.5 All lakes, dams, ponds, and impoundments, including storm water management basins, shall be located a minimum of fifty feet (50') from any subsurface sewage disposal system or well.
- 444.6 All ponds constructed within areas subject to livestock shall be enclosed by fencing that prevents livestock from trampling the pond's shores and polluting the waters.
- 444.7 All ponds shall be regularly maintained, and floating debris shall be removed from all pipes and spillways. All ground cover shall be trimmed. Weeds, brush and trees shall not be permitted to grow on the dam or spillway.

Section 445 Manure Digesters Systems

- 445.1 Manure digesters System shall be an accessory use to the active agricultural or farm principal use of at least ten (10) acres used to generate and supply electrical or thermal power exclusively for on-site use by the agricultural or farm principal use, except that when a property upon which the manure digester is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.
- 445.2 Manure digester systems shall comply with all dimensional requirements for farms and/or agricultural uses.
- 445.3 Manure digester systems shall be designed in compliance with the guidelines outlined in the Pennsylvania Department of Environmental Protection's (PADEP) Bureau of Water Quality Management publication, and any revisions, supplements, and replacements thereof, published by the PADEP.
- 445.4 All manure digester systems shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations. The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations.
- 445.5 A certified professional, qualified to do such, shall furnish and explain all details of construction, operation, maintenance and necessary controls related to the manure digester system.
- 445.6 The applicant shall provide a detailed description of any environmental impacts that are likely to be generated (e.g. noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts.
- 445.7 The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances and commonly accepted standards.
- 445.8 No manure digester system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- 445.9 All transmission lines to and from any manure digester system shall be buried underground.

Section 446 Manure Storage Facilities

- 446.1 Manure storage facilities shall be an accessory use to a permitted principal use.
- 446.2 The applicant shall submit written evidence from a professional engineer licensed to practice within the Commonwealth of Pennsylvania, that the design and construction of the manure storage facility shall be in accordance with PA DEP's publication *Manure Management Manual for Environmental Protection*, and any revisions, supplements, and replacements thereof, published by PA DEP.
- 446.3 All manure storage facilities associated with a concentrated animal operation, or a concentrated animal feeding operation, shall require written evidence of an approval of the applicant's nutrient management plan from the Lancaster County Conservation District or the Pennsylvania Conservation Commission under Title 25, Chapter 83, Subchapter D. of PA DEP's Nutrient Management Rules and Regulations.

- 446.4 All manure storage facilities shall be operated and maintained in accordance with PA DEP's publication *Manure Management Manual for Environmental Protection*, and any revisions, supplements, and replacements thereof, published by PA DEP.
- 446.5 Any design changes during construction or subsequent operation will require the obtainment of another zoning permit, subject to the applicable regulations of this section.

Section 447 Medical Residential Campuses

- 447.1 Campuses shall primarily service the needs of retirement-aged persons. At least one (1) resident of each household shall be at least fifty (50) years old, or possess some handicap that can be treated within a setting like the medical residential campus.
- 447.2 The campus shall achieve a balanced residential/medical environment which cannot be achieved through the use of conventional zoning techniques.
- 447.3 Residences shall be functionally, physically and architecturally integrated with medical service and recreational activity centers.
- 447.4 Commercial, medical and recreational uses shall be grouped together and located near the populations being served.
- 447.5 The minimum land area devoted to the campus shall be twenty-five (25) contiguous acres.
- 447.6 The site shall front on and have access to a collector or arterial road.
- 447.7 All buildings or structures containing nonresidential use(s), off-street parking lots and loading areas shall be set back at least seventy-five feet (75') from all adjoining land within a Residential Zone, and fifty feet (50') from all lot lines of the campus property.
- 447.8 The maximum permitted overall density is ten (10) dwelling units per acre. For the purpose of this section, any two (2) care beds associated with a medical use shall constitute one (1) dwelling unit. No more than fifty percent (50%) of the total number of permitted dwelling units shall consist of care beds. For the purpose of this section, "care beds" shall be defined as any bed where a resident of the medical residential campus may sleep that is not part of a dwelling unit upon which the maximum permitted density is computed. Examples of care beds would include, but not be limited to, those associated with medical and/or nursing care, or those associated with congregate or communal living quarters.
- 447.9 All buildings or structures used solely for residential purposes shall be set back at least fifty feet (50') from all lot lines of the campus property.
- 447.10 The maximum permitted height is sixty feet (60"), provided that for buildings exceeding thirty-five feet (35') in height, the minimum setback from each lot line is equal to the height of the structure.
- 447.11 No more than sixty percent (60%) of the subject property shall be covered with buildings, parking and loading areas and/or other impervious surfaces.
- 447.12 Each off-street parking lot shall provide at least twenty percent (20%) of the total parking spaces as those designed for the physically handicapped. Furthermore, such parking spaces shall be located throughout the campus in such a manner to be conveniently accessible to the buildings/uses for which they are required.
- 447.13 Only those uses which provide a harmonious, balanced mix of medical, residential, limited commercial, and recreational uses, primarily serving campus residents, and public, quasi-public, and medical services for the off-campus retirement-aged community will be permitted. Uses may included, but need not be limited to the following:

- 447.13.1 Dwelling, nursing homes, and congregate living facilities for the elderly or physically handicapped.
 - 447.13.2 Medical facilities, including offices, laboratories, clinics, professional or paramedical training centers, and ambulatory care facilities.
 - 447.13.3 Commercial uses which are strictly related and subordinate to the residential/medical character of the campus and which directly serve the residents and employees of, or visitors to, the center. The uses should be chosen to reflect their local orientation to the immediate campus vicinity and should be of a size and scope so as not to interfere with existing or proposed retail uses located in the off-campus area.
 - 447.13.4 Recreational and social uses, such as athletic facilities, community centers, and assembly halls, limited to use only by campus residents, employees or visitors.
- 447.14 The applicant must comply with all State requirements at all times.

Section 448 Methadone Treatment Facilities

- 448.1 Methadone treatment facilities shall not be permitted to be located within one thousand feet (1,000') of any other methadone treatment facilities.
- 448.2 No methadone treatment facilities shall be located within one thousand feet (1,000') of any land within the Residential Zones.
- 448.3 No methadone treatment facilities shall be located within one thousand feet (1,000') of any parcel of land which contains any one or more of the following specified land uses:
 - 448.3.1 Amusement park.
 - 448.3.2 Camp (for minors' activity).
 - 448.3.3 Child-care facility.
 - 448.3.4 Church or other similar religious facility.
 - 448.3.5 Community center.
 - 448.3.6 Museum.
 - 448.3.7 Park.
 - 448.3.8 Playground.
 - 448.3.9 School.
 - 448.3.10 Other lands where minors congregate.
- 448.4 The distance between any two (2) methadone treatment facilities shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment. The distance between any methadone treatment facilities and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of the adult-related use to the closest point on the property line of said land use.

Section 449 Mini-Warehouses/Self-Storage Facilities

- 449.1 One (1) off-street parking space shall be provided for each twenty-five (25) storage units, plus one (1) per each two hundred fifty (250) square feet of office space, plus two (2) per any residential use associated with an on-site manager.
- 449.2 Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-six feet (26') wide when cubicles open onto one side of the lane only, and at least thirty feet (30') wide when cubicles open onto both sides of the lane.
- 449.3 Required parking spaces may not be rented as, or used for, vehicular storage. However, additional external storage area may be provided for the storage of privately-owned recreation vehicles, so long as such external storage area is screened from adjoining land within Residential Zones and adjoining roads, and is located behind the minimum front yard setback line. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperative vehicles.
- 449.4 Except as noted above, all storage shall be kept within an enclosed building, except that the storage of flammable, highly combustible, explosive, or hazardous chemicals shall be prohibited. Any fuel tanks and/or machinery or other apparatuses relying upon such fuels shall be stored only in an external storage area as described above.
- 449.5 Door openings for any mini-warehouse storage unit shall be screened from any property within a Residential Zone.
- 449.6 Mini-warehouses shall be used solely for the dead storage of property. The applicant shall adequately demonstrate that all mini-warehouses rental and/or use contracts shall specifically prohibit the following examples of uses expressly prohibited upon the site.
- 449.6.1 Auctions, commercial wholesale or retail sales, or garage sales.
- 449.6.2 The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
- 449.6.3 The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
- 449.6.4 The establishment of a transfer and storage business.
- 449.6.5 Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.
- 449.7 The mini-warehouses will be surrounded by a minimum six foot (6") high fence.
- 449.8 All outdoor lights shall be shield to direct light and glare only onto the site and may be of sufficient intensity to discourage vandalism and theft. Said lighting and glare shall be deflected, shaded and focused away from all adjoining property.

Section 450 Nightclubs

- 450.1 No part of the subject property shall be located within two hundred feet (200') of any land within a Residential Zone.
- 450.2 The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation.
- 450.3 The applicant shall furnish evidence as to how the use will be controlled as to not constitute a

nuisance due to loitering outside the building.

- 450.4 A working plan for the cleanup and recycling of litter shall be furnished and implemented by the applicant.

Section 451 Noncommercial Keeping of Livestock

- 451.1 For all lots having Ten (10) or fewer acres, all uses shall comply with the minimum lot area requirements within each respective Zone; however, the minimum lot area for the noncommercial keeping of livestock for Group 1 animals shall be one-half acre, and the minimum lot area for Group 2 and Group 3 animals shall be one acre; provided, however, that the minimum lot area shall not apply for Group 1 animals in a situation where a student is involved in an educational project, such as an FFA or school-sponsored, in which the maximum number of Group 1 animals involved in the project shall not exceed two and the project shall be limited in duration to a period not exceeding ten (10) months or an academic school year, beginning with the first day of classes and ending with the last day of classes, whichever is greater. Additionally, the following list specifies additional requirements by size of animals kept. The keeping of a combination of animal types (Group 1, 2 and 3) shall require an animal density equal to the ratio of the number of animals by type. In no case shall a lot contain more than fifty (50) total animals. *(Amended by Ordinance No. 17-02, 09/11/17)*

451.1.1 Group 1- Animals whose average adult weight is less than ten (10) pounds shall be permitted at an animal density of twelve (12) per acre for lots having a minimum lot area of one acre or more, with a maximum number of fifty (50) animals. Any lot having one-half acre or more, but less than one acre, shall be permitted to have a maximum of six (6) Group 1 animals. *(Amended by Ordinance No. 17-02, 09/11/17)*

451.1.2 Group 2- Animals whose average adult weight is between ten (10) pounds and sixty-five (65) pounds shall be permitted at an animal density of two (2) per acre for lots having a minimum lot area of one acre or more, with a maximum number of twenty (20) animals. *(Amended by Ordinance No. 17-02, 09/11/17)*

451.1.3 Group 3- Animals whose average adult weight is greater than sixty –five (65) pounds shall be permitted at an animal density of one (1) per acre for lots having a minimum lot area of one acre or more, with a maximum number of ten (10) animals. *(Amended by Ordinance No. 17-02, 09/11/17)*

- 451.2 The following lists minimum setbacks (from all property lines) imposed upon the placement of any structure used to house noncommercial livestock. No structure for that purpose shall be located in the front yard, and, if one structure houses more than one Group category of animals, the most restrictive setback shall apply. *(Amended by Ordinance No. 17-02, 09/11/17)*

451.2.1 Group 1 Animals
Up to 25 animals, a twenty-five foot (25') setback.
Above 25 animals, a fifty foot (50') setback.

451.2.2 Group 2 Animals
Up to 2 animals; a twenty-five foot (25') setback.
Above 2 animals; a fifty foot (50') setback.

451.2.3 Group 3 Animals
Fifty feet (50') from property lines and a minimum of One Hundred feet (100') from any dwelling, other than the dwelling located on the property. *(Amended by Ordinance No. 17-02, 09/11/17)*

- 451.3 All structures used to house noncommercial livestock shall be fitted with a durable floor surface that can withstand the wear associated with the weight and movement of horses without failure (portable storage shed floors are generally unsuitable for such purpose) and shall be prohibited from placement in the front yard.
- 451.4 All outdoor pasture/recreation areas shall be located in the rear or side yard, and no outdoor pasture/recreation area shall be located within One Hundred feet of any dwelling, other than the dwelling located on the property. All outdoor pasture/recreation areas shall be maintained with a vegetated and stable surface and enclosed with fencing to provide for the containment of the animals. Any fence shall be located at least five feet (5') from all property lines. (*Amended by Ordinance No. 17-02, 09/11/17*)
- 451.5 The applicant shall furnish evidence of an effective means to dispose of dead animals according to the regulations of the Pennsylvania Department of Agriculture.
- 451.6 All animal wastes shall be properly stored and disposed of, so as not to be objectionable at the site's property line. All animals, their housing, and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties. The person maintaining the noncommercial livestock shall obtain a manure management plan and a nutrient management plan for the property. (*Amended by Ordinance No. 17-02, 09/11/17*)

Section 452 Nursing, Rest or Retirement Homes

- 452.1 The minimum lot area for nursing, rest or retirements homes is two (2) acres.
- 452.2 All parking areas shall be set back a minimum of twenty-five feet (25') from all property lines. All off-street parking and/or loading areas shall be screened from adjoining lots and streets.
- 452.3 A nursing, rest or retirement home may erect one (1) sign no larger than twelve (12) square feet in size, which must be set back ten feet (10') from all lot lines.
- 452.4 The applicant shall furnish evidence that an approved means of water supply and public sewers shall be utilized.
- 452.5 At least ten percent (10%) of required parking spaces shall be designed for handicapped persons.
- 452.6 No more than twenty-seven (27) care beds per acre shall be permitted.

Section 453 Places of Worship and Related Uses

- 453.1 House of Worship.
- 453.1.1 All houses of worship shall have a minimum lot area of two (2) acres.
- 453.1.2 All houses of worship shall have a minimum lot width of two hundred feet (200').
- 453.1.3 All houses of worship shall have direct vehicular access to an arterial or collector road.
- 453.1.4 All houses of worship shall have a side yard setback of fifty feet (50') on each side.
- 453.1.5 All off-street parking areas shall be set back at least twenty-five feet (25') from the street right-of-way line.

453.2 Residences (Rectories and Convents) Related to Places of Worship.

- 453.2.1 All residential uses shall be accessory, and located upon the same lot or directly adjacent to a lot containing a house of worship.
- 453.2.2 All residential uses shall be governed by the location, height and bulk standards imposed upon other residences within the Rural Residential Zone (R-1), except that any number of place of worship-related persons (pastors, priests, rabbis, ministers, nuns, caretakers, employees) may share group quarters.

453.3 Schools or Day-Care Facilities Related to Places of Worship.

- 453.3.1 All schools or day-care uses shall be accessory, and located upon the same lot as a house of worship.
- 453.3.2 If school or day-care is offered 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 feet (25') from all property lines. Outdoor play areas shall be completely enclosed by a minimum four foot (4') high fence, and screened from adjoining, residentially-zoned properties. Any vegetative materials located within the outdoor play areas shall be of a non-harmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade, such as a shade tree (s) or pavilion(s).
- 453.3.3 Enrollment shall be defined as the largest number of students and/or children under day-care supervision at any one time during a seven (7) day period.
- 453.3.4 Passenger "drop-off" areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site.
- 453.3.5 All schools or day-care uses shall be governed by the location, height and bulk standards imposed upon principal uses within the Rural Residential Zone (R-1).
- 453.3.6 Unless the applicant can demonstrate that the off-street parking associated with the house of worship is sufficient for the proposed use, one (1) off-street parking space shall be provided for each six (6) students enrolled below grade ten and/or one (1) off-street parking space for each three (3) students, grades ten and above.

453.4 Cemeteries. The applicant shall demonstrate compliance with Section 416 of this Zoning Ordinance.

453.5 Recreation and Social Uses Related to Place of Worship.

- 453.5.1 All recreation and social facilities shall be accessory to, and be located upon, the same parcel as place of worship.
- 453.5.2 All recreation and social facilities shall be set back fifty (50) feet from all property lines and street rights-of-way.
- 453.5.3 Unless the applicant can demonstrate that the off-street parking associated with the place of worship is sufficient for the facility, one (1) off-street parking space shall be provided for every three (3) estimated users of the facility.

Section 454 Power Generation Facilities

- 454.1 All power generation facilities that rely upon “municipal and residual wastes,” as defined by the PADEP, shall only receive municipal and residual wastes from Lancaster County, Pennsylvania.
- 454.2 Any processing and/or treatment of materials (including but not limited to incineration, composting, steaming, shredding, compaction, material separation, refuse derived fuel, pyrolysis, etc.) shall be conducted within a wholly-enclosed building.
- 454.3 No materials or waste shall be deposited, stored or disposed of, and no building or structure shall be located, within two hundred feet (200') of any property line, and five hundred feet (500') of any adjoining land within the R-1, R-2, R-3, or R-4 Zones.
- 454.4 Any external area used for the unloading, transfer, storage, or deposition of material or waste must be completely screened from view at the property line. The use of an earthen berm is encouraged where practicable. In addition, such areas must also be completely enclosed by a minimum eight foot (8') high fence, with no openings greater than two inches (2") in any direction.
- 454.5 The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations.
- 454.6 The use shall be screened from all adjoining land within the R-1, R-2, R-3, or R-4 Zones.
- 454.7 All uses shall provide sufficiently-long stacking lanes into the facility, so that waiting vehicles will not back-up onto public roads.
- 454.8 All access drives onto the site shall be paved for a distance of at least two hundred feet (200') from the street right-of-way line. In addition, if portions of on-site access drives are unpaved, then a fifty foot (50') long gravel section of driveway shall be placed just beyond the preceding two hundred foot (200') paved section to collect any mud that may have attached to a vehicle's wheels.
- 454.9 Access to the site shall be limited to those posted times when an attendant is on duty. All areas of the site shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations.
- 454.10 The unloading, processing, treatment, transfer, and disposal of material/waste shall be continuously supervised by a qualified facility operator.
- 454.11 Any waste that is to be recycled shall be stored in leak- and vector-proof containers. Such containers shall be designed to prevent their being carried by wind or water. These containers shall be stored within a completely-enclosed building.
- 454.12 All storage of material or waste shall be indoors in a manner that is leak- and vector- proof. During normal operation, no more waste shall be stored on the property than is needed to keep the facility in constant operation; but, in no event for more than seventy-two (72) hours.
- 454.13 A contingency plan for the disposal of waste during a facility shutdown, shall be submitted to the Township.
- 454.14 All structures shall be set back at least a distance equal to their height.
- 454.15 The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed.

- 454.16 If the facility is to rely upon non-public sources of water, a water feasibility study will be provided to enable the municipality to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. No use shall be approved without sufficient water and/or for a use that poses adverse impact on existing wells in the vicinity. A water feasibility study shall include the following minimum information:
- 454.16.1 Calculations of the projected water needs;
 - 454.16.2 Geologic map of the area with a radius of at least one mile from the site;
 - 454.16.3 Location of all existing and proposed wells within one thousand feet (1,000') of the site, with a notation of the capacity of all high-yield wells;
 - 454.16.4 Location of all existing on-lot sewage disposal systems within one thousand feet (1,000') of the site;
 - 454.16.5 Location of all streams within one thousand feet (1,000') of the site and all known point sources of pollution;
 - 454.16.6 Long-term safe yield based on the geologic formation(s) underlying the site;
 - 454.16.7 Determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table; and,
 - 454.16.8 Qualifications and the signature(s) of the person(s) preparing the study.
- 454.17 A traffic impact study.
- 454.18 Expert testimony regarding emergency preparedness measures provided and/or otherwise available to respond to potential hazards regarding the spill of waste or materials during transport to and from the site, and potential hazards regarding firefighting of waste or materials upon the site.
- 454.19 Power generation systems may be erected as detached structures or attached to a building provided that the structural components of such systems (along with other site improvements) do not exceed the maximum permitted lot coverage requirements of the Zone.
- 454.20 Power generation systems may be erected as detached structures or attached to a building provided that the structural components of such systems comply with all applicable setbacks of the (I) Zone.
- 454.21 The following provisions shall specifically apply to geothermal systems:
- 454.21.1 Only closed loop geothermal systems are permitted;
 - 454.21.2 Prior to installation, all installation specifications and drawings for the geothermal system must be certified by a registered engineer within the Commonwealth of PA as conforming to the International Ground Source Heat Pump Association (IGSHPA) installation standards;
 - 454.21.3 Vertical geothermal system well (or wells) installation will be made only by a Pennsylvania-licensed well driller;
 - 454.21.4 No geothermal system sub-surface loops will be located closer than twenty feet (20') from any existing or planned drinking water wells;

- 454.21.5 The vertical loop in a geothermal system well (or wells) shall be pressure-grouted bottom to top with a bentonite-based or cement-based material of 0.0000001 centimeter per second or lower permeability; and
- 454.21.6 With respect to each geothermal system well installation, the Pennsylvania-licensed well driller and/ or system installer shall provide to the Township, before activation of the system copies of:
- 454.21.6.1. Accurate written records and a written geologic log;
 - 454.21.6.2 Accurate records with respect to grouting for each such well;
 - 454.21.6.3 "As-built" plans and related documentation for each such system and well location;
 - 454.21.6.4 Written documentation of the geothermal system testing and certification; and
 - 454.21.6.5 A written "plan" for the operation of the geothermal system proposed by the applicant and approved by the system installer which, among other matters, provides that any geothermal system leaks or releases will be reported by the applicant (and subsequent owner) to the Township Zoning Officer within twenty-four (24) hours of the discovery of same, and the applicant (and subsequent owner) covenants and agrees to take appropriate action to minimize any fluid release to the ground and to promptly repair any system leaks.
- 454.21.7 In the event of the proposed discontinuance of the use of the geothermal system, a system closure plan will be prepared and submitted to the Township for its approval by the landowner prior to the conveyance by the landowner of the land to any third party.
- 454.22 Above-ground power generation systems shall be clear-coated, transparent, and/or be designed with a non-obtrusive color such as white, off-white or gray. All such facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
- 454.23 On-site electrical transmission and power lines connected to or associated with the alternate energy system that are not contained within a building shall be located underground.
- 454.24 Clearly visible warning signs concerning voltage must be placed at the base of all aboveground transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet from the ground.
- 454.25 The applicant shall provide written evidence that the proposed power generation system shall comply with the noise standards listed in Section 316.8 of this Ordinance.
- 454.26 The applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the power generation system.
- 454.27 The applicant shall provide written evidence from the Chief of the "first-due" fire company that the proposed use can be adequately protected and that, if necessary, a suitable emergency response plan has been implemented to serve the proposed use.
- 454.28 The design and installation of the power generation system shall conform to applicable industry standards, including those of the American National Standards Institute and the Uniform Construction Code and be subject to all applicable permit requirements thereof as well as all other applicable laws, codes and regulations.
- 454.29 The applicant shall submit a written plan for the removal of the power generation system once it is no longer operational in accordance with the following:
- 454.29.1 The applicant/owner shall, at its expense, complete decommissioning of the power generation system within (12) twelve months after the end of the useful life of the system.

The system will presume to be at the end of its useful life if no energy is generated for a continuous period of twelve (12) months.

- 454.29.2 The removal of the above-ground power generation system components shall be completed within twelve (12) months of decommissioning of the system. All disturbed earth shall be re-stored, graded and re-seeded unless a zoning permit has been issued for another use to take its place.
- 454.29.3 The landowner or facility operator shall post and maintain decommissioning funds in an amount equal to net decommissioning costs; provided that at no point shall decommissioning funds be less than twenty five percent (25%) of decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or a lending institution approved by the Township.
- 454.29.4 An independent and certified professional engineer may be retained by the Township to inspect the decommissioning of the power generation system. All such inspection fees shall be paid by the landowner.
- 454.29.5 Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable by the Township.
- 454.29.6 If the applicant / owner fails to complete decommissioning during the prescribed period of twelve (12) months, the Township may take such measures as necessary to complete decommissioning in accordance with the laws of the Township and the Commonwealth of Pennsylvania.
- 454.29.7 The Township may release the decommissioning funds when the landowner or facility operator has satisfactorily demonstrated compliance with the removal plan.
- 454.29.8 The applicant shall, at all times, maintain on file with the Township Zoning Officer, the current name and contact information of the party responsible for the operation and maintenance of the power generation system.

Section 455 Recycling Facilities for Paper, Plastic, Glass, and Metal Products

- 455.1 All operations, including collection, shall be conducted within a completely-enclosed building.
- 455.2 There shall be no outdoor storage of materials and/or wastes processed, used or generated by the operation.
- 455.3 The applicant shall explain the scope of operation, and offer expert testimony regarding the measures used to mitigate problems associated with fumes and dust.
- 455.4 The applicant shall be required to submit a written working plan to assure regular maintenance of the site to immediately collect stray debris and litter.

Section 456 Residential Swimming Pools

- 456.1 An accessory use to a residence permitted by right, subject to the following criteria.
- 456.2 Swimming pools shall not be located within the front yard and shall be set back at least fifteen feet (15') from any side or rear lot lines, as measured from and structured around or associated with the

pool, such as decks, patios, sidewalks, pool equipment, etc.

- 456.3 All pools shall comply with applicable fencing and gating requirements as listed in the Uniform Construction Code (UCC).
- 456.4 Only portable swimming pools shall be permitted without operable filtration utilizing chlorine, bromine, ozone, or some other effective antibacterial agent.

Section 457 Riding Stables

- 457.1 All stables shall have a minimum lot area of ten (10) acres.
- 457.2 Any structure used for the boarding of horses shall be set back at least one hundred feet (100') from any property line and shall not be located within the front yard.
- 457.3 All stables shall be maintained so to minimize odors perceptible at the property line.
- 457.4 All outdoor training, show, riding, boarding, or pasture areas shall be enclosed by a minimum four foot (4') high fence, which will be located at least ten feet (10') from all property lines.
- 457.5 Off-street parking will be determined based upon the types of activities proposed and the schedule listed in this Zoning Ordinance. Specifically, with respect to parking, the applicant shall demonstrate that adequate parking facilities exist in form and number to accommodate all anticipated activities as they occur, taking into consideration the highest number of employees at a given time, the highest number of visitors at a given time, the seasonal or permanent nature of each event and the number of events which can occur simultaneously on the property. In addition, the Zoning Hearing Board may require an unimproved grassed overflow parking area to be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.
- 457.6 Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle back-ups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle back-ups on adjoining roads. If, at any time after the opening of the commercial recreation facility, the Board of Supervisors determines that traffic back-ups are occurring on adjoining roads, and such back-ups are directly related to the means of access to the subject property, the Board of Supervisors can require the applicant to revise means of access to relieve the undue congestion.
- 457.7 All parking compounds and unimproved overflow parking areas shall be set back at least ten feet (10') from adjoining lot lines.
- 457.8 The applicant shall furnish evidence of an effective means to dispose of dead animals according to the regulations of the Pennsylvania Department of Agriculture.
- 457.9 All animal wastes shall be properly stored and disposed of, so as not to be objectionable at the site's property line. All animals, their housing, and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties.
- 457.10 The applicant is required to submit written information indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with Federal and State regulations, with particular attention to those pesticides, insecticides and detergents used.

Section 458 Roadside Stands

- 458.1 An accessory use to a farm in which no less than fifty percent (50%) of the products for retail sale have been produced on the farm, subject to the following criteria.
- 458.2 Roadside stands shall not exceed three hundred (300) square feet of total display area.
- 458.3 Roadside stands must be located at least twenty feet (20') from the right-of-way line and must have at least three (3) off-street parking spaces.
- 458.4 A maximum of two (2) signs will be permitted and shall not exceed fifteen (15) square feet in total area, nor exceed a maximum height of fifteen feet (15').
- 458.5 Any structure must be located at least fifty feet (50') from any side or rear property line.
- 458.6 No structures housing a roadside stand or accompanying parking area may be located within one hundred feet (100') of any intersecting street rights-of-way.
- 458.7 No more than one (1) roadside stand per property shall be permitted.

Section 459 Routine Repair and Servicing of Personal Motor Vehicles

- 459.1 Within any Zone, the routine repair and servicing of personal motor vehicles, owned or leased by the person performing such services within a completely-enclosed building, is an accessory use to a residence permitted by right, provided that the disposal of all materials and wastes will be accomplished in a manner that complies with Federal and State regulations.
- 459.2 Within the Residential Zones, the routine maintenance, repair and servicing of personal motor vehicles, owned or leased by the person performing such services outside of a completely-enclosed building, is an accessory use to a residence permitted by right, subject to the following criteria.
 - 459.2.1 All vehicles shall be maintained with proper licensure.
 - 459.2.2 Work shall be limited to the following:
 - 459.2.2.1 Servicing and replacement of spark plugs, batteries, distributors, and distributor parts.
 - 459.2.2.2 Repair and replacement of tires and wheels, excluding recapping or re-grooving.
 - 459.2.2.3 Replacement of water hoses, fan belts, brake fluids, transmission fluid, oil filters, air filters, oil, grease, light-bulbs, fuses, floor mats and carpeting, seat covers, seat- belts, windshield wipers, mirrors, and engine coolants.
 - 459.2.2.4 Repair and replacement of audio systems, amplifiers and speakers.
 - 459.2.2.5 Cleaning and flushing of radiators only when flushed into a water-tight container.
 - 459.2.2.6 Repair and replacement of fuel pump, oil pump and line repairs.
 - 459.2.2.7 Minor servicing and adjustment of carburetors and injectors.
 - 459.2.2.8 Minor motor adjustments not involving the removal of the motor head or crankcase, nor the prolonged revving of the motor.

- 459.2.2.9 Minor body repairs, excluding the replacement of body parts, the complete repainting of the body and the application of undercoating.
- 459.2.2.10 Cleaning of all exterior and interior surfaces, including washing, shampooing, vacuuming, rubbing, polishing, waxing, and the application of paint sealants.
- 459.2.3 The disposal of all by-product or waste fuels, lubricants, chemicals, and other products shall be accomplished in a manner that complies with Federal and State regulations.
- 459.2.4 No vehicle shall be stored in a “jacked-up” position, or on blocks for more than seventy-two (72) continuous hours.

Section 460 Rural Occupations

- 460.1 In the Agricultural Zone (A), rural occupations are permitted by special exception as an accessory use to a single-family detached dwelling unit, subject to the following criteria.
- 460.2 Only one (1) rural occupation may be conducted on the same property as the owner's principal residence, and shall not exceed the area of the principal residence's ground floor or one thousand (1,000) square feet, whichever is lesser.
- 460.3 A rural occupation shall only be conducted within one (1) completely-enclosed outbuilding that satisfies at least one (1) of the following:
 - 460.3.1 An existing building that remains the same size and in the same location as it existed on the effective date of this Zoning Ordinance.
 - 460.3.2 A new, one (1) story building (height up to fifteen feet [(15')]) that is no larger than the square footage that comprises the principal dwelling unit at grade level, located in the rear yard of the principal residence, set back at least fifty feet (50') from any side or rear lot lines, and an architectural design that is compatible with the dwelling unit.
- 460.4 In no case shall any new rural occupation building be constructed before the owner resides on the subject property. In addition, rural occupations may only be conducted so long as the sole owner of the business resides on the site.
- 460.5 In no case shall the required maximum lot coverage be exceeded by those impervious surfaces associated with the principal residence, rural occupation and/or other accessory uses.
- 460.6 All off-street parking and loading spaces shall be screened from adjoining roads and properties.
- 460.7 No outdoor storage or display shall be permitted, except that one (1) commercial truck of not more than eleven thousand (11,000) pounds gross vehicle weight may be parked behind the principal residence, so long as it is screened from adjoining roads and properties.
- 460.8 One (1) non-illuminated sign not exceeding six (6) square feet shall be permitted and must be set back at least ten feet (10') from all property lines.
- 460.9 No rural occupation and its principal dwelling shall generate more than twenty (20) vehicle trips per day to or from the site. The applicant shall furnish a written and sworn statement regarding the expected numbers of vehicle trips associated with the proposed use.
- 460.10 Vehicular access to the rural occupation shall be limited to the same driveway connection with the public street that serves the principal residence. No additional roadway connections shall be permitted.

- 460.11 Only residents of the site may be employed in the rural occupation. For the purpose of this section, “employees” shall be defined as those involved in the on-site conduct of the rural occupation.
- 460.12 Rural occupations shall only be conducted between the hours of 6 a.m. and 9 p.m. No rural occupation shall be conducted on Sundays.
- 460.13 No manufacturing, mechanical, or industrial use shall be permitted which causes any noise, odor, glare, fume, smoke, dust, vibration, electromagnetic interference, or other hazard that is noticeable at or beyond the line of the nearest residential lot. No use that requires application or permitting by PA DEP for the handling of hazardous waste or other substances shall be permitted, except for wastewater treatment.
- 460.14 Any area devoted to retail sales display shall be limited to twenty percent (20%) of the overall size of the rural occupation.
- 460.15 The applicant shall furnish evidence that an approved means of sewage disposal shall be utilized, and further, that such means is part of the same system in use for the principal residence.
- 460.16 The applicant is required to submit written information indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with Federal and State regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within Lancaster County, which have been contracted to dispose of the materials and wastes used, or generated, on-site or some other legal means of disposal. The zoning permit for this use shall remain valid, only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the rural occupation change in the future, such that the materials used, or wastes generated, changes significantly, either in type or amount, the owner of the rural occupation shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section.
- 460.17 The applicant shall submit the following signed and notarized statement:
- “I understand that this use has prescribed limitations that are imposed to protect the rural character of the Township. I also recognize that continued success of my business that requires expansion beyond such limitations at this location would constitute a zoning violation. Should expansion beyond these limitations occur, I will be required to find another, more suitable, location with the appropriate zoning.”*

Section 461 Satellite Dish Antennas

- 461.1 Within any Zone, roof- or window-mounted satellite dish antennas up to three feet (3') in diameter are permitted by right. Residential properties shall contain no more than two (2) such devices.
- 461.2 Within the Agricultural Zone (A) and Rural Residential Zone (R-1), one (1) ground-mounted satellite dish antenna up to twelve feet (12') in diameter is permitted by right as an accessory use to a single-family dwelling unit, subject to the following requirements:
- 461.2.1 All accessory residential installations must comply with all residential accessory use requirements specified within the Zone.
- 461.2.2 All installations shall be located (where possible) to prevent obstruction of the antenna's reception window from potential permitted development on adjoining properties.
- 461.2.3 All installations must include landscape treatments located along the antenna's non-reception window axes and low-level ornamental landscape treatments along the reception window

- axes of the antenna's base. Such treatments should completely enclose the antenna. Required landscaping shall consist of evergreen plantings that provide eighty percent (80%) visual blockage of the area between ground level and a height of six feet (6') along the antenna's non-reception window axes. Required low-level ornamental landscaping shall consist of vegetative materials that are planted with sufficient density to form an enclosure around the base of the antenna. Ornamental landscaping height will be determined by the installation's required elevation alignments. The landscaping requirements can be waived if the satellite dish antenna is at least one hundred feet (100') from any property line.
- 461.2.4 All installations shall be securely anchored to the ground to prevent detachment during foul weather conditions. The applicant shall furnish evidence (statements and/or drawings) indicating the foundation method to be employed.
- 461.2.5 No transmission of video format data shall be permitted.
- 461.2.6 The allowance of a satellite dish antenna shall in no way place any liability upon the Township for the obstruction of the antenna's reception window due to permitted construction on adjoining or nearby properties. Any arrangements made to protect the antenna's reception window shall be between private parties, and not the Township.
- 461.3 In any Zone, roof- or window-mounted satellite dish antennas larger than three feet (3') and up to twelve feet (12') in diameter are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Zoning Ordinance and specified below:
- 461.3.1 Demonstration by the applicant that compliance with the applicable accessory yard, setback and height requirements would cause obstruction of a ground-mounted satellite dish antenna's reception window; furthermore, such obstruction involves factors beyond the applicant's control.
- 461.3.2 All applications must include certification by a Commonwealth-registered engineer that the proposed installation complies with the Pennsylvania Uniform Construction Code, 34 Pa. Code §§403.1 - 403.142. Furthermore, written documentation of such compliance, including load distributions within the building's support structure, shall be furnished.
- 461.3.3 No transmission of video format data shall be permitted.
- 461.3.4 The satellite dish antenna must be set back at least the horizontal distance equal to its maximum height, from all property lines.
- 461.3.5 Any granting of a special exception for a satellite dish antenna shall in no way place any liability upon the Township or its Zoning Hearing Board for the obstruction of the antenna's reception window due to permitted construction on adjoining or nearby properties. Any arrangements made to protect the antenna's reception window shall be between private parties, and not the Township.
- 461.4 In any Commercial Zone (C) or Industrial Zone (I), satellite dish antennas are permitted by right, subject to the following criteria:
- 461.4.1 All installations shall comply with the area, height, bulk, and setback standards imposed upon principal uses.
- 461.4.2 All applications must include certification by a Commonwealth-registered engineer that the proposed installation complies with the Pennsylvania Uniform Construction Code, 34 Pa. Code §§403.1 - 403.142. Furthermore, written documentation of such compliance, including load distributions within the building's support structure, shall be furnished.

- 461.4.3 All ground-mounted installations shall be screened from any adjoining properties. Such screening can be waived if the antenna is set back a distance at least five (5) times its diameter from the adjoining property.
- 461.4.4 Those ground-mounted installations used to transmit video format data shall be completely enclosed by an eight foot (8') high fence. Such fence shall include signs warning of dangerous radiation levels, must be screened from adjoining properties, and must be locked at all times. This screening requirement can be waived if the fence is set back a distance at least five (5) times the diameter of the satellite dish antenna from the adjoining property.
- 461.4.5 The allowance of a satellite dish antenna(s) shall in no way place any liability upon the Township for the obstruction of the antenna's reception window due to permitted construction on adjoining or nearby properties. Any arrangements made to protect the antenna's reception window shall be between private parties, and not the Township.

Section 462 Sawmills

- 462.1 No material shall be deposited or stored, and no building or structure shall be located, within two hundred feet (200') of any property line and five hundred feet (500') of any land within a Residential Zone.
- 462.2 All uses shall provide sufficiently long stacking lanes into the facility so that vehicles waiting will not back up onto public roads.
- 462.3 Litter control shall be exercised to prevent the scattering of wind-borne debris, and a working plan for the cleanup of litter shall be submitted.
- 462.4 The owner and/or operator shall be responsible for removing any mud from public roads caused by persons traveling to and from the site.

Section 463 Septage and Compost Processing

- 463.1 Any processing, loading, storage, and packaging operations must be conducted within a completely-enclosed building that is leak- and vector-proof.
- 463.2 The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable Federal and State standards and regulations.
- 463.3 The use shall be screened from all roads and adjoining properties.
- 463.4 All uses shall provide sufficiently-long stacking lanes into the facility, so that vehicles waiting to be weighed or loaded/unloaded will not back up onto public roads.
- 463.5 All driveways onto the site must be paved for a distance of at least one hundred feet (100') from the street right-of-way line. In addition, a fifty foot (50') long gravel section of driveway shall be placed just beyond the preceding one hundred foot (100') paved section to help collect any mud that may have attached to a vehicle's wheels.
- 463.6 The unloading, processing and transfer of septage and compost shall be continuously supervised by a qualified facility operator.
- 463.7 Any leachate shall be disposed of in a manner in compliance with any applicable Federal and State laws or regulations. If leachate is to be discharged to a municipal sewage facility, appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with PA DEP regulations.

- 463.8 If the facility is to rely upon nonpublic sources of water, a water feasibility study will be provided to enable the Township to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. No use shall be approved without sufficient water and/or for a use that poses an adverse impact on existing wells in the vicinity. A water feasibility study shall include the following minimum information:
- 463.8.1 Calculations of the projected water needs.
 - 463.8.2 A geologic map of the area with a radius of at least one (1) mile from the site.
 - 463.8.3 The location of all existing and proposed wells within one thousand feet (1,000') of the site, with a notation of the capacity of all high-yield wells.
 - 463.8.4 The location of all existing on-lot sewage disposal systems within one thousand feet (1,000') of the site.
 - 463.8.5 The location of all streams within one thousand feet (1,000') of the site and all known point sources of pollution.
 - 463.8.6 A determination of the long-term safe yield shall be based on the geologic formation(s) underlying the site.
 - 463.8.7 A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and the groundwater table.
 - 463.8.8 A statement of the qualifications and the signature(s) of the person(s) preparing the study.
- 463.9 A minimum one hundred foot (100') wide buffer strip shall be located along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this buffer strip. Any fences or other screening erected on the site must not be located within this buffer strip.
- 463.10 The applicant shall provide an analysis of the physical conditions of the primary road system serving the proposed use. The analysis shall include information on the current traffic flows on this road system, and projections of traffic generated by the proposed use. Improvements to the road shall be provided by the applicant to insure safe turning movements to and from the site and safe through-movement on the existing road.
- 463.11 Any structure used for the storage, loading, processing and/or packaging of compost shall be set back at least three hundred feet (300') from all property lines, and five hundred feet (500') from any land within a Residential Zone. In addition, any ventilation outlets must be oriented away from any land within a Residential Zone.

Section 464 Shooting Ranges

- 464.1 Indoor shooting range shall comply with the following:

- 464.1.1 The applicant shall submit a detailed written description of the methods used to ensure that indoor shooting range operations:
 - 464.1.1.1 Do not substantially injure or detract from the lawful existing or permitted use of neighboring properties;
 - 464.1.1.2 Do not substantially damage the health, safety or welfare of the Township, or its

- residents and property owners;
 - 464.1.1.3 Comply with all applicable State and local laws, rules and regulations and National Rifle Association guidelines regarding the discharge of a firearm;
 - 464.1.1.4 Store ammunition only in an approved secure vault;
 - 464.1.1.5 Limit the number of shooters to the number of firing points or stations identified on the development plan;
 - 464.1.1.6 Require all shooters to satisfactorily complete an orientation safety program given in accordance with the PA Game Commission, or show a valid hunting permit or gun permit, before they are allowed to discharge firearms without supervision;
 - 464.1.1.7 Prohibit the consumption of alcoholic on premise;
 - 464.1.1.8 Limit firing to the hours between 7 a.m. and 9 p.m.; and,
 - 464.1.1.9 Prohibit Sunday shooting.
- 464.1.2 The applicant shall present credible evidence that the sounds of shooting comply with Section 316.8.
- 464.1.3 Off-street parking facilities shall be provided with a ratio of one and one-half (1½) spaces per firing station, but not less than one (1) space for each four (4) seats.
- 464.2 Outdoor shooting range shall comply with the following:
- 464.2.1 The applicant shall submit a detailed written description of the methods used to ensure that outdoor shooting range operations:
 - 464.2.1 Do not substantially injure or detract from the lawful existing or permitted use of neighboring properties;
 - 464.2.2 Do not substantially damage the health, safety or welfare of the Township, or its residents and property owners;
 - 464.2.3 Comply with all applicable State and local laws, rules and regulations and National Rifle Association guidelines regarding the discharge of a firearm;
 - 464.2.4 Store ammunition only in an approved secure vault;
 - 464.2.5 Limit the number of shooters to the number of firing points or stations identified on the development plan;
 - 464.2.6 Require all shooters to satisfactorily complete an orientation safety program given in accordance with the PA Game Commission, or show a valid hunting permit or gun permit, before they are allowed to discharge firearms without supervision;
 - 464.2.7 Prohibit the consumption of alcoholic beverages on premise;
 - 464.2.8 Limit firing to the hours between one (1) hour after official sunrise and one (1) hour preceding official sunset, unless sufficient lighting is used, in accordance with Section 310, in which case all shooting shall cease by 9 p.m.; and,
 - 464.2.9 Prohibit Sunday shooting.
 - 464.2.2 A development plan shall identify the Safety Fan for each firing range. The Safety Fan shall include the area necessary to contain all projectiles, including direct fire and ricochet. The Safety Fan configuration shall be based upon qualified expert testimony regarding the trajectory of the bullet, and the design effectiveness of berms, overhead baffles, or other safety barriers to contain projectiles to the Safety Fan.

- 464.2.3 The firing range, including the entire Safety Fan, shall be enclosed with a six foot (6') high, non-climbable fence to prevent unauthorized entry into the area. Range caution signs with eight inch (8") tall, red letters on a white background shall be posted at a maximum of one hundred foot (100') intervals around the range perimeter. Signs shall read "SHOOTING RANGE AREA. KEEP OUT!".
- 464.2.4 Range flags shall be displayed during all shooting activities. Range flags shall be located in a manner visible from entrance drives, target areas, range floor, and the perimeter of the Safety Fan.
- 464.2.5 All surfaces located within the Safety Fan, including the backstop, overhead baffles, berms, and range floor, shall be free of hardened surfaces, such as rocks or other ricochet-producing materials.
- 464.2.6 All shooting range facilities, including buildings, parking, firing range, and Safety Fan shall be set back a minimum of one hundred feet (100') from the property line and street right-of-way.
- 464.2.7 The applicant shall present credible evidence that the sounds of shooting comply with Section 316.8.
- 464.2.8 Off-street parking facilities shall be provided with a ratio of one and one-half (1½) spaces per firing station, but not less than one (1) space for each four (4) seats.
- 464.2.9 No part of a shooting range property shall be located within one-quarter (¼) mile of any land within the R-1, R-2, R-3 or R-4 Zones.

465 Shopping Centers

- 465.1 For freestanding pad sites, the applicant may choose to identify proposed building envelopes and a list of potential uses to be applied to each pad site respectively, as an alternative to the specific identification of each use; however, in reviewing such pad sites, the Township will consider the worst case scenario of building site envelope and potential uses when evaluating the special exception application. Any subsequent substitution of use within the shopping center shall be permitted by right so long as the proposed use is permitted and does not require amendment of the site plan approved by the special exception. Future uses to be substituted that require separate special exception approval shall follow such review and approval processes. Future uses that require amendment of the site plan shall require special exception approval.
- 465.2 Shopping centers shall front on an arterial road. Drive-thru lanes for any use contained within the shopping center shall connect only to internal access drives and parking lots. Access drives serving all shopping centers shall be set back at least two hundred feet (200') from the intersection of any street right-of-way lines along the same side of the street.
- 465.3 In addition to vehicular access to the property, the applicant shall be required to design and construct pedestrian linkages with any nearby areas, even if they are not yet developed. Such pedestrian linkages shall be located so as to provide safe and convenient access to the shopping center from the nearby areas.
- 465.4 All shopping centers must provide an improved bus stop which would be conveniently accessible for patrons who would travel to and from the site by bus. Such bus stop must be provided, even if current bus service is unavailable along the subject property. Such bus stop shall include a shelter, seating, a waste receptacle, and at least one (1) shade tree.
- 465.5 Shopping centers with more than two hundred (200) parking spaces must integrate a designated location for a minimum of twenty (20) park and ride off-street parking spaces that is readily-identifiable and conveniently accessible to passing motorists. Such park and ride spaces can include those spaces required to serve the shopping center.

- 465.6 The applicant's site plan shall clearly depict the proposed locations and dimensions of all on-site circulation improvements which must demonstrate safe vehicular and pedestrian movements both upon and abutting the subject property.
- 465.7 A Traffic Impact Report shall be submitted, in accordance with the SLDO.
- 465.8 Both public sanitary sewer and public water utilities shall be provided.
- 465.9 The proposed shopping center design shall comply with the applicable regulations contained within the following table.

SHOPPING CENTER DESIGN REQUIREMENTS	
Minimum Lot Area	2 acres
Minimum Lot Width	250 ft. at the building setback line & street line
Minimum Lot Depth	250 ft.
Minimum Front Yard , as measured from street right-of-way.	50 ft. for buildings & structures (except permitted signs); 25 ft. for off-street parking; no off-street loading, nor dumpsters are permitted within the front yard
Minimum Side Yard	50 ft. for buildings & structures (except permitted signs); 25 ft. for off-street parking & loading spaces & dumpsters
Minimum Rear Yard	50 ft. for all buildings, structures, off-street parking & loading spaces & dumpsters
Minimum Required Setback from Residential Zone , as measured to closest point of area devoted to the use.	<ol style="list-style-type: none"> 1. 500 ft. for uses with more than 60,000 sq. ft. of gross floor area that operate between the hours of midnight & 6 a.m. 2. 200 ft. for uses with less than 60,000 sq. ft. of gross floor area that operate between the hours of midnight & 6 a.m. 3. 100 ft. for uses that do not operate between the hours of midnight & 6 a.m.
Maximum Impervious Lot Coverage	60%
Maximum Building Height	See Section 205.7.

- 465.10 The applicant shall submit written, expert evidence that demonstrates compliance with the lighting requirements of this Zoning Ordinance.
- 465.11 The applicant shall submit a landscape plan prepared by a landscape architect registered within the Commonwealth of Pennsylvania that demonstrates compliance with all applicable provisions of this Zoning Ordinance. Such plans shall include, but not be limited to, details depicting:
- 465.11.1 Landscape buffers and screens used to protect adjoining Residential Zones and residential uses.
 - 465.11.2 Screening used to prevent the spillage of headlights onto adjoining properties.
 - 465.11.3 Typical interior landscape island treatments.
 - 465.11.4 Typical landscape strip treatments.
 - 465.11.5 Landscape treatments at the shopping center access drives' intersections with streets.
- 469.12 The applicant shall submit a sign plan that demonstrates compliance with this Ordinance. Once approved as part of the special exception, any subsequent substitution of sign that does not increase the size and/or alter the location of signs permitted on the originally approved sign plan is permitted by right. Future signs that would alter the size and/or location of signs will require conditional use approval.

Section 466 Slaughtering, Processing, Rendering, and Packaging of Food Products and Their By-Products

- 466.1 All facilities shall have a minimum lot area of five (5) acres.
- 466.2 Vehicular access shall be so arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties. Access drives used by trucks shall only intersect with collector or arterial roads.
- 466.3 All aspects of the slaughtering, processing, rendering, and packaging operation, excepting the unloading and holding of live animals, shall be conducted within a completely-enclosed building.
- 466.4 All live animals held outside shall be within secure holding pens or runways, sufficiently large to accommodate all animals without crowding, and not located within the front yard.
- 466.5 The applicant shall furnish a written working plan for the recovery of escaped animals which minimizes the potential for animals to enter traffic or cross property lines, and which shall be continuously implemented.
- 466.6 All animal wastes shall be regularly cleaned up and properly disposed of, so as not to be objectionable at the site's property line.
- 466.7 The unloading of live animals from trucks into holding pens and their movement into the plant shall be continuously supervised by a qualified operator, whose responsibility it shall also be to immediately identify and appropriately dispatch any obviously ill or injured animals.
- 466.8 The applicant must identify those methods that will be used to unload live animals; their movement into the plant shall be conducted in an orderly and calm manner so as to minimize noise levels.
- 466.9 The loading and unloading of trucks shall be restricted to the hours between 6 a.m. and 10 p.m.
- 466.10 No exterior animal holding pens and/or areas devoted to loading/unloading of animals shall be located within two hundred feet (200') of any property line nor five hundred feet (500') of any land within a Residential Zone.
- 466.11 All animal holding pens and/or areas used for the loading/unloading of animals shall be screened from all adjoining properties and shall include a minimum fifty foot (50') wide landscape strip.
- 466.12 The applicant shall furnish evidence of an approved means of water supply and sewage disposal to serve the use.
- 466.13 Wastewater shall be kept completely covered at all times to reduce the potential for release of odors. In no event shall wastewater be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with PA DEP regulations.
- 466.14 All unusable animal by-products shall be stored indoors in leak- and vector-proof containers. In the case of slaughtering or processing operations which do not do their own rendering, the applicant shall provide evidence of a written contract with a rendering operation for the daily disposal of such waste products. In no case shall any waste products remain on the site for more than twenty-four (24) hours.
- 466.15 The applicant must demonstrate written compliance with, and continue to comply with, all applicable local, State and Federal standards and regulations.

- 466.16 The use shall provide sufficiently-long stacking lanes and on-site loading/unloading areas, so that trucks waiting to be loaded/unloaded will not back up onto public roads. No parking or loading/unloading shall be permitted on or along any public road.
- 466.17 The applicant shall furnish a Traffic Impact Report, in accordance with the SLDO.

Section 467 Solid Waste Disposal, Processing and Transfer Facilities

- 467.1 Any processing of solid waste (including, but not limited to, incineration, composting, shredding, compaction, material separation, refuse derived fuel, pyrolysis, etc.) shall be conducted within a completely-enclosed building.
- 467.2 No refuse shall be deposited or stored, and no building or structure shall be located within two hundred feet (200') of any property line, and five hundred feet (500') of any land of an adjoining Residential Zone.
- 467.3 Any external area used for the unloading/loading, transfer, storage or deposition of material must be completely screened and buffered.
- 467.4 The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations.
- 467.5 All facilities shall provide sufficiently long stacking lanes into the facility, so that vehicles waiting will not have to back onto public roads.
- 467.6 Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against indiscriminate and unauthorized dumping, all areas of the site shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations.
- 467.7 Hazardous waste, as defined in the Code of Federal Regulations, Title 40, Chapter I, Part 261, or as amended, shall not be disposed of within the proposed area.
- 467.8 Litter control shall be exercised to prevent the scattering of wind-borne debris, and a working plan for the cleanup of litter shall be submitted to the Township.
- 467.9 The unloading, processing, transfer, and deposition of solid waste shall be continuously supervised by a qualified facility operator.
- 467.10 Any waste that cannot be used in any disposal process/or material that is to be recycled, shall be stored in leak- and vector-proof containers. Such containers shall be designed to prevent their being carried by wind or water. These containers shall be stored within a completely-enclosed building.
- 467.11 All storage of solid waste shall be indoors in a manner that is leak- and vector-proof. During normal operation, no more solid waste shall be stored on the property than is needed to keep the facility in constant operation, but, in no event shall the solid waste be stored for more than seventy-two (72) hours.
- 467.12 A contingency plan for the disposal of solid waste during a facility shutdown shall be submitted to the Township.
- 467.13 Leachate from the solid waste shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, pre-treatment shall be required and appropriate permits shall be obtained from the applicable

agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with PA DEP regulations.

- 467.14 All structures shall be set back at least a distance equal to their height.
- 467.15 A water supply feasibility report shall demonstrate that sufficient water resources are available to serve the proposal.
- 467.16 A traffic study shall demonstrate a sufficient level of service.
- 467.17 A minimum one hundred foot (100') wide landscape strip shall be located along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this landscape strip. Any fences or other screening erected on the site must not be located within this landscape strip.
- 467.18 Any sanitary landfill must be owned and operated by a government entity.

Section 468 Truck or Motor Freight Terminals

- 468.1 The application shall include qualified expert evidence of the methods that will be used to assure that the proposed use will not contribute materially to air pollution, and will comply with all applicable Federal Environmental Protection Agency air quality standards. Test data must be furnished by applicant addressing Particulate Matter 2.5 (total weight of particles in the air that are less than 2.5 microns in size) levels taken within thirty (30) days of application by a certified independent air testing firm during peak use periods of the day.

Terminals not in compliance with National Ambient Air Quality Standard (NAASQS) for PM 2.5, as established by EPA (15 micrograms per cubic meter averaged over an entire year and up to 66 micrograms for one 24-hour period), will furnish the Zoning Hearing Board a plan within sixty ((60) days for reducing PM 2 emissions to acceptable levels. Upon approval of that plan, the terminal will have ninety (90) days to provide evidence that satisfactory PM 2 levels have been reached or it will be found in violation of this Zoning Ordinance.

Upon approval of special exception terminal, owners must provide PM 2.5 data on a quarterly basis as sampled by a certified independent air testing firm during peak use periods of the day at locations every two hundred feet (200') around the perimeter of the property and at a distance of seventy-five feet (75') feet from the terminal building.

- 468.2 The application shall include a Traffic Impact Report, prepared by a professional traffic engineer, in accordance with the Providence Township SLDO.
- 468.3 The subject property shall have a minimum of three hundred feet (300') of contiguous road frontage along an arterial and/or collector road.
- 468.4 The subject property shall be located no closer than five hundred feet (500') from any Residential Zone and/or property containing a school, day-care facility, park, playground, library, hospital, nursing, rest or retirement home, or medical residential campus.
- 468.5 All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least fifty feet (50') from any street right-of-way line. Unless the fuel pump islands are set back two hundred feet (200') from the street line, they shall be designed so that, when fueling, trucks must be parallel to street.
- 468.6 Access driveways shall be a minimum of twenty-eight feet (28'), and a maximum of thirty-five feet (35') wide. All access drives onto the same road shall be set back at least one hundred fifty feet (150') from one another, as measured from closest points of cartway edges.

- 468.7 Any gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle back-ups onto adjoining roads during peak arrival periods.
- 468.8 All vehicle service and/or repair activities shall be conducted within a completely-enclosed building. Outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations must be screened from adjoining roads and properties.
- 468.9 The outdoor storage of unlicensed and/or un-inspected vehicles is prohibited.
- 468.10 The demolition or junking of vehicles and machinery is prohibited. Demolished vehicles and/or parts thereof shall be removed within thirty (30) days after arrival.
- 468.11 The parking, storage and/or loading of vehicles associated with the use shall be confined to the subject property; no satellite parking, storage and/or loading lots shall be permitted.
- 468.12 The applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations.
- 468.13 Any use where four (4) or more diesel-operated trucks periodically congregate will have in place an anti-idling policy, with a maximum idling time per truck of ten (10) minutes.

Section 469 Truck Stops

- 469.1 The application shall include qualified expert evidence of the methods that will be used to assure that the proposed use will not contribute materially to air pollution and will comply with all applicable Federal Environmental Protection Agency air quality standards. Test data must be furnished by applicant addressing Particulate Matter 2.5 (total weight of particles in the air that are less than 2.5 microns in size) levels taken within thirty (30) days of application by a certified independent air testing firm during peak use periods of the day.

Terminals not in compliance with National Ambient Air Quality Standard (NAASQS) for PM 2.5, as established by EPA (15 micrograms per cubic meter averaged over an entire year and up to 66 micrograms for one 24-hour period), will furnish the Zoning Hearing Board a plan within sixty (60) days for reducing PM 2 emissions to acceptable levels. Upon approval of that plan, the terminal will have ninety (90) days to provide evidence that satisfactory PM 2 levels have been reached or it will be found in violation of this Zoning Ordinance.

Upon approval of special exception terminal, owners must provide PM 2.5 data on a quarterly basis as sampled by a certified independent air testing firm during peak use periods of the day at locations every two hundred feet (200') feet around the perimeter of the property and at a distance of seventy-five feet (75') from the terminal building.

- 469.2 The application shall include a Traffic Impact Report, prepared by a professional traffic engineer, in accordance with the Providence Township SLDO.
- 469.3 The subject property shall have a minimum of three hundred feet (300') of contiguous road frontage along an arterial and/or collector road.
- 469.4 The subject property shall be located no closer than five hundred feet (500') from any Residential Zone and/or property containing a school, day-care facility, park, playground, library, hospital, nursing, rest or retirement home, or medical residential campus.
- 469.5 Structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least fifty feet (50') from any street right-of-way line. Unless the fuel pump islands are set back two hundred feet (200') from the street line, they shall be designed so that, when fueling, trucks must be parallel to street.

- 469.6 Access driveways shall be a minimum of twenty-eight feet (28'), and a maximum of thirty-five feet (35') wide. All access drives onto the same road shall be set back at least one hundred fifty feet (150') from one another, as measured from closest points of cartway edges.
- 469.7 Gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle back-ups onto adjoining roads during peak arrival periods.
- 469.8 Vehicle service and/or repair activities shall be conducted within a completely-enclosed building. Outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations must be screened from adjoining roads and properties.
- 469.9 Outdoor storage of unlicensed and/or un-inspected vehicles is prohibited.
- 469.10 The demolition or junking of vehicles and machinery is prohibited. Demolished vehicles and/or parts thereof shall be removed within thirty (30) days after arrival.
- 469.11 The application shall include evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the arcade.
- 469.12 A working plan for the cleanup of litter shall be submitted.
- 469.13 The applicant shall submit evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations.
- 469.14 Any use where four (4) or more diesel-operated trucks periodically congregate will have in place an anti-idling policy, with a maximum idling time per truck of ten (10) minutes.

Section 470 Warehousing and Wholesale Trade Establishments

- 470.1 The application shall include a detailed description of the proposed use in each of the following topics.
 - 470.1.1 The nature of the on-site activities and operations, the types of materials stored, the frequency of distribution and restocking, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
 - 470.1.2 The general scale of the operation, in terms of its market area, specific floor space requirements for each activity, the total number of employees on each shift, and an overall needed site size.
 - 470.1.3 Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts.

The application shall include evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances, including, but not limited to, those listed in Articles 3 and 5 of this Zoning Ordinance.
 - 470.1.4 A Traffic Impact Report prepared by a professional traffic engineer, according to Providence Township SLDO.
- 470.2 The application shall include qualified expert evidence on the methods that will be used to assure that the proposed use will not contribute materially to air pollution and will comply with all applicable Federal Environmental Protection Agency air quality standards.

Test data must be furnished by applicant addressing Particulate Matter 2.5 (total weight of particles in the air that are less than 2.5 microns in size) levels taken within thirty (30) days of application by a certified independent air testing firm during peak use periods of the day. Warehouses not in compliance with National Ambient Air Quality Standard (NAASQS) for PM 2.5, as established by EPA (15 micrograms per cubic meter averaged over an entire year and up to 66 micrograms for one 24-hour period), will furnish the Zoning Hearing Board a plan within sixty (60) days for reducing PM 2 emissions to acceptable levels. Upon approval of that plan, the terminal will have ninety (90) days to provide evidence that satisfactory PM 2 levels have been reached or it will be found in violation of this Zoning Ordinance.

Upon approval of special exception, warehouse owners must provide PM 2.5 data on a quarterly basis as sampled by a certified independent air testing firm during peak use periods of the day at locations every two hundred feet (200') around the perimeter of the warehouse and at a distance of seventy-five feet (75') from the warehouse building.

- 470.3 Any use where four (4) or more diesel-operated trucks periodically congregate will have in place an anti-idling policy, with a maximum idling time per truck of ten (10) minutes.
- 470.4 The use shall provide sufficiently-long stacking lanes and on-site loading/unloading areas, so that trucks waiting to be loaded/unloaded will not back up onto public roads. No parking or loading/unloading shall be permitted on or along any public road.
- 470.5 Vehicular access shall be so arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties. Access drives used by trucks shall only intersect with arterial roads.
- 470.6 The subject property shall be located no closer than five hundred feet (500') from any Residential Zone and/or property containing a school, day-care facility, park, playground, library, hospital, nursing, rest or retirement home, or medical residential campus.
- 470.7 All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least fifty feet (50') from any street right-of-way line. Unless the fuel pump islands are set back two hundred feet (200') from the street line, they shall be designed so that, when fueling, trucks must be parallel to street.
- 470.8 Access driveways shall be a minimum of twenty-eight feet (28'), and a maximum of thirty-five feet (35') wide. All access drives onto the same road shall be set back at least one hundred fifty feet (150') from one another, as measured from closest points of cartway edges.
- 470.9 Gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle back-ups onto adjoining roads during peak arrival periods.
- 470.10 Vehicle service and/or repair activities shall be conducted within a completely-enclosed building. Outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations must be screened from adjoining roads and properties.
- 470.11 Outdoor storage of unlicensed and/or un-inspected vehicles is prohibited.
- 470.12 Demolition or junking of vehicles and machinery is prohibited. Demolished vehicles and/or parts thereof shall be removed within thirty (30) days after arrival.
- 470.13 Parking, storage and/or loading of vehicles associated with the use shall be confined to the subject property; no satellite parking, storage and/or loading lots shall be permitted.
- 470.14 The application shall include evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations.

Article 5

Nonconformities

Section 500 Continuation

Except as otherwise provided in this Article, any use, building, or structure existing at the time of enactment of this Zoning Ordinance may be continued, subject to the limitations described in this Article, although it is not in conformity with the regulations specified by this Ordinance. However, the storage of junk on residential properties is subject to amortization as described in Section 508.

Section 501 Abandonment

All nonconforming uses of undeveloped land, when discontinued for a period of ninety (90) days or damaged or deteriorated to an extent of sixty (60) percent or more of replacement costs, shall not be continued, repaired, or reconstructed. No other nonconforming use may be re-established after it has been discontinued for twenty-four (24) consecutive months. Vacating of premises or building or non-operative status of such premises or building shall be conclusive evidence of discontinued use.

Section 502 Extension of a Nonconforming Use of Land

Except as noted in Section 508 of this Zoning Ordinance, any lawful nonconforming use of land exclusive of buildings and structures and the use contained therein, may be extended upon the lot upon which it exists at the time of the effective date of this Ordinance, but such extension shall conform to area and lot regulations and to the design standards of this Ordinance. The extension of a nonconforming use on a lot shall be limited to the lot that was in existence on the effective date of this Ordinance.

Section 503 Expansion or Alteration of Nonconformities

503.1 Nonconformities may be expanded or altered through the approval of a special exception and subject to the following specific criteria, and those general criteria contained in Section 604.3.2. The applicant shall be required to demonstrate compliance with these general criteria and the following specific criteria, and must furnish whatever evidence is necessary to demonstrate such compliance:

503.1.1 Expansion of the nonconformity shall be confined to the lot on which it was located on the effective date of this Zoning Ordinance, or any amendment thereto creating the nonconformity.

503.1.2 The total of all such expansions or alterations of use shall not exceed an additional fifty percent (50%) of the area of those buildings or structures devoted to the nonconforming use as they existed on the date on which such buildings or structures first became nonconformities. The applicant shall furnish conclusive evidence as to the extent of the nonconformity when it was created.

503.1.3 Provision for vehicular access, off-street parking, and off-street loading shall be consistent with standards required by this Zoning Ordinance.

503.1.4 Provision for yards, building height, and building area shall be consistent with the standards required for permitted uses in the Zone in which the nonconformity is located.

- 503.1.5 Appearance should be harmonious with surrounding properties; this feature includes but is not limited to: landscaping, enclosure of principal and accessory uses, height control, sign control, architectural control, and maintenance of all improvements and open spaces.
- 503.1.6 Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes, but is not limited to, fences, walls, plantings and open spaces.
- 503.1.7 The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities.
- 503.1.8 No expansion of a nonconforming structure, or a nonconforming use located outside of a structure existing on the effective date of this Zoning Ordinance, shall be permitted in the floodplain.
- 503.1.8 Excluding expansion, any modification, alteration, repair, reconstruction, or improvement of any kind to a nonconforming use or structure located in a floodplain shall be permitted when either elevated above the base flood elevation or flood-proofed in accordance with the requirements of the Providence Township Flood Plain Management Ordinance. In no case, shall any modification, alteration, repair, reconstruction, or improvement cause unacceptable increases in flood height, velocities or frequencies.
- 503.2 Any dimensional nonconformity may be reduced by permitted use, even if the reduction does not entirely eliminate the dimensional nonconformity. Except as noted below in Section 503.3, no extension or enlargement of a dimensional nonconformity shall be permitted.
- 503.3 Any structure that has one or more nonconforming setbacks may be extended along the same nonconforming setback(s) line, up to a maximum of fifty percent (50%) of the area of the building that follows the setback when it was originally made nonconforming. Nothing within this subsection shall be interpreted to allow an increase in any dimensional nonconformity.
- 503.4 Dimensional nonconformities can be created as a permitted use through the acquisition of land and/or rights-of-way by a governmental agency.

Section 504 Substitution or Replacement

- 504.1 A nonconforming use may be replaced or substituted by another nonconforming use by special exception, if the Zoning Hearing Board determines that the proposed use is at least equally compatible with the surrounding area, than the original nonconforming use. In addition, the proposed nonconforming use shall not increase any dimensional nonconformity. The Zoning Hearing Board may attach reasonable conditions to the special exception to maintain or improve compatibility within its surroundings.
- 504.2 If a nonconforming use is proposed to be replaced with a conforming use that cannot meet certain design standards (such as area, coverage, setbacks, etc.), the Zoning Hearing Board may grant a special exception to permit such nonconforming aspects of the conforming use, if the Board determines that the proposed use is at least equally compatible with the surrounding area, than the original nonconforming use. The Zoning Hearing Board may attach reasonable conditions to the special exception to maintain or improve compatibility within its surroundings.

Section 505 Restoration

Except as noted in the Providence Township Flood Plain Management Ordinance, a nonconforming structure that is partially damaged, or entirely destroyed, by natural or accidental causes not related to demolition may be rebuilt and occupied for the same use as before the damage, provided that the reconstructed structure

shall not increase any dimensional nonconformity and that the reconstruction shall start within one (1) year from the time of damage to the structure and carried on without interruption.

Section 506 Unsafe or Unlawful Structures

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

Section 507 Previously Expanded Nonconforming Uses and Structures

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

Section 508 Amortization of the Nonconforming Storage of Junk on Residential Properties

Any external storage of junk on a property used as a principal residence that was legally existing as of the effective date of this Zoning Ordinance shall be considered nonconforming. All such storage may continue for a period of up to six (6) months from the effective date of this Ordinance. After the six (6) month period, all such storage shall be removed. Failure to remove such junk shall constitute a zoning violation. Any improvement, repair, reconstruction, or any other alteration made to the area used to store junk during the six (6) month period shall not waive the requirements for elimination of the use.

Section 509 Use of Nonconforming Lots of Record

Subject to the provisions of Section 508(4) of the Act, in any Zone in which single-family detached dwellings are permitted, a single-family detached dwelling may be erected as a use by right on any single lot, as defined in this Zoning Ordinance, existing in single and separate ownership on the effective date of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. This provision shall apply even though such lot fails to meet all of the lot area and lot width requirements of the Zone in which the lot is located. However, all setback and lot coverage requirements shall be met, unless variances are authorized pursuant to Section 604.4.

Section 510 Use Variances Are Not Nonconforming Uses

Any use that is permitted by variance under the terms of this Zoning Ordinance shall not be deemed a non-conforming use. Any expansion and/or alteration of such use will require approval of another variance by the Zoning Hearing Board in accordance with Section 604.4.

Article 6

Zoning Hearing Board

Section 600 Establishment and Membership

The Board of Supervisors shall appoint a Zoning Hearing Board which shall consist of three (3) members who shall be residents of the Township. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one member shall expire each year. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies that occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in the Township. Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause by a majority vote of the Board of Supervisors taken after the member has received fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

The governing body may appoint by resolution at least one (1), but no more than three residents of the municipality to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of Section 601, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Zoning Ordinance and as otherwise provided by law. Alternates shall hold no other office in the municipality, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the board but shall not be entitled to vote as a member of the Board nor be compensated pursuant to Section 602, unless designated as a voting alternate member pursuant to Section 601.

Section 601 Organization of Zoning Hearing Board

The Zoning Hearing 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 members of the Zoning Hearing Board, but the Zoning Hearing 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 Zoning Hearing Board as provided in Section 603. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Zoning Hearing Board shall designate as many alternate members of the Zoning Hearing Board to sit on the Zoning Hearing Board as may be needed to provide a quorum. Any alternate member of the Zoning Hearing Board shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Zoning Hearing Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates. The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth. The Zoning Hearing Board shall keep full public records of its business, which records shall be the property of the Township, and shall submit a report of its activities to the Board of Supervisors upon request.

Section 602 Expenditures for Services

Within the limits of funds appropriated by the Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed

by the Board of Supervisors. Alternate members of the Zoning Hearing Board may receive compensation, as may be fixed by the governing body, for the performance of their duties when designated as alternate members pursuant to Section 601, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members by the governing body.

Section 603 Public Hearings

- 603.1 Public notice shall be given to the applicant, the Zoning Officer, such other persons as the Township Board of Supervisors shall designate by Ordinance, and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by Ordinance or, in the absence of Ordinance provision, by rules of the Zoning Hearing Board. In addition to the written notice provided herein, public notice shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property deemed sufficient by the Township to notify potentially interested citizens. This sign(s) shall be posted at least one (1) week prior to the hearing and will exhibit the nature, date, time, and location of the hearing.
- 603.2 The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural, or other technical consultants, or expert witness costs.
- 603.3 The first hearing before the Zoning Hearing Board or hearing officer shall commence within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Zoning Hearing Board or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Zoning Hearing Board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application, provided the applicant is granted an equal number of additional hearings for rebuttal.
- 603.4 The hearings shall be conducted by the Zoning Hearing Board, or the Zoning Hearing Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Zoning Hearing Board; however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.
- 603.5 The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing 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.
- 603.6 The chairman or acting chairman of the Zoning Hearing 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.
- 603.7 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.

- 603.8 Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- 603.9 The Zoning Hearing Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer; or shall be paid by the person appealing from the decision of the Zoning Hearing Board if such appeal is made, and, in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
- 603.10 The Zoning Hearing Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved, except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative, unless all parties are given an opportunity to be present.
- 603.11 The Zoning Hearing 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 Zoning Hearing Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of the Act or of this Zoning Ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Except for challenges filed under Section 916.1 of the Act, where the Zoning Hearing Board fails to render the decision within the period required by this subsection, or fails to commence or complete the required hearing as provided in Section 603.3 of this Zoning Ordinance, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner, as provided in this section. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
- 603.12 A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Zoning Hearing 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.
- 603.13 For uses that do not require subsequent subdivision and/or land development approval:
- 603.13.1 If a variance or special exception is granted, or the issuance of a permit is approved, or other action by the appellant is authorized, the necessary zoning permit shall be secured and the authorized action begun within six (6) months after the date when the variance or special exception is finally granted, or the issuance of a permit is finally approved, or the other action by the appellant is authorized, and the building or alteration, as the case may be, shall be

completed within two (2) years of said date. For good cause, the Zoning Hearing Board may, upon application in writing, state the reasons therefore and extend either the six (6) months or two (2) year period.

603.13.2 Should the appellant or applicant fail to obtain the necessary zoning permit within said six (6) months period, or having obtained the permit fails to commence work hereunder within such six (6) months period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned the appeal or application, and all provisions, variances and permits granted shall be deemed automatically rescinded by the Zoning Hearing Board.

603.13.3 Should the appellant or applicant commence construction or alteration within said six (6) months period, but fail to complete such construction or alteration within said two (2) year period, the Zoning Hearing Board may, upon ten (10) days notice in writing, rescind or revoke the granted variance or special exception, or the issuance of the permit, or permits, or the other action authorized to the appellant or applicant, if the Zoning Hearing Board finds that no good cause appears for the failure to complete within such two (2) year period, and if the Zoning Hearing Board further finds that conditions have so altered or changed in the interval since the granting of the variance, permit or action, that revocation or rescission of the action is justified.

603.14 For uses that require subsequent subdivision and/or land development approval:

603.14.1 If a variance or special exception is granted, or other action by the appellant is authorized, the applicant shall be required to submit the subsequent subdivision and/or land development application within twelve (12) months after the date when the variance or special exception is finally granted, or the other action by the appellant is authorized, and the applicant shall have secured a zoning permit for such use within five (5) years of said date. For good cause, the Zoning Hearing Board may, upon application in writing, state the reasons therefore and extend either the twelve (12) months or five (5) year period.

603.14.2 Should the appellant or applicant fail to submit the subsequent subdivision and/or land development application within twelve (12) months period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned the appeal or application, and all approvals granted shall be deemed automatically rescinded by the Zoning Hearing Board.

603.14.3 Should the appellant or applicant submit the subsequent subdivision and/or land development application within said twelve (12) months period, but fails to secure a zoning permit for such use within said five (5) year period, the Zoning Hearing Board may, upon ten (10) days notice in writing, rescind or revoke the granted approvals, if the Zoning Hearing Board finds that no good cause appears for the failure to secure a zoning permit within such five (5) year period, and if the Zoning Hearing Board further finds that conditions have so altered or changed in the interval since the granting of the variance, permit or action, that revocation or rescission of the action is justified.

603.15 As an alternative to the preceding requirements of Sections 603.13 and 603.14, an applicant can request, as part of the original application before the Zoning Hearing Board, the granting of a timetable associated with the request which would supersede the deadlines imposed in Sections 603.14.1 and 603.14.2. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this section, the Zoning Hearing Board must establish and bind a definite time-frame for (1) application for subdivision and/or land development approval if applicable, (2) issuance of a zoning permit, and (3) completion of construction of the project.

Section 604 Zoning Hearing Board's Functions

The Zoning Hearing Board shall have the exclusive jurisdiction to hear and render decisions in the following matters:

604.1 Substantive Challenges to the Validity of the Zoning Ordinance. Substantive challenges to the validity of the Zoning Ordinance, except those brought before the governing body pursuant to Section 711.12 of this Zoning Ordinance.

604.1.1 If a challenge heard by a Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged Ordinance that will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:

604.1.1.1 The impact of the proposal upon roads, sewer facilities, water supplies, schools, and other public service facilities.

604.1.1.2 If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the Ordinance or map.

604.1.1.3 The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources, and other natural features.

604.1.1.4 The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources, and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.

604.1.1.5 The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

604.1.1.6 For challenges alleging the exclusion of one or more land uses within the Township, the Zoning Hearing Board shall consider the availability of opportunity for such uses throughout the Township.

604.1.2 The Zoning Hearing Board, shall render its decision within forty-five (45) days after the conclusion of the last hearing. If the Zoning Hearing Board fails to act on the landowner's request within this time limit, a denial of the request is deemed to have occurred on the forty-sixth (46th) day after the close of the last hearing.

604.1.3 The Zoning Hearing Board shall commence its hearings within sixty (60) days after the request is filed, unless the landowner requests or consents to an extension of time.

604.1.4 Public notice of the hearing shall be provided as specified in this Zoning Ordinance.

604.2 Challenges to the Validity of the Zoning Ordinance. Challenges to the validity of the Zoning Ordinance raising procedural questions or alleged defects in the process of enactment or adoption.

604.3 Special Exceptions. The Zoning Hearing Board shall hear and act upon applications for special exceptions as specifically authorized by this Zoning Ordinance. The granting of a special exception shall be subject to the following standards and criteria. The applicant for a special exception shall demonstrate, by credible evidence, compliance with these criteria and those criteria specified elsewhere in this Ordinance for the use in question.

604.3.1 Filing Requirements. In addition to the required permit information, each special exception application shall include the following:

604.3.1.1 Ground floor plans and elevations of proposed structures.

- 604.3.1.2 Names and addresses of adjoining property owners, including properties directly across a public right-of-way.
- 604.3.1.3 A scaled drawing (site plan) of the site, including finished topography, with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Zoning Ordinance.
- 604.3.1.4 A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Zoning Ordinance.

604.3.2 General Criteria. Each applicant must demonstrate, by credible evidence, compliance with the following:

- 604.3.2.1 The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance, and such use is specifically authorized as a use by special exception within the Zone wherein the applicant seeks approval.
- 604.3.2.2 The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties.
- 604.3.2.3 The proposed use will not substantially change the character of the subject property's neighborhood nor adversely affect the character of the general neighborhood, the conservation of property values, the health and safety of residents or workers on adjacent properties and in the neighborhood, nor the reasonable use of neighboring properties. The use of adjacent properties shall be adequately safeguarded.
- 604.3.2.4 Adequate public facilities are available to serve the proposed use, and the proposed use shall not have an adverse effect upon the logical and economic extension of such public services and facilities, (e.g., schools; parks and recreation; fire, police and ambulance protection; sewer, water and other utilities; vehicular access, etc.).
- 604.3.2.5 The applicant shall establish by credible evidence that the proposed special exception shall be in and of itself properly designed with regard to internal circulation, off-street parking, off-street loading, landscaping, screening, buffering, and all other elements of proper design as specified in this Zoning Ordinance and any other governing law or regulation.
- 604.3.2.6 For development within the floodplain, that the application complies with those requirements of the Providence Township Flood Plain Management Ordinance.
- 604.3.2.7 The proposed use shall comply with all other applicable regulations contained in this Zoning Ordinance.
- 604.3.2.8 The proposed use will not substantially impair the integrity of the Comprehensive Plan.

604.3.3 Conditions. The Zoning Hearing Board, in approving special exception applications, may attach conditions considered necessary to protect the public welfare, and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same Zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Zoning Ordinance and be subject to the penalties described in Section 707.

604.3.4 Site Plan Approval. Any site plan presented in support of the special exception pursuant to Section 604.3.1 shall become an official part of the record for said special exception. Approval of any special exception will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change on the subject property not reflected on the originally approved site plan shall require the approval of another special exception.

604.3.5 Time Limitation. A special exception shall be bound by the time limitations listed in Section 603.13, Section 603.14 and Section 606.

604.4 Variances. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Zoning Ordinance inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may, by rule, prescribe the form of application to the Zoning Officer. The Zoning

Hearing Board may grant a variance, provided that the applicant submits sufficient evidence for the Zoning Hearing Board to make the following findings where relevant in a given case:

- 604.4.1 That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Zoning Ordinance in the neighborhood or Zone in which the property is located.
- 604.4.2 That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Zoning Ordinance and that the authorization of a variance is therefore necessary to enable reasonable use of the property.
- 604.4.3 That such unnecessary hardship has not been created by the appellant.
- 604.4.4 That the variance, if authorized, will not alter the essential character of the Zone or neighborhood in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent property, and not be detrimental to the public welfare.
- 604.4.5 That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulations in issue.
- 604.4.6 That variances located within the floodplain shall require compliance with those regulations contained in the Providence Township Flood Plain Management Ordinance.
- 604.4.7 In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Zoning Ordinance. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Zoning Ordinance and subject to the penalties described in Section 707. *(Amended by Ordinance No. 17-02, 09/11/17)*
- 604.4.8 If a zoning permit has been requested, the approved variance with any conditions imposed by the Zoning Hearing Board shall be attached to the application. Where the variance is approved prior to the application, then the approved variance with any conditions imposed by the Zoning Hearing Board shall be forwarded to the Zoning Officer.
- 604.4.9 Time Limitation. A variance shall be bound by the time limitations listed in Section 603.13, Section 603.14 and Section 606.
- 604.5 Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or enforcement notice or the registration or refusal to register any nonconforming use, structure or lot.
- 604.6 Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any provisions contained within the Providence Township Flood Plain Management Ordinance.
- 604.7 Appeals from the Zoning Officer's determination under Section 916.2 of the Act, as amended.
- 604.8 Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance with reference to sedimentation and erosion control, and/or storm water management for applications not involving a subdivision/land development, nor a planned residential development as regulated in Articles V and VII of the Act, respectively.

Section 605 Parties Appellant Before the Zoning Hearing Board

Appeals under Sections 604.5, 604.6, 604.7, and 604.8 and proceedings to challenge this Zoning Ordinance under Sections 604.1 and 604.2 may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved.

Requests for a special exception under Section 604.3 and a variance under Section 604.4 may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner.

Appeals and/or application shall state:

- 605.1 The name and address of the appellant and applicant.
- 605.2 The name and address of the landowner of the real estate to be affected.
- 605.3 A brief description and location of the real estate to be affected by such proposed change, together with a plot plan drawn to scale with sufficient clarity to show the nature and character of the request.
- 605.4 A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
- 605.5 A statement of the section of this Zoning Ordinance under which the request may be allowed, and reasons why it should or should not be granted.

Section 606 Time Limitations

No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Zoning Officer or the agency responsible for granting such approval if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that no notice or knowledge, or reason to believe that such approval had been given. If such person has succeeded to their interest after such approval, they shall be bound by the knowledge of their predecessor in interest.

The failure of anyone other than the landowner to appeal from an adverse decision by the Zoning Officer on a challenge to the validity of this Zoning Ordinance or the official Zoning Map pursuant to Section 916.2 of the Act, as amended, shall preclude an appeal from a final Zoning Ordinance approval, except in the case where the final submission substantially deviates from the approved tentative preliminary approval.

Section 607 Stay of Proceeding

Upon filing of any proceeding referred to in Sections 604.5, 604.6, 604.7, and 604.8, and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged Ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action hereunder, shall be stayed, unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board facts indicating that such stay would cause imminent peril to life or property, in which case, the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Zoning Hearing Board. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the

burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee but such waiver may be revoked by him if an appeal is taken from a final decision of the court. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond, and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses, and attorney fees incurred by the petitioner.

Section 608 Appeal

Any person, taxpayer, or the Township aggrieved by any decision of the Zoning Hearing Board may, within thirty (30) days after such decision of the Zoning Hearing Board, seek review by the Court of Common Pleas of such decision in the manner provided by the laws of the Commonwealth of Pennsylvania and Article X-A of the Act as amended.

Section 609 Mediation Option

- 609.1 Parties to proceedings before the Zoning Hearing Board may utilize mediation as an aid in completing such proceedings. In no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Article once they have been formally initiated.
- 609.2 Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Township shall assure that, in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
 - 609.2.1 Funding mediation.
 - 609.2.2 Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
 - 609.2.3 Completing mediation, including time limits for such completion.
 - 609.2.4 Suspending time limits otherwise authorized by the Act, provided there is written consensus by the mediating parties, and by an applicant or municipal decision-making body if either is not a party to the mediation.
 - 609.2.5 Identifying all parties and affording them the opportunity to participate.
 - 609.2.6 Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
 - 609.2.7 Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in the Act.

- 609.3 No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

Article 7

Administration

Section 700 Zoning Officer

The provisions of this Zoning Ordinance shall be enforced by an agent, to be appointed by the Board of Supervisors, who shall be known as the Zoning Officer. The Zoning Officer shall receive such fees or compensation as approved by resolution of the Board of Supervisors. The Zoning Officer shall not hold any elective office within the Township. No zoning permit or Zoning Certificate of Use and Occupancy shall be granted by him/her for any purpose, except in compliance with the literal provisions of this Ordinance. The Zoning Officer may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within his/her scope of employment. The duties and the responsibilities of the Zoning Officer shall be:

- 700.1 Process Applications. To receive, examine and process all zoning permit and certificate of use applications as provided by the terms of this Zoning Ordinance. The Zoning Officer shall also issue zoning permits for special exception and conditional uses, or for variances after the same have been approved.
- 700.2 Maintain Official Records. To maintain and be responsible for all pertinent records on zoning matters in the Township. These records shall include, but not be limited to, all applications received, copies of all zoning permits and certificates of use and occupancy issued, copies of orders and findings of the Zoning Hearing Board, written complaints of alleged violations, records of all inspections made, a current copy of the Zoning Ordinance, and all amending ordinances, the official Zoning Map, and all other pertinent information. The records of this office shall be available for the use of the Township government and for inspection of any interested party during normal office hours. The Zoning Officer shall at least annually submit to the Board of Supervisors a written statement of all permits and certificates of use and occupancy issued and violations and stop-work orders recommended or promulgated.
- 700.3 Inspections. Before issuing any zoning permit or zoning certificate of use and occupancy at his/her discretion, to inspect or cause to be inspected all buildings, structures, signs, or land and portions thereof for which an application has been filed for a zoning permit or a zoning certificate of use and occupancy. Thereafter, he/she may make such inspections during the completion of the work for which a zoning permit has been issued. Upon completion of such work, and before issuing a zoning certificate of use and occupancy, a final inspection shall be made and all violations of the approved plans or Zoning Permit shall be noted and the holder of the zoning permit shall be notified of the discrepancies. The Zoning Officer shall have the right to enter any building or structure or enter upon any land at any reasonable hour in the course of his/her duties. To inspect properties to determine compliance with all provisions of this Zoning Ordinance, as well as conditions attached to the approval of variances, special exceptions, conditional uses, and curative amendments.
- 700.4 Inspect and/or Register Nonconformities. Upon request by a landowner and/or the direction of the Board of Supervisors, to inspect nonconforming uses, structures and lots, and to keep a filed record of such nonconforming uses and structures, together with the reasons why the Zoning Officer identified them as nonconformities, as a public record and to examine them periodically, with the view of eliminating the nonconforming uses under the existing laws and regulations.
- 700.5 Assist Local Officials. Upon the request of the Board of Supervisors or the Zoning Hearing Board, present to such bodies facts, records, and any similar information on specific requests, to assist such bodies in reaching their decisions.

- 700.6 Maintain Up-to-Date Ordinance. To be responsible for keeping this Zoning Ordinance and the official Zoning Map up-to-date, including any amendments thereto.
- 700.7 Preliminary Opinion. To render a preliminary opinion regarding a proposed land use in accordance with Section 916.2. of the Act.
- 700.8 Investigate Complaints. When in receipt of a verbal non-anonymous complaint stating fully the cause and basis thereof, to investigate alleged violations of this Zoning Ordinance. The Zoning Officer shall have the express authority to require proof of zoning compliance from any party through any reasonable means necessary (e.g., removal of tarp concealing potential violation). Said investigation shall be completed within fifteen (15) days of said complaint. A written report of all investigations of this Ordinance shall be prepared and filed by the Zoning Officer. If, after the investigation, the Zoning Officer determines that a violation has occurred, he/she shall take action as provided for by this Ordinance.
- 700.9 Prosecute Violations. To institute civil enforcement proceedings as a means of enforcement when anyone undertakes deliberate actions that are contrary to the terms of the Zoning Ordinance, and any conditions placed upon the approval of special exceptions, variances and conditional uses or any other approvals authorized under this Ordinance.
- 700.10 Floodplain Administrator. To administer and enforce the Providence Township Floodplain Management Ordinance. *(Amended by Ordinance 17-02, 09/11/17)*

Section 701 Violations

Failure to secure a zoning permit prior to a change in use of land or structure, or the erection, construction or alteration of any structure or portion thereof, shall be a violation of this Zoning Ordinance. It shall also be a violation of this Ordinance to undertake other deliberate actions which are contrary to the terms of the Ordinance, and any conditions placed upon the approval of special exceptions, variances and conditional uses. Each day that a violation is continued shall constitute a separate offense.

Section 702 Enforcement Notice

If it appears to the Township that a violation of this Zoning Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice, as provided in the following:

- 702.1 The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
- 702.2 An enforcement notice shall state at least the following:
- 702.2.1 The name of the owner of record and any other person against whom the Township intends to take action.
 - 702.2.2 The location of the property in violation.
 - 702.2.3 The specific violation with a description of the requirements that have not been met, citing in each instance the applicable provisions of the Zoning Ordinance.
 - 702.2.4 The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

- 702.2.5 That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth under Section 604.6.
- 702.2.6 That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

Section 703 Enforcement Remedies

Any person, partnership or corporation who, or which, has violated or permitted the violation of the provisions of this Zoning Ordinance enacted under the Act, or prior enabling laws, shall, upon being found liable in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or 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 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 the Zoning Ordinance shall be paid over to the Township.

Section 704 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 Zoning Ordinance enacted under the Act, or prior enabling laws, the governing body or, with the approval of the governing body, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his/her property or person will be substantially affected by the alleged violations, 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 municipality at least thirty (30) days prior to the time the action is begun, by serving a copy of the complaint on the governing body of the municipality. No such action may be maintained until such notice has been given.

Section 705 Zoning Permits

- 705.1 General Requirements for Zoning Permits. Except as otherwise provided in this Zoning Ordinance, it shall be unlawful to commence the excavation for, or the construction, erection, moving, alteration, or replacement of any structure, including an accessory structure, until the Zoning Officer has issued a building permit for such work; provided, however, no permit shall be required for construction or alterations when the fair market value of such construction or alteration, as determined by the Zoning Officer, does not increase the value of the property by more than one hundred dollars (\$100.00) and which would not change the use classification or would require the issuance of a certificate of use and occupancy. No permit shall be required for repairs to or maintenance of any structure or grounds, provided such repairs do not change the use or otherwise violate the provisions of this Zoning Ordinance.

Regardless of the cost involved, permits shall be required for property located within the floodplain under Section 321.7, all signs under Section 322. (*Amended by Ordinance No. 19-03, 06/03/2019*)

- 705.2 Form of Application. The application for a permit shall be submitted in such form as the Zoning Officer may prescribe and shall be accompanied by the required fee as hereinafter prescribed. Application for a permit shall be made by the owner or lessee of any building or structure, or the agent of either; provided, however, that if the application is made by a person other than the owner or lessee, it shall be accompanied by a written authorization of the owner or the qualified person making an application, that the proposed work is authorized by this owner. The full names and addresses of the owner, lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.
- 705.3 Description of Work. The application shall contain a general description of the proposed work, use and occupancy of all parts of the building, structure or sign, and such additional information as may be required by the Zoning Officer. The application for the permit shall be accompanied by a plot plan of the proposed building, structure or sign drawn to scale with sufficient clarity to show the nature and character of the work to be performed, including off-street parking and loading space if required, the location of new and existing construction, and the distances of the same from the existing lot lines.
- 705.4 Time Limit for Application. An application for a permit for any proposed work shall be deemed to have been abandoned six (6) months after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that reasonable extensions of time for additional periods not exceeding ninety (90) days each may be granted at the discretion of the Zoning Officer.
- 705.5 Issuance of Permits. Upon receiving the application, the Zoning Officer shall examine the same within a reasonable time after filing. If the application or plans do not conform to the provisions of all pertinent local laws, the application shall be rejected in writing, stating the reasons therefore. The applicant shall be informed of the right of appeal to the Zoning Hearing Board in the event such application is rejected. If the Zoning Officer is satisfied that the proposed work and/or use conforms to the provisions of the Zoning Ordinance and all laws and ordinances applicable thereto, and that the certificate of use and occupancy as required herein has been applied for, a permit shall be issued as soon as practical.
- 705.6 Expiration of Permit. The permit shall expire after one (1) year from the date of issuance; provided, however, that the same may be extended every six (6) months, for a period not to exceed an additional one (1) year.
- 705.7 Revocation of Permits. The Zoning Officer may revoke a permit or approval issued under the provisions of the Zoning Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance.
- 705.8 Posting of Permits. A true copy of the permit shall be kept on the side of operations open to public inspection during the entire time of prosecution of work or use, and until the completion of the same as defined on the application.
- 705.9 Temporary Permit. A temporary permit may be authorized by the Zoning Hearing Board 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 one (1) year, and may be renewed annually for an aggregate period of time not to exceed one (1) year, and may be renewed annually for an aggregate period not exceeding three (3) years.
- 705.10 Payment of Fees. No permit to begin work for the erection, construction, alteration, repair, extension, replacement and/or use of any building, structure, sign and/or land for construction or use purposes shall be issued until the fees prescribed by the Board of Supervisors pursuant to resolution shall be paid to the Zoning Officer. The payment of fees under this Article shall not

relieve the applicant or holder of said permit from payment of other fees that may be required by this Zoning Ordinance, or any other ordinance or law. The Board may prescribe the payment of additional fees to be paid when an application for a permit is filed after any work has already commenced in violation of this Article.

- 705.11 Compliance with Ordinance. The permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel, or set aside any of the provisions of the Zoning Ordinance, except as stipulated by the Zoning Hearing Board.
- 705.12 Compliance with Permit and Plot Plan. All work or uses shall conform to the approved application and plans for which the permit has been issued as well as the approved plot plan.

Section 706 Certificate of Use and Occupancy

- 706.1 It shall be unlawful to use and/or occupy any structure, building, sign and/or land or portion thereof for which a permit is required herein until a certificate of use and occupancy for such structure, building, sign and/or land or portion thereof has been issued by the Zoning Officer. The application for issuance of a certificate of use and occupancy shall be made at the same time an application for a permit is filed with the Zoning Officer as required herein.
- 706.2 The application for a certificate of use and occupancy shall be in such form as the Zoning Officer may prescribe and may be made on the same application as is required for a permit.
- 706.3 The application shall contain the intended use and/or occupancy of any structure, building, sign and/or land or portion thereof for which a permit is required herein.
- 706.4 The Zoning Officer shall inspect any structure, building or sign within ten (10) days upon notification that the proposed work that was listed under the permit has been completed and, if satisfied that the work is in conformity and compliance with the work listed in the issued permit and all other pertinent laws, a certificate of use and occupancy shall be issued for the intended use listed in the original application.
- 706.5 The certificate of use and occupancy or a true copy thereof shall be kept available for official inspection at all times.
- 706.6 Upon request of a holder of a permit, the Zoning Officer may issue a temporary certificate of use and occupancy for a structure, building, sign and/or land, or portion thereof, before the entire work covered by the permit shall have been completed, provided such portion or portions may be used and/or occupied safely prior to full completion of the work without endangering life or public welfare. The Zoning Officer shall also issue a temporary certificate of use and occupancy for such temporary uses as tents, use of land for religious or other public or semi-public purposes, and similar temporary use and/or occupancy. Such temporary certificates shall be for the period of time to be determined by the Zoning Officer; however, in no case for a period exceeding six (6) months.

Section 707 Enforcement, Penalty and Remedy

- 707.1 The construction, erection, alteration, repair, extension, replacement and/or use of any structure, building, sign and/or land or the change of use, area of use, percentage of use, or extension or displacement of the use of any structure, building, sign and/or land without first obtaining a permit, if required, or the use of any building, structure, sign and/or land without receipt of a certificate of use and occupancy, if required, or the failure to comply with any other provisions of this Article, are hereby declared to be violations of this Zoning Ordinance.

- 707.2 The Zoning Officer shall serve a written 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 or menace to public safety, health, morals, or welfare. Said premises shall be placed in such condition as the Zoning Officer shall direct.
- 707.3 If the notice of violation is not complied with within a period of five (5) days, the Zoning Officer may institute, in the name of the Township, any appropriate action or proceeding at law or in equity to prevent, restrain, correct, or abate such violation, or to require the removal or termination of the unlawful use of the structure, building, sign and/or land in violation of the provisions of the Zoning Ordinance or of the order or direction made pursuant thereto.
- 707.4 For any and every violation of the provisions of this Article the owner, lessee, general agent, or contractor of a building or land where such violation has been committed or shall exist, and the owner, lessee, general agent, contractor, or any person, including the officers of a corporation, who commits, takes part in or assists in any such violation or who maintains any such building or land in which any such violation shall exist, shall, upon being found liable therefore in a civil enforcement proceeding, to pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. Each day that a violation of this Article continues shall constitute a separate offense.
- 707.5 The imposition of the penalties herein prescribed shall not preclude the Township Solicitor from instituting appropriate action to prevent unlawful erection or construction, or to restrain, correct or abate a violation, or to prevent illegal use or occupancy of any structure, building, sign, land and/or premises, or to stop an illegal act, conduct, business, use, or occupancy of a structure, building, sign and/or land in or about any premises.

Section 708 Temporary Zoning Certificate of Use and Occupancy

It is recognized that it may be in accordance with the purpose of this Zoning Ordinance to permit temporary activities for a limited period of time, which activities may be prohibited by other provisions of this Ordinance during times of local or national emergency and/or disaster. If such uses are of such a nature and are so located that, at the time of application, they will:

- 708.1 In no way exert a detrimental effect upon the uses of land and activities normally permitted in the Zone.
- 708.2 Contribute materially to the welfare of the Township, particularly in a state of emergency, under conditions peculiar to the time and place involved, then, the Board of Supervisors may direct the Zoning Officer to issue a zoning certificate of use and occupancy for a period not to exceed six (6) months. Such zoning certificate of use and occupancy may be extended not more than once for an additional period of six (6) months.

Section 709 Performance Standards

For uses that involve activities that are subject to operations and performance standards listed in Article 3 and Article 4 of this Zoning Ordinance, no zoning certificate of use and occupancy shall become permanent until thirty (30) days after the facility is fully operating and when, upon re-inspection by the Zoning Officer, it is determined that the facility is in compliance with all such standards.

Section 710 Fees

- 710.1 The Board of Supervisors shall establish by resolution a schedule of fees, charges, and expenses and collection procedures for applications for zoning permits, zoning certificates of use and occupancy, special exceptions, conditional uses, variances, appeals, amendments, and other matters pertaining to this Zoning Ordinance.
- 710.2 The schedule of fees shall be available for inspection in the office of the Zoning Officer and may be altered or amended by resolution of the Board of Supervisors.
- 710.3 Until all application fees, charges, and expenses have been paid in full, the application or appeal shall not be considered complete. Therefore, no proceedings related to any such application or appeal shall be initiated, no established time elements shall begin to accrue, and no action shall be taken on any such application or appeal.

Section 711 Amendments

- 711.1 Power of Amendment. The Board of Supervisors may, from time to time, amend, supplement, change, or repeal this Zoning Ordinance, including the official Zoning Map. Any amendment, supplement, change, or repeal may be initiated by the Township Planning Commission, the Board of Supervisors, or by a petition to the Board of Supervisors by an interested party. The Township is under no obligation to consider any zoning amendment other than curative amendments.
- 711.2 Hearing Procedures for Zoning Amendments.
- 711.2.1 Public Hearing. Before hearing and enacting Zoning Ordinance and/or Zoning Map amendments, the Board of Supervisors shall conduct a public hearing to inform the general public of the nature of the amendment, and to obtain public comment. Such public hearing shall be conducted after public notice and electronic and/or mailed notice as defined below has been given.
- 711.2.2 Public Notice. Before conducting a public hearing, the Board of Supervisors shall provide public notice as follows:
- 711.2.2.1 Notice shall be published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days, and the second publication shall not be less than seven (7) days, from the date of the hearing. Publication of the proposed amendment shall include either the full text thereof or the title and brief summary, prepared by the municipal solicitor and setting forth all the provisions in reasonable detail.
- If the full text is not included, a copy of the full text shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published; and, an attested copy of the proposed Ordinance shall be filed in the County Law Library, or other County office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said Ordinances.
- 711.2.2.2 For Zoning Map amendments, public notice shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property deemed sufficient by the Township to notify potentially interested citizens. This sign(s) shall be posted at least one (1) week prior to the hearing and will exhibit the nature, date, time, and location of the hearing.

In addition, notice of the public hearing shall be sent by first class mail by the Township at least thirty (30) days prior to the date of the public hearing by first class mail to the addressees to which real estate tax bills are sent for all real property located within the area to be rezoned, as evidenced by the tax records within possession of the Township. Such notice shall include the location, date and time of the public hearing. The first class mail notice requirement shall not apply when the rezoning constitutes a comprehensive rezoning.

- 711.2.2.3 For curative amendments, public notice shall also indicate that the validity of the Ordinance and/or map is in question, and shall give the place where, and the times when, a copy of the request, including any plans, explanatory material or proposed amendments, may be examined by the public.
- 711.2.2.4 If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the governing body shall hold another public hearing, pursuant to public notice, and electronic and/or mailed notice as defined below before proceeding to vote on the amendment.
- 711.2.2.5 Electronic and/or Mailed Notice - In addition to the public notice requirements defined herein, an owner of a tract or parcel of land located within a municipality, or an owner of the mineral rights in a tract or parcel of land within a municipality, may request that the municipality provide written or electronic notice of a public hearing which may affect such tract or parcel of land.
- A. Mailed notice shall be required only if an owner of a tract or parcel of land located within a municipality, or an owner of the mineral rights in a tract or parcel of land within the municipality has made a written request that the notice be mailed and has supplied the municipality with a stamped, self - addressed envelope prior to a public hearing.
 - B. Electronic notice shall be required only if an owner of a tract or parcel of land located within a municipality or an owner of the mineral rights in a tract or parcel of land within the municipality has made a written request that notice be sent electronically and has supplied the municipality with an electronic address prior to a public hearing and only if that municipality maintains the capability of generating an electronic notice. An owner of a tract or parcel of land located within a municipality, or an owner of the mineral rights in a tract or parcel of land within the municipality making the request and supplying an electronic address may at any time notify the municipality that the owner of the tract or parcel of land located within the municipality, or the owner of the mineral rights in the tract or parcel of land within the municipality no longer will accept electronic notice, and in that event the municipality may no longer provide electronic notice.
 - C. An owner of a tract or parcel of land located within a municipality, or an owner of the mineral rights in a tract or parcel of land within the municipality who has requested a mailed notice shall be solely responsible for the number, accuracy and sufficiency of the envelopes supplied. The municipality shall not be responsible or liable if the owner of a tract or parcel of land located within a municipality, or an owner of the mineral rights in a tract or parcel of land within the municipality does not provide to the municipality notice of any changes in the owner's mailing address
 - D. An owner of a tract or parcel of land located within a municipality, or an owner of the mineral rights in a tract or parcel of land within the municipality who has requested electronic notice shall be solely responsible for the accuracy and functioning of the electronic address provided to the municipality. The municipality shall not be responsible or owner of a tract or parcel of land located within a municipality, or an

owner of the mineral rights in a tract or parcel of land within the municipality does not provide to the municipality notice of any changes to the owner's electronic address.

- E. A municipality shall deposit a mailed notice in the United States mail or provide electronic notice not more than 30 and not less than seven days prior to the scheduled date of the hearing as shown on the notice.
- F. For each public hearing, the municipal secretary or zoning officer shall prepare, sign and maintain a list of all mailed notices, mailing dates, electronic notices and electronic notice dates. The signed list shall constitute a presumption that the notice was given.
- G. The mailed notice shall be deemed received by an owner of a tract or parcel of land located within a municipality, or an owner of the mineral rights in a tract or parcel of land within the municipality on the date deposited in the United States mail.
- H. The electronic notice shall be deemed received by an owner of a tract or parcel of land located within a municipality, or an owner of the mineral rights in a tract or parcel of land within the municipality on the date the municipality electronically notifies the owner.
- I. Failure of an owner of a tract or parcel of land located within a municipality, or an owner of the mineral rights in a tract or parcel of land within the municipality to receive a requested mailed notice or electronic notice shall not be deemed to invalidate any action or proceedings under the Act.

711.3 Enactment Notice for Zoning Amendments. In addition to the public notice requirements defined herein, the Board of Supervisors must publish a reference to the time and place of the meeting at which passage of the Ordinance or amendment will be considered, and a reference to a place within the municipality where copies of the proposed Ordinance or amendment may be examined without charge, or obtained for a charge not greater than the cost thereof. Enactment notice shall be published at least once in one newspaper of general circulation in the municipality not more than sixty (60) days, nor less than seven (7) days, prior to passage. The published content of the enactment notice shall be the same as that required for public notice described in the preceding Section 711.2.

711.4 Township Planning Commission Referrals. For amendments proposed by parties other than the Township Planning Commission, the Board of Supervisors shall submit each amendment to the Township Planning Commission at least thirty (30) days prior to the public hearing on such amendment. A report of the review by the Township Planning Commission, together with any recommendations, may be given to the Board of Supervisors within thirty (30) days from the date of said referral. The recommendation of the Township Planning Commission may include a specific statement as to whether or not the proposed action is in accordance with the intent of this Zoning Ordinance and the Official Comprehensive Plan of the Township.

711.5 Lancaster County Planning Commission Referrals. All proposed amendments shall be submitted to the Lancaster County Planning Commission at least forty five (45) days prior to the public hearing on such amendments. The Commission may submit recommendations to the Board of Supervisors; however, if the Lancaster County Planning Commission fails to act within forty-five (45) days, the Board of Supervisors may proceed without its recommendations.

711.6 Adjournment of Public Hearing. If, during the public hearing process, the Board of Supervisors needs additional time to understand the proposal, inform the public, receive public comment, and/or render a decision, it may adjourn the public hearing to a time and place certain.

- 711.7 Copies of Adopted Amendments. Within thirty (30) days after enactment, a copy of the amendment to the Zoning Ordinance and/or Zoning Map shall be forwarded to the Lancaster County Planning Commission.
- 711.8 Authentication of the Official Zoning Map. Whenever there has been a change in the boundary of a Zone or a reclassification of the Zone adopted, the change on the official Zoning Map shall be made and shall be duly certified by the Township Secretary and shall thereafter be re-filed as part of the permanent records of the Township.
- 711.9 Amendment 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 Supervisors, which shall then proceed in the same manner as with a petition to the Board of Supervisors, which has already been reviewed by the Township Planning Commission.
- 711.10 Amendment Initiated by the Board of Supervisors. When an amendment, supplement, change, or repeal is initiated by the Board of Supervisors, such amendment, supplement, change, or repeal shall follow the procedure prescribed for a petition under Section 711.2.
- 711.11 Amendment Initiated by a Petition from an Interested Party. A petition for amendment, supplement, change, or repeal for a portion of this Zoning Ordinance shall include an accurate legal description and survey plan of any land to be rezoned, and all of the reasons supporting the petition to be considered. The petition shall also be signed by at least one record owner of the property in question whose signature shall be notarized attesting to the truth and correctness of all the facts and information presented in the petition. A fee to be established by the Board of Supervisors shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings prescribed herein. The Board of Supervisors may require duplicate sets of petition materials.
- 711.12 Curative Amendment by a Landowner. A landowner who desires to challenge on substantive grounds the validity of the Zoning Ordinance or the Official Zoning Map, or any provision thereof, which prohibits or restricts the use or development of land in which they have an interest, may submit a curative amendment to the Board of Supervisors (including all of the reasons supporting the request to be considered), with a written request that the challenge and proposed amendment be heard and decided, as provided in Sections 609.1 and 916.1 of the Act; as amended. The Board of Supervisors shall commence a hearing thereon within sixty (60) days of the request. The curative amendment shall be referred to the Township and Lancaster County Planning Commissions, as provided for in Sections 711.4 and 711.5, and public notice of the hearing shall be provided as defined herein.
- 711.12.1 In reviewing the curative amendment, the Board of Supervisors may deny the request, accept the request as submitted, or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
- 711.12.1.1 The impact of the proposal upon roads, sewer facilities, water supplies, schools, and other public service facilities.
 - 711.12.1.2 If the proposal is for a residential use, the impact of the proposal upon regional housing needs, and the effectiveness of the proposal in providing housing units of a type actually available to, and affordable by, classes of persons otherwise unlawfully excluded by the challenged provisions of the Zoning Ordinance or Map.
 - 711.12.1.3 The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources, and other natural features.
 - 711.12.1.4 The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources, and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development, and any adverse environmental impacts.

- 711.12.1.5 The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
- 711.12.2 The Board of Supervisors shall render its decision within forty-five (45) days after the conclusion of the last hearing.
- 711.12.3 Public notice of the hearing shall include notice that the validity of the Zoning Ordinance or Map is in question and shall give the place where, and the times when, a copy of the request, including any plans, explanatory material, or proposed amendments may be examined by the public.
- 711.12.4 The challenge shall be deemed denied when the Board of Supervisors:
- 711.12.4.1 Fails to commence the hearing within sixty (60) days,
 - 711.12.4.2 Notifies the landowner that it will not adopt the curative amendment,
 - 711.12.4.3 Adopts another curative amendment which is unacceptable to the landowner, or
 - 711.12.4.4 Fails to act on the requested forty-five (45) days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and municipality.
- 711.12.5 Where, after the effective date of the Act, a curative amendment proposal is approved by the grant of a curative amendment application by the Board of Supervisors pursuant to this section, or a validity challenge is sustained by the Zoning Hearing Board pursuant to Section 604.1, or the court acts finally on appeal from denial of a curative amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two years from the date of such approval to file an application for preliminary or tentative approval for a subdivision, land development or planned residential development. Within the two-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant, as granted in the curative amendment or the sustained validity challenge. Upon the filing of the preliminary or tentative plan, the provisions of Section 508 (4) of the Act shall apply.
- 711.12.6 Where the proposal appended to the curative amendment application or the validity challenge is approved, but does not require further application under any subdivision or land development ordinance, the developer shall have one (1) year within which to file for a zoning permit. Within the one-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant, as granted in the curative amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary.
- 711.13 Curative Amendment by the Board of Supervisors. The Board of Supervisors, by formal action, may declare this Zoning Ordinance, or portions thereof, substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal, the Board of Supervisors shall:
- 711.13.1 By resolution, make specific findings setting forth the declared invalidity of the Zoning Ordinance or portions thereof, which may include:
 - 711.13.1.1 References to specific uses which are either not permitted or not permitted in sufficient quantity,
 - 711.13.1.2 References to a class of use or uses which require revision, or
 - 711.13.1.3 References to the entire Ordinance which requires revisions.
 - 711.13.2 Begin to prepare and consider a curative amendment to the Ordinance to correct the declared invalidity.

- 711.13.3 Within one hundred eighty (180) days from the date of the declaration and proposal, enact a curative amendment to validate, or reaffirm the validity of, this Zoning Ordinance pursuant to the provisions required by Section 609 of the Act in order to cure the declared invalidity of the Ordinance.
- 711.13.4 Upon the date of the declaration and proposal, not be required to entertain or consider any curative amendment filed by a landowner. Nor shall the Zoning Hearing Board be required to give a report, upon request, for a challenge to the validity of the Ordinance under Section 604.2, subsequent to the declaration and proposal, based upon the grounds identical to, or substantially similar to, those specified in the resolution required by this section. Upon the enactment of a curative amendment to, or the reaffirmation of the validity of, this Zoning Ordinance, no rights to a cure by amendment or challenge shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the un-amended Zoning Ordinance for which the Board of Supervisors propose to prepare a curative amendment.
- 711.13.5 Not again utilize said procedures for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of the Ordinance; provided, however, that, if after the date of declaration and proposal, there is a substantially new duty or obligation imposed upon the Township by virtue of a Pennsylvania Appellate Court decision, the Board of Supervisors may utilize the provisions of this section to prepare a curative amendment to the Ordinance to fulfill this duty or obligation.

Section 712 Mediation Option

- 712.1 Parties to proceedings before the governing body may utilize mediation as an aid in completing such proceedings. In no case shall the governing body, initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Article once they have been formally initiated.
- 712.2 Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Township shall assure that, in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
- 712.2.1 Funding mediation.
- 712.2.2 Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
- 712.2.3 Completing mediation, including time limits for such completion.
- 712.2.4 Suspending time limits otherwise authorized by the Act, provided there is written consensus by the mediating parties, and by an applicant or municipal decision-making body if either is not a party to the mediation.
- 712.2.5 Identifying all parties and affording them the opportunity to participate.
- 712.2.6 Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
- 712.2.7 Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in the Act.

712.3 No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

Section 713 Information Submission Requirements

In order to ensure that the review processes and administration of this Zoning Ordinance are accomplished in a manner that is readily accessible to all citizens of the Township, any information and/or plans submitted associated with any application, permit, petition, appeal or any other request shall be provided in a form that is reproducible, without restriction, by any and all interested parties and/or the general public. The submission of copyrighted materials will not be accepted.

Section 714 Appeals

Proceedings for securing review of any ordinance or of any decision, determination, or order of the Board of Supervisors, its agencies, the Zoning Hearing Board, or the Zoning Officer issued pursuant to this Zoning Ordinance shall be in accordance with Article X-A of the Act, as amended.

Section 715 Repealer

The Providence Township Zoning Ordinance of 1995, as amended, and any other resolution, ordinance, or part of any resolution or ordinance, inconsistent herewith, and any amendments thereof, are hereby expressly repealed.

Section 716 Effective Date

This Zoning Ordinance shall become effective five (5) days after its enactment by the Board of Supervisors of Providence Township, County of Lancaster, Commonwealth of Pennsylvania.

This Zoning Ordinance has been duly ordained and enacted this _____ day of _____, 2014.

BOARD OF SUPERVISORS OF PROVIDENCE TOWNSHIP

a manner that is readily accessible to all citizens of the Township, any information and/or plans submitted associated with any application, permit, petition, appeal or any other request shall be provided in a form that is reproducible, without restriction, by any and all interested parties and/or the general public. The submission of copyrighted materials will not be accepted.

Section 714 Appeals

Proceedings for securing review of any ordinance or of any decision, determination, or order of the Board of Supervisors, its agencies, the Zoning Hearing Board, or the Zoning Officer issued pursuant to this Zoning Ordinance shall be in accordance with Article X-A of the Act, as amended.

Section 715 Repealer

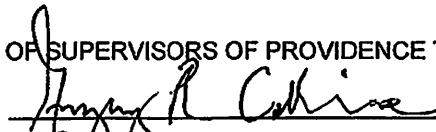
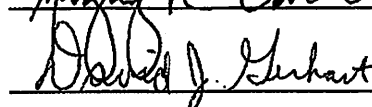
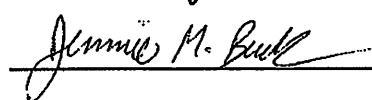
The Providence Township Zoning Ordinance of 1995, as amended, and any other resolution, ordinance, or part of any resolution or ordinance, inconsistent herewith, and any amendments thereof, are hereby expressly repealed.

Section 716 Effective Date

This Zoning Ordinance shall become effective five (5) days after its enactment by the Board of Supervisors of Providence Township, County of Lancaster, Commonwealth of Pennsylvania.

This Zoning Ordinance has been duly ordained and enacted this 22 day of December, 2014.

BOARD OF SUPERVISORS OF PROVIDENCE TOWNSHIP

already located on the farm. Additionally, once a single-family dwelling is expanded, no additional dwelling units may be added to the farm.

39. Sections 200.3, 201.3, 202.3, 203.3, 204.3, 205.3 and 206.3 are amended to add "Farm House Expansion, subject to the criteria set forth in the definition of Farm House Expansion in Section 112.

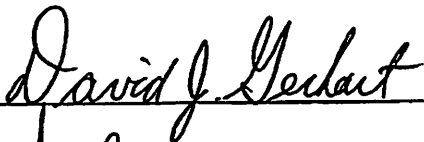
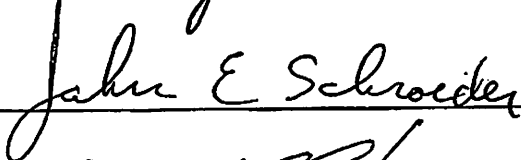

40. All other provisions of the current Zoning Ordinance shall remain in full force and effect.

41. The provisions of this Ordinance are severable. If any provision of this Ordinance or its application to any person or circumstance is held invalid by a court of competent jurisdiction, such validity shall not affect any other provision or application of this Ordinance.

42. This Ordinance shall become effective five (5) days after enactment.

This Ordinance has been enacted this 11th day of September, 2017.

PROVIDENCE TOWNSHIP BOARD OF SUPERVISORS

other similar machinery, subject to the requirements of Section 436.

16. Section 205.4.3 in the Uses Permitted by Special Exception is deleted and identified as "Reserved for Future Use".

17. The list of permitted uses in the Industrial District is amended to allow the sales of automobiles, trucks, heavy equipment, boats, trailers and rental equipment as a permitted use, by adding the following section:

206.2.32 Automobile, boat, farm machinery, trailer, and rental equipment, including service or repair facilities as an accessory use and if conducted within a completely-enclosed building, and heavy equipment and/or commercial truck sales, service and repair, such as excavation machinery, commercial trucks, buses, farm equipment, manufactured homes, trailers and other similar machinery, subject to the requirements of Section 436.

18. Section 206.4.5 in the Uses Permitted by Special Exception is deleted and identified as "Reserved for Future Use".

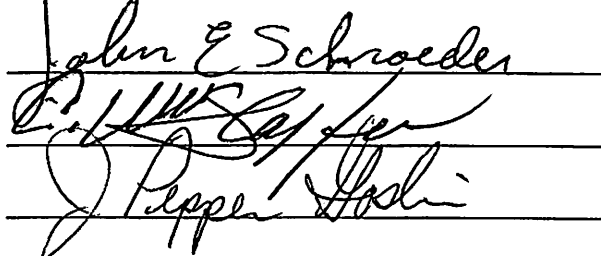
19. All other provisions of the current Zoning Ordinance shall remain in full force and effect.

20. The provisions of this Ordinance are severable. If any provision of this Ordinance or its application to any person or circumstance is held invalid by a court of competent jurisdiction, such validity shall not affect any other provision or application of this Ordinance.

21. This Ordinance shall become effective five (5) days after enactment.

This Ordinance has been enacted this 3rd day of June, 2019.

PROVIDENCE TOWNSHIP BOARD OF SUPERVISORS


John E Schroeder
Robert L. Lippert
J. Pepper Goshin

The maximum permitted building height for an accessory structure greater than 300 square feet in area shall be increased from 20 feet to 25 feet.

21. Sections 432.2, 432.2.1 and 432.2.2 are amended by deleting those Sections and identifying that Section 432.2 is "Reserved For Future Use".
22. Section 432.13 is amended by deleting that Section and identifying that Section 432.13 is "Reserved For Future Use".
23. Section 432.11 is amended by deleting the existing language and replacing it with the following language:

432.11 Where possible, stream crossings shall be avoided, but where deemed necessary, unless it is physically impossible, crossings shall be made at a right angle across suitable culverts or bridges.
24. Section 432.12 is amended by replacing the word "live" with the word "perennial".
25. All other provisions of the current Zoning Ordinance shall remain in full force and effect.
26. The provisions of this Ordinance are severable. If any provision of this Ordinance or its application to any person or circumstance is held invalid by a court of competent jurisdiction, such validity shall not affect any other provision or application of this Ordinance.
27. This Ordinance shall become effective five (5) days after enactment.

This Ordinance has been enacted this 14th day of September, 2020.

PROVIDENCE TOWNSHIP BOARD OF SUPERVISORS

John Schroeder
J. Pepper
Rei A. Crossen

Appendix

The following Land Use Table is a supplemental document to be used as a guide to locate permitted land uses. The Land Use Table is not adopted as a component of the Zoning Ordinance and does not supersede the provisions of the adopted Zoning Ordinance.

Land Use Table P = Permitted Use SE = Special Exception A = Accessory		Agricultural Zone (A)	Rural Residential Zone (R-1)	Residential Zone (R-2)	Suburban Residential Zone (R-3)	Manufacture d Home d Park	Commercial Zone (C)	Industrial Zone I
1.	Accessory retail sales of products produced on-site so long as the sales area is no more than ten percent (10%) of the total floor area or three thousand (3,000) square feet, whichever is less.							A
2.	Adaptive reuse of agricultural buildings , subject to the requirements of Section 401.	SE	SE	SE	SE	SE		
3.	Adult uses							SE
4.	Airports and heliports , subject to the requirements of Section 403.	SE						
5.	Alternative energy production facilities (Geothermal Systems, Outdoor Hydronic Heater Systems Accessory Solar Energy Systems, Accessory Wind Energy Systems), subject to the requirements of Section 404.	A	A	A	A	A	A	A
6.	Alternative energy production facilities (Principal Solar Energy Systems and Principal Wind Energy Systems), subject to the requirements of Section 404.							SE
7.	Amusement arcades , subject to the requirements of Section 405.						SE	
8.	Amusement, theme and/or zoo parks , subject to the requirements of Section 406.						SE	
9.	Animal hospitals and veterinary offices , subject to the requirements of Section 407.	SE					P	P
10.	Auction houses, excluding automobile auctions , subject to the requirements of Section 408.						P	
11.	Automobile, boat, farm machinery, and trailer and rental equipment , including service or repair facilities as an accessory use and if conducted within a completely-enclosed building, and heavy equipment and/or commercial truck sales, service and repair , such as excavation machinery, commercial trucks, buses, farm equipment, manufactured homes, trailers and other similar machinery, subject to the requirements of Section 436.						P	P
12.	Automobile filling stations, including minor incidental repair , subject to the requirements of Section 409.						SE	

Land Use Table P = Permitted Use SE = Special Exception A = Accessory		Agricultural Zone (A)	Rural Residential Zone (R-1)	Residential Zone (R-2)	Suburban Residential Zone (R-3)	Manufacture d Home Park	Commercial Zone (C)	Industrial Zone I
13.	Automobile service and repair facilities, including, but not limited to, auto mechanics, lubrication services and tire, auto paint, brake, muffler, transmission, windshield, auto body, electronics, and upholstery shops , subject to the requirements of Section 410.						SE	P
14.	Banks and similar financial institutions.						P	P
15.	Beekeeping , subject to the requirements of Section 412.	P	A	A	A			
16.	Bed and breakfasts , subject to the requirements of Sections 200.5 and 411.	P	P	P	P	P	P	
17.	Billboards , subject to the requirements of Section 413.							SE
18.	Bookbinding, printing and publishing operations.						P	P
19.	Campgrounds subject to the requirements of Section 414.						SE	
20.	Car washes , subject to the requirements of Section 415.						P	
21.	Caterers, bakers and confectioners.						P	P
22.	Cemeteries , including, but not limited to, pet cemeteries, subject to the requirements of Section 416.	SE	SE	SE	SE	SE		
23.	Clubhouses for Private Clubs , subject to the requirements of Section 417.	SE	SE				P	
24.	Commercial greenhouses.						P	P
25.	Commercial produce operations , subject to the requirements of Section 419.	SE	SE					P
26.	Commercial recreational facilities.						P	
27.	Communication antennas, towers and equipment co-located upon existing structures (e.g., utility transmission towers, observation towers, communication towers, silos, steeples, smokestacks, water towers, flagpoles, and other similar structures), subject to the requirements of Section 420.1.	P	P	P	P	P	P	P
28.	Communication antennas, towers and equipment (Freestanding) , subject to the requirements of Section 420.2.	SE	SE	SE	SE	SE	SE	SE
29.	Concentrated animal feeding operations (CAFOs) , subject to the requirements of Section 421 and further provided that the applicant provides a copy of an approved permit from the Pennsylvania Department of Environmental Protection, Bureau of Water Quality, and the proposed use maintains compliance with the Federal regulations governing CAFOs.	P						

<p style="text-align: center;">Land Use Table</p> <p style="text-align: center;">P = Permitted Use SE = Special Exception A = Accessory</p>		Agricultural Zone (A)	Rural Residential Zone (R-1)	Residential Zone (R-2)	Suburban Residential Zone (R-3)	Manufacture d Home Park	Commercial Zone (C)	Industrial Zone I
30.	Concentrated animal operations (CAOs) , subject to the requirements of Section 421 and further provided that the applicant provides written evidence of an approval of the applicant's nutrient management plan from the County Conservation District or the Pennsylvania Conservation Commission, and the applicant maintains compliance with the Pennsylvania Nutrient Management Act No. 38.	P						
31.	Convenience stores , subject to the requirements of Section 422.						P	
32.	Day-Care - Family day-care facilities , subject to the requirements of Section 424.	A	A	A	A	A		
33.	Day-Care - Commercial day-care facilities , subject to the requirements of Section 423.						P	P
34.	Domestic composts , subject to the requirements of Section 425.	A	A	A	A	A		
35.	Dry cleaners, laundries, and laundromats.						P	
36.	Emergency services , subject to the requirements of Section 428.	SE	SE	SE	SE	SE	P	P
37.	Entertainment and cultural activities , including, but not limited to, amphitheaters, art galleries, art studio, auditoriums, band shells, cinemas, concert halls, fashion studios, museums, photographic studios, playhouses, recital halls, and theatres. This use expressly excludes adult uses, casinos, off-track betting and/or slot machine parlors.						P	
38.	Farms , excluding Concentrated Animal Feeding Operation (CAFO) and Concentrated Animal Operation (CAO).	P	P	P	P	P	P	P
39.	Farmhouse Expansion , subject to Section 429.	SE	SE					
40.	Farm-Support Business Operation , subject to the requirements of Section 430.	SE	SE					
41.	Fish hatcheries and/or fish farms , subject to the applicant furnishing evidence of an approved artificial propagation license from the Pennsylvania Department of Agriculture, Bureau of Animal Health.	P	P					
42.	Forestry uses , subject to the requirements of Section 432.	P	P	P	P	P	P	P
43.	Funeral homes , provided vehicular access is designed to prevent back-ups onto adjoining streets. The applicant shall describe what measures will be used to prevent back-ups (e.g., overflow parking, parking attendants, etc.).						P	
44.	Garage, yard and/or moving sales , subject to the requirements of Section 433.	A	A	A	A	A		

Land Use Table P = Permitted Use SE = Special Exception A = Accessory		Agricultural Zone (A)	Rural Residential Zone (R-1)	Residential Zone (R-2)	Suburban Residential Zone (R-3)	Manufacture d Home Park	Commercial Zone (C)	Industrial Zone I
45.	Gardening and raising of plants for personal use.	A	A	A	A	A		
46.	Golf courses and driving ranges , subject to the requirements of Section 434.	SE						
47.	Health and Fitness clubs , subject to the requirements of Section 435.						P	P
48.	Heavy industrial uses , subject to the requirements of Section 437.							SE
49.	Historic structure conversions , subject to the requirements of Section 438.	SE	SE	SE	SE	SE		
50.	Home improvement and building supply stores , subject to the requirements of Section 439.						SE	
51.	Home occupations , subject to the requirements of Section 440.	SE	SE	SE	SE	SE		
52.	Hospitals with related uses , subject to the requirements of Section 441.						SE	SE
53.	Hotels, motels and similar lodging facilities.						P	
54.	Junkyards , subject to compliance with the Providence Township Junkyard Ordinance.							SE
55.	Keeping of carriage and buggy horses , for the sole purpose of providing means of transportation via a carriage, subject to the requirements of Section 442 when located on a parcel of less than ten (10) acres.	A	A	A	A	A	A	A
56.	Kennels , subject to the requirements of Section 443.	SE					SE	P
57.	Laboratories for medical, scientific, or industrial research and development.						P	P
58.	Laundry plant							P
59.	Machine, tool and die, and metal fabrication shops							P
60.	Man-made lakes, dams, ponds, and impoundments , subject to the requirements of Section 444.	A	A	A	A	A	A	A

Land Use Table		Agricultural Zone (A)	Rural Residential Zone (R-1)	Residential Zone (R-2)	Suburban Residential Zone (R-3)	Manufacture d Home Park	Commercial Zone (C)	Industrial Zone I
P = Permitted Use SE = Special Exception A = Accessory								
61.	<p>Manufacturing, packaging, storage and/or wholesaling of the following</p> <p>Furniture, cabinets, plumbing, heating, air conditioning, ventilation and electrical fixtures, ceramic, stone, vinyl, fiberglass and linoleum tiles, carpets and rugs, windows, doors, insulation, ceiling and roofing tiles, household appliances, finished lumber, and other household appointments.</p> <p>Scientific, medical, optical, specialized, and technical instruments and equipment.</p> <p>Audio visual components, computers, vending machines, electronic equipment, software and video games.</p> <p>Office equipment, supplies and furnishings.</p> <p>Packaging materials, supplies and equipment.</p> <p>Paper, cardboard and Styrofoam production.</p> <p>Finished textile products.</p> <p>Cosmetics, drugs, dyes, toiletries, perfumes, and other pharmaceuticals.</p> <p>Brushes, brooms and combs.</p> <p>Hot tubs, spas, saunas, and swimming pools.</p> <p>Jewelry and other precious or semi-precious metals and stones.</p> <p>Photographic, lighting, and timekeeping equipment.</p> <p>Hand tools, hardware, power tools and small engine equipment and vehicles including but not limited to, lawn mowers, chain saws, compressors, power washing equipment, motorcycles, and outboard boat motors.</p> <p>Musical instruments, sporting equipment, bicycles and toys.</p> <p>Small or novelty products from prepared materials (excluding the use of sheet metals).</p>							P
62.	Manure digester systems , subject to the requirements of Section 445.	A						
63.	Manure storage facilities , subject to the requirements of Section 446.	A	A	A	A	A	A	A
64.	Medical, dental, optical, and counseling clinics and offices.						P	P
65.	Medical residential campuses , subject to the requirements of Section 447.				SE	SE		
66.	Methadone treatment facilities , subject to the requirements of Section 448.						SE	SE
67.	Mini-Warehouses/Self-Storage facilities , subject to the requirements of Section 449.							SE
68.	Nightclubs , subject to the requirements of Section 450.						SE	

Land Use Table P = Permitted Use SE = Special Exception A = Accessory		Agricultural Zone (A)	Rural Residential Zone (R-1)	Residential Zone (R-2)	Suburban Residential Zone (R-3)	Manufacture d Home Park	Commercial Zone (C)	Industrial Zone I
69.	No-impact home-based businesses.	A	A	A	A	A		
70.	Noncommercial keeping of livestock , subject to the requirements of Section 451.	A	A	A				
71.	Nursing, rest or retirement homes , subject to the requirements of Section 452.				SE	SE		
72.	Offices.						P	P
73.	Parks and playgrounds.		SE	P	P	P	P	
74.	Places of worship and related uses , subject to the requirements of Section 453		SE	SE	SE	SE	P	
75.	Play structures , provided such structures are confined to the side or rear yard and are located no closer than fifteen feet (15') from the closest side and/or rear lot line.	A	A	A	A	A		
76.	Power generation facilities , subject to the requirements of Section 454.							SE
77.	Processing, packaging, bottling, storage, and/or wholesaling of food products excluding: Pickling processes. Rendering or slaughtering operations. Sugar refineries.							P
78.	Public uses , provided such use shall not include solid waste disposal and/or handling facilities, prisons or hospitals.	P	P	P	P	P	P	P
79.	Public utilities structures.	P	P	P	P	P	P	P
80.	Recycling collection facilities , provided such facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals, the facility is posted to prohibit the disposal of any material, good or furnishing that cannot be placed within the actual recycling bin, and the total size of the facility is less than three hundred (300) square feet.						A	A
81.	Recycling facilities for paper, plastic, glass and metal products , subject to the requirements of Section 455.							P
82.	Repair shops for products permitted to be manufactured in this Zone.							P
83.	Residential - Cluster (Residential)				SE	SE		
84.	Residential - ECHO housing , subject to the requirements of Section 427.	A	A	A	A	A		

<p style="text-align: center;">Land Use Table</p> <p style="text-align: center;">P = Permitted Use SE = Special Exception A = Accessory</p>		Agricultural Zone (A)	Rural Residential Zone (R-1)	Residential Zone (R-2)	Suburban Residential Zone (R-3)	Manufacture d Home Park	Commercial Zone (C)	Industrial Zone I
85.	Residential - Manufactured home parks					SE		
86.	Residential - Single-family detached dwellings , including those contained upon flag lots, provided such flag lots comply with the requirements of Section 200.5 and 431.	P	P	P	P	P		
87.	Residential - Single-family dwellings used in conjunction with a permitted or special exception use in this Zone, provided the dwelling is located on the same lot as the other commercial use. The dwelling may be, but is not required to be, in the same structure as the other commercial use or industrial use.						SE	SE
88.	Residential swimming pools , subject to the requirements of Section 456.	A	A	A	A	A		
89.	Restaurants and taverns (but not including drive-thru or fast-food restaurants or nightclubs).						P	
90.	Restaurant - Drive-thru and/or fast food restaurants , subject to the requirements of Section 426.						SE	
91.	Retail sale of goods and services (including auto parts stores, without installation).						P	
92.	Riding stables , subject to the requirements of Section 457.						SE	
93.	Roadside stands for the seasonal sale of agricultural products, subject to the requirements of Section 458.	A	A	SE	SE			
94.	Routine repair and servicing of personal motor vehicles , subject to the requirements of Section 459.	A	A	A	A	A		
95.	Rural occupations , subject to the requirements of Section 460.	SE						
96.	Sales, storage and/or wholesaling of the following: Home and auto-related fuels. Nursery and garden materials, and stock. Redi-mix concrete. Contractor supplies. Plumbing, heating, air conditioning, electrical, and other structural components of buildings.							P
97.	Satellite dish antennas , subject to the requirements of Section 461.	A	A	A	A	A	A	P
98.	Sawmills , subject to the requirements of Section 462.							SE

Land Use Table P = Permitted Use SE = Special Exception A = Accessory		Agricultural Zone (A)	Rural Residential Zone (R-1)	Residential Zone (R-2)	Suburban Residential Zone (R-3)	Manufacture d Home Park	Commercial Zone (C)	Industrial Zone I
99.	Schools , subject to the exclusive academic use, a building floor area not greater than two thousand (2,000) square foot.	P	P					
100.	Schools			P	P	P		
101.	Septage and compost processing , subject to the requirements of Section 463	SE						SE
102.	Sheds , provided that the shed is no greater than one hundred sixty (160) square feet and no more than two (2) such sheds shall be permitted for each principal residence.	A	A	A	A	A	A	A
103.	Shooting Ranges (Indoor) (, subject to Section 464.1.						SE	
104.	Shooting Ranges (Outdoor) , subject to Section 464.2.	SE						
105.	Shopping centers , subject to the requirements of Section 465.						SE	
106.	Shops, offices and showrooms for contractors of the following: <div> Antennas and cable, communications. Basement waterproofing. Cabinetmaking. Carpentry. Carpet countertops. Concrete and paving. Drywall and plaster. Electrical, electronic, and telephone. Flooring. Glass and windows. Gutters and downspouts Heating and air conditioning. Hot tubs and spas. Insulation. </div> <div> Lawn care and landscaping. Masonry. Painting. Pest control. Plumbing. Power-washing. Roofing. Septic system installation, maintenance and pumping. Snow removal. Swimming pools. Well drilling, Woodworking. </div>						P	P

Land Use Table P = Permitted Use SE = Special Exception A = Accessory		Agricultural Zone (A)	Rural Residential Zone (R-1)	Residential Zone (R-2)	Suburban Residential Zone (R-3)	Manufacture d Home Park	Commercial Zone (C)	Industrial Zone I
107. Signs , subject to the requirements of Section 322.		A	A	A	A	A	A	A
108. Sign-making							P	P
109. Slaughtering, processing, rendering, and packaging of food products and their byproducts , subject to the requirements of Section 466.								SE
110. Small engine repair shops								P
111. Solid waste disposal, processing and transfer facilities , subject to the requirements of Section 467.								SE
112. Storage buildings used to house personal property of the occupant (e.g., garage, barn, etc.), subject to a front yard setback for a principal use in that district, and a side yard/rear yard setback of fifteen feet (15").		A	A	A	A	A	A	A
113. Truck or motor freight terminals , subject to the requirements of Section 468.								SE
114. Truck stops , subject to the requirements of Section 469.								SE
115. Vocational-Mechanical Trade School and Training Centers				SE	SE	SE	P	P
116. Warehousing and wholesale trade establishments , subject to the requirements of Section 470.								SE
117. Welding shops.								P