

ZONING ORDINANCE

Ordinance # 278

THE TOWNSHIP OF
SOUTH LEBANON
LEBANON CO., PA
ADOPTED: 3/9/04

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**SOUTH LEBANON TOWNSHIP
ORDINANCE NUMBER 278
AMENDING ORDINANCE NO. 97
"THE ZONING ORDINANCE"**

An Ordinance, amending Ordinance No. 97, establishing comprehensive zoning regulations for the Township of South Lebanon, and providing for the administration, enforcement, and amendment thereof, in accordance with the provisions of the Pennsylvania Municipalities Planning Code (Act 247) and for the repeal of all ordinances in conflict herewith.

WHEREAS, ARTICLE VI, Pennsylvania Municipalities Planning Code, empowers the Township to enact a zoning ordinance and to provide for its administration, enforcement, and amendment, and

WHEREAS, the Township of South Lebanon adopted such an ordinance on November 24, 1981, effective five days thereafter, and

WHEREAS, the Township Supervisors deem it necessary for the purpose of promoting the health, safety, morals, and general welfare of the Township to amend said Ordinance No. 97, and

WHEREAS, the Township Planning Commission of South Lebanon Township proposed said amendments in accordance with Article VI, Pennsylvania Municipalities Planning Code, and

WHEREAS, said amendment was submitted to the Lebanon County Planning Department pursuant to Article VI of the Pennsylvania Municipalities Planning Code, and

WHEREAS, the Planning Commission divided the Township into districts and has prepared regulations pertaining to such districts in accordance with a Comprehensive Plan and the community Goals and Objectives stated herein, designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water sewerage, schools, parks, and other public requirements, and

WHEREAS, the Planning Commission has given reasonable consideration, among other things to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality, and

WHEREAS, the Township Supervisors have given due public notice of the amendment, and

WHEREAS, all requirements of the Pennsylvania Municipalities Planning Code, with regard to the preparation of the recommendation of the Planning Commission and subsequent action of the Township Supervisors have been met;

NOW, THEREFORE, BE IT ORDAINED BY THE SUPERVISORS OF THE TOWNSHIP OF SOUTH LEBANON, LEBANON COUNTY, PENNSYLVANIA AND IT IS HEREBY ORDAINED AND ENACTED BY THE AUTHORITY OF THE SAME AS FOLLOWS.

ARTICLE I

DEFINITIONS

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

Words used in the present tense include the future tense. The singular includes the plural.

The words "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as, an individual.

The word "lot" includes the word "tract" or "parcel".

The term "shall" is always mandatory, the work "may" is permissive.

The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

ACCESSORY BUILDING: A building detached from and subordinate to the principal building or use on the same lot and used for purposes customarily incidental to the principal building, but not including vehicles, mobile homes, travel trailers, truck trailers, or any parts thereof. An accessory building may not house a principal use nor may it stand alone on a lot as a principal building.

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

ACT 247: See "Pennsylvania Municipalities Planning Code,"

AGRICULTURE: The cultivation of the soil for food products or other marketable products, not including animal husbandry or storage and/or processing of products grown on other premises.

AIRPORT: An improved airstrip/landing strip where aircraft can land and take off, usually equipped with hangers, facilities for refueling and repair, accommodations for passengers, freight, and the like.

AIRSTRIP/LANDING STRIP: An area adapted with minimal improvements for use as a temporary runway for aircraft.

ALLEY: A public thoroughfare (less than 20' in width), other than a street, which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

ALTERATION: Any enlargement of the total floor area of a building, any enclosure by adding walls beneath a previously roofed area, any extension of a roof line to cover additional lot area not previously covered, or any construction which increases the cubic content of a building.

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

ANIMAL HUSBANDRY: The raising, breeding, keeping or care of farm animals or livestock, including fowl or insects, for meat, by-products or other utility which is intended as a business or gainful occupation.

ANIMAL HUSBANDRY, INTENSIVE: The practice of raising, breeding, or keeping of livestock or fowl that involves large numbers of animals or birds concentrated in a small area utilizing mass feeding. This shall include feedlots, poultry houses, and other buildings, structures, corrals, or pens in which animals are confined in close quarters. This shall also include the raising of swine under any conditions.

ANIMAL HUSBANDRY, NON-INTENSIVE: The practice of raising, breeding, or keeping livestock or fowl that involves animals or birds which obtain their principal food source by grazing or foraging from the land and receive only supplementary feed at centralized feeding stations. This shall include conventional dairying operations and similar uses satisfying the above criteria.

APARTMENT: A dwelling unit which is part of a dwelling complex as defined elsewhere in this Ordinance, such as garden apartments, two-family detached, or two family semi-detached, and is commonly rented on a monthly or longer basis.

AUTOMOBILE BODY SHOP: A building that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers, and/or accessories of automobiles and other vehicles for conveyance.

BASEMENT: A story partly below the finished grade, but having at least one-half of its height (measured from finished floor to finished ceiling) above the average level of the finished grade where such grade abuts the exterior walls of the building. A basement shall be considered as one story in determining the permissible number of stories.

BED AND BREAKFAST LODGING: See "Guest Home".

BUFFER AREA: A yard space, adjacent to a property line or building, which contains landscaping and plantings designed to screen, separate and shield a potentially incompatible use from adjoining properties.

BUILDING: A structure which has a roof supported by columns, piers, or walls, which is intended for the shelter, housing, or enclosure of persons, animals, or chattel or which is to house a use of a commercial or manufacturing activity.

BUILDING, ATTACHED: A building which has two (2) party walls in common.

BUILDING, DETACHED. A building which has no party walls.

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

BUILDING, PRINCIPAL: A building in which the principal use of the lot is conducted.

BUILDING AREA: The total areas of outside dimensions on a horizontal plane at ground level of the principal building all accessory buildings exclusive of cornices, eaves, gutters, or chimneys projecting not more than eighteen (18) inches; bay windows not extending more than one (1) story and not projecting more than five (5) feet, and steps and balconies.

BUILDING HEIGHT: The vertical dimensions measured from the average elevation of the finished lot or grade at the front of the building to the highest point of the ceiling of the top story, in the case of a flat roof; to the deckline of a mansard roof; and to the average height between the plate and ridge of a gable, hip, or gambrel roof.

BUILDING LINE: A line located along and drawn parallel to a wall or other exterior supporting member of a structure or portion thereof, excluding self-supportive projecting architectural features that project five (5) feet or less. Yard requirements are applied from the lot lines to said building lines.

CAMPGROUND: A parcel of land upon which two (2) or more campsites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education, or vacation purposes and where acceptable sanitary facilities are provided for each campsite or for the campground as a whole. Camping units which are not occupied on a daily basis shall not be stored in areas reserved as campsites but may be stored in designated areas elsewhere in the campground. Flood plain areas shall not be utilized for sanitary facilities or camping unit storage.

CARPORT: See "Garage, Private".

CELLAR: A story partly below the finished grade having at least one-half of its height (measured from finished floor to finished ceiling) below the average level of the adjoining finished grade where such grade abuts the exterior walls of the building. A cellar shall not be considered a story in determining the permissible number of stories.

CENTERLINE: The line, whether painted or not, which is the center of the paved portion of a street or road. The centerline may also be equidistant from the edges of the street right-of-way unless indicated differently on a subdivision or development plan.

CERTIFICATE OF ZONING COMPLIANCE: A certificate issued and enforced by the Zoning Administrator upon the completion of the construction of a new building or upon a change or conversion of a structure of use or a building which certifies that the applicant has complied with any and all requirements and regulations as provided herein and all other applicable requirements. This certificate is also utilized for registration of nonconforming uses of land or nonconforming uses of land and structures in combination.

CLINIC: An individual building or cluster of buildings (on a lot in single or common ownership) operated by one or more licensed medical or dental practitioners for the purpose of providing medical or dental treatment to the public on an outpatient basis.

COMMON OPEN SPACE: A parcel of land or water or combination of both located within a development site and designed and intended for use or enjoyment of residents of a planned development, not including streets, off-street parking areas, and areas set aside for public facilities.

COMPREHENSIVE PLAN: A document designed by and for South Lebanon Township to state basis, policies, development objectives, and directions of future growth. It is a factual document that describes how the principal, social, and economic past have formed the present-day Township; and, it serves as an aid in the decision-making and rule-making process that shape the Township's growth.

CONSTRUCTION: The building, reconstruction, demolition activities for reconstruction, extension, expansion, alterations, substantial improvement, erection or relocation of a building or structure, including mobile homes. This shall include the placing of construction materials in a permanent position and fastened or placed in a permanent manner. Earth moving activities shall not be deemed construction.

CONVALESCENT HOME: See “Nursing Home”.

COURT: An unoccupied open space, other than a yard, on the same lot with a building which is bounded on two (2) sides by the walls of such building.

COVERAGE: See “Lot Coverage”.

CUL-DE-SAC: A street with a single means of entry and exit. A cul-de-sac has two (2) parts, the stem and the turnaround.

DAY CARE CENTER: A facility in which child care is provided for seven (7) or more children at any one time, for profit or not for profit, where child care areas are not also being used as a family residence. A day care center, if situated on the premises of an operating community service facility, including but not limited to a public or private school, place of worship, community center or library, and associated with that activity, shall be considered accessory to the principal use of the property concerned. Child care services also may be provided as an accessory use to office, commercial or industrial uses provided that such services are for the sole use of current employees of said business or industry.

DAY CARE FACILITY, ADULT: A non-residential premises in which out-of-home care, excluding care provided by relatives, is provided for four (4) or more functionally disabled, elderly adults for part of a 24 hour day. When such care is situated within an existing health care or nursing home facility, overnight adult care may be provided on a limited basis.

DAY CARE HOME, FAMILY: Any family residence, other than the child’s own home, in which child day care is provided as an accessory use in the living areas of the residence. Child day care is provided, for profit or not for profit, to four to six children, who are not relatives of the caregiver.

DAY CARE HOME, GROUP: Any family residence, other than the child’s own home, in which child day care is provided as an accessory use in the living areas of the residence. Child day care is provided, for profit or not for profit, to more than six (6) but less than twelve (12) children, who are not relatives of the caregiver.

DENSITY: The ratio of permitted uses to lot area specified by each district or type of use throughout this Ordinance.

DEVELOPMENT PLAN: The provisions for the development of a planned residential development, including a plat of subdivision; all covenants relating to use, location, and bulk of buildings and other structures; intensity of use or density of development; streets, ways, and parking facilities; common open space; and public facilities.

DISTRICT: A portion of South Lebanon Township within which certain uniform regulations and requirements or combinations thereof apply under the provisions of this Ordinance.

DWELLING, SINGLE FAMILY DETACHED. A detached (separate) building designed for or occupied exclusively by one (1) family on an individual lot; however; this shall not include single unit mobile homes which are defined separately.

DWELLING, SINGLE FAMILY SEMI-DETACHED: A building with one (1) dwelling unit from the ground to roof and only one (1) party wall in common with another dwelling unit. Commonly described as a duplex, the semi-detached, single family dwelling is on an individual lot, is connected on one (1) side to a similar dwelling on an adjacent lot and is usually owner-occupied.

DWELLING, TWO-FAMILY DETACHED: A separate building on an individual lot with two (2) dwelling units from ground to roof (one unit over the other). These units are normally renter-occupied and are not designed for further subdivision.

DWELLING, TWO-FAMILY SEMI-DETACHED: A building with two (2) dwelling units from ground to roof (one unit over the other) and only one (1) party wall in common with another, connected to a building which may contain one (1) or two (2) dwelling units. The two-family semi-detached dwelling is on an individual lot, and may be rental or owner-occupied.

DWELLING UNIT: One (1) or more rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities for one (1) family.

FAMILY: One (1) or more persons living together as a single, nonprofit housekeeping unit and doing the cooking on the premises; however, this shall not include a group of persons occupying a boarding house, guest home, club, hotel, motel, fraternity or sorority house, etc.

FARM: A parcel of land of ten (10) or more acres used principally in the raising or production of agricultural products, with the customary dwelling, farm structures, storage and equipment. Adjoining tracts, parcels or separately deeded properties which are owned and farmed integrally as part of the same farming operation shall be considered jointly as one farm.

FLOOD PLAIN: See Article 12.

GARAGE, PRIVATE: A building or structure which is accessory to the principal building, which provides for the storage of motor vehicles of the families residing on the premises and in which no occupation, business or service for profit is conducted.

GARAGE, REPAIR: A structure, building or area of land or any portion thereof used primarily for the servicing and repair of automotive vehicles. A repair garage may provide one (1) or more of the following services: general mechanical repair of motor vehicles including state inspection, lubrication, washing, or sale of accessories and motor vehicle fuels. Uses permissible as a repair garage do not include body work, straightening of body parts, painting, welding, and storage of certain vehicles as per Section 13.17 of this Ordinance. A retail garage is not an automobile body shop or a retail automotive parts store.

GARDEN APARTMENTS: Multi-family apartment buildings located on a plot of land under one (1) ownership. Garden apartments are two (2) stories high, with individual apartments on each story. Garden apartment buildings shall contain at least four (4), but not more than sixteen (16) dwelling units in a single structure, with the units generally renter-occupied. The garden apartments share: (a) a common yard area which is the sum of the required lot areas of all dwelling units within the complex, (b) common off-street parking, (c) common outside apartment access for some or all units, (d) central utilities.

GASOLINE STATION: A structure, building, or area of land or any portion thereof that is used solely for the sale of gasoline, or other motor vehicle fuel, lubricants, or minor accessories for travelers' convenience (e.g. windshield wiper blade, spark plugs, fuses, bulbs, etc.). Said use shall not include the sale of automotive parts, tires, service, polishing or washing. Any business or industry dispensing gasoline solely for its own use and vehicles will not be deemed a gasoline station.

GRADE, FINISHED: The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans of designs relating thereto.

GREENHOUSE: A building designed to allow the maximum amount of sunlight, and to control temperature and humidity in order to propagate plants or vegetation growth whereas the plant or its part is removed for sale or process elsewhere, or are enjoyed or consumed by the occupants of the premises. Any greenhouse in which there are retail sales and/or items stocked for resale is a commercial use.

GROUP FAMILY DWELLING: A group of individuals not related by blood, marriage, adoption or guardianship living together in a single family dwelling unit as one (1) housekeeping unit under a common housekeeping management

plan based on an intentionally structured relationship providing organization and stability. A Group Family Dwelling shall not include hospitals, sanitariums, sanatoriums, clinics, or professional offices.

GUEST HOME: A single family detached dwelling that contains the primary residence of the owner/manager(s) and his family as well as short-term housing primarily for transient automotive travelers. No facilities for cooking or eating are provided in any rooming unit, and meals, if provided, are served family style to guests as part of the overall lodging arrangements.

HABITABLE FLOOR AREA: The sum of the floor area of all heated, finished rooms, within a dwelling unit, used on a daily basis for habitation. Such area may include living rooms; recreation rooms; kitchens; dining rooms; bedrooms; bathrooms, hallways; closets; heated and finished basements, cellars, and attics; attached garages which have been converted into an integral part of the living quarters; but does not include garages; porches, whether roofed, unroofed or enclosed; roofed terraces; unfinished and unheated basements, attics, cellars, or garages; etc.

HOME OCCUPATION: Any gainful occupation conducted within a dwelling which is of a service or professional nature such that the following conditions are met, as applicable: (1) the proprietor engages primarily in the sale of a service, (2) the handling of any durable goods is limited to primarily repairing or hand-crafting, and (3) the handling of non-durable or consumable goods for sale is incidental to the service. Such home occupations include but are not limited to: physicians, dentists, lawyers, architects, engineers and accountants; insurance, real estate or securities brokers; barbers and beauticians; photographers; tutors of individual students; seamstresses and tailors; and other occupations meeting these criteria which are not otherwise prohibited by law. Occupations of a nature that involve the stocking of items for retail or wholesale transfer, or use of facilities that involve a gathering of people, or occupations that normally use large areas, or customarily or not compatible with dwellings, by virtue of creating excessive noise, fumes, odor, dust, electrical interference, or substantially more than normal residential levels of traffic are prohibited. Prohibited home occupations include but are not limited to: retail and wholesale stores; instructional classes of all types; shop and equipment storage of contractors; auto, truck or engine repair; medical or dental clinics.

HOMEOWNERS ASSOCIATION: The residents of a subdivision, garden apartments, or townhouse development who are bound by contractual agreement as a conditions of their occupancy to share costs for maintenance of common open space, private streets, other duties unique to their surroundings. The agreement is not related to municipal ordinances.

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

HOTEL OR LODGING HOUSE: A building used as the more or less temporary abiding place of three (3) or more individuals who are, for compensation, lodged with or without meals, and in which no provision is made for cooking in any individual room or suite. A hotel may include restaurants, newsstands, and other accessory services primarily for serving its occupants and only incidentally the public.

JUNK YARD: A lot, land, or structure, or part thereof, used primarily for the collecting, storage, and/or sale of waste papers, rags, scrap metal, or discarded materials, or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof, as more specifically defined in South Lebanon Township Ordinance Number 15, and its amendments.

KENNEL: (See Pet Kennel)

LANDSCAPING: Changing, rearranging or adding to the vegetation or appearance of land to produce a visual, aesthetic or environmental effect appropriate to the use of land. Landscaping may include reshaping the land by moving earth, as well as preserving the original vegetation or adding vegetation.

LAUNDROMAT: A business premises equipped with individual clothes washing and/or drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in a multi-family housing development.

LICENSED PENNSYLVANIA HEALTH PROFESSIONAL: Persons duly authorized by the State of Pennsylvania to practice specialties limited to the following for purposes of this Ordinance. Chiropractors, Dentists, Dental Hygienists, Medical Doctors, Midwives, Nurses, Optometrists, Osteopaths, Opticians, Podiatrists, Psychiatrists, Psychologists, and Physical Therapists.

LIVESTOCK: Any member of the bovine, equine, porcine, or ovine species, including but not limited to cows, steers, horses, ponies, pigs, sheep, goats chickens and turkeys.

LOADING/UNLOADING SPACE: An off-street space not less than twelve (12) feet wide and fifty-five (55) feet long and having a minimum clear height of fifteen (15) feet, exclusive of access area, for the parking of one (1) vehicle while loading and unloading merchandise or materials.

LOT: A single tract or parcel of land, which may legally be described as such, held in a single or joining ownership, which is occupied or capable of being occupied by one (1) principal building or principal use together with such accessory building, structures, and such open spaces as are arranged and permitted by this Ordinance.

LOT, CORNER: A lot at the point of intersection of and abutting on two (2) or more intersecting streets, and which has an interior angle of less than 135 degrees at the intersection of the two (2) street lines.

LOT, INTERIOR: A lot other than a corner lot, the sides of which do not abut a street.

LOT, THROUGH: An interior lot having frontage on two (2) parallel or approximately parallel streets.

LOT AREA: An area of land which is determined by the limits of the property line bounding that area and expressed in terms of square feet or acres. Any portion of a lot included in a street right-of-way shall not be included in calculating the required lot area.

LOT COVERAGE: The percentage of the lot or property area covered by buildings or structures, excluding driveways, sidewalks, and other standard paved vehicular or pedestrian access ways.

LOT DEPTH: A mean horizontal distance between the front and rear lot lines measured in the general direction of its side lot lines.

LOT LINE: Any line dividing a lot from another lot, street, or parcel.

LOT WIDTH: The mean horizontal distance between the side lot lines, measured at right angles to its depth. Required lot width shall be measured at right angles to its depths. Required lot width shall be measured at the most forward allowable building line or setback line; however, in the case where one side lot line is not parallel to the other side lot line, or of pie-shaped lots, the required lot width shall be measured at a point equal to fifty (50) percent of the depth of the lot.

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

MOBILE HOME PARKS AND SUBDIVISIONS: A lot or area which is a planned development and designated to contain two or more mobile homes for rent or for sale. Any lot or area proposed to utilize such design where individual mobile home sites are proposed for sale shall be known as a mobile home subdivision. Both parks and subdivisions are not to be construed to include recreational vehicles.

MOBILE HOME SITE: An area within a mobile home park or mobile home subdivision designated to contain one mobile home and the necessary utility connections and appurtenances. The area may be rented to an occupant as in a mobile home park, or sold to an occupant, as in a mobile home subdivision.

MODULAR HOME: A sectional, single family dwelling, intended for permanent occupancy, contained in two (2) or more units designed to be permanently joined into one (1) integral unit, which arrives at a site complete and ready for occupancy except for assembly operations and construction of the necessary permanent foundation. For the purposes of this Ordinance, modular homes shall be treated the same as conventional stick-built single family dwellings.

MOTEL: A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, designed with separate entrances and designed for occupancy, primarily for transient automotive travelers, and provided with accessory off-street parking facilities. The term "motel" includes buildings designated as tourist cabins, motor lodges, and similar terms, but shall not be construed to include mobile or immobile trailers or homes.

NONCONFORMING LOT: A lot of record, existing at the date of the passage of this Ordinance or any amendments thereof, which does not at this time have the minimum lot width or contain the minimum lot area for the zoning district in which it is located.

NONCONFORMING SIGN: A sign which does not conform to the regulations of the district in which it is located.

NONCONFORMING STRUCTURE OR BUILDING: A structure, building, or part thereof which, at the time of the enactment of this Ordinance or any subsequent amendments thereto, does not comply with the provisions of this Ordinance or such amendments, with respect to restrictions on lot coverage, height, yard requirements, location on the lot, or other similar requirements.

NONCONFORMING USE: A use, whether of land, building, or structure, which does not comply with the applicable use provisions of this Ordinance, or subsequent amendments thereto, where such use was lawfully in existence at the time of the amendment of this Ordinance or such amendments thereto.

NURSERY, HORTICULTURE: Any lot or parcel of land used to cultivate, propagate, and grow trees, shrubs, vines, and other plants including the buildings, structures, and equipment customarily incidental and accessory to the principal use.

NURSERY (SCHOOL): "See Day Care Center".

NURSING OR CONVALESCENT HOME: An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

OFFICE, PROFESSIONAL: A building containing office space for one (1) or more persons engaged in occupations or callings which required extensive learned and academic preparation to secure knowledge or skill in a profession such as medicine, law, divinity or science, wherein professional advice, guidance or instruction is provided. Occupations or vocations which are trades, crafts, or businesses and often involve the sale of a product shall not be considered professional offices.

OPEN SPACE: The unoccupied space open to the sky on the same lot with the building.

PARENT TRACT. Existing Farm or a combination of tracts, parcels, or separately deeded properties used as a farm and held in single ownership as of November 24, 1981.

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

PARKING SPACE: An open or enclosed area accessible from a street or alley for parking of motor vehicles for owners, occupants, employees, customers, or tenants of the principal building or use. Each parking space shall be not less than ten (10) feet wide and not less than twenty (20) feet long, exclusive of all drives, curbs, and turning space.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE: This enabling legislation provides the mechanism whereby municipalities can plan for community development through the adoption of a comprehensive plan and zoning ordinance and the establishment of planning commissions, planning departments and zoning hearing boards. The Code authorizes the above bodies to request appropriations, charge fees, make inspections, hold public hearings, make legal appeals, and process penalties for violations. For the purposes of this

Ordinance, the Code, enacted as Act 247 of 1968, is intended to include the current code and any future amendments and shall be referred to hereafter as "Act 247" or (PMPC).

PERMIT: Building and Zoning Permit issued by the Zoning Administrator.

PET, HOUSEHOLD: Any customary domestic animal or bird that is kept for pleasure rather than utility and which may be kept inside or outside of a dwelling.

PET NOVELTY: An animal, bird or insect that is kept for pleasure that is not a customary household pet, nor of a domesticated variety, provided that it is not otherwise prohibited by law and is kept inside a dwelling.

PET KENNEL: An enclosure or area (located outside a dwelling) which is designed for keeping more than three (3) birds or animals; however, this does not include pet zoos or menageries.

PLANNING COMMISSION: The South Lebanon Township Planning Commission.

PLANNING DEPARTMENT SITE REVIEW COMMITTEE: A three (3) to five (5) member committee appointed by the Director of the Lebanon County Planning Department from department personnel. This committee reviews sites to provide recommendations on design and appropriate use of vegetation, topography, building orientation and other site amenities which will result in effective energy conservation and environmental control.

POULTRY: (See Livestock)

PREMISES: Any lot, parcel, or tract of land and any building constructed thereon.

PRINCIPAL BUILDING: A building in which is conducted the principal use of the lot on which it is located.

PRINCIPAL USE: The main purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

PUBLIC NOTICE: Notice published once each week for two (2) 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.

PRIVATE ROAD: A legally established road right-of-way, other than a street, which provides the primary vehicular access to a lot.

PUBLIC SEWER: The municipally owned and operated Sewage Collection System.

PUBLIC WATER: The system of water distribution and sales operated by license and authority of the Pennsylvania Public Utility Commission.

RESTAURANT, DRIVE-IN: A commercial establishment where food or beverage is sold for consumption on the premises either in a customer's vehicle or in an outside area, but not within a building.

RESTAURANT, DRIVE THROUGH: An accessory use to a commercial restaurant where the customer receives food or beverage via a drive-up window without the need for the customer to leave his vehicle.

RESTAURANT, FAST FOOD: A commercial establishment where a limited selection of food or beverage is sold either for consumption on the premises or as a "take out" service. Food preparation is designed for immediate service to customers and food is normally prepared in advance to facilitate this type of "fast" service.

RIGHT-OF-WAY LINE: (See Street Line)

ROAD: (See Street)

ROW HOUSE: (See "Town House")

SANITARIUM, SANATORIUM: A private hospital, whether or not such facility is operated for profit.

SELF-SERVICE STORAGE FACILITY: A building or groups of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers and other residential uses. Storage of hazardous material and/or wastes are prohibited.

SETBACK: The horizontal distance from a lot line to the part of the building nearest to such a lot line.

SHOPPING CENTER: A group of stores, two (2) or more in number, planned and designed as an integrated unit with off-street parking provided on the property as an integral part of the unit.

SIGN: The word “sign” includes any writing (including letter, word or numeral); pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); or any other device or similar character which (1) is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure; (2) is used to announce direct attention to, or advertise; and (3) is visible from outside a building.

SIGN ADVERTISING: Any sign which is owned or operated by any person, firm, or corporation engaged in the business of outdoor advertising for direct profit gained from the rental of such signs or any sign advertising a commodity not sold or produced on the premises, including “billboards”.

SIGN, DOUBLE-FACED: A sign consisting of two (2) display areas placed back to back or joined along a common edge and is treated as having one (1) sign area. If the display areas are joined along a common edge and the interior angle is greater than forty-five (45) degrees, the structure shall be treated as having two (2) sign areas.

SIGN FREESTANDING: An independently supported sign which is not attached to any building or structure.

SIGN GROUND: A permanent sign supported independently of a building or other structure and having its own support(s) placed in or upon the ground.

SIGN PROJECTING: A sign erected or displayed which is attached to the wall of a building and projects in a perpendicular fashion from said wall. Wall signs that project more than twelve (12) inches shall be treated as projecting signs.

SIGN ROOF: A sign erected or displayed on a roof top; roof signs shall not exceed the maximum height requirements for buildings or structures.

SIGN WALL: A sign erected or displayed on or parallel to the surface of a building and does not project more than twelve (12) inches therefrom.

SIGN AREA: The area of a sign shall be construed to include the entire display surface and background, whether open or enclosed, which encompasses lettering, wording, designs, and symbols, but not including any supporting framework and bracing which is incidental to the display itself. The area shall be determined using the largest visible sign or silhouette area. When the sign consists of individual letters or symbols attached to or printed on a surface, the area shall be considered to be the smallest rectangular shape or shapes which can be drawn together to encompass all of the letters and symbols.

SITE PLAN: A plan of a lot or subdivision on which is shown topography; location of all building, roads, rights-of-way, and boundaries; all essential

dimensions and bearings; and any other information deemed necessary by the Township in unusual or special cases.

SPECIAL EXCEPTION: A use specified in the district regulations which is permitted only if the Zoning Hearing Board grants it as a Special Exception use and allows issuance of a permit by the Zoning Administrator pursuant to the provisions of this Ordinance.

STORY: A story is that part of a building between the surface of any floor and the next floor above it. A "split level" story shall be considered a second story if its floor level is six (6) feet 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 which is more than two (2) feet below the top plate shall be counted as a story; and, if less than two (2) feet below the top plate, shall be counted as a half story.

STREET: A public thoroughfare, right-of-way, (or private road or right-of-way) twenty (20) feet in width or greater which affords primary vehicular access to abutting properties.

STREET LINE: The line determining the limit of the street or public right-of-way, either existing or contemplated. Also referred to as the street lot line or road right-of-way line. Where a definite right-of-way width has not been established, the street line shall be determined as a line twenty-five (25) feet from the center line of the existing street.

STRUCTURE: A man-made object usually assembled of interdependent parts or components which is designed to have a more or less fixed location, whether or not permanently attached at that location.

SUBDIVISION: The division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purposes, whether immediate or future, of lease, transfer of ownership, or building or lot development; provided, however, that the division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, or any residential dwelling, shall be exempted.

TOWN HOUSE: A single family dwelling located on an independent lot and constructed as a part of a series of three (3) or more connected single family dwellings with one (1) dwelling unit from floor to roof. Town houses are typically two (2) stories high and units are considered attached dwellings, except for the end units of a building series which are semi-detached. Town houses are generally owner-occupied and provide residents with individual yards, parking,

and utility access. Common areas and facilities, including parking areas, may be designed for joint utilization by all residents of the town house development.

TRAVEL TRAILER: A vehicular portable structure built on a chassis (motorized home, converted bus, tent trailer, tent, or similar devise) designed to be used as a temporary dwelling for travel and recreational purposes.

USE: The specific purpose of which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

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

USE, PRINCIPAL: The main purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

VARIANCE: A modification of the regulations of this Ordinance granted by the Zoning Hearing Board to the petitioner on grounds of practical difficulties or an unnecessary hardship, not self-imposed, pursuant to the provisions of this Ordinance and Act 247.

YARD: An open space, other than a court, unoccupied by a structure; provided, however, that fences, walls, posts, trees, lawn furniture, and other customary yard accessories are permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

YARD, REQUIRED FRONT: An unoccupied space, open to the sky, provided between the front property line (road right-of-way line) and a line drawn parallel thereto, at such distance therefrom as may be specified therein for any district, and extending for the full width of the lot.

YARD, REQUIRED REAR: An unoccupied space, open to the sky, between the rear property line and a line drawn parallel, thereto at such distance therefrom as may be specified herein for any district, and extending for the full width of the lot.

YARD, REQUIRED SIDE: An unoccupied space, open to the sky, between the side property line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any district, and extending the full depot of the lot.

YARD, FRONT: An unoccupied space, open to the sky, between the front property line (road right-of-way line) and the building line of the principal building closest to the front property line.

YARD, REAR: An unoccupied space, open to the sky, between the rear property line and the building line of the principal building which is closest to the rear property line.

YARD, SIDE: An unoccupied space, open to the sky, between the side property line and the side building line of the principal building. In most cases, a lot has two (2) side yards located on opposite sides of the principal building.

ZONING ADMINISTRATOR: The agent(s) or official(s) designated by the Township supervisors to enforce the Zoning Ordinance of the Township.

ARTICLE 2

ESTABLISHMENT OF DISTRICTS: PROVISION FOR OFFICIAL ZONING MAP

SECTION 2.01 OFFICIAL ZONING MAP. The Township is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Supervisors, attested by the Secretary, and bearing the seal of the Township under the following words: "This is to certify that this is the Official Zoning Map referred to in Article 2, Section 2.01 of Ordinance Number of the Township of South Lebanon, Lebanon County, Pennsylvania, "together with the date of the adoption of this Ordinance.

If, in accordance with the provisions of this Ordinance and The Pennsylvania Municipalities Planning Code, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Township Supervisors with an entry on the Official Zoning Map as follows: "On (date), by official action of the Township Supervisors, the following (change) changes were made in the Official Zoning Map: (brief description of nature of change)", which entry shall be signed by the Chairman of the Supervisors and attested by the Township Secretary. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map, shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Article 27.

Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Township Supervisors and shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Township.

SECTION 2.02 REPLACEMENT OF THE OFFICIAL ZONING MAP. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature of number of changes and additions, the

Township Supervisors may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Chairman or Vice-chairman of the Board of Supervisors, attested by the Township Secretary, and bearing the seal of the Township under the following words: "This is to certify that this Official Zoning Map, adopted _____, as part of Ordinance Number _____ of the Township of South Lebanon, Lebanon County, Pennsylvania."

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof, remaining shall be preserved together with all available records pertaining to its adoption or amendment.

ARTICLE 3

RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

SECTION 3.01. Boundaries indicated as approximately following the center line of streets, highways, or alleys shall be construed to follow such center lines.

SECTION 3.02. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

SECTION 3.03. Boundaries indicated as approximately following township limits shall be construed as following such township limits.

SECTION 3.04. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

SECTION 3.05. Boundaries indicated as parallel to, or extensions of, features indicated in Section 3.01 through 3.04 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

SECTION 3.06. Where physical or cultural features existing on the ground are at variance with those shown on the Official Map, or in other circumstances not covered by Sections 3.01 through 3.05 above, the Zoning Hearing Board shall interpret the District boundaries.

SECTION 3.07. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Zoning Hearing Board may permit, as a Special Exception, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

ARTICLE 4

APPLICATION OF DISTRICT REGULATIONS

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

SECTION 4.01. No buildings, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all regulations herein specified for the district in which it is located.

SECTION 4.02. No building or other structure shall hereafter be erected or altered:

1. to exceed the height or bulk;
2. to accommodate or house a greater number of families;
3. to occupy a greater percentage of lot area;
4. to have narrower or small rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Ordinance.

SECTION 4.03. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

SECTION 4.04. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements within their respective zoning districts established by this Ordinance.

SECTION 4.05. When a specific use is neither permitted nor prohibited in the schedule of district regulations, the Zoning Hearing Board shall make a determination, as an Administrative Review, as to the similarity or compatibility of the use in question to the permitted uses in the district, basing the decision on the overall intent stipulated for the district.

SECTION 4.06. Where a district boundary line divides a lot, which was a lot of record at the time of adoption of this Ordinance, the Zoning Administrator may permit the extension of the requirements of the less restrictive district no more than thirty (30) feet into the remaining portion of the lot located in a more restrictive district.

SECTION 4.07. All territory except floodplains, which may hereafter be annexed to the Township shall be considered to be in the (A) Agricultural District until otherwise classified. All annexed territory which has been delineated as floodplain by the Federal Insurance Administrator in an Official Flood Insurance Study shall be considered to be the F-1, Approximated Flood Plain District until otherwise classified.

ARTICLE 5

USE DISTRICTS

SECTION 5.01. For the purpose of regulating and restricting the location of trades, industries, multiple family houses, single family houses, and other uses of property, the number of square feet of lot area per dwelling unit, the width of lots, the location and size of yards, and the size and height of buildings, the Township is divided into classes of use districts termed respectively:

Class A	Agricultural Districts
Class R-1	Low Density Residential Districts
Class R-2	Medium Density Residential Districts
Class C-1	General Commercial Districts
Class I-1	Industrial Districts
Class F-1, F-2, F-3 & F-4	Flood Plain Districts
Class O and I	Office and Institutional Districts

ARTICLE 6

A - AGRICULTURAL DISTRICT

SECTION 6.01. INTENT. The regulations of the Agricultural Districts are designed to protect and preserve the existing agricultural lands of the Township and those areas where environmental conditions are most conducive to agricultural operations which will produce high crop yields. Principal farm land and conversion to non-farm usage is discouraged. Where designated for non-prime farm land, limited residential, non-residential, and farm-related commercial uses are permitted to facilitate those individuals who may desire to locate in an agricultural setting.

SECTION 6.02. PERMITTED USES. The following uses are permitted, subject to the requirements listed herein and in Section 6.03 and 6.04 of this Ordinance:

- A. Agriculture, crop and truck farming, pasturing, truck gardening, horticulture, nurseries, aviaries, hatcheries, apiaries, and similar agricultural uses. Greenhouses are also permitted, provided that they do not involve retail sales.
- B. Non-intensive animal husbandry.
- C. Intensive animal husbandry, provided that:
 - 1. Structure in which livestock or fowl are kept shall be no closer than one hundred (100) feet to any lot line or road right-of-way and thirteen hundred (1300) feet to any residentially zoned property.
 - 2. No storage of manure or odor or dust producing substances shall be permitted within two hundred (200) feet of any lot line or road right-of-way and five hundred (500) feet from any residentially zoned property.
- D. Pet kennels, provided that they are located a minimum of two hundred (200) feet from any road right-of-way or lot line.
- E. Public conversation areas for the preservation of open space, water, soil, forest and wildlife resources.
- F. Public park and recreation areas, forest preserves, game refuges and similar non-intensive uses.
- G. Golf courses and country clubs.
- H. Churches, associated parish houses, and cemeteries.

- I. Single family dwellings, in accordance with the requirements of Sections 6.03 and 6.04 of this Ordinance, including maximum lot area requirements.
- J. Group Family Dwellings provided that the following conditions are met:
 - 1. Proof of a group family living arrangement shall be verified through the appropriate state or local agency sponsor/approving use. A copy of the required license or registration and any subsequent changes thereto shall be filed with the Zoning Officer prior to initiation of the use or change.
 - 2. All parking for the use shall be off-street. In addition to the two (2) off-street parking spaces required for the dwelling unit, sufficient additional off-street parking shall be provided to adequately handle the parking needs of the use (e.g. 1 additional space for each resident vehicle kept on the premises).
- K. Family Day Care Homes provided that the following conditions are met:
 - 1. Day care shall be provided by the resident of the home and a maximum of one (1) non-resident assistant.
 - 2. Applicant shall obtain and maintain a registration certificate from the Penna. Dept. of Welfare for the Family Day Care Home; a copy of said certificate shall be attached to the building permit.
 - 3. Two (2) off-street parking spaces shall be provided in addition to the two (2) required for the residence.
 - 4. No signs pertaining to the day care service shall be permitted.
- L. Customary accessory uses and structures incidental to any of the above permitted uses, including the following:
 - 1. Roadside stands for the sale of "home-grown" or "home-made" products when located not less than twenty (20) feet from the road cartway and not within the road right-of-way.
 - 2. Home occupations and accessory uses, as regulated in Article 13 of this Ordinance.
- M. Upon approval by the Zoning Hearing Board, the following Special Exception uses are permitted provided the use complies with the conditions listed herein and Article 21 of this Ordinance. Additionally, the applicable requirements of

Sections 6.03 and 6.04 of this ordinance, including maximum lot area, shall also apply.

1. Semi-public or private recreational areas, game and wildlife hunting and gunning clubs, camps and structures necessary for the operation of these uses.
2. Riding academies, commercial stables and animal hospitals.
3. Saw mills and other establishments associated with forestry.
4. Agriculturally oriented commercial establishments (e.g. farm implement dealers, feed mills, seed stores, butchering shops, etc.).
5. Guest Homes provided that the following conditions are met:
 - a. The number of bedrooms for guests shall be a minimum of two (2) and a maximum of six (6). No more than two (2) adults and two (2) children may occupy any one guest room. All bedrooms for guests shall be housed within one (1) principal building;
 - b. The property shall be served by public water and sewer facilities;
 - c. There shall be one (1) full bathroom for every two (2) guest bedrooms, and if there are an odd number of guest bedrooms, there shall be an additional half bath provided. The manager's quarters shall have separate, full bathroom facilities and may have separate cooking/ eating areas.
 - d. There shall be one (1) central eating area for guests if on-site meals are provided. Guest rooms shall not have separate cooking or eating facilities. The serving of meals shall be limited to the resident family and guests of the establishment. Any meals served to guests shall be included in the room rental package;
 - e. The premises shall be managed by a person or persons who shall be permanent full-time residents within the structure housing the bedroom facilities. Non-resident employees shall be limited to two (2), in addition to the resident members of the family;

- f. Parking facilities shall consist of a combined total of one (1) parking space for each guest bedroom, plus two (2) spaces for the managers/owners, plus one (1) space for each employee. Parking facilities shall be located to the rear of the guest home and shall be screened from the roadway and adjacent properties by fencing and/or screen plantings;
 - g. For each road frontage, there shall be a maximum of one (1) free-standing or projecting sign. Said sign shall be no larger than six (6) square feet in area and identify only the name of the Guest Home and its proprietor(s);
 - h. The maximum uninterrupted length of stay at a guest house shall be fourteen (14) days;
 - i. The use of any amenities provided by the guest house such as swimming pool or tennis courts shall be restricted in use to the resident family and guests of the establishment.
6. Group Day Care Homes provided that the following conditions are met:
- a. Applicant shall obtain written approval or licensure of the Group Day Care Home from the Penna. Dept. of Welfare.
 - b. Day care shall be provided by the resident of the home and a maximum of two (2) non-resident assistants.
 - c. A minimum of three (3) off-street parking spaces shall be provided in addition to the required for the residence.
 - d. Loading and unloading of children from vehicles shall only be permitted on the driveway or on the approved parking area.
 - e. The size of sign permitted shall be limited to that allowed for a home occupation.

SECTION 6.03. GENERAL DISTRICT REQUIREMENTS. All principal buildings, structures and uses erected or established after the adoption date of this Ordinance shall comply with the following requirements.

- A. Existing farms and properties shall be permitted the following number of lots or principal uses, based upon farm or property size at the date of adoption of

Ordinance Number 97, dated November 24, 1981. Lots or uses shall remain with the parent tract.

<u>SIZE OF FARM OR PROPERTY</u>	<u>MAXIMUM NUMBER OF LOTS OR USES</u>
0 acres to less than 10 acres	Any number in accordance with Section 6.04
10 acres to less than 50 acres	3
50 acres to less than 100 acres	4
100 acres to less than 175 acres	5
175 acres to less then 250 acres	6
250 acres to less than 400 acres	7
400 acres or more	8

Existing unsubdivided dwellings and principal, non-residential uses located on the farm or property shall be considered part of the permitted allotment. Furthermore, the maximum permitted number of lots or uses shall apply whether or not individual lots are subdivided at the time the uses are established. Resubdivision of lots created after the adoption date of this Ordinance shall also be subject to the maximum allotment determined for the original farm or property.

- B. All applications for Building and Zoning Permits to erect a single family dwelling or principal, non-residential use structure on unsubdivided land and all applications for subdivision shall be accompanied by an agricultural plan identifying the following:
1. Size, shape and dimensions of the farm or property; size and location of all existing buildings; and size, location and use of all proposed buildings or lots.
 2. Lots or uses previously approved under these regulations.
 3. Land under active cultivation and land in woodlots or forests.
 4. Soil information for the farm or property, including soil series and soil capability class, subclass and unit as classified within the 1981 Soil Survey of Lebanon County, Pennsylvania and Agricultural Handbook #210 of the United States Department of Agriculture Soil Conversation Service.

5. When a subdivision occurs, a notation as to which lot addition or lots carry with it a right of further uses or lots shall be included on the Deed to the newly created lots.
- C. Applications to erect or establish a use or subdivide a farm or property shall be reviewed subject to the following criteria:
1. All uses or lots shall be established or located on non-prime farmland (Soil Capability Classes III-VIII), when such land is available; and
 2. The least suitable farmland (highest numbered Soil Capability Unit) shall be utilized for development in all cases unless the applicant can demonstrate its unsuitability for the proposed use. When a soil has been determined to be unsuitable because of slope, drainage, flooding, sewage disposal deficiencies or other physical characteristics, then the least suitable remaining farmland shall be utilized for development, and
 3. When a farm or property is comprised entirely of prime farmland (Soil Capability Classes I and II), then the least suitable or least prime land shall be utilized for development; and
 4. Lots and uses shall be grouped, where possible, adjacent to other similar lots and uses to avoid a scattering of development. Lots and uses shall not be located near intensive farming operations. Subdivision or development shall not necessitate any new streets, except that one(1) lot or use may be accessed via an unimproved fifty (50) foot right-of-way; and
 5. Application for the last lot or use permitted within a farm or property shall be accompanied by a proposed deed for the residual farm land or property. Said proposed deed shall contain a restriction to identify that subdivision and development allotments have been used and that no further subdivision, development or establishment of additional principal uses shall be permitted. Said restrictive deed shall be recorded within thirty (30) days of subdivision or permit approval for the last allowable lot or use. Failure to record said deed, subsequent removal of the deed restriction or subsequent subdivision or establishment of additional uses or lots shall constitute a violation of this Ordinance, punishable in accordance with Article 27 of the Ordinance.

6. Land additions to non-agricultural land shall be considered a lot, unless the South Lebanon Township's Sewage Enforcement Officer justifies an adjacent property owner needs additional land for sewer purposes.
7. A limit of one use or lot may be allocated every seven (7) years of continuous ownership, if any use or lot remains from the quota allocated to the original parent tract. Uses of lots shall not be accumulated over a period of time, as there shall be seven (7) years between uses or lots. Property owners as of the effective date of the adoption of this subsection may utilize one use or lot commencing the adoption of this subsection.

SECTION 6.04. LOT AND YARD REQUIREMENTS. A lot area, lot width, lot coverage, yard depths, and building height satisfying the requirements of the following table, unless otherwise specified heretofore in Section 6.02 and 6.03, shall be provided for every dwelling unit and/or principal non-residential building or use hereafter erected, altered, or established in this district.

DISTRICT REQUIREMENTS

USE	<u>LOT REQUIREMENTS</u>				<u>YARD REQUIREMENTS</u>			
	MIN. LOT AREA	MAX. LOT AREA	MIN. LOT WIDTH	MAX. LOT COVERAGE	FRONT	ONE SIDE	TOTAL SIDES	REAR
<u>NON-RESIDENTIAL</u>								
USE OR BUILDING Specified in Sections 6.02A thru 6.02H	1 acre	--	150'	20%	50'	20'	40'	50'
USE OR BUILDING Specified in Special Exception in Section 6.02M	1 acre	4 acre*	150'	20%	50'	20'	40'	50'
<u>RESIDENTIAL</u>								
Single Family Detached	1 acre	2 acre	125'	20%	50'	20'	40'	50'

*Maximum lot area shall not apply to lot additions for agricultural purposes and permitted use specified within Sections 6.02A through 6.02H of this Ordinance or any multiple usage or subdivision in which each separate use or subdivided plot exceeds 100 acres.

No building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height unless authorized as a Special Exception.

SECTION 6.05 MINIMUM OFF-STREET PARKING REQUIREMENTS. Off -street parking shall be provided in accordance with Article 15 of this Ordinance.

SECTION 6.06 SIGNS AND ADVERTISING STRUCTURES. Sign shall be permitted in accordance with Article 16 of this Ordinance.

SECTION 6.07 SUPPLEMENTARY DISTRICT REGULATIONS. The Supplementary District Regulations in Article 13 shall apply, where applicable, as additional requirements for this district.

SECTION 6.08 ENVIRONMENTAL IMPROVEMENTS AND ENERGY CONSERVATION REQUIREMENTS. The environmental and energy requirements in Article 14 shall apply where applicable, as additional requirements for this district.

ARTICLE 7

R-1 LOW DENSITY RESIDENTIAL DISTRICT

SECTION 7.01. INTENT. The regulations for these districts are designed to accommodate and encourage low density development, primarily residential in nature, consistent with the characteristics of the prevailing open environment of the Township. Development is restricted to low density, single family residential development and related compatible uses designed to serve the residential community.

SECTION 7.02 PERMITTED USES

- A. Single family detached dwellings.
- B. Group Family Dwellings subject to the conditions listed in Section 6.02(J) of this Ordinance.
- C. Churches and similar places of worship and parish houses.
- D. Publicly owned nursery, kindergarten, elementary, middle, and high schools.
- E. Public parks and public playgrounds.
- F. Municipal buildings and community facilities such as police and fire protection facilities, museums, libraries, etc. provided that they do not contain restaurants, cafes, membership clubs or other places offering food, beverages, dancing or entertainment.
- G. Agriculture, truck farming, gardening, flower and tree nurseries, and non-commercial greenhouses, but not including animal husbandry or pet kennels.
- H. Guest Homes subject to the conditions listed in Section 6.02(M) (5) of this Ordinance.
- I. Accessory uses and buildings incidental to any of the above permitted uses as provided for in Article 13 of this Ordinance.
- J. Home occupations as regulated in Article 13 of this Ordinance.
- K. Family Day Care Homes provided they are subject to the conditions listed in Section 6.02(k) of this Ordinance.

- L. Upon approval by the Zoning Hearing Board, the following Special Exception uses are permitted provided the use complies with the conditions listed herein and the applicable requirements specified in Article 20 of this Ordinance:
1. Hospitals, nursing, or convalescent homes and cemeteries.
 2. Clinics, professional offices and banks, subject to these requirements:
 - a. The architectural design of the structure shall be harmonious with other structures in the neighborhood.
 - b. Parking shall not be permitted in the front yard.
 3. Non-profit, church related homes for the elderly, including (1) custodial or sanitarium type of care, (2) intermediate care involving dormitory areas with common meal facilities, and (3) individual residential living quarters with separate cooking facilities, provided that the following conditions are met:
 - a. A subdivision and/or land development plan shall be filed in accordance with the Subdivision Ordinance of South Lebanon Township.
 - b. Self-sufficient dwelling units for permanent guests of the home, which are separate and detached from the principal care facility, shall conform in all respects with the requirements for such dwelling units specified in the R-2, Medium Density Residential District, including town house and garden apartment requirements where applicable. Although they may be planned as clustered housing, such residential development shall be designed to facilitate subdivision or sale of individual units in accordance with the applicable lot area, lot width, and yard requirements of Section 8.03 of the Ordinance.
 4. Semi-public and private recreation uses such as golf courses, country clubs, swimming and/or tennis clubs provided that no principal building, accessory structure, pool, tennis court, or parking area is located within one hundred (100) feet of any road right-of-way line or lot line. Additionally, swimming pools associated with these uses shall be completely enclosed with a continuous, impenetrable fence no less than six (6) feet in height above the ground level and the fence shall be equipped with a lockable gate.

5. Privately owned nursery, elementary, middle, and high schools.
6. Private institutions of higher education, convents, and monasteries provided that the following conditions are met:
 - a. A minimum lot area of three (3) acres for the first 300 students or enrollees plus one (1) acre for each additional 100 students or enrollees.
 - b. Dormitory or residential quarters shall be located minimum of 100 feet from any property line.
7. Non-intensive animal husbandry or pet kennels subject to the following conditions:
 - a. A minimum lot size of ten (10) acres shall be provided.
 - b. Building in which livestock, poultry, insects, or other than customary household pets are kept shall be no closer than two hundred (200) feet to any lot line or road right-of-way.
 - c. No storage of manure, odor, or dust producing substances shall be permitted within two hundred (200) feet of any lot line and one hundred (100) feet of a road right-of-way.
8. Group Day Care Homes subject to the conditions listed in Section 6.02(M6) of this Ordinance.
9. Day Care Centers provided that the following conditions are met:
 - a. The property shall be served by public water and sewer facilities.
 - b. Applicant shall obtain written approval or license for the Day Care Center from the Penna. Dept. of Public Welfare.
 - c. Plans for the construction or modification of the facility shall be reviewed/approved by the Penna. Dept. of Labor and Industry and written proof of said review/approval shall be provided.
 - d. Unloading and loading of children from vehicles shall only be permitted on the driveway or on the approved parking area.

- e. Off-street parking shall be provided at the rate of one (1) space for each employee, plus four (4) spaces for the first ten (10) licensed capacity slots for children, plus one (1) space for each additional ten (10) slots for children approved for the center. Off-street parking shall also be provided for vehicles owned and operated by the facility as a part of its day care services.
- f. Play areas for children shall be fenced and shall be located no closer than fifty (50) feet to any lot line or road right-of-way, except that play area setbacks may be reduced to twenty-five (25) feet from side and rear lot lines when a dense screen planting is established and maintained within the setback area.

SECTION 7.03. LOT AND YARD REQUIREMENTS. A lot area, lot width, lot coverage, yard coverage, yard depths, and building height satisfying the requirements of the following table, unless otherwise specified heretofore in Section 7.02, shall be provided for every dwelling unit, and/or principal non-residential building or use hereafter erected, altered, or established in this district.

DISTRICT REQUIREMENTS

USE	<u>LOT REQUIREMENTS</u>			<u>YARD REQUIREMENTS</u>			
	MIN LOT AREA	MIN LOT WIDTH	MAX LOT COVERAGE	FRONT	ONE SIDE	TOTAL SIDES	REAR
<u>NON-RESIDENTIAL BUILDING</u>	3 acre	250'	20%	100'	20'	40'	75'
<u>SINGLE FAMILY DETACHED</u>							
No Public Utilities	1 acre	150'	25%	40'	20'	40'	30'
Public Water or Sewer	15,000 sq. ft.	120'	30%	30'	10'	20'	30'
Public Water and Sewer	12,500 sq. ft.	100'	30%	30'	10'	20'	30'

No building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height unless authorized as a Special Exception.

SECTION 7.04 MINIMUM OFF-STREET PARKING REQUIREMENTS. Off-street parking shall be provided in accordance with Article 15 of this Ordinance.

SECTION 7.05 SIGNS AND ADVERTISING STRUCTURES. Signs shall be permitted in accordance with Article 16 of this Ordinance.

SECTION 7.06 SUPPLEMENTARY DISTRICT REGULATIONS. The Supplementary District Regulations in Article 13 shall apply, where applicable, as additional requirements for this district.

SECTION 7.07 ENVIRONMENTAL IMPROVEMENTS AND ENERGY CONSERVATION REQUIREMENTS. The environmental and energy requirements in Article 14 shall apply, where applicable, as additional requirements for this district.

ARTICLE 8

R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

SECTION 8.01 INTENT. The regulations of the R-2 Residential District are designed to promote the development of a variety of medium density housing types in areas where necessary municipal services, commercial facilities and other community amenities are available.

SECTION 8.02 PERMITTED USES.

- A. Single family detached and semi-detached dwellings.
- B. Group Family Dwellings subject to the conditions listed in Section 6.02(J) of this Ordinance.
- C. Two-family detached and semi-detached dwellings.
- D. Town houses, provided that the following requirements are met:
 - 1. Minimum lot area of 3,000 square feet per dwelling unit.
 - 2. Maximum development density shall not exceed seven (7) dwelling units per gross acre.
 - 3. Minimum lot width of twenty-four (24) feet.
 - 4. A minimum front and rear yard of twenty-five (25) feet each, as measured from the property line or any paved parking area, shall be provided for each town house unit.
 - 5. Side yard minimums of fifteen (15) feet shall be provided from the unattached sides of buildings; however, a minimum side yard of twenty-five (25) feet shall be provided from any paved parking areas. A minimum distance of thirty-five (35) feet shall also separate each group of town houses.
 - 6. No group of town houses shall consist of more than six (6) attached units, with no more than two (2) continuous dwellings with the same front setback, each variation of the setback being at least four (4) feet. Developers are encouraged to use variety in design and construction to enhance appearance.
 - 7. Detached accessory buildings or structures used for storage only shall be permitted on individual lots provided the size of the

structure does not exceed eighty (80) square feet and the height is no more than eight feet six inches. This provision shall apply to townhouses which exist as of March 31, 1996. All townhouses constructed after March 31, 1996 shall provide for storage areas which shall be attached to the principal structure, provided the exterior of the attached structure is constructed of the same material as the principal structure and provided all requirements of this ordinance are met. Garages and other normal accessory structures may be attached to the principal structure of each individual lot provided all of the requirements of this Ordinance are met. Attached accessory buildings and structures for common use by the entire development shall be permitted on common areas as per Article 13 of this Ordinance.

8. Townhouse development shall be in compliance with Section 8.04 of this Ordinance.
 9. The site shall be served by public water and sewer facilities, with design for individual unit service where lots are to be sold.
 10. Off-street parking as required by Article 15 of this Ordinance, shall be located within 150 feet of the dwelling unit to be served.
 11. Town house development requires the submission of a subdivision plan and compliance with the Subdivision Ordinance of South Lebanon Township.
- E. Garden Apartments, provided that the following conditions are met:
1. Maximum development density shall not exceed twelve (12) dwelling units per gross acre.
 2. A minimum site size of 24,000 square feet shall be provided for garden apartment development
 3. Garden apartment buildings shall contain at least four (4) but not more than sixteen (16) dwelling units in a single structure.
 4. A minimum setback of thirty (30) feet shall be provided from any road right-of-way, driveway, or paved parking area. Additionally, the guiding setback line shall be a minimum distance of thirty (30) feet from any front, side, or rear property line.
 5. A minimum isolation distance of fifty (50) feet shall be provided between garden apartment buildings.

6. The site shall be served by public water and public sewer facilities.
 7. If provided, balconies shall not extend more than eight (8) feet from the face of any principal building and the minimum floor area of any balcony shall be 72 square feet.
 8. If patios are provided at ground level, they shall be designed for visual privacy and shall be minimum of 150 square feet.
 9. Garden apartment development shall be in compliance with Section 8.04 of this Ordinance.
 10. Off-street parking as required by Article 15 of this Ordinance, shall be located within 150 feet of the dwelling unit to be served. Furthermore, parking facilities and driveways shall be located no less than twenty-five (25) feet from any road right-of-way and ten (10) feet from all other property lines.
 11. Garden apartment development requires the submission of a subdivision plan and compliance with the Subdivision Ordinance of South Lebanon Township.
- F. Churches and similar places of worship and parish houses.
 - G. Public parks and public playgrounds.
 - H. Municipal buildings and community facilities such as police and fire protection facilities, museums, libraries, and the like, provided that they do not contain restaurants, cafes, and the like, membership clubs or other places offering food, beverages, dancing or entertainment
 - I. Publicly owned nursery, kindergarten, elementary, middle, and high schools.
 - J. Guest Homes subject to the conditions listed in Section 6.02(M)(5) of this Ordinance.
 - K. Family Day Care Homes provided subject to the conditions listed in Section 6.02(K) of this Ordinance.
 - L. Accessory uses and buildings incidental to any of the above permitted uses as provided for in Article 13 of this Ordinance.
 - M. Home occupations as regulated in Article 13 of this Ordinance.

- N. Upon approval by the Zoning Hearing Board, the following Special Exceptions uses are permitted provided the use complies with the conditions listed herein and the applicable requirements specified in Article 20 of this Ordinance:
1. Special Exception uses specified in Section 7.02(L)(#1 through #9) of the R-1, Low Density Residential District, subject to the conditions stated therein.
 2. Mobile home parks and subdivisions subject to the following regulations:
 - a. Scope - All mobile home parks and subdivisions hereafter established in the R-2 District and all expansions or alterations to existing mobile home parks and subdivisions are subject to all applicable regulations of this section.
 - b. Use of Terms - A development subject to these regulations shall be know as a park in this section unless specified differently in the text.
 - c. Park Size - each park hereafter designed shall be at least ten (10) acre. The park shall not be divided by any public street or alley but may contact any street or alley. Hereafter, any street or alley so contacted shall be know as a perimeter street or alley.
 - d. Density - each park shall have a maximum density of six (6) mobile homes per gross acre, and no individual mobile home lot in a mobile home subdivision shall be less than 3,000 square feet.
 - e. Yard Requirements, Mobile Homes - No mobile home shall be located at less than the following:
 1. One Hundred (100) feet from any perimeter street line or perimeter lot line;
 2. Twenty (20) feet from the edge of a park street;
 3. Twenty (20) feet from any other mobile home;
 4. Ten (10) feet from interior lot lines.
 - f. Yard Requirements, All Other Buildings - No service building or accessory building for park residents' general use shall be located at less than the following:

1. One Hundred (100) feet from a perimeter street line;
 2. One Hundred (100) feet from a perimeter lot line;
 3. Forty (40) feet from any mobile home.
- g. Park Street - A street installed exclusively for park residents' use shall have a durable surface capable of supporting residential traffic and shall conform to the following regulations:
1. A park street shall be at least twelve (12) feet wide for one-way and at least twenty-four (24) feet wide for two way traffic when all parking is provided off-street. A traffic pattern in the park shall allow for efficient access to all points;
 2. Each mobile home site shall be accessible from a park street; however, designated parking for a site may be provided off the site as provided herein;
 3. Each park shall be provided with at least two (2) points of ingress/egress for vehicular traffic from public streets;
 4. No more than two (2) park streets shall intersect at any one point;
 5. Park streets designated to provide parking for sites shall be widened by eight (8) feet on each side to be used for parking.
- h. Walkways - A walkway with paved surface shall be installed as follows:
1. Between each mobile home stand, as described herein, and a park street;
 2. Between mobile home sites and common parking areas where the site parking is designated.

i. Off-Street Parking

1. Each mobile home site shall be provided with two (2) parking spaces, as required by Article 15;
2. Parking spaces for a given site shall be adjacent to each other;
3. Parking spaces which are provided in a common parking lot shall be appropriately marked for a specific site and shall not be farther than 150 feet from the site to be served;
4. Parking spaces shall be accessible from a park street only.

j. Utility Services

1. Each mobile home site shall be served by either a public water system or a private, Department of Environmental Protection approved, community water system which supplies water at a pressure comparable to the municipal system;
2. Each mobile home site shall be served by a connection to the public sewer system or to a centralized sewer system approved by the Department of Environmental Protection;
3. Each mobile home site shall be served by a connection to an electrical distribution system;
4. Any transmission line within the limits of the park for telephone service, electricity, or centralized television reception shall be buried.

k. Common Open Space Areas

1. The park shall be provided with common open space areas not less than 15% of gross park area, which are for the enjoyment of all park residents. The areas may include but are not limited to such facilities as service buildings for meeting room, laundromats,

storage cubicles for residents either individually or collectively, playgrounds, swimming pools, fields and courts for various organized team sports, and landscaped areas for passive recreation.

2. The park shall have at least half its common area at one continuous location, and not more than half of its common area may be in the buffer yard;
3. No interior play area for children shall be less than 1000 square feet;
4. The park open space areas may contain a wide variety of facilities at the discretion of the owner; however, it is the intent of this Ordinance that all parks contain well-maintained improvements for recreation for all ages.

1. Mobile Home Site Improvements

1. Each mobile home site shall be provided with a patio area adjacent to the mobile home. The patio shall be at least 200 square feet in size;
2. The patio shall be properly drained and shall have a durable surface such as concrete or wood;
3. Each mobile home shall be provided with a skirting of durable material which shall entirely enclose the area beneath the mobile home.

SECTION 8.03 LOT AND YARD REQUIREMENTS. A lot area, lot width, lot coverage, yard depths and building height satisfying the requirements of the following table, unless otherwise specified heretofore in Section 8.02, shall be provided for every dwelling unit and/or principal non-residential building or use hereafter erected, altered or established in this district.

DISTRICT REQUIREMENTS

USE	<u>LOT REQUIREMENTS</u>		<u>YARD REQUIREMENTS</u>			
	MIN. LOT AREA	MIN LOT WIDTH	FRONT	ONE SIDE	TOTAL SIDES	REAR
<u>NON-RESIDENTIAL BUILDING</u>	3 acre	250'	100'	20'	40'	75'
<u>RESIDENTIAL</u> No Public utilities						
Single Family Detached	1 acre	150'	30'	15'	30"	30'
<u>RESIDENTIAL</u> Public water or sewer						
Single Family Detached	12,500 sq. feet	100'	30'	10'	20'	25"
<u>RESIDENTIAL</u> Public water and sewer						
Single Family Detached	9,000 sq. ft.	90'	30'	10'	20'	25'
Single Family Semi-Detached	8,000 sq. ft.	80'	30'	10'*	20**	25'
Two-family Semi-Detached	3,000 sq. ft.	30'	30'	10'*	20**	20'
Two Family Detached	4,000 sq. ft.	50'	30'	10'	20'	20'
Town House	(SEE SECTION 8.02)					
Garden Apartment	(SEE SECTION 8.02)					

*Yard requirements apply to unattached sides of buildings.

No building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height unless authorized by a Special Exception.

LOT COVERAGE REQUIREMENTS SHALL BE AS FOLLOWS:

USE	MAX. LOT COVERAGE
NON-RESIDENTIAL BUILDING	30%
RESIDENTIAL BUILDING	40%

SECTION 8.04 SUPPLEMENTAL TOWN HOUSE AND GARDEN APARTMENT STANDARDS. The following design criteria shall apply as additional requirements for town house and garden apartment development:

- A. The developer should vary architectural treatments within apartment projects, individual apartments, and between dwelling units in a town house development. Variations may include those of exterior elevation, building setbacks, provisions of balconies, architectural details, pitch of roof, exterior materials, or use of color.
- B. Variety and flexibility in design layout and arrangement of buildings, parking areas, services, recreation areas, common open space, and planting that fully consider the particular physical characteristics of site and natural amenities is highly desired.
- C. Screen plantings shall be provided where multiple dwelling unit land developments abut any non-residential use or where such developments abut any single family residential or other zoning district. Screen plantings shall be designed, located, and maintained in accordance with the requirements of Article 14 of this Ordinance.
- D. All utility lines within a town house or garden apartment development shall be placed underground.
- E. All open space, green areas, patios, courts, and buffer yards shall be landscaped and maintained to insure the safety, privacy, and comfort of town house and garden apartment residents.
- F. Exterior storage areas for trash and rubbish shall be well screened on three (3) sides and contained in covered, vermin proof containers.

SECTION 8.05 MINIMUM OFF-STREET PARKING REQUIREMENTS. In addition to the requirements posted in Article 8, the off-street parking regulations of Article 15 shall apply where applicable to the uses permitted in this district.

SECTION 8.06 SIGNS AND ADVERTISING STRUCTURES. Signs shall be permitted in accordance with Article 16 of this Ordinance.

SECTION 8.07 SUPPLEMENTARY DISTRICT REGULATIONS. The Supplementary District Regulations in Article 13 shall apply, where applicable, as additional requirements for this district.

SECTION 8.08 ENVIROMENTAL IMPROVEMENTS AND ENERGY CONSERVATION REQUIREMENTS. The environmental and energy requirements in Article 14 shall apply, where applicable, as additional requirements for this district.

ARTICLE 9

C-1, GENERAL COMMERCIAL DISTRICT

SECTION 9.01 INTENT. The regulations of this district are designed to accommodate commercial activity within the township. Since these enterprises are for the most part dependent on traffic generated by a major thoroughfare, these uses are grouped together to facilitate shopping via automobile. The requirements contained in this article are designed to promote safe and expedient conveyance of the resulting high traffic volumes.

SECTION 9.02 PERMITTED USES.

- A. Stores for the retailing of all consumer goods not otherwise prohibited by law.
- B. Multiple commercial use complexes and shopping centers provided that the following conditions are met:
 - 1. The multiple commercial use complex or shopping center shall consist of a group of two or more commercial uses, planned, designed, and constructed as one (1) principal structure. Each commercial establishment within the complex shall share at least one (1) party wall with another establishment.
 - 2. The minimum lot size shall be determined by the total gross floor area of the principal structure, according to the following table.

<u>TOTAL GROSS FLOOR AREA</u>	<u>MINIMUM LOT AREA REQUIRED</u>
0 - 20,000 sq. ft.	1 Acre
20,001 - 40,000 sq. ft.	2 Acres
Greater than 40,000 sq. ft.	2 Acres plus 1 acre for each 15,000 sq. ft. (or fraction thereof) in excess of the initial 40,000 sq. ft. of floor area.

- 3. Such use shall comply in all respects with the lot width, lot coverage, yard and building height requirements of Section 9.04 of this Ordinance.
- C. Personal service shops including barber shops, beauty shops, tailors, shoe repair, dry cleaning, laundromats, and the like.
- D. Medical and dental clinics and laboratories.

- E. Banks, savings and loan associations, finance agencies, and other offices providing business or professional services.
- F. Messenger, dispatch, express, and courier services.
- G. Taxi and bus passenger stations.
- H. Mortuary and undertaking establishments.
- I. Indoor amusement enterprises such as arenas, bowling alleys, dance halls, and other recreation or entertainment establishments.
- J. Drive-in movie theaters.
- K. Restaurant facilities of all types, including drive-in, drive through or fast food, tea rooms, cafes, and other places serving food or beverages, including private, membership, or social clubs and beverage distribution centers.
- L. Printing and publishing firms.
- M. Shops for contractors, plumbers, heating, painting, and upholstering specialists.
- N. Hotels, motels, and boarding houses.
- O. Automobile dealers and automobile washes.
- P. Gasoline stations and repair garages subject to the following regulations:
 - 1. No repair work shall be performed out of doors.
 - 2. All automotive parts, dismantled and derelict vehicles, and similar articles shall be stored only within an enclosed building.
 - 3. All gasoline and petroleum pumps shall be located outside of buildings, no less than thirty-five (35) feet from any road right-of-way line or property line.
 - 4. All fuel, oil, or similar combustible petroleum product storage tanks shall be located under ground at least thirty-five (35) feet from any road right-of-way line or lot line.
 - 5. Automotive vehicles without valid, current license plates and state inspection shall be restricted according to Section 13.17 of this Ordinance.
- Q. Self-service storage facilities.

- R. All other uses which in the opinion of the Zoning Administrator are similar to the above uses and in harmony with the intent of the regulations for this district. When a proposed use is not sufficiently similar to enable the Zoning Administrator to make a ruling, the Zoning Hearing Board may make a determination as authorized in Section 4.05 of this Ordinance.
- S. Upon approval by the Zoning Hearing Board, the following Special Exception uses are permitted provided that the use complies with the conditions listed herein and the applicable requirements specified in Article 20 of this Ordinance.
1. Automobile body shops provided that the following conditions are met:
 - a. All work shall be conducted indoors.
 - b. Paint booths shall be adequately filtered and vented to minimize exhaust of noxious fumes.
 - c. Flammable and/or combustible materials shall be stored within a fireproof enclosure within the principal structure or within an accessory building located no less than fifty (50) feet from any lot line.
 - d. Outdoor storage of auto parts or equipment shall not be permitted at any time.
 2. Lumber, coal and fuel distribution yards provided the following conditions are met:
 - a. All principal and accessory buildings, storage areas, scales, distribution areas, and parking facilities shall be a minimum of one hundred (100) feet from any lot line or road right-of-way line.
 - b. Fuel storage tanks shall be placed underground at least one hundred (100) feet from any lot line or road right-of-way line or above ground at least one hundred (100) feet from any lot line or road right-of-way line.

SECTION 9.03 PERFORMANCE REQUIRED. All of the above listed uses must be non-objectionable in terms of smoke or dust emission, odors, noise, heat, vibration, visual impact, or glare, and shall not be injurious or have an adverse effect on adjacent areas or the township as a whole. Should the Zoning Administrator feel there is any possibility of the above mentioned dangers, the applicant must prove the contrary to the Zoning Hearing Board as an Administrative Review procedure before a permit is issued.

SECTION 9.04 LOT AREA, BUILDING HEIGHT AND YARD REQUIREMENTS.

A lot area, lot width, lot coverage, yard depth, and building height satisfying the requirements of the following table, unless otherwise specified heretofore in Section 9.02 and 9.05, shall be provided for every dwelling unit and/or principal non-residential building or use hereafter erected, altered, or established in this district.

DISTRICT REQUIREMENTS

<u>LOT REQUIREMENTS</u>			<u>YARD REQUIREMENTS</u>			
<u>MIN. LOT AREA</u>	<u>MIN. LOT WIDTH</u>	<u>MAX. LOT COVERAGE</u>	<u>ONE FRONT</u>	<u>TOTAL SIDES</u>	<u>REAR</u>	
1 Acre	200'	50%	60'	30'	60'	30'

- A. Where a side or rear yard adjoins a residential district, said yards shall be no less than fifty (50) feet.
- B. No building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height unless authorized as a Special Exception by the Zoning Hearing Board.

SECTION 9.05 MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS. Off-street parking and loading shall be provided in accordance with Article 15 of this Ordinance.

SECTION 9.06 SIGNS AND ADVERTISING STRUCTURES. Signs shall be permitted in accordance with Article 16 of this Ordinance.

SECTION 9.07 SUPPLEMENTARY DISTRICT REGULATIONS. The Supplementary District Regulations in Article 13 shall apply, where applicable, as additional requirements for this district.

SECTION 9.08 ENVIRONMENTAL IMPROVEMENTS AND ENERGY CONSERVATION REQUIREMENTS. The environmental and energy requirements in Article 14 shall apply, where applicable, as additional requirements for this district.

ARTICLE 10

O & I, OFFICE AND INSTITUTIONAL DISTRICT

SECTION 10.01 INTENT. This district is designed to promote and facilitate a variety of office and institutional uses in an area where public utilities and vehicular access are available or may be readily extended.

SECTION 10.02 PERMITTED USES.

- A. Business and professional offices.
- B. Banks, savings and loan associations and other finance agencies.
- C. Medical, dental, and veterinary clinics, laboratories and associated pharmacies.
- D. Hospital, sanitariums, nursing, and convalescent homes.
- E. Public and private schools, including colleges and other institutions of higher learning.

SECTION 10.03 LOT AREA, BUILDING HEIGHT, AND YARD REQUIREMENTS.

A lot width, lot coverage, yard depths and building height satisfying the requirements of the following table, shall be provided for every principal use or building hereafter erected, altered or established in this district.

DISTRICT REQUIREMENTS

USE	LOT REQUIREMENTS			YARD REQUIREMENTS			
	Min. Lot Area	Min. Lot Width	Max. Lot Coverage%	Front	One Side	Total Sides	Rear
NON-RESIDENTIAL	1 acre	150'	40%	50'	20'	40'	40'

No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height unless minimum front, side, and rear setbacks are increased one (1) foot for each two (2) feet of building height in excess of thirty-five (35) feet. However, in no instance shall the building height exceed seven and one-half (7 1/2) stories or ninety (90) feet.

SECTION 10.04 MINIMUM OFF-STREET PARKING REQUIREMENTS. Off-street parking shall be provided in Accordance with Article 15 of this Ordinance.

SECTION 10.05 SIGNS AND ADVERTISING STRUCTURES. Signs shall be permitted in accordance with Article 16 of this Ordinance.

SECTION 10.06 SUPPLEMENTARY DISTRICT REGULATIONS. The Supplementary District Regulations in Article 13 shall apply, where applicable, as additional requirements for this district.

SECTION 10.07 ENVIRONMENTAL IMPROVEMENTS AND ENERGY CONSERVATION REQUIREMENTS. The environmental and energy requirements in Article 14 shall apply, where applicable, as additional requirements for this district.

ARTICLE 11

I-1, INDUSTRIAL DISTRICT

SECTION 11.01 INTENT. These districts are designed to accommodate and promote wholesale activities, warehousing, and industrial operations dependent on existing land uses, physical conditions, and the availability of nearby municipal utilities and transport facilities. The district accommodations extensive industrial activities in these areas so as to minimize any detrimental effects that they might have on other uses in the Township and at the same time provides an industrial zone free of encroachment from other activities.

SECTION 11.02 PERMITTED USES.

- A. Any uses not otherwise prohibited by law of a manufacturing, fabricating, processing, compounding, or treatment nature which, in the opinion of the Zoning Administrator, would be non-objectionable in terms of smoke or dust emission, odors, noise, or glare, and will not otherwise be injurious to the public health, safety, and welfare and will not have an adverse effect on adjacent areas. Should the Zoning Administrator feel that there is any likelihood of the aforementioned dangers or nuisances, the applicant shall prove the contrary to the Zoning Hearing Board in an Administrative Review before a permit is issued. In such a case, the Township Planning Commission shall be notified of the hearing in order to provide the Zoning Hearing Board with a recommendation.
- B. Warehousing and wholesaling establishments and storage yards, not including junk yards.
- C. Railroad, trucking, busing, and other transit facilities including storage, repair, and transfer operations.
- D. Automobile body shops, repair garages and gasoline stations provided that the following conditions are met:
 - 1. All gasoline and petroleum pumps shall be located outside of building, no less than thirty-five (35) feet from any road right-of-way line or lot line.
 - 2. All fuel, oil or similar combustible petroleum product storage tanks shall be located under ground at least thirty-five (35) feet from any road right-of-way line or lot line.
 - a. No mechanical or auto body repair work shall be performed out of doors.

3. All automotive parts, dismantled and derelict vehicles, and similar articles or parts thereof shall be stored only within an enclosed building.
 4. Automotive vehicles without valid, current license plates and state inspection shall be restricted according to Section 13.17 of this Ordinance.
 5. Any structure housing an automobile body shop shall be a minimum of fifty (50) feet from any lot line when located adjacent to any residential district.
 6. Flammable and/or combustible materials associated with the automobile body shop use shall be stored within a fireproof enclosure within the principal structure or within an accessory building located no less than fifty (50) feet from any lot line.
- E. Customary accessory uses and buildings incidental to any of the above permitted uses.
- F. Lumber Distribution Warehouse/Retail Facility provided that the following conditions are met:
1. All principal and accessory buildings, storage areas, scales, and distribution areas shall be a minimum of one hundred (100) feet from any road right-of-way line and fifty (50) feet from any side and rear property lines. Additionally, parking facilities shall be a minimum of fifty (50) feet from any road right-of-way line and/or side and rear property lines;
 2. All exterior storage of materials /products shall be in enclosures which are fenced, secured, and maintained in good condition. Said fence shall be at least six (6) feet in height and impenetrable;
 3. All private drives within the facility must be improved with an asphalt, concrete or other similar hard surface, in accordance with ordinance requirements of the Township Supervisors;
 4. No activities shall discharge into the air hazardous amounts of dust or other particulate matter;
 5. Noise levels shall not exceed 60 dBA as measured at the property line of residentially zoned property, or otherwise shall not exceed 70 dBA

6. Where the use abuts a residential district, the buffer area shall be a minimum of one hundred fifty (150) feet and shall be planted with a double-wide dense screen planting (minimum width of 10 feet) for the entire length of the residential district area.
- G. Laboratories for scientific or industrial research and development.
- H. Industrial Enterprise Offices, National and regional Corporate Headquarters, Computer, Clerical and Operations Centers for industrial enterprises subject to the following criteria:
1. The industrial enterprise shall mean an enterprise other than a mercantile, commercial or retail enterprise.
 2. Office operations are designed to attract little or no customer or client traffic other than employees of the enterprise.
 3. No outdoor storage shall be permitted within the front or side yards. In rear yards, all outdoor storage areas shall be screened from adjoining properties and roads.
- I. Communication facilities requiring transmission antennas, towers, radio or television stations, satellite earth stations, and similar uses provided the following conditions are met:
1. All communication equipment, including antennas and their associated structures or supports, shall meet principal building/structure setbacks and maximum height limitations and shall not be located in required buffer areas.
 2. All ground-mounted antennas shall be completely enclosed by a minimum eight (8) feet high fence topped by a minimum of one (1) foot of barbed wire strands.
 3. Antennas or towers and their associated structures or supports shall be neutral in color and shall not contain or be a part of any form of advertising message or sign.
 4. Radiation emissions from communications equipment associated with the above uses shall not be detectable at or beyond the property line.
- J. Upon approval by the Zoning Hearing Board, the following Special Exception uses are permitted provided that the use complies with the conditions listed herein and the applicable requirements specified in Article 20 of this Ordinance:

1. Automobile recycling and junk yards used for storage, wrecking, and converting used or discarded materials provided that the following conditions are met:
 - a. Minimum lot area of ten (10) acres.
 - b. Such use shall be completely enclosed by an evergreen screen planting to be planted and maintained at a height of not less than eight (8) feet and backed by a solid fence not less than six (6) feet in height.
2. Air fields, strips, or landing facilities and building accessories provided that the following conditions are met:
 - a. Minimum lot area of ten (10) acres.
 - b. Applicant shall submit a plot plan of the lot indicating the runway and approach area and existing residences located within a five hundred (500) foot radius of the runway.
 - c. Runway shall be no closer than one hundred (100) feet to any residential district, and no closer than fifty (50) feet to any property line or road right-of-way line.
 - d. A description of equipment and facilities to be utilized, and a description of overall development plans for the lot shall be made available to the Zoning Hearing Board.
 - e. The airport approach area shall be defined as a three hundred (300) foot wide area lying within and below an inclined plan extending outward horizontally one thousand (1,000) feet at a ratio of one (1) foot of height for each twenty (20) feet from each end of the runway. No building, structure or airport hazard shall exceed one (1) foot in height, for each twenty (20) feet of length of an established airport runway, with no structure or airport hazard to exceed thirty-five (35) feet in height anywhere within the lot.
 - f. Any pulsating or intermittent lighting is prohibited.
 - g. Flood lights, spot lights and other lighting devices shall be arranged or shielded so as to illuminate parallel to the ground and not in an upward direction.

- h. Any radio or electronic device shall be permitted only with approval and license by the Federal Communications Commission.
 - i. All facilities of this nature shall conform and operate under the standards set by the FAA and the Pennsylvania Aeronautical Commission.
 - j. The Zoning Hearing Board may impose other conditions as are appropriate to public safety and welfare, including hours of operation, frequency of use and a location in relation to existing residences.
3. Sandpits, gravel pits, removal of topsoil, and the excavation, extraction or removal of any natural resource, from the land or ground for any purpose, are permitted subject to the following conditions:
- a. Application for the Special Exception shall be accompanied by an approved Department of Environmental Protection permit authorizing said activities.
 - b. The proposed operation shall not adversely affect soil fertility, drainage, and lateral support of abutting land or other properties, nor shall it contribute to soil erosion by water or wind.
 - c. Where any open excavation will have a depth of ten (10) feet or more and a slope of more than thirty (30) percent, there shall be an appropriate, protective fence with suitable gates where necessary, effectively blocking access to the area in which extraction is located. Such fence shall be located no less than fifty (50) feet from the edge of the excavation. All operations shall be screened from nearby residential uses as required by the Zoning Hearing Board.
 - d. That portion of access roads located within one hundred (100) feet of any lot in residential use of lot zoned residentially shall be provided with a dustless surface. Access roads shall connect to collector or major road networks avoiding undue movement through residential areas.
 - e. At all states of operations, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.

- f. A site plan for rehabilitation, showing both existing and proposed final contours, shall be submitted. After any such operations, the site shall be made reusable for a use permitted in the Zoning District. Where topsoil is removed, sufficient arable soil shall be set aside for retention on the premises and shall be respread over the premises after the operation is terminated. Except where lakes are created and retained, the area shall be brought to final grade by a layer of earth at least two (2) feet deep or to original thickness, whichever is less, and capable of supporting vegetation. Fill shall be of an acceptable material.

SECTION 11.03 LOT AND YARD REQUIREMENTS. A lot area, lot width, lot coverage, yard depths, and building height satisfying the requirements of the following list, unless otherwise specified heretofore in this section or Section 11.02, shall be provided for every principal building or use hereafter erected, altered, or established in this district.

A. LOT AREA, LOT WIDTH AND COVERAGE REQUIREMENTS

1. Minimum lot area - 2 acres
2. Minimum lot width - 200 feet
3. Maximum lot coverage - 50%

B. YARD REGULATIONS - For every principal or accessory building or use in the Industrial District, the minimum yard regulations shall be as follows:

1. Required front yards, measured from the road right-of-way line (lot line) to the building, are as follows:
 - a. A depth of not less than 100 feet along any road right-of-way.
 - b. A depth of 150 feet if said front yard is across the street from a residential district.
2. Required side yards, measured from the lot line to the building line, are as follows:
 - a. Not less than twenty (20) feet on each side of the building.

- b. No building or structure shall be located less than 150 feet from any residentially zoned district.
- 3. Rear yards of not less than thirty (30) feet shall be provided, except than no building or structure shall be located less than 150 feet from any residentially zoned district.
- 4. All yards shall be appropriately landscaped and well maintained in accordance with Article 14 of this Ordinance.

C. HEIGHT REGULATIONS - The height of any principal or accessory building shall not exceed seventy-five (75) feet, except that chimneys, flagpoles, towers, water tanks, and other mechanical appurtenances may be built to a height not to exceed 125 feet above the finished grade when erected upon or as an integral part of the building.

SECTION 11.04 MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS. Off-street parking and loading shall be provided in accordance with the requirements of Article 15 of this Ordinance.

SECTION 11.05 SIGNS AND ADVERTISING STRUCTURES. Signs shall be permitted in accordance with Article 16 of this Ordinance.

SECTION 11.06 SUPPLEMENTARY DISTRICT REGULATIONS. The Supplementary District Regulations in Article 13 shall apply, where applicable, as additional requirements for this district.

SECTION 11.07 ENVIRONMENTAL IMPROVEMENTS AND ENERGY CONSERVATION REQUIREMENTS. The environmental and energy requirements in Article 14 shall apply, where applicable, as additional requirements for this district.

ARTICLE 12

FLOOD PLAIN DISTRICTS

F-1, F-2, F-3 and F-4

SECTION 12.01 INTENT. These regulations are designed to prohibit or restrict construction of any permanent building or structure, or uses and activities in any Flood Plain District in order to prevent unnecessary loss of life or property from possible natural catastrophe, as well as, to protect stream valleys from ecologically detrimental development that may contribute to a water pollution problem, create erosion in and around water courses and induce flooding conditions. In addition, these provisions are intended to prevent the creation of health and safety hazards, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and to minimize future flood damage.

SECTION 12.02 DEFINITIONS OF TERMS UTILIZED IN FLOOD PLAIN DISTRICTS.

- A. Alluvial Soils Maps - Soils maps prepared by the United States Department of Agriculture, Soil Conservation Service which indicate the location of soil types. Alluvial soils on these maps are soils of flood plains that are sediment deposits washed from upland areas. The presence of an alluvial soil indicates that the land has been flooded at some previous point in time.
- B. Approximated Flood Plain District (F-1) - The Approximated Flood Plain District (F-1) shall be that flood plain area for which no specific flood profiles have been provided. Where the specific Base Flood Elevation cannot be determined for this area using other sources of data such as the U.S. Army Corps of Engineers, Flood Plain Information Reports, U.S. Geological Survey Flood Prone Quadrangles, etc, the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques currently acceptable by the Federal Insurance Administrator (e.g., HEC-2). Consideration shall be given to the methods specified by the U.S. Water Resource Council's Technical Bulletin No. 17 or 17B. This elevation information shall be subject to review by the municipality and other agencies that it shall designate such as the Corps of Engineers, the Department of Environmental Protection, a River Basin Commission, etc.
- C. Base Flood - The flood, also known as the 100 Year Flood, which has a one percent (1%) change of being equaled or exceeded in any given year; the flood which has been selected to serve as the basis upon which the flood plain management provisions of this and other ordinances have been prepared.

- D. Base Flood Elevation - The determination by the Federal Insurance Administrator of the water surface elevation of the Base Flood, that is, the flood level that has a one percent (1%) or greater change of occurrence in any given year.
- E. Camping, Short-Term - Location of a camping unit within any one (1) campground for a period not to exceed fifteen (15) days in any one calendar month.
- F. Construction - The term "construction" shall include the building, reconstruction, extension, expansion, alteration, substantial improvements, erection or relocation of a building or structure, including manufactured homes, and gas or liquid storage tanks. For flood plain purposes, "new construction" includes structures for which the "start of construction" commenced on or after the effective date of a flood plain management regulation adopted by municipality.
- G. Development - Any man-made change to improved or unimproved real estate, including but not limited to buildings, manufactured homes, or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or the storage of equipment or materials.
- H. Flood - A general and temporary inundation of water on normally dry land areas by water from waterway overflows or the unusual and rapid accumulation of runoff of surface waters from any source.
- I. Flood Fringe (F-3) - The portion of the One Hundred (100) Flood Plain not included in the floodway. The basis for the outermost boundary of this district shall be the base flood elevations contained in the flood profiles of the Flood Insurance Study prepared by the Federal Emergency Management Agency (FEMA). These areas are shown on the Floodway Map or Flood Insurance Rate Map (FIRM).
- J. Flood Plain - (1) A relatively flat or low land area adjoining a river, stream, or watercourse, which is subject to partial or complete inundation by water; (2) an area subject to the unusual and rapid accumulation of runoff of surface water from any source. For the purposes of this Ordinance, the flood plain shall be considered to be the One Hundred Flood Plain which is a flood plain having a one percent (1%) change of being subject to the above conditions during any given year.
- K. Flood Plain Districts - The zoning districts that establish the bounds of the Base Flood as identified by the Federal Insurance Administrator so that necessary flood plain management control measures can be instituted in flood plain area. These districts include the Approximated Flood Plain (F-1), Floodway (F-2), Flood Fringe (F-3), and Special Flood Plain (F-4) Districts.
- L. Floodway (F-2) - The channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the Base Flood without cumulatively

increasing the water surface elevation of that flood more than one (1) foot at any point. The detailed study of the Base Flood provides specific flood profiles and allows for the delineation of both floodway and flood fringe areas within the bounds of the flood plain. The term shall also include floodway areas which have been identified in other available studies or sources of information for those flood plain areas where no floodway has been identified in the Flood Insurance Study prepared by the FEMA.

M. Historic Structure - Any structure that is:

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

N. Lowest Floor - The lowest floor of the lowest enclosed area (including basements). An unfinished or flood resistance enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built in violation of the applicable non-election design requirements of this Ordinance and the Lebanon County Floodproofing Building Code.

O. Manufactured Home - A structure, transportable in one or more sections, which is built on permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes (1) all mobile homes and (2)

camping trailers, recreational vehicles, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

- P. Manufactured Home Park and/or Subdivision - A lot or area which is a planned development and designated to contain two or more manufactured homes for rent or for sale. Any lot or area proposed to utilize such design where individual manufactured home sites are proposed for sale shall be known as a manufactured home subdivision.
- Q. One Hundred (100) Year Flood (Base Flood) - A flood selected as the Base Flood that has a one percent (1%) or greater chance of occurring in any given year.
- R. Recreational Vehicle - A vehicular-type of portable structure which is 1) built on a single chassis, 2) 400 square feet or less when measured at the largest horizontal projection, 3) self-propelled or mounted on or drawn by another vehicle, and 4) primarily designed as temporary living accommodations for recreation, camping or travel or seasonal use and not as a permanent dwelling. The term recreational vehicle includes but is not limited to travel trailers, camping trailers, truck campers and self-propelled motor homes.
- S. Special Flood Plain District (F-4) - The Special Flood Plain District shall be that area identified as Zone AE on the Flood Insurance Study, where one hundred (100) year flood elevations have been provided, but no floodway has been delineated.
- T. Structure - A walled or roofed building, including a gas or liquid storage tank (principally above ground), a manufactured home, or any other man-made object usually assembled of interdependent parts or components which is designed to have a more or less fixed location, whether or not permanently attached at that location.
- U. Start of Construction - The first placement of permanent construction of a structure (other than a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a manufactured home) without a basement of poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For manufactured homes not within a manufactured home park or manufactured home subdivision, "start of construction" means the affixing of the manufactured home to

its permanent site. For manufactured homes within the manufactured home parks or manufactured home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the manufactured home is to be affixed (including at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed. For a substantial improvements, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- V. Substantial Damage Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
- W. Substantial Improvement - Any repair, reconstruction, alteration, or improvement (not including general maintenance or repair) of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this Ordinance, the substantial improvement is considered to have occurred when the first alterations of any wall ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either (1) any project for improvement of a structure to correct an existing violation of state or local health, sanitary or safety code specifications, which are solely necessary to assure safe living conditions or (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a "historic structure".

- X. Toxic Materials - The following materials and substances which are listed in Section 38.7 of the Department of Community and Economic Development Flood Plain Management Regulations adopted pursuant to the Pennsylvania Flood Plain Management Act (Act 1978-166) have been determined to be dangerous to human life;

1. Acetone
2. Ammonia
3. Benzene
4. Calcium Carbide
5. Carbon Disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric acid

9. Hydrocyanic acid
10. Magnesium
11. Nitric acid and oxides or nitrogen
12. Petroleum products (gasoline, fuel, oil, etc.)
13. Phosphorus
14. Potassium
15. Pesticides, (including insecticides, fungicides, and codenticides)
16. Sodium
17. Sulfur and sulfur products
18. Radioactive substances, insofar as such substances are not otherwise regulated.

SECTION 12.03 DELINEATION OF DISTRICTS. The Flood Plain Districts shall include all areas of this municipality subject to inundation by flood waters of the Base Flood. The basis for the delineation of the four (4) Flood Plain Districts (Approximated Flood Plain, Floodway, Flood Fringe and Special Flood Plain District) shall be the Official Flood Boundary and Floodway Map or Flood Insurance Rate Map (dated August 15, 1983) or the most recent revisions thereof) and the Official Flood Insurance Study prepared by the Federal Emergency Management Agency (FEMA), or for those areas where no floodway has been identified in the Official Flood Insurance Study, other available studies or sources of information.

Four (4) separate districts are necessary to equitably enforce flood plain management controls in the Flood Plain Districts. The Approximated Flood Plain District (F-1) shall include all areas of the municipality subject to inundation by flood waters of the Base Flood for which no specific flood profiles have been provided. The actual elevation and extent of the district is to be determined by the Base Flood Elevation. In order to determine the Base Flood Elevation, the following variety of sources of data shall be used:

- A. Other Official Flood Hazard Boundary or Floodway Maps.
- B. Alluvial Soils Maps prepared by the U.S. Soil Conservation Services.
- C. Local data from the 1972 flood.
- D. Army Corps of Engineers - Flood Plain Information Reports.
- E. U.S. Geological Survey - Flood Prone Quadrangles.
- F. Other available sources of Flood Plain information.

In lieu of the previously mentioned, the municipality shall require the applicant to determine the Base Flood Elevation with hydrologic and hydraulic engineering

techniques. Hydrologic and hydraulic analysis shall be undertaken only by professional engineers or others of demonstrated qualifications who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analysis, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality or a qualified agent thereof. The actual elevation and extent of the district shall be determined by the Base Flood Elevation.

The Floodway District (F-2), where flood heights and velocities are greatest, must have more restrictive provisions to prevent encroaching development from elevating flood levels or creating more danger to life or destruction of property. It has been delineated for purposes of this Ordinance using criteria that a certain area within the flood plain must be capable of carrying the water of the Base Flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The area included in this district are specifically defined in the Flood Insurance Study and shown on the accompanying Flood Boundary/Floodway Map. In the Flood Fringe District (F-3) where the dangers of flooding are generally of a lesser degree, more types of development may occur, but with necessary restrictions. In a detailed study area, the Flood Fringe District shall be that area of the one hundred (100) year flood plain not included in the Floodway District. The basis for the outermost boundary of the Flood Fringe District shall be the Base Flood Elevations contained in the flood profiles of the previously referenced Flood Insurance Study, and as shown on the accompanying maps. The Special Flood Plain District (F-4), differs from the above defined flood plain districts in that a base flood elevation has been provided for the one hundred (100) year flood, but a floodway has not been delineated.

All subdivision proposals and other proposed new developments shall provide base flood delineations; however, subdivision proposals and other proposed new development greater than 50 lots or 5 acres, whichever is the lesser, shall include actual base flood elevation data. It shall be the responsibility of the developer to provide the required base flood elevation data, in a form comparable to HEC-2, which shall be certified as accurate by a Registered Professional Engineer.

The delineation of the Flood Plain, Approximated Flood Plain, Floodway, Flood Fringe, and Special Flood Plain Districts may be revised by the municipal governing body natural or man-made changes have occurred and/or more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers, River Basis Commission, or other qualified agencies or individuals. However, prior to when the district bounds are to be changed, approval shall be obtained from the Federal Emergency Management Agency (FEMA) and/or the River Basin Commission.

Initial interpretations of the boundaries of the Flood Plain Districts shall be made by the Zoning Officer. Where interpretation is needed concerning the exact location of any boundary of the Flood Plain Districts, the Zoning Hearing Board shall make the necessary determination after hearing all evidence presented by the person

or persons contesting the location of district boundaries. The burden of proof shall be the responsibility of the appellant, and he shall provide any and all technical information to support his case.

SECTION 12.04 DISTRICT PROVISIONS. All uses, activities, construction, including manufactured homes, and other development occurring within the Approximated Flood Plain, Floodway, Flood Fringe or Special Flood Plain Districts shall be undertaken only in strict compliance with the provisions of this Ordinance and with all other applicable state and federal codes, ordinances and requirements, including but not limited to Lebanon County Floodproofing Building Code and the South Lebanon Township Subdivision and Land Development Ordinance.

Under no circumstances shall any use, encroachment, activity, and/or development adversely affect the capacity of the stream channels or floodways of any watercourse, drainage ditch or any other drainage facility or system.

No structures, including manufactured homes, or land shall hereinafter be used and no structures, including manufactured homes, shall be located, relocated, constructed and reconstructed, enlarged, or structurally altered or substantially improved except in full compliance with the terms and provisions of this Ordinance and any applicable ordinances and regulations which apply to uses within the jurisdiction of this Ordinance.

All permitted uses shall be regulated by the provisions of the nearest zoning district as shown on the Official Zoning Map. Where there happen to be conflicts between the provisions or requirements of the Approximated Flood Plain, Floodway, Flood Fringe, or Special Flood Plain Districts and the nearest zoning district, the more restrictive provisions shall apply. In the event that any portion of the Flood Plain districts be declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the nearest zoning district shall be deemed to be the district in which the Flood Plain Districts are located.

A. **APPROXIMATED FLOOD PLAIN (F-1) AND FLOODWAY (F-2) DISTRICTS.** In the Approximated Flood Plain and Floodway District no development, including manufactured homes, shall be permitted except where it can be demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all applicable local and/or state authorities.

Permitted Uses - In the Approximated Flood Plain and Floodway Districts, the following uses and activities are permitted provided that (1) the information required in Section 12.09 of this Ordinance is submitted as a part of the application, (2) they are in compliance with the provisions of the nearest zoning district, (3) they will not

result in any increase in the level of the Base Flood anywhere, (4) they are not prohibited by any other ordinance, (5) they do not require the placement or use of permanent on-lot sewage facilities within any of the Flood Plain Districts, and (6) they do not require manufactures homes, encroachments, storage of materials and equipment, substantial improvements, fill, vehicles, or parts thereof, or other development:

1. Agricultural uses such as general farming, horticulture, truck gardening, nurseries, pasturing, grazing, forestry, and sod farming and wild crop harvesting.
2. Public and private recreational uses and activities such as parks; picnic grounds; areas for short term camping or recreational vehicle uses; golf courses; boat launching and swimming areas; hiking, bicycling, and horseback riding trails; wildlife and nature preserves; game farms; fish hatcheries; shooting ranges; and hunting and fishing areas. Open structures such as picnic pavilions consisting of slab, open structural supports such as posts and pillars and a roof, shall be permitted only if constructed in compliance with the Lebanon County Floodproofing Building Code.
3. All uses and open structures customarily accessory to permitted uses in the nearest adjoining district such as yard areas, garden, play areas, signs, unroof porches, patios, open porches or carports provided that said structures are not enclosed by screening, latticing, studs, or structural supports less than eight (8) feet apart which would be in any manner restrict the flow of flood water and debris and are in compliance with the applicable requirements of the Lebanon County Floodproofing Building Code; impervious parking and loading areas, and airport landing strips. Accessory structures shall not include manufactured homes, vehicles or parts thereof.
4. Utilities, public facilities and improvements such as railroads, streets, bridges, transmission lines, pipelines, water and sewage treatment plants, and other similar or related uses.
5. Water-related uses and activities such as marinas, docks, wharves, piers, etc.
6. Extraction of sand, gravel, and other materials.
7. Storage of materials and equipment provided that they are not buoyant; toxic to humans, animals, or vegetation; flammable or explosive, and are not subject to major damage by flooding; or provided that such material and

equipment is firmly anchored to prevent flotation or movement; and/or can be readily removed from the area within the time available after flood warning.

- B. FLOOD FRINGE DISTRICT (F-3). In the Flood Fringe District the development and/or use of land shall be permitted in accordance with the regulations of the nearest zoning district provided that all uses, activities and/or development shall be undertaken in strict compliance with the Lebanon County Floodproofing Building Code, and any other state or federal codes and ordinances.
- C. SPECIAL FLOOD PLAIN (F-4) DISTRICT - In the Special Flood Plain District the development and/or use of land shall be permitted in accordance with the regulations of the nearest zoning district provided that (1) all uses, activities and/or development shall be undertaken in strict compliance with the Lebanon County Floodproofing Building Code and any other applicable state or federal codes and ordinances, (2) any new constructions, substantial improvements, or other development (including fill) will not increase the level of the Base Flood anywhere, (3) said uses are not prohibited by this or any other ordinance, and (4) the information required in Section 12.09 of this Ordinance is submitted as a part of the permit application.
- D. PROHIBITED USES. In the Floodway (F-2), Flood Fringe (F-3), Approximated Flood Plain Districts (F-1), and Special Flood Plain (F-4) the following uses and activities are strictly prohibited:
1. Hospitals, sanitariums, sanatoriums, clinics, etc. whether public or private.
 2. Public or private nursing homes.
 3. Jails or prisons.
 4. Public or private schools or institutions of higher education.
 5. New manufactured home parks and mobile home subdivisions and substantial improvements to existing manufactured home parks.
 6. A new or substantially improved structure which will be used for the production or storage of any materials which are toxic, flammable or explosive or which will be used for any activities requiring the maintenance of a supply of more than 550 gallons of such materials or any amount of radioactive substances.
 7. Any other use, activity, or development not specifically permitted under the terms of this article.

SECTION 12.05 ADDITIONAL SAFEGUARDS

- A. No encroachments, including manufactured homes, new construction or development, shall be located within a designated floodway. Where the floodway has not been specifically identified for a stream or waterway, no encroachments shall be permitted within the stream channel (from top of bank to top of bank). Furthermore, encroachments outside the stream banks but within the Flood Plain District shall be permitted only when in compliance with this Ordinance and Pennsylvania Department of Environmental Protection permit requirements.
- B. No part of any private on-lot sewage disposal system shall be constructed within any Flood Plain Districts.
- C. Community water supply systems and sanitary sewage systems shall be designed and located to preclude infiltration of flood water into the system and discharges from the system into flood waters.
- D. The municipality will endeavor to coordinate its flood plain management program with neighboring municipalities, particularly when the property (ies) in question is located near a municipal boundary.
- E. Filling or dumping of fill material is prohibited in the Flood Plain districts on vacant lots or on land not scheduled for approved construction activities. Fill may only be used in the Flood Plain districts to raise the finished surface of the lowest floor of a structure to an elevation of a minimum of two (2) feet above the Base Flood Elevation provided the following conditions are met:
 - 1. Use of fill shall be in compliance with the Lebanon County Floodproofing Building Code and any other applicable ordinances.
 - 2. Use of fill shall be permitted only when the property owner or applicant provides a document acceptable by the Zoning Officer, certified by a registered professional engineer, stating that the cumulative effect of the proposed fill, in conjunction with the other anticipated development, will not result in any increase in the water surface elevation of the Base Flood at an point.
- F. Prior to any stream or watercourse alteration and relocation, a permit shall be obtained from the Department of Environment Protection, Bureau of Dams and Waterway Management. Also, adjacent communities, the Department of Community and Economic Development, and the Federal Emergency Management Agency (FEMA) must be notified. Additionally, the municipality must be assured that the flood carrying capacity of an altered or relocated watercourse will be maintained by the developer.

- G. The placement of any manufactured homes in the Floodway (F-2) or Approximated Flood Plain (F-1) districts is prohibited, except as are placement unit in existing manufactured home park and existing manufactured home subdivision. Said replacement units shall comply with the Special Anchoring and Site Requirements of Section 1.5 of the Lebanon County Floodproofing Building Code.

SECTION 12.06 FACTORS TO BE CONSIDERED BY THE ZONING HEARING BOARD WHEN REVIEWING SPECIAL EXCEPTIONS AND VARIANCES. In reviewing applications for Special Exceptions and Variances, the Zoning Hearing Board shall consider and shall apply all relevant factors specified in this Ordinance, in the Pennsylvania Municipalities Planning Code (Act 247 as amended), and other state or federal ordinance and shall apply all of the following factors:

- A. The danger to life and property due to increased flood heights or velocities caused by encroachments.
- B. The danger that materials may be swept onto other lands or downstream to the injury of others.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- D. The susceptibility of the proposed structure or use and its contents to flood damage and the effect of such damage on the individual owners.
- E. The importance of the services provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility of the proposed use or structure with existing development anticipated in the foreseeable future.
- I. The relationship of the proposed use or structure to the Comprehensive Plan and flood plain management programs of the area.
- J. The safety of access to the property in times of flood by ordinary and emergency vehicles.
- K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood water expected at the site.

- L. No variance shall be granted to allow either in whole or in part any prohibited use listed in Section 12.04 of this Ordinance.
- M. Where appropriate, variances may be granted for the reconstruction, rehabilitation or restoration of historical structures as defined herein.
- N. The granting of a variance shall provide relief only from the specific term(s) of the flood plain regulations requested not exemption from all flood place regulations or any applicable insurance premiums, nor any state or federal permitting requirements.
- O. Variances shall not be granted which result in any increase in the Base Flood Elevation.
- P. Variances shall be granted only when and where the applicant demonstrates compliance with the provisions of the Pennsylvania Municipalities Planning Code (Act 247 as amended).
- Q. Variances shall be granted only when they are shown to be the minimum relief necessary, considering the flood hazard.
- R. When variances are granted, written notification, signed by the appropriate local official, shall be given to the applicant indicated that:
 - 1. Increased insurance premium rates will result, and
 - 2. Construction occurring below the Base Flood Elevation is a risk to life and property.
- S. Other factors which are relevant to the purpose of this Ordinance.

SECTION 12.07 NONCONFORMITIES. A structure, or use of a structure or land which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following:

- A. Existing nonconforming structures or uses located in the Floodway (F-2) or Approximated Flood Plain (F-1) Districts:
 - 1. Shall not be moved, replaced or substantially improved, but may be modified, altered, or repaired to incorporate floodproofing measures as per the Lebanon County Floodproofing Building Code, provided that such measures and elevation techniques do not raise the level of the Base Flood.

2. May be expanded or enlarged, but not substantially improved, provided that said expansion or enlargement (a) does not exceed 25% of the area of the first floor of the structure existing at the effective date of a flood plain management regulation adopted by the municipality, (b) is not constructed below the existing first floor elevation, and (c) complies with all applicable floodproofing requirements of the Lebanon County Floodproofing Building Code. Plans for the above mentioned expansion or enlargement shall be accompanied by a side profile of the existing and proposed structures and shall indicate existing grade, floor elevations, uses of fill, etc.
- B. Existing nonconforming structures or uses located in the Flood Fringe (F-3) and Special Flood Plain (F-4) District:
1. May be substantially improved, moved, replaced, modified, altered, or repaired provided that such work is conducted in full compliance with the provisions of this Ordinance, the Lebanon County Floodproofing Building Code, and any other applicable codes or ordinances.
 2. May be enlarged or expanded in a manner which is not a substantial improvement as defined by this Ordinance, and provided that said enlargement or expansion complies with the above requirements (a), (b), and (c) of Section 12.07-A2.
- C. If any nonconforming structure or use, including manufactured homes, located in the Flood Plain Districts is demolished, removed, substantially damaged or destroyed by any means, including floods, to an extent of fifty (50) percent or more of the market value of the structure, it shall not be reconstructed, replaced, or continued except in conformity with the provisions of this Ordinance, the Lebanon County Floodproofing Building Code, and any other applicable ordinance.

SECTION 12.08 LOT AREA, YARD AND SIGN REQUIREMENTS. The lot area, yard, sign, and other district requirements of the land in question shall be the same as the district requirements of the nearest zoning district.

SECTION 12.09 ADDITIONAL ADMINISTRATIVE REQUIREMENTS.

- A. To insure that all construction and development on property which contains identified flood plain areas will be conducted employing flood damage controls, the Zoning Officer shall require the following additional information to be included as part of an application for a permit
1. A plan which accurately locates the proposed construction and/or development with respect to the Flood Plain District boundaries,

stream channel, existing flood plain development and all proposed subdivision and land development to assure that:

- a) All such proposals are consistent with the need to minimize flood damage; and
 - b) All public utilities and facilities, such as sewer, gas, telephone, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage; and
 - c) Adequate drainage is provided to reduce exposure to flood hazard.
2. Such plan shall also include existing and proposed contours (at intervals determined to be adequate by the Zoning Officer based upon site conditions) and elevation of the grounds, Base Flood Elevations, structure elevations, lowest floor elevations, size of structure, location and elevations of streets, water supply, sanitary sewage facilities, soil types and floodproofing measures. When proposed construction and/or development involves structures and/or fill to be located within the designated flood plain, such plan shall also include details of proposed fill, pile structures, retaining walls, foundations, erosion control measures, and the Zoning Officer may require more detailed contour and elevation data.
3. A document certified by a registered professional engineer or architect that adequate precautions against flood damage have been taken with respect to the design of any building or structure, and that the plans for the development of the site adhere to the restrictions cited in this Ordinance, the Lebanon County Floodproofing Building Code, and other applicable ordinances.
- B. Review of Application by Others. A Zoning Officer may require that a copy of all plans and specifications for construction and/or development affecting identified flood plain areas to be submitted to other appropriate agencies and/or individuals (e.g. County Conservation District, planning commission, municipal engineer, etc.) for review and comment prior to the issuance of a building permit. When proposed construction and/or development involves structures and/or fill which will be located directly within the designated flood plain, the Zoning Officer shall submit said plans and specifications to the appropriate agencies and/or individuals as indicated above. Recommendations from these sources shall be considered for possible incorporation into the proposed plan and may be made a condition for approval of a Building and Zoning Permit.

C. A record of all variances granted, including their justification, shall be maintained by the community as well as reported in the annual report to the Flood Insurance Administrator.

SECTION 12.10 CONFLICTING ORDINANCES. Ordinances or parts of ordinances in conflict with this article, or inconsistent with the provisions of this article are hereby repealed to the extent necessary to give the Flood Plain District full force and effect.

SECTION 12.11 STATEMENT OF DISCLAIMER. The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study; however, larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the Flood Plain Districts or that land uses permitted within such district will be free from flooding or flood damage. This Ordinance shall not create liability on the part of this municipality or any office or employee thereof for any flood damage that results from reliance on this Ordinance or any administrative decision made thereunder.

SECTION 12.12 BUILDING PERMITS REQUIRED. Building permits shall be required before any proposed construction, substantial improvements, placement or relocation of any structure (including manufactured homes) or development is undertaken within any identified flood prone area of the municipality. Prior to issuance of any building permit, the applicant shall submit to the Zoning Officer copies of any other required State and Federal permits, including but not limited to the following permits when applicable: floodway, wetland, surface mining, water quality, earth disturbance, sewage or State Fire Marshall. Copies of all required permits shall be maintained by the Zoning Officer as a part of the building permit file.

After the issuance of a building permit or site plan approval by the Zoning Officer, no changes of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted within the application without the written consent or approval of the Zoning Officer.

ARTICLE 13

SUPPLEMENTARY DISTRICT REGULATIONS

SECTION 13.01 INTENT. The Supplementary District Requirements are designed to contain a list of complementary and general requirements which augment and clarify regulations listed elsewhere in this Ordinance. Where applicable, these regulations shall apply uniformly to every use, activity, building or structure hereafter erected, altered, established or expanded. These regulations apply to all zoning districts and are listed comprehensively herein to avoid duplication and repetition throughout the remainder of this Ordinance.

SECTION 13.02 ACCESSORY BUILDINGS AND STRUCTURES. Any building or structure attached to a principal building in any manner shall comply in all respects with the yard requirements of this Ordinance for a principal building. No separate or detached building or structure shall be permitted in any required front yard. Accessory buildings located in the R-2 District shall not be permitted within five (5) feet of any side or rear lot line; in all other residential or commercial districts, accessory buildings shall not be less than ten (10) feet from a side or rear lot line. In all districts, where the entrance to a garage abuts a public alley, said garage entrance shall be no less than fifteen (15) feet from the right-of-way of such alley.

SECTION 13.03 ACCESSORY USES.

- A. Private, non-commercial swimming pools which are designed to contain a water depth of twenty-four (24) inches or more, regardless of whether they are permanently affixed or movable, shall be located on the same lot or tract as the dwelling and shall be permitted neither in the required front yard nor closer to any street line than the dwelling. In all other yards, a pool shall not be closer than fifteen (15) feet to any lot line, as measured from the water's edge. All pools shall be completely enclosed with a continuous impenetrable fence or barrier no less than four (4) feet in height above the ground level and shall be equipped with a lockable gate or retractable ladder. Any deck, patio, or impermeable surface, not under roof or otherwise enclosed, which surrounds, is attached to, or associated with a pool shall be no closer than ten (10) feet to the side or rear lot line.
- B. Private tennis courts shall be permitted within side or rear yards provided that such facility shall not be less than fifteen (15) feet from side or rear lot lines.
- C. Nothing in this section shall be construed to limit other uses not mentioned so long as they are clearly accessory to the principal permitted use of the land and do not create a threat to the public health, safety, and/or welfare of the community.

SECTION 13.04 PROJECTIONS INTO YARDS. The following projections shall be attached to a building, may be permitted in required yards and shall not be considered in the determination of yard size.

- A. Patios, paved terraces, decks, or open, unroofed porches shall be permitted in all yards provided that such structures shall be no closer than five (5) feet to any lot line and not greater than five (5) feet above finished grade.
- B. Projecting architectural features - bay windows, cornices, eaves, fireplaces, chimneys, window sills, or other architectural features, provided they do not extend more than five (5) feet into any required yard nor closer than three (3) feet to any adjacent property lines; however, any canopies, porte cocheres or other roofs that extend more than five (5) feet from the building line as defined in Article 1 of this Ordinance, shall be subject to the yard requirements applied from the lot line to the edge of the roof.
- C. Stairs, landings, and decks which are unroofed, provided that they are no closer than five (5) feet to any lot line.
- D. Open balconies or fire escapes provided such balconies or fire escapes are not supported on the ground and do not project more than five (5) feet into any required yard nor closer than three (3) feet to any adjacent property line.

SECTION 13.05 HOME OCCUPATION REGULATIONS. A home occupation as defined in Article 1 may be permitted in any district under the following conditions:

- A. The proprietor of the home occupation shall reside on the premises and shall be the property owner or a member of the immediate family of the property owner. The home occupation shall be incidental to the use of the property as a residence, and there shall be no exterior evidence of the occupation nor change to the appearance of the dwelling to facilitate the operation of the occupation, other than one (1) small sign as provided in Article 16 of this Ordinance.
- B. The home occupation shall be conducted wholly within the dwelling and shall not occupy more than 25% of the habitable floor area nor more than 750 square feet. This area shall include all functions or activities of the home occupation.
- C. The proprietor may employ not more than one (1) assistant who does not reside within the dwelling used for the home occupation.
- D. In addition to the parking required for the residence, two (2) off-street parking spaces shall be provided for the home occupation plus one (1) additional space for any assistant. Off-street parking improvements shall comply with Article 15 of this Ordinance.

- E. Any home occupation or accessory function of a home occupation which may create objectionable noise, fumes, odor, dust, electrical interference, or substantially more than normal residential traffic shall be prohibited.

SECTION 13.06 VISIBILITY AT INTERSECTIONS. On a corner lot in any district a clear sight triangle shall be provided at all street intersections. Within such triangles, no vision obstructing objects (other than utility poles) shall be permitted which obscure vision above the height of thirty (30) inches and below ten (10) feet as measured from the centerline grade of intersecting streets. Such triangles shall be established from a distance of:

- A. Seventy-five (75) feet from the point of intersection of the center lines of intersecting streets, except that,
- B. Clear sight triangles of one hundred (100) feet shall be provided for all intersections with arterial and major streets.

SECTION 13.07 FENCES, WALLS & HEDGES. Unless otherwise regulated, fences, walls, and hedges may be permitted in any required yard or along the edge of any yard. However, no fence, wall, or hedge along the sides or front edge of any front yard shall be over thirty (30) inches in height and shall not obstruct visibility.

SECTION 13.08 ERECTION OF MORE THAN ONE (1) PRINCIPAL STRUCTURE ON A LOT. In any district, more than one (1) structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Ordinance and the South Lebanon Township Subdivision Ordinance shall be met for each structure as though it were on an individual lot.

SECTION 13.09 STRUCTURES TO HAVE ACCESS. Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved public or private street. All structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

SECTION 13.10 WATER SUPPLY AND SEWERAGE FACILITIES REQUIRED. In the interest of protecting the public health, safety, and welfare, every building or structure hereafter erected, altered or moved upon any premises and used in whole or in part for dwelling, commercial or recreational business, or industrial purpose shall be provided with both a safe and sanitary water supply and a safe and sanitary means of collection and disposal of residential, commercial, or industrial sewage. Such facilities shall conform to minimum requirements set forth by the Department of Environmental Protection.

SECTION 13.11 MINIMUM HABITABLE FLOOR AREA AND LOT AREA REQUIREMENTS. Unless otherwise regulated in this Ordinance, every dwelling unit hereafter designed, established, or erected shall contain a minimum habitable floor area of 700 square feet or a total of 175 square feet per person residing in the dwelling, whichever is greater. Existing two-family or multi-family development shall only be expanded or enlarged provided that a minimum lot area of 3,000 square feet is provided for each dwelling unit located on said property.

SECTION 13.12 CORNER LOT RESTRICTION. In all districts, corner lots shall have no required rear yards, but shall have two (2) required front yards as measured from the road right-of-way line and two (2) required side yards as measured from the lot line.

SECTION 13.13 REQUIRED FRONT YARD EXCEPTIONS. Where an unimproved lot of record is situated between two (2) improved lots, the front yard requirements for the district may be modified so that the front yard may be an average of the adjacent existing front yards. Where an unimproved lot of record is adjacent to one (1) improved lot which was developed prior to the enactment of this Ordinance, the front yard requirements of the unimproved lot may be reduced to the average of the existing improved lot setback and required front yard.

SECTION 13.14 ANIMALS. Customary household pets shall be permitted in any district; however, novelty pet kennels, and uses involving animal husbandry shall be permitted only as indicated in the appropriate district regulations.

SECTION 13.15 DANGEROUS STRUCTURES. Upon notification and request by the Zoning Administrator and directed by the South Lebanon Township Board of Supervisors, any building or structure which has deteriorated to the state where it is dangerous and/or unsafe for human occupancy, constitutes a fire hazard, endangers surrounding buildings, shelters rats or vermin, or endangers the safety of children playing thereabouts, shall be repaired, altered or removed to eliminate the dangerous conditions. Such improvements shall commence within thirty (30) days and be completed within ninety (90) days of notification by the Zoning Administrator or the South Lebanon Township Board of Supervisors.

SECTION 13.16 GASOLINE PUMPS AND ALL OTHER SERVICE EQUIPMENT. Gasoline pumps and all other service equipment shall be set back not less than twenty-five (25) feet from any lot line and/or street right-of-way and located so that vehicles stopped for service will not extend over the property line. Canopies for pumps shall meet the same twenty-five (25) foot side and rear yard setbacks, but may be extended into the front yard, provided a minimum front yard setback of fifteen (15) feet is maintained from the street right-of-way line.

SECTION 13.17 PARKING AND STORAGE OF CERTAIN VEHICLES. Automotive vehicles or trailers of any kind without current, valid license plates and state inspection shall not be parked or stored on any property other than in completely enclosed buildings or properly approved junk yards. Additionally, such vehicles shall not be parked or stored along public streets in any zoning district.

SECTION 13.18 PARKING, STORAGE, OR USE OF MAJOR RECREATIONAL EQUIPMENT. For purposes of these regulations, major recreational equipment and/or tractor trailers, utility trailers, construction equipment, construction trailers, rigs, or cabs are defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot in a residential district except in a carport, an enclosed building, in a rear yard or on that portion of a private residential driveway not within the road right-of-way. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use. Additionally, no such equipment shall be parked along public streets in any zoning district for a period of time exceeding twenty-four (24) hours.

SECTION 13.19 MOBILE HOME PARKS AND MOBILE HOME SUBDIVISIONS. All mobile home parks and mobile home subdivisions hereafter erected, established, substantially altered, or expanded shall comply with the requirements of Section 8.02(O)(1) of this Ordinance. However, alterations or expansion of said parks or subdivisions shall not require Special Exception approval before the issuance of a Building and Zoning Permit.

SECTION 13.20 EXCEPTIONS TO HEIGHT REGULATIONS. The height limitations of this Ordinance shall not apply to church spires; farm structures when permitted by other provisions of this Ordinance (e.g. silos, barns, etc.); belfries, cupolas, penthouses, and domes not used for human occupancy; chimneys, ventilators, skylights, water tanks, bulkheads and similar features; utility poles and standards; and necessary mechanical appurtenances usually carried above the roof level. Such features, however shall be erected only to such height as is necessary to accomplish the purpose they are to serve and then only in accordance with any other governmental regulations.

SECTION 13.21 PUBLIC UTILITIES EXEMPTIONS. For the purposes of this Ordinance, public utilities exemptions to district requirements shall extend only to accessory support and maintenance structures and buildings not requiring human occupancy. Such uses and structures including fences shall be located no closer than ten (10) feet to any lot line or road right-of-way line. Principal utility structures (e.g. sewage treatment plants, electrical power plants, etc.) shall be permitted in any

district but shall comply in all respects with the requirements for a principal use of the district in which it will be located. In either case, said utility corporation shall secure a Building and Zoning Permit from the Zoning Administrator prior to the start of construction. Said permit application shall include any and all approvals required by other agencies, for the use specified.

ARTICLE 14

ENVIRONMENTAL IMPROVEMENTS AND ENERGY CONSERVATION REQUIREMENTS

SECTION 14.01 INTENT. The environmental improvements and energy conservation requirements are designed to recognize the need for conservation of energy and natural resources and to facilitate the utilization of renewable resources. Environmental improvements are intended to moderate the effects of solar radiation, conserve energy, improve air quality, reduce glare and noise, and control erosion, largely through the planting of trees, shrubs, and other vegetative cover. Energy conservation requirements are designed to allow the installation of renewable energy devices and provide the opportunity for individuals to reduce energy dependence by encouraging the productive use of solar and wind energy components.

SECTION 14.02 DEFINITIONS. The following terms are specifically defined for use within this Article:

- A. Active Solar Energy System - A solar energy system that requires external mechanical power to move collected heat.
- B. Dense Screen Planting - A landscaped barrier consisting of predominantly (80% or more) coniferous trees and shrubs, hedges, earth mounding, walls, or a combination thereof established at a minimum height of six (6) feet. Such environmental buffer shall provide a solid, visual, noise and pollutant barrier between potentially incompatible uses. Dense screen plantings shall be at least five (5) feet in width with irregularly spaced double or triple rows of plants and shrubs to obtain a dense, solid mass.
- C. Energy Storage Facility - Equipment consisting of containers, heat exchangers, piping, and other transfer mechanisms (including fluids, gases or solids), controls, and related structural support for transporting and storing collected energy (from solar energy systems), including structural elements designed for use in passive solar energy systems.
- D. Interior Island Planting - A durable landscaped planting area located within a vehicular use area or parking lot. Design and location shall provide shade and visual separation of parking and pedestrian areas, improve air quality, and control storm water runoff from large paved areas. An island or strip shall be a minimum of fifty (50) square feet in area, at least five (5) feet in width and contain at least one (1) shade tree, per forty (40) lineal feet of island or fraction thereof. Islands of forty (40) feet or less in length shall contain at least one (1) shade tree.

The remaining area within the island or strip shall be appropriately landscaped with grass, mulch, stones, plants, or other materials not exceeding three (3) feet in height.

- E. Passive Solar Energy System - A solar energy system that uses natural and architectural components to collect and store energy without using any external mechanical power.
- F. Perimeter Planting - A landscaped planting consisting of trees and shrubs established at less than three (3) feet or greater than six (6) feet in height, so shall not interfere with any clear sight triangle. Such planting shall separate streets and vehicular use areas from parking lots, buildings, and other interior improvements. Perimeter plantings shall consist of individual trees or shrubs spaced a maximum of fifty (50) feet apart to form a linear vegetative border, with grass or ground cover continuously thereunder.
- G. Screen Planting - A landscaped planting consisting of a mixture of coniferous trees or shrubs, shade trees, ornamental trees or shrubs, earth mounding, hedges or a combination thereof established at a minimum height of six (6) feet. Such planting shall separate and protect uses from noise, odor and dust, as well as moderating the effects of winter winds and summer heat. Screen plantings shall be at least three (3) feet in width with regularly spaced trees and shrubs to obtain a pervious, moderately dense planting.
- H. Solar Collector - A freestanding or fixed device, or combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy that contributes significantly to a structure's energy supply.
- I. Solar Energy - Radiant energy (direct, diffuse and reflected) received from the sun.
- J. Solar Energy System - A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.
- K. Skyspace - The open space between a solar or wind collector and the sun or prevailing wind which must be free of obstructions that may shade or impede the collector to an extent that would reduce its cost-effective operation.
- L. Wind Energy Conversion System - A device which converts wind energy to mechanical or electrical supply; commonly referred to as windmills.
- M. Wind Rotor - The blades, plus hub to which the blades are attached, that are used to capture wind for the purpose of energy conversion. The wind rotor is used on a

pole or tower along with other generating and electrical storage equipment and forms a wind energy conversion system.

SECTION 14.03 REQUIREMENT FOR ENVIRONMENTAL AND ENERGY-CONSERVING IMPROVEMENTS. Environmental and energy-conserving improvements shall be required for the following:

- A. All new subdivisions and developments.
- B. All new uses or buildings erected or established, including said uses or buildings which are to be located on previously subdivided lots or unsubdivided property.
- C. Expansion of all buildings or uses except single and two family dwellings.
- D. To separate commercial, industrial, institutional and other non-residential uses from adjoining residential uses or residential districts.
- E. Around parking lots with ten (10) or more parking spaces and within the interior of parking lots with twenty-five (25) or more parking spaces, including parking lots expanded beyond these sizes.
- F. Areas between parking lots and buildings.
- G. Building wall expanses in excess of seventy-five (75) feet which are exposed to westerly winds, except single and two-family dwellings.
- H. New streets.

SECTION 14.04 ENVIRONMENTAL AND ENERGY CONSERVING STANDARDS. Environmental improvements shall satisfy the following minimum standards:

A. General Standards

1. A minimum of fifteen percent (15%) of each developed lot shall be landscaped with appropriate ground cover or planting.
2. Land areas with slopes in excess of twenty percent (20%) shall be restricted to the removal of not more than twenty-five percent (25%) of the total vegetative cover of the lot.
3. Existing plant materials shall be preserved, wherever possible, during development. Such existing plants shall be credited toward required plantings. Where topographic, vegetative or engineering features on or adjacent to the site may provide the desired conservation and environmental protection, the design plan may be

adjusted to credit use of the alternate protective features, provided the Planning Department Site Review Committee approves the design.

4. All required trees shall be a minimum 1 ½" caliper and trees, shrubs, and plants shall be disease resistant, saline tolerant, winter hardy and of a species suitable for this geographic region.
5. All landscaping and plantings shall be installed using good planting procedures, utilizing quality plant material.
6. Plantings should not be designed to interfere with southern exposures to solar radiation.

B. Specific Standards

1. Buffer areas - Dense screen plantings shall be required within all specified buffer areas. Said plantings shall be centered within the yard space to provide for growth without infringement upon the property line.
2. Streets - Perimeter plantings shall be required along each side of all new streets, a maximum distance of ten (10) feet from the street right-of-way line. Planting strips of five (5) feet or more in width between the sidewalk and the street may be approved for perimeter plantings utilizing appropriate tree species. When divided streets are proposed, perimeter plantings shall also be required within the median strip.
3. Parking Lots - Perimeter plantings shall be required around the border of all parking lots containing ten (10) or more parking spaces. Said plantings shall be a maximum of ten (10) feet from the edge of the paved parking surface. Interior island plantings shall be required within all parking lots containing twenty-five (25) or more parking spaces. Interior island plantings shall be provided 1) at the ratio of five (5) square feet of planting area for each 100 square feet of paved parking and vehicular use area, and 2) in locations which will divide and separate the parking lot.
4. Buildings - Screen plantings shall be required, except for single and two family dwellings, around and along buildings in accordance with the following:
 - a. Parking lots of ten (10) or more parking spaces shall be a minimum of twenty (20) feet from the building line of any

principal building or structure. The twenty (20) foot setback shall contain appropriate screen plantings.

- b. Building walls over seventy-five (75) feet in length which face westerly, southwesterly or northwesterly shall be bordered by a parallel screen planting which is equal in length to the wall length and is located a maximum of fifty feet from the face of the wall.

SECTION 14.05 SOLAR, WIND AND ALTERNATE ENERGY STANDARDS. The use of solar, wind and alternate energy systems is encouraged within these regulations and permitted within any zoning district. Although the installation of such systems is not mandatory, where they are utilized, the following standards shall apply:

A. Active and passive solar systems, wind energy systems and similar alternate energy systems, including customary energy storage accessories, shall be permitted for the production, collection, movement, distribution or storage of heated water, air or other medium which is intended for conveyance to a principal or accessory building. Systems may include the following subject to the requirements contained herein:

1. Solar panels with a combined glazing area of 65 square feet or less, provided that:
 - a. The solar panels shall not extend more than five (5) feet into any required yard when attached to a principal structure; and
 - b. The solar panels shall be a minimum of three (3) feet from any property line, whether freestanding or attached.
2. Solar panels with a combined glazing area in excess of 65 square feet, provided that:
 - a. Solar panels attached to a principal structure shall comply with the zoning setbacks prescribed for a principal structure in the applicable zoning district;
 - b. Solar panels which are freestanding or attached to any accessory structure shall comply with the accessory structure requirements of Section 13.02 of this Ordinance.
3. Solar greenhouses attached to principal structures shall meet all yard requirements for a principal structure in the applicable zoning district. Solar greenhouses attached to accessory structures shall

meet all yard requirements specified for accessory structures in Section 13.02 of this Ordinance.

4. Detached solar greenhouses shall meet all yard requirements specified for accessory structures in Section 13.02 of this Ordinance.
5. Wind energy conversion systems, provided that:
 - a. The structure supporting the wind rotor unit shall be located a minimum distance of the tower height (measured from the ground to the top of the rotor) plus fifteen (15) feet from any property line or road right-of-way. The height of such structure shall not exceed seventy-five (75) feet.
 - b. Towers may be ground or roof-mounted and shall be securely fastened as per manufacturer's specifications or a demonstrable equivalent to achieve maximum safety and prevent collapse or fall. Any propeller or turning device that reacts to wind velocity shall have governor to control the speed revolutions. Such governors may include a rudder that turns the propeller away from the winds, individually spring-mounted paddles that turn away from the wind, or other suitable manufacturer's tested device. Tower shall be locked or secured to prevent unauthorized access, and in no case shall a permanently mounted ladder be affixed less than ten (10) feet from grade level.

SECTION 14.06 MAINTENANCE AND PROTECTION ASSURANCES. The improvements required and permitted within this Article shall be maintained and protected to assure their environmental benefits. The following specific requirements shall apply:

A. Maintenance

1. Plantings - All required plantings shall be maintained in a good condition to present a health, neat and orderly appearance. Such plantings shall be kept free from refuse and debris. Plants damaged by insects, disease, vehicular traffic, acts of nature or vandalism shall be replaced by the next planting period.
2. Energy Systems - Energy systems shall be maintained in a safe manner. Broken glass or other potentially hazardous conditions shall be promptly repaired. A disconnected or abandoned energy system

shall be removed from the property within sixty (60) days of such abandonment.

B. Protection

1. **Plantings** - Required plantings shall not be removed except to facilitate the planting of acceptable replacement plants. Property improvements shall be protected at all times by such environmental plantings and extensive trimming or pruning of the plantings to reduce or eliminate the protection shall not be permitted.
2. **Energy Systems** - Where a solar or wind energy system has been installed, it shall be the responsibility of the property owner to secure any easements or restrictive covenants necessary to protect the skyspace affecting the solar or wind system. Such an agreement shall be negotiated between the owners of affected properties, but it is not a requirement for approval of a Building and Zoning Permit for the solar or wind energy systems.

SECTION 14.07 VARIANCES. The following factors shall be considered, in addition to those within Section 20.04 of this Ordinance, when reviewing petitions for Variances to the provisions of Article 14:

- A. Variances shall be granted only for minimum relief and not for purely financial reasons.
- B. Variances to planting requirements shall not request relief from planting height, quality or maintenance.
- C. Variances for energy systems shall allow for effective placement of energy systems, provided the skyspace of adjoining property owners is not restricted.
- D. Variances shall consider the resulting effect on the microclimate on the property.
- E. Variances shall consider possible damage to utilities.

SECTION 14.08 PLANS AND PERMITS

- A. **Plans** - Plans depicting environmental and energy improvements shall be submitted at the time of application for a Building and Zoning Permit. Information may be included on the required plot plan specified in Section 18.03 of this Ordinance or submitted on a separate plan. In addition to the information required within Section 18.03 of this Ordinance, plans shall include:

1. Locations, size, and species of existing plant material.

2. Delineation of plants to be removed and plants to be retained.
3. Location, planting size, mature size, and species of all plants within required plantings.
4. Proposed treatment of all ground surfaces (e.g. paving, grass, gravel, mulch, stone).

B. Building and Zoning Permits - A Building and Zoning Permit shall be required for installation, expansion or alteration to any of the environmental improvements and energy systems described within this Article. Applicable procedures of Article 18 of this Ordinance shall apply during the processing of such permit applications. Where desired, the Zoning Administrator may refer plans to the Soil Conservation Service, the Planning Department Site Review Committee, or to other applicable agencies for review and comment prior to formal action on the permit application.

ARTICLE 15

OFF-STREET PARKING

SECTION 15.01 INTENT. The regulations concerning off-street parking are intended to insure that adequate, well-designed parking facilities are provided for all new, altered, or expanded buildings and uses. The general intent shall be to require off-street parking spaces, loading and unloading areas, driveway and access ways to (1) satisfy the minimum standards contained within this Article and (2) be designed to prevent overcrowding and congestion and impairment of traffic circulation and access.

SECTION 15.02 DEFINITIONS. For the purpose of determining accessory off-street parking requirements, definitions and standards shall be as follows:

- A. Parking Space - an open or enclosed area accessible from a street or alley for parking of motor vehicles for owners, occupants, employees, customers, or tenants of the principal structure or use. Each parking space shall be not less than ten (10) feet wide and not less than twenty (20) feet long, exclusive of all drives, curbs, and turning space.
- B. Floor Area - the total area of all the floors measured from the exterior faces of the structure or, where set forth in the schedule in Section 15.05, only the floor area used by a specific use.
- C. Seat - the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs or similar seating facilities; spacing of rows shall be thirty (30) inches on center.

SECTION 15.03 REQUIREMENT FOR OFF-STREET PARKING FACILITIES. Accessory off-street parking facilities, including access driveways and loading/unloading areas, shall be required in accordance with the provisions of this Article as a condition precedent to the occupancy of such building or use. Facilities shall be provided for the entire building or use as follows:

- A. Whenever a structure is constructed or a new use established, or
- B. Whenever the use of an existing structure is changed to a use requiring more parking facilities, or
- C. Whenever an existing structure is altered or enlarged so as to increase the amount of parking spaces required under this Article.

SECTION 15.04 GENERAL STANDARDS. Off-street parking facilities shall satisfy the following general requirements:

- A. Off-street parking areas shall have safe access to and from a street. However, no portion of any street or road right-of-way shall be utilized for off-street parking.
- B. Off-street parking spaces shall be designed to prevent maneuvering necessary to park a vehicle from intersecting any street, road right-of-way, alley or sidewalk. Parking spaces shall also be designed so that vehicles may have access to and from spaces without moving another vehicle.
- C. Off-street parking spaces shall be readily accessible to, and a reasonable distance from, the structures and uses served. Such spaces shall be on the same lot as the principal structure or use, except where otherwise permitted in accordance with Section 15.06.
- D. All parking spaces shall be available to patrons, customers, or visitors throughout the hours of operation of the structure or use for which the spaces are provided. Carnivals, displays, promotions or other events held on parking lots shall not utilize parking spaces required for customers. Adequate additional parking spaces shall be available for the supplemental use.
- E. Parking spaces shall be improved and individually delineated in accordance with Section 15.10. Additionally, special purpose spaces and areas such as “handicapped” parking, “visitor only” parking, “limited time” parking, and fire and police spaces shall be clearly labeled.
- F. Off-street parking requirements will be considered to be met only when actual spaces meeting the requirements of this Article are provided and improved in accordance with Section 15.10. Parking spaces may not thereafter be reduced below the minimum requirements as long as the principal structure or use remains, unless an equivalent number of spaces is provided for use in another approved location.
- G. Unless otherwise specifically regulated, improved, hard surface off-street parking for all uses shall be limited to portions of the lot as follows:
 - 1. Parking shall not be permitted within twenty-five (25) feet of any street or road right-of-way. However, provided the minimum 25 feet is satisfied, up to 50% of the required front yard may be utilized for parking.
 - 2. Required side and rear yards may be utilized for parking provided:

- a. A minimum setback of ten (10) feet from the property line is maintained in all cases where more prohibitive regulations do not appear herein.
 - b. Minimum setbacks of forty (40) feet in all Commercial District and one hundred (100) feet in the Industrial District are maintained in all yards abutting a Residential District boundary.
3. Loading and unloading areas shall not be permitted in the required front yard.

SECTION 15.05 SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES.

The minimum number of off-street parking spaces required for a specific use is listed in the following chart. Where appropriate when computing the number of required parking spaces, the Zoning Administrator may exclude floor area of structures (e.g. storage, employee lounge, bathroom) which does not bear any relationship to the parking needs of the use.

<u>Structure or Use</u>	<u>Parking Spaces Required</u>
<u>Institutional</u>	
1. Civic and educational; primary and secondary school, library places for public assembly	1 space for each employee plus 1 space for each 6 seats in assembly rooms
2. Governmental; municipal building used for administrative functions	1 space for each 200 sq. ft. of office floor area plus 1 space for each 4 seats in assembly room
3. Place of worship	1 space for each 3 seats in principal assembly room
4. Hospital	1 space per 2 beds plus 1 space for each employee
5. Health Center	1 space per 150 sq. ft. floor area
6. Home for the aging, nursing home	1 space for each 4 guest rooms or apartment units plus 1 space for each employee

Residential

- | | |
|--|--|
| 7. One and two-family dwellings | 2 spaces per dwelling unit; must be off-street, but need not be improved with hard surface |
| 8. Multi-family residence (including townhouses and garden apartments) | 2 spaces per dwelling unit |
| 9. Group Family Dwelling | 2 spaces plus those required for resident vehicles |
| 10. Guest Home | 1 space per guest room, plus 1 space for each employee plus 2 spaces for manager/owner(s) |

Home Occupation

- | | |
|---------------------|---|
| 11. Home Occupation | In addition to parking required for the residence, 2 spaces plus 1 additional space for any assistant; must be off-street, but need not be improved with hard surface |
|---------------------|---|

Day Care

- | | |
|---------------------------|---|
| 12. Day Care Home, Family | 2 spaces plus those required for the residence |
| 13. Day Care Home, Group | 2 spaces plus 1 space for each assistant plus those required for the residence. |
| 14. Day Care Center | See Section 7.02L(9) |

Commercial

- | | |
|---|---|
| 15. Medical and dental offices, clinics, professional offices and banks | 1 space per 150 sq. ft. of floor area plus 1 space for each doctor and dentist |
| 16. Other offices | 1 space per 200 sq. ft. of ground floor area; 1 space per 300 sq. ft. of floor area of upper floors |
| 17. Motel, hotel | 1 space per guest room or unit |

18. Mortuary or Funeral Home	1 space per 30 sq. ft. of assembly rooms, or 1 space for each 4 seats whichever requires the greater number, but in no case less than 20 spaces
19. Retail stores, service establishments and shopping centers	1 space per 200 sq. ft. of ground floor area; 1 space per 300 sq. ft. of floor area of upper floors
20. Outdoor retail activities, Flea markets, etc.	1 space for each 200 sq. ft. of stall space and customer circulation area
21. Eating places, bars, taverns	1 space per 50 sq. ft. of floor area, or 1 space per 4 seats whichever requires the greater number of spaces
22. Club, lodge, or other assembly halls	1 space per 4 seats in building
23. Indoor theater	1 space per 4 seats in building
24. Dance hall, skating rink, swimming pool	1 space per 100 sq. ft. of area used for dancing, skating, or swimming
25. Carnivals, racetracks and other outdoor amusement or recreation uses	1 space for each 4 seats or 4 visitors at maximum capacity
26. Bowling alley	6 spaces per bowling lane
27. Service and storage establishments	1 space for every 2 employees on the combined employment of the 2 largest successive shifts
28. Gas station, repair garage	1 space per employee plus 1 space per 200 sq. ft. of floor area
29. Auto Body Shop	1 space per employee plus 2 spaces per repair bay
30. Golf Course (Nine or Eighteen Hole Regulation)	4 spaces for each green plus 50% of the requirement for any associated uses

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|---|---|
| 31. Golf Course, Par Three or Miniature | 25 spaces per 9 holes, plus 1 space for each employee |
| 32. Golf Driving Range | 1 space per tee, plus 1 space for each employee |

Manufacturing

- | | |
|--|--|
| 33. Service and storage establishments, laboratories, manufacturing plants, and other uses permitted in a manufacturing district | 1 space for every 2 employees on the largest shift |
| 34. Executive offices, sales offices and outlet stores | 1 space per 200 sq. ft. of executive and sales office floor area in addition to parking requirements for manufacturing area |
| 35. Recycling Processing Facility | 1 space for each vehicle operated by facility plus 1 space for each employee |
| 36. Recycling Collection Facility | 1 space for each vehicle operated by facility plus 1 space for each employee plus 1 space for each 500 sq. ft. of area used for collection area (minimum of 5 spaces required for collection area) |

Other Structures or Uses

37. For a specific structure or use not scheduled, the Zoning Administrator shall apply the unit or measurement of the above schedule deemed to be most similar to the proposed structure or use.

SECTION 15.06 SEPARATE OR COMBINED USE OF FACILITIES. A structure containing one use shall provide off-street parking spaces as required for the specific use. A structure or group of structures containing two or more uses, operating normally during the same hours, and which have different off-street parking requirements, shall provide spaces for not less than the sum of the spaces required for each use. Where the applicant can demonstrate that adequate off-street parking

capacity is not feasible on the same lot as the proposed non-residential use or structure, the new use or structure may be permitted if the applicant:

- A. Provides written authorization from an adjoining or nearby property owner to allow establishment and/or use of parking facilities meeting the requirements of this Article on that property; and
- B. Obtains authorization on said other property to establish and use parking facilities which will be a maximum of six hundred (600) feet from the use or building proposed by the applicant.

SECTION 15.07 ACCESS DRIVES TO PARKING AREAS AND CURBING. The location and width of entrance and exit driveways to paved, hard surface parking facilities shall be planned to interfere as little as possible with the use of nearby property and with pedestrian and vehicular traffic on the nearest streets. The center line of the access driveways on the frontage street shall be at least eighty (80) feet from the right-of-way line of the nearest intersecting street or any other driveway. Where there is more than one driveway to a parking area, the driveways, whenever possible, shall be limited to one-way travel, either as an entrance to or exit from the parking area. Entrances and exists shall be limited to three lanes. The width of such entrances and exits, measured at the street property line, shall conform with the following schedule:

	<u>Width (feet)</u>	
	<u>Minimum</u>	<u>Maximum</u>
One Lane	12	14
Two Lanes	20	28
Three Lanes	30	40

In all cases, the radius of the edge of the driveway apron shall be at least fifteen (15) feet so that a car entering or leaving may not obstruct vehicles in other traffic lanes in the driveway or street.

Whenever parking spaces are opposite each other and separated by a driveway or aisle, said area shall be a minimum of twenty (20) feet in width.

SECTION 15.08 LOADING AND UNLOADING SPACE. Each Commercial or Industrial use shall provide off-street loading and unloading space at the side or rear of the principal structure according to the following table. Such space or spaces shall be not less than 660 square feet in area with dimension of 12' x 55' per space, which shall be located exclusive of any public right-of-way. Each space shall have a vertical

clearance of not less than fifteen (15) feet. Additionally, any loading and unloading spaces necessitate by uses in other districts shall also comply with the specifics of this Section.

GROSS FLOOR AREA

LOADING/UNLOADING SPACES REQUIRED

0 to 2000 sq. ft.

0, provided all loading/unloading can be accomplished on-site without restricting traffic flow or disrupting off-street parking access.

2001 to 10,000 sq. ft.

One (1) space

10,001 to 50,000 sq. ft.

Two (2) spaces

50,001 sq. ft. and over

Three (3) spaces plus one (1) additional space

for each 40,000 sq. ft. in excess of 50,000 sq. ft.

SECTION 15.09 ILLUMINATION OF PARKING AND LOADING AREAS. Parking and loading areas shall be illuminated whenever necessary to protect the public safety. Such illumination shall be so designed and located that the light sources are shielded from adjoining residences and streets, shall not be of excessive brightness or cause a glare hazardous to pedestrians or drivers and must meet any other ordinance dealing with illumination of building, parking, and loading areas.

SECTION 15.10 IMPROVEMENTS TO PARKING AND LOADING AREAS. All parking areas, loading areas, and access driveways, except for single and two-family dwellings and home occupations, shall have an asphalt, concrete, or other similar hard surface, in accordance with ordinance requirements of the Township Supervisors. Improved hard surface off-street parking areas for three (3) or more automobiles shall have individual spaces painted or marked. Surface water shall not be permitted to discharge over the public sidewalks or roadways or onto other premises. The maximum grade of the public area shall not exceed two percent. Appropriate bumper guards or curbs shall be provided in order to define parking spaces or limits of paved areas and to prevent vehicles from projecting into required yards. The Zoning Administrator may require landscaping in accordance with Article 14 of this Ordinance. All curbs and bumper guards shall be constructed in accordance with standards established by the Township supervisors.

SECTION 15.11 APPROVAL OF PARKING AND LOADING PLANS. Detailed, scaled drawings of off-street parking and loading areas (except for single and two-family dwellings) shall be submitted to the Zoning Administrator for approval prior to

their construction. The drawings shall show each space, dimensions of driveways, aisles and other features required under the provisions of this Ordinance.

ARTICLE 16

SIGNS AND ADVERTISING STRUCTURES

SECTION 16.01 INTENT. The purpose of these regulations is to permit signs or advertising structures that will not, by reason of their size, location, construction, or manner of display, endanger the public safety of individuals, confuse, mislead, or obstruct the vision necessary for traffic safety or otherwise endanger public health, safety, and morals; and to permit and regulate signs in such a way as to support and complement land use objectives set forth in this Ordinance. Signs may be permitted only when in compliance with the provisions of this Ordinance and any and all ordinances and regulations relating to the erection, construction, reconstruction, enlargement, relocation, replacement, alteration or maintenance of signs and similar devices.

SECTION 16.02 AREA OF SIGN. The area of a sign shall be construed to include the entire display surface and background, whether open or enclosed, which encompasses lettering, wording, designs, and symbols, but not including any supporting framework and bracing which is incidental to the display itself. The area shall be determined using the larger visible sign or silhouette areas. When the sign consists of individual letters or symbols attached to or printed on a surface, the area shall be considered to be the smallest rectangular shape or shapes which can be drawn together to encompass all of the letters and symbols.

All double face signs shall be considered as having one (1) sign area, except double-faced "V" signs that have interior angles greater than 45 degrees.

SECTION 16.03 GENERAL REGULATIONS. All signs and/or advertising structures, where permitted under the terms of this Ordinance, are subject to the following:

- A. No signs shall be erected, constructed, reconstructed, replaced, altered, removed for repair, enlarged, or relocated until a permit is obtained from the Zoning Administrator, except that no permit shall be required by this Ordinance for the following signs:
1. Signs not exceeding two (2) square feet in area and bearing only property numbers, postal box numbers or names of the occupants of the premises.
 2. Flags and insignia of any government, except when displayed in connection with commercial promotion.

- C. All signs not owned by the person, firm or organization advertising thereon shall carry a clearly legible imprint showing the owner's name.
- D. No sign shall be so illuminated as to have a glaring effect upon vehicular traffic. No sign shall be illuminated so as to constitute a nuisance. No sign shall contain moving parts or use flashing or intermittent illumination. The source of the light shall be steady, stationary, and shall be from the top down.
- E. No sign shall be higher than thirty-five (35) feet from the ground to the highest part of the sign.
- F. No sign shall be erected so as to obstruct entrance to or exit from a required door, window, fire escape or other required exit way.
- G. No sign shall be erected that screens traffic signals or signs or utilizes red, green or amber lights or reflectorized material that creates a flashing action and is so located as to render ineffective any traffic sign or signal. Any sign which resembles an official traffic sign or signal, by way of its appearance or content, shall be prohibited.
- H. Unless otherwise provided, no sign shall be painted, pasted, or otherwise affixed to any tree, rock, utility pole, hydrant, bridge, sidewalk, curb, or street.
- I. Unless otherwise provided, no portion of any sign shall be erected within or placed on an existing structure in the road right-of-way. Additionally, no portion of any sign shall be erected in the "clear sight triangle" as specified in Section 13.06.
- J. Unless otherwise specified, all signs shall be on-premises, and no sign shall be erected until a permit has been secured from the Zoning Administrator and approval has been received from any other applicable state or local agencies.
- K. No sign shall contain obscene material.

SECTION 16.04 SIGNS PERMITTED IN ALL DISTRICTS. The following signs are permitted in any zoning district:

- A. Temporary signs which do not require a permit:
 - 1. Temporary signs of painters, mechanics, contractors, realtors, and the like not exceeding a total of sixteen (16) square feet in area, provided such signs are removed as soon as the work has been completed.
 - 2. Temporary signs and banners of a non-commercial nature across a public right-of-way are permitted provided (a) permission is obtained from the Township Supervisors, (b) they are erected in a location which

3. Legal notices, official traffic signs, community facilities signs, municipality identification signs, non-commercial historical or geographical identification information, or directional signs erected by government bodies. Such signs may be placed within the road right-of-way.
 4. Geographical identification and greeting signs erected by civic and service organizations provided that they do not exceed four (4) square feet in area and are comprised of the organization's standard emblem or seal.
 5. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
 6. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
 7. Temporary signs as described in Section 16.04 of this Ordinance.
 8. Signs identifying farms, farm associations, and agricultural products, provided that no farm or association identification sign exceeds ten (10) square feet in area and no more than one (1) sign shall be erected per road frontage. Signs identifying agricultural products shall not exceed two (2) square feet in area.
 9. Hunting, fishing, and trespassing signs and signs indicating private ownership of roadways or property, provided that such signs do not exceed two (2) square feet in area and when erected along street frontage the signs shall be spaced at intervals of not less than one hundred (100) feet.
 10. Signs up to four (4) square feet in area are necessary for the identification, protection, and operation of public utility facilities.
- B. Every sign shall be maintained in a safe, presentable and good structural condition at all times, including the replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of said sign. The Zoning Administrator shall require such maintenance, and in the event the sign owner fails to comply with said requirements, the Zoning Administrator shall proceed against him as provided in Section 18.01 of this Ordinance. Any sign which pertains to a time, event, or purpose which no longer applies and has been abandoned, as specified in Section 17.03A of this Ordinance, shall be removed by the owner of the sign or the owner of the premises on which the sign is located.

will not cause a traffic hazard, (c) they meet safety standards and are maintained, and (d) they are removed when their temporary use is completed.

3. Temporary signs announcing a campaign, drive, or event of civic, philanthropic, educational or religious organization. Such signs shall not exceed twelve (12) square feet in area and shall be removed within forty-eight (48) hours after completion of the campaign, drive or event.
4. Temporary signs directing patrons, members audience or customers to temporary exhibits, shows, events, or activities (e.g.) yard sales, fruit sales, conventions, etc.). Such signs shall not exceed twelve (12) square feet in area and shall be removed within forty-eight (48) hours after completion of the campaign, drive or event.
5. Signs erected in conjunction with a political election provided that all signs are removed within forty-eight (48) hours after the date of the election.

B. Off-premises directional signs which require issuance of a permit:

1. Off-premises directional signs which are used to direct patrons, members, audience, customers, clients to service clubs, churches, commercial, industrial, institutional or other organizations may be erected subject to the following requirements:
 - a. A sign shall indicate only the name of the organization and the direction to the facility.
 - b. Except at intersections, no sign shall be placed within two hundred (200) feet of another sign associated with the same principal use.
 - c. All signs shall be placed within two (2) miles of the use and nor more than six (6) signs for each principal use may be erected within the borders of the municipality.
 - d. All signs shall consist of dark lettering on a light background, excluding standard issue signs. The signs shall not exceed three (3) square feet in area, and no moving parts, flashing lights, or any type of illumination shall be permitted.
 - e. At intersections of public streets, no more than one (1) sign post accommodating all directional signs may be erected per corner. Said posts shall not exceed six (6) inches in width and shall not be less than three (3) feet nor greater than eight (8) feet in height

above ground. No more than one (1) sign per principal use may be attached to any sign post and no portion of any sign shall be erected within the "clear sight triangle" as specified in Section 13.06 of this Ordinance.

- f. Application for off-premises directional sign permits shall include a map indicating location of placement requests and the land owner's written approval, name to be placed on sign, and distances from the facility to each sign.
- C. One (1) name plate for a home occupation, provided that the sign does not exceed four (4) square feet in size and identifies only the name of the occupant and title of the occupation. If lighted, the sign shall be illuminated without objectionable glare. No displays or change in facade shall indicate from the exterior that the building is being used for any purpose other than that of a dwelling.
- D. One (1) institutional sign and/or one (1) bulletin board, for places of worship, schools, hospitals, libraries, museums, social clubs, and similar uses, provided each sign or bulletin board does not exceed sixteen (16) square feet in area and is located no closer to a road right-of-way than one-half (1/2) the depth of the existing front yard or fifteen (15) feet whichever is less. If lighted, it shall be illuminated without objectionable glare and shall be from the top down. Additionally, if such property fronts on more than one (1) street, each street frontage may contain the above mentioned signs.
- E. Subdivision Signs.

- 1. Temporary - a sign advertising lots for sale, giving pieces, dimensions, services, etc., and which shall be removed within thirty (30) days of the sale date of the last lot.
- 2. Permanent - a sign containing only the name of the development or subdivision and designed to be permanently affixed to the land.

One (1) sign per road frontage may be permitted provided the sign is placed at an entrance to the subdivision, is located on the property to be subdivided, and does not exceed twenty-four (24) square feet in area. No portion of any sign shall be erected within the "clear sight triangle" as specified in Section 13.06.

SECTION 16.05 SIGNS IN RESIDENTIAL AND AGRICULTURAL DISTRICTS.
The following types of on-premises signs may be permitted in residential and agricultural districts unless otherwise prohibited:

- A. Signs for the advertisement of agricultural businesses as follows:

1. For each property involved in agri-business, one sign may be erected, provided no sign or portion thereof shall be located closer to the road right-of-way than $\frac{1}{2}$ the depth of the existing front yard or twenty-five (25) feet, whichever is less.
 - a. Wall, or projecting sign - maximum sign area shall not exceed sixteen (16) square feet.
 - b. Freestanding sign - maximum sign area shall not exceed twenty-five (25) square feet.

B. Signs for nonconforming commercial or industrial uses as follows:

1. For each property involved in a commercial or industrial use, a total sign area of thirty (30) square feet shall be permitted. No sign or portion thereof shall be located no closer to the road right-of-way than $\frac{1}{2}$ the depth of the existing front yard of fifteen (15) feet, whichever is less.
 - a. Projecting sign - maximum sign area shall not exceed twelve (12) square feet.
 - b. Freestanding sign - maximum sign size shall not exceed sixteen (16) square feet.
 - c. Wall or Window sign - maximum sign size shall not exceed twelve (12) square feet.
 - d. Ground sign - maximum sign size shall not exceed sixteen (16) square feet.

C. Signs as permitted in Section 16.04 of this Ordinance.

SECTION 16.06 SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS. Unless otherwise specified, only on-premises signs may be permitted, provided the maximum sign area shall not exceed two hundred fifty (250) square feet per street frontage. All wall, ground, projecting, roof or freestanding signs must be erected in compliance with the following standards:

- A. Signs for the advertisement of agri-business as permitted in Section 16.05 of this Ordinance.
- B. Signs for commercial, office, institutional, and industrial uses as follows:

1. One (1) wall sign for each road frontage provided it is attached to the wall of the principal building and projects horizontally not more than twelve (12) inches therefrom and occupies not more than fifteen (15) percent of the total area of the front of the principal building. It shall not project more than three (3) feet above the roof line or parapet wall.
 2. One (1) projecting or roof sign for each road frontage provided it shall not project beyond a vertical plane two (2) feet inside the road right-of-way line and does not exceed twenty (20) square feet in area. Said signs shall not exceed a height of thirty-five (35) feet.
 3. One (1) freestanding sign for each road frontage, provided it does not exceed sixty (60) square feet in area. It shall not extend beyond a vertical plane two (2) feet inside the lot from the road right-of-way line and shall not exceed a height of thirty-five (35) feet.
 4. One (1) ground sign for each road frontage, provided it does not exceed sixteen (16) square feet in area, nor be located closer than fifteen (15) feet from any road right-of-way line. Additionally, it shall not be located within the clear sight triangle as specified in Section 13.06.
 5. General shopping district identification signs, provided they are separate and not attached to any building. Maximum of two (2) such signs for any one (1) general shopping district. The height of signs shall be a maximum of thirty-five (35) feet measured from the ground, and the maximum size of the sign portion itself shall not exceed one hundred fifty (150) square feet.
- C. Off-premises billboard and advertising sign board may be erected and maintained, provided the total display area of all such signs shall not exceed twenty (20) square feet for each ten (10) feet of road frontage, and the total display area of any sign shall not exceed two hundred (200) square feet in area. Said signs shall not be placed less than one hundred (100) feet apart nor within one hundred (100) feet of existing billboards or advertising sign boards. No sign or portion thereof shall be located closer than twenty-five (25) feet to the road right-of-way and shall not exceed thirty-five (35) feet in height.
- D. Signs as permitted in Section 16.04 of this Ordinance.

SECTION 16.07 NONCONFORMING SIGNS. Any sign erected, constructed, replaced, altered, enlarged, or relocated before the effective date of this Ordinance, that would not otherwise be permitted under the terms of this Ordinance, may remain and continue to be used, maintained and repaired provided:

- A. A nonconforming sign shall not be replaced, altered, relocated, or reconstruction except to bring the sign into total compliance with the provisions of this Ordinance.
- B. A nonconforming sign may be used, maintained and repaired subject to the following requirements:
1. Maintenance and repair of a nonconforming sign is permitted when said activities are necessary to maintain the sign in a presentable, functional condition. Maintenance and repair activities shall not include alterations, relocation or reconstruction but may include: replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of said sign. Prior to the removal of a nonconforming sign for maintenance, repair or message change, a permit shall be secured from the Zoning Administrator. Said permit shall allow the applicant to re-erect the repaired or re-messaged nonconforming sign within thirty (30) days of issuance. If the nonconforming sign is not erected within the specified time, it shall lose its nonconforming status and any successive sign shall conform with all applicable Ordinance requirements.
 2. Nothing in this Ordinance shall prohibit the change in advertising, identifying, or directional message of a nonconforming sign so long as the change does not involve any alterations, relocation or reconstruction of the nonconforming sign. Message changes of a nonconforming sign that are a result of a transfer in ownership of the premises on which the principal use is located, excluding contract advertising signs, shall be prohibited and any successive sign shall conform to the Ordinance requirements. If the message change requires removal of the sign, a permit shall be secured as in the above-subsection.
 3. A nonconforming sign, which has been damaged or destroyed by fire, explosion, accident, or calamity, to an extent which is greater than fifty (50) percent of the sign or sign value, may not be repaired except in compliance with the provisions of this Ordinance. A nonconforming sign which has sustained less than fifty (50) percent damage of the sign or sign value may be repaired provided:
 - a. The repaired sign is virtually unchanged, except for building materials and message, or is less nonconforming than the original sign; and
 - b. Repair is completed within sixty (60) days from the date of damage. Failure to repair within sixty (60) days shall result in the loss of

nonconforming sign rights and any successive sign shall conform with all applicable Ordinance requirements.

4. When a nonconforming sign has been demolished or destroyed by deterioration or removal, or has been moved from its location for reasons other than for an approved repair, maintenance or a change in message, said sign shall not be reconstructed or replaced except in complete conformity with the provisions of this Ordinance.
- C. A nonconforming sign which pertains to a time event, purpose or use which no longer applies, has been abandoned or changed, shall be removed by the owner of the sign or the owner of the premises on which the sign is located.
- D. Proposed signs that are associated with a nonconforming use shall conform to the regulations of the district in which the sign is located.

ARTICLE 17

NONCONFORMITIES

SECTION 17.01 INTENT. Within any zoning district established by this Ordinance or any subsequent amendment thereto there exists:

- A. Lots,
- B. Uses of land,
- C. Structures, or
- D. Uses of structures or land and structures in combination,

Which were lawful prior to the passage or amendment of this Ordinance, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment, and are hereinafter referred to as nonconforming. It is the intent of this Ordinance to permit these nonconformities to remain or continue until they are brought into compliance. It is further the intent of this Ordinance that nonconformities shall not be used as grounds for adding other structures or additional uses prohibited elsewhere in the same district.

Nonconforming uses are declared by this Ordinance to be incompatible with permitted uses within the same zoning district. Any nonconforming use of a structure, of land, or structure and land in combination may be extended or enlarged only as provided within this Ordinance. Extension or enlargement of a nonconforming use by the addition of uses not normally accessory to the existing nonconforming use shall not be permitted.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual construction has been carried on diligently. Additionally, where excavation, demolition or removal of any existing building has begun preparatory to rebuilding, such activities shall be deemed actual construction provided that work is carried on diligently.

SECTION 17.02 NONCONFORMING LOTS OF RECORD. Following the effective date of adoption of this Ordinance, a permitted principal structure and accessory structure(s) may be erected upon any single nonconforming lot of record. Said lot must be in separate ownership and not of continuous frontage with other lots in the

same ownership at the time of adoption of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district. However, yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of any prescribed requirements shall be obtained only through action of the Zoning Hearing Board.

If two or more contiguous nonconforming lots held under single ownership have been duly approved by the Township Supervisors and are on record in the office of the Recorder of Deeds of Lebanon County for no more than three (3) years before the date of adoption of this Ordinance, such lots may be developed, as recorded, provided that yard dimensions and requirements other than those applying to area or width shall conform to the regulations for the district in which such lots are located.

If two or more contiguous nonconforming lots held under single ownership have been duly approved by the Township supervisors and are on record in the office of the Recorder of Deeds of Lebanon County for more than three (3) years before the date of adoption of this Ordinance, such lots may be developed, provided that:

- A. The lot area and lot width of all lots is 75% or more of the required lot area and width; and
- B. All yard, lot coverage and other applicable requirements of the district can be satisfied; and
- C. Contiguous nonconforming lots which cannot satisfy requirements A and B of this subsection shall be combined, enlarged or resubdivided to satisfy requirements A and B.

No portion of a nonconforming lot shall be sold or used in a manner which further diminishes compliance with the lot area and lot width requirements of this Ordinance, nor shall a portion of a conforming lot be sold or used in a manner which creates a nonconforming lot.

SECTION 17.03 NONCONFORMING USES OF LAND. Where lawful use of land exists at the time of the passage of the Ordinance which would not be permitted by the regulations imposed by this Ordinance, and where such use involves no principal structure, the use may be continued, provided that:

- A. No such nonconforming use of land which is ceased, removed, discontinued or abandoned for a period of 180 consecutive dates shall thereafter be reestablished. This cessation, discontinuance or abandonment time limit may be extended by an additional 180 day time period where contracts or agreements are being negotiated, provided 1) the property owner makes written application for an

extension, citing the reasons necessary for the extension and the length of extension required and 2) the Zoning Administrator issues a Temporary Certificate of Zoning Compliance to register the reasons for extension, the length of extension, and the nature of the nonconformity.

- B. No principal structures shall be erected in connection with such nonconforming use of land.
- C. Expansion of nonconforming uses shall be limited to a maximum aggregate enlargement of 50% of the acre of land so used, as compared to the land in nonconforming use at the date of adoption of this Ordinance. Contiguous land owned at the effective date of this Ordinance may be used for expansion of the nonconforming use. However, for purposes of this Ordinance, approved streets or road rights-of-way define the limit expansion of any nonconforming use of land, and such uses shall not extend across said streets or road rights-of-way.

SECTION 17.04 NONCONFORMING STRUCTURES. A lawful structure existing at the effective date of adoption of this Ordinance that could not otherwise be built due to restrictions on lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, may remain, subject to the following provisions:

- A. A nonconforming structure shall not be enlarged or altered in a way which increases its nonconformity, but a structure or portion thereof may be altered to decrease its nonconformity.
- B. A nonconforming structure or portion thereof may be extended along established, existing building lines provided:
 - 1. The extension meets all other applicable yard, lot coverage and height regulations; and
 - 2. Extensions or enlargements along the nonconforming setback shall be limited to a maximum 100% increase of the area of land covered by the portion of structure which is in a nonconforming status. Extension or enlargement in a conforming manner shall not be subject to the 100% limitation. Any extension or enlargement shall be regulated by other applicable yard, lot coverage and height restrictions.
- C. A nonconforming structure which has been damaged or destroyed to any extent by fire, explosion, accident or calamity may be repaired or reconstructed provided:
 - 1. The rebuilt structure is unchanged in its original size or location, or is less nonconforming than the original structure; and

2. Repair or reconstruction is commenced within one (1) year from the date of damage or destruction. Failure to repair or reconstruct within one (1) year shall result in loss of nonconforming rights and any successive structure shall conform with all applicable Ordinance requirements.
- D. A nonconforming structure which has been demolished or destroyed to any extent by deterioration or removal shall not be reconstructed or structurally replaced, except that:
1. Any conforming portion of the nonconforming structure may be reconstructed or replaced; and
 2. Repairs and maintenance shall be permitted to maintain the nonconforming structure in a safe condition. However:
 - a. Restoration and repairs shall be limited to protective exterior improvements; and
 - b. A maximum aggregate of 50% of the structural or weight bearing components of the nonconforming structure may be replaced, during structural alterations, so that repairs and maintenance do not actually involve replacement of the old structure with a new one over any period of time.
- E. Should a nonconforming structure be moved for any reason then:
1. Relocation on part of the same land area previously covered by the structure shall equal or decrease the nonconformity; or
 2. Relocation to a previously unoccupied area shall conform to all applicable Ordinance requirements.

SECTION 17.05 NONCONFORMING USES OF STRUCTURES OR LAND AND STRUCTURES IN COMBINATION. If lawful use involving principal structures or land and structures in combination exists at the effective date of adoption of this Ordinance, the use may be continued so long as it remains otherwise lawful, subject to the following:

- A. Abandonment of a nonconforming use of a structure (or land and structure in combination) shall remove the nonconforming status of the structure (or land and structure in combination) so that the nonconforming use may not thereafter be reestablished. Furthermore, use of the structure (or structure and land in combination) shall thereafter conform with the regulations for the zoning district in which it is located. Abandonment shall be deemed to have occurred when the nonconforming use is ceased, removed or discontinued for a period of one hundred

eight (180) consecutive days. However, this cessation, discontinuance or abandonment time limit may be supplemented by an additional one hundred eighty (180) day time period where contracts or agreements are being negotiated, provided 1) the property owner makes written application for an extension, citing the reasons necessary for the extension and the length of extension requested and 2) the Zoning Administrator issues a Temporary Certificate of Zoning Compliance to register the reasons for extension, the length of extension, and the nature of the nonconformity.

- B. Extension or enlargement of 1) the structure containing the nonconforming use or 2) the area of land used for storage, display or sales of products or materials in combination with the nonconforming use, shall be subject to the following:
1. Expansion of the nonconforming use shall be limited to a maximum aggregate enlargement of 50% of the area of land so used at the date of adoption of this Ordinance, subject to the requirements that:
 - a. The structure containing the nonconforming use may be enlarged to cover 50% additional land area (lot coverage); and
 - b. Expansion may include only the same number of stories existing on the structure at the effective date of this Ordinance. Additional stories shall not be permitted; and
 - c. The area of land used for storage, display or sales of products or materials in combination with the nonconforming use may be enlarged to cover 50% additional land area.
 - d. Contiguous land may be used for the maximum 50% expansion, provided the land so used was owned at the effective date of this Ordinance and expansion does not extend across any street or road right-of-way.
- C. Any nonconforming use of a structure (or land and structure in combination) may, as a Special Exception, be changed to another nonconforming use provided the Zoning Hearing Board finds that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use.
- D. Where the nonconformity applies to use of structure (or land and structure in combination), removal or destruction of the structure shall eliminate the nonconforming status of the land. Removal or destruction, for the purposes of this subsection, shall include the removal or destruction of an aggregate of 75% or more of the structural or weight bearing components of the structure.

SECTION 17.06 USES UNDER SPECIAL EXCEPTION PROVISIONS NOT NONCONFORMING USES. Any existing use which is permitted as a Special Exception in a district under the terms of this Ordinance (other than a change through Zoning Hearing Board action from one nonconforming use to another nonconforming use not generally permitted in the district) shall not be deemed a nonconforming use in such district. However, expansion, enlargement or change to that existing use shall be subject to the same criteria specified for Special Exception approval within the district and administrative sections of this Ordinance, although Zoning Hearing Board action shall not be required.

SECTION 17.07 NONCONFORMING SIGNS. Any sign erected, constructed, or placed before the effective date of this Ordinance which does not conform to the applicable provisions of Article 16 of this Ordinance is a nonconforming sign. No such sign shall be replaced, relocated or otherwise changed until approval is obtained in accordance with the requirements of Article 16 of this Ordinance.

ARTICLE 18

ADMINISTRATION AND ENFORCEMENT BUILDING AND ZONING PERMITS AND CERTIFICATION OF ZONING COMPLIANCE

SECTION 18.01 ADMINISTRATION, ENFORCEMENT AND AUTHORITY. A Zoning Administrator designated by the Township Supervisors shall administer and enforce this Ordinance. The Zoning Administrator may be provided with the assistance of such other persons as the Township Supervisors may direct. The Zoning Administrator shall administer the Zoning Ordinance in accordance with its literal terms and he shall not have the power to permit any construction, use or change which does not conform to the Zoning Ordinance.

If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall have the authority to order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings, signs or structures or illegal additions, alterations or structural changes; discontinuance of any illegal work in process; or any other action provided by this Ordinance to ensure compliance with, or prevent violation of, its provisions.

SECTION 18.02 BUILDING AND ZONING PERMITS REQUIRED. No building, structure, sign or land shall be erected, constructed, reconstructed, altered, converted, removed, maintained, moved, added to, used or the use therein changed unless and until a Building and Zoning Permit is obtained from the Zoning Administrator. The permit requirements shall apply to all permanent, temporary, seasonal, part-time or movable buildings, structures, signs or uses, unless exempted elsewhere in this Ordinance. No Building and Zoning Permit shall be issued by the Zoning Administrator except in conformity with the provisions of this Ordinance, unless he receives a written order from the Zoning Hearing Board in the form of an Appeal, Special Exception or Variance as provided by this Ordinance.

SECTION 18.03 APPLICATION FOR A BUILDING AND ZONING PERMIT. Applications for a Building and Zoning Permit shall be filed by the property owner, his authorized agent or an individual with a proprietary interest in the property, said individual to hereafter be known as the applicant. Applications shall be submitted to the Zoning Administrator and contain the following:

- A. **BUILDING AND ZONING PERMIT APPLICATION FORM.** On a form supplied by the Zoning Administrator, the Applicant shall provide information to describe the size, location and nature of the proposed building, structure or use. The applicant shall sign the application form to verify the accuracy of the information.

the size, location and nature of the proposed building, structure or use. The applicant shall sign the application form to verify the accuracy of the information.

B. PLOT PLAN. All applications for a Building and Zoning Permit shall be accompanied by a plot plan in accordance with the following:

1. Three (3) copies of the plot plan shall be submitted. In lieu thereof, an 8 ½ x 11" plot plan is acceptable, provided it is suitable for photo copying.
2. The plot plan shall show, where applicable, size, shape, and dimensions of the lot; size and location of all existing buildings, size, location, and use of all proposed buildings, additions or alterations, parking lots, parking spaces, driveways, signs and other site improvements, and other information as may be necessary to determine conformance with this Ordinance.
3. Engineering, architectural and surveyor's plans may be required by the Zoning Administrator where necessary to accurately depict the proposed work on a property.
4. The Zoning Administrator may waive the plot plan requirement where the applicant satisfactorily demonstrates that minimum standards are greatly exceeded.

C. OTHER PERMIT PREREQUISITES. At the time of application, the applicant shall produce, where applicable, a valid sewage permit, road encroachment permit, Labor and Industry approval, subdivision approval or other approval preliminary to issuance of the Building and Zoning Permit.

D. APPLICATION FEE. All applications for a Building and Zoning Permit shall be accompanied by a fee in accordance with the current schedule of fees resolution adopted by the Township Supervisors.

SECTION 18.04 INCOMPLETE APPLICATIONS. When an applicant fails to: 1) complete and sign the Building and Zoning Permit application form, 2) submit a plot plan, 3) pay the required application fee, 4) secure and produce other permit prerequisites, or 5) submit other information required by the Zoning Administrator, the application for a Building and Zoning Permit shall be deemed incomplete. The Zoning Administrator may notify the applicant to request supplemental information to complete the application. Such notice shall prescribe a time period, not to exceed thirty (30) days, for completion of the application by submission of the supplementary information. Failure to complete the application shall result in written disapproval, in accordance with Section 18.05 of this Ordinance.

SECTION 18.05 ISSUANCE OF A BUILDING AND ZONING PERMIT. After an application has been determined to be complete, the Zoning Administrator shall take official action to approve or disapprove the permit application in accordance with the following:

- A. **APPROVAL.** When a completed application is found to conform with the provisions of the Zoning Ordinance, the Zoning Administrator, within twenty (20) days of application completion, shall issue an approved Building and Zoning Permit. Issuance of the permit shall be accompanied by an approved plot plan, where applicable, and a placard for display on the premises during the construction or alteration period. Building and Zoning Permits are nontransferable and are valid for work authorized therein only for the owner and property so designated.
- B. **DISAPPROVAL.** When a completed application is found not to conform with the provisions of the Zoning Ordinance, the Zoning Administrator, within twenty (20) days of application completion, shall disapprove the application for a Building and Zoning Permit. Plot plans submitted with the application shall also be disapproved. The disapproval shall be in writing, citing the deficiencies of the application. Appeals from a disapproval by the Zoning Administrator shall be taken in the manner set forth in Articles 19 through 22 of this Ordinance.

SECTION 18.06 REVOCATION OF A BUILDING AND ZONING PERMIT. Building and Zoning Permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement and construction set forth in such approved plans. A Building and Zoning Permit shall be revoked, in writing, by the Zoning Administrator for any of the following reasons:

- A. When use, alteration or construction does not comply with or exceeds the scope of that authorized by the Building and Zoning Permit; or
- B. When information pertinent to the application for a Building and Zoning Permit has been falsified or misrepresented; or
- C. When other provisions of this Ordinance are violated in conjunction with the use, alteration or construction authorized by the Building and Zoning Permit; or
- D. When the original decision of the Zoning Administrator did not conform to the requirements of this Ordinance.

Written revocation shall be provided to the applicant and shall indicate the reasons for such action. Additionally, the revocable offenses shall be deemed a violation of this Ordinance and subject the violator to the penalties provided by Article 27 of this Ordinance.

SECTION 18.07 EXPIRATION OF A BUILDING AND ZONING PERMIT. An approved Building and Zoning Permit shall expire:

- A. If the work described therein has not begun within ninety (90) days from the date of issuance; or
- B. If the work described therein has not been completed within two (2) years from the date of issuance.

Upon expiration of a Building and Zoning Permit work shall cease and shall not thereafter be commenced unless and until a new Building and Zoning Permit is obtained.

SECTION 18.08 CERTIFICATE OF ZONING COMPLIANCE. The Zoning Administrator shall maintain Certificate of Zoning Compliance forms which shall be utilized to record the following:

- A. **NONCONFORMITIES.** Owners and occupants of nonconforming uses of land or structures and land in combination shall obtain a Certificate of Zoning Compliance to document wherein the use differs from the provisions of this Ordinance. Authorization to renew, change, extend, enlarge or alter the nonconformity shall not be granted unless and until the specifics of the nonconformity are first recorded on a Certificate of Zoning Compliance and the change or alteration is found to comply with Article 17 of this Ordinance. The Zoning Administrator may require written documentation to verify the characteristics of the use and the dates of establishment.
- B. **APPROVED USES AND STRUCTURES.** Owners or occupants of uses or structures authorized by approved Building and Zoning Permits may request a Certificate of Zoning Compliance to verify that the use or construction completed is in compliance with the approved permit and the provisions of this Ordinance. Similarly, owners or occupants of pre-existing conforming uses or structures may request a Certificate of Zoning Compliance. Upon receipt of such a request, the Zoning Administrator shall inspect the premises and approve or disapprove a Certificate of Zoning Compliance.

Nothing contained herein shall preclude the Zoning Administrator from conducting routine inspections and investigations to determine zoning compliance, nor shall it prevent him from responding to complaints on zoning violations. Furthermore, violations of the conditions, uses or construction approved within a Certificate of Zoning Compliance shall be a violation of this Ordinance, punishable in accordance with Article 27 of this Ordinance.

ARTICLE 19

ZONING HEARING BOARD: ESTABLISHMENT AND PROCEDURE

A Zoning Hearing Board shall be established. The membership of the board shall upon the determination of the Township Supervisors, consist of either three or five residents of the municipality appointed by the Township Supervisors. The terms of office of a three-member board shall be three years and shall be so fixed that the term of office of one member shall expire each year. The terms of office of a five-member board shall be three years and shall be so fixed that the term of office of no more than two members of a five-member board shall expire each year and of the initial appointments of the two additional members, one shall be appointed for a one year term and one shall be appointed for a two year term. Members of the Zoning Hearing Board may be removed from office by the Township Supervisors for cause upon written charges and after public hearing. Vacancies shall be filled by the Township Supervisors for the unexpired term of the member affected. Members of the Zoning Hearing Board shall hold no other office in the municipality.

SECTION 19.01 PROCEEDINGS OF THE ZONING HEARING BOARD.

- A. The Zoning Hearing Board shall adopt rules necessary to conduct its affairs, in keeping with the provisions of this Ordinance and the PMPC.
- B. Meetings shall be held at the call of the chairman and at such other times as the Zoning Hearing Board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
- C. The Zoning Hearing Board may employ or contract for and fix the compensation of legal counsel, as the need arises. The legal counsel shall be an attorney other than the municipal solicitor. The board may also employ or contract for and fix the compensation of experts and other staff and may contract for services as it shall deem necessary. The compensation of legal counsel, experts and staff and the sums expended for services shall not exceed the amount appropriated by the Township for this use.

SECTION 19.02 HEARINGS, APPEALS, AND NOTICE

- A. Appeals to the Zoning Hearing Board concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any office or bureau of the governing body of the Township affected by any decision of the Zoning Officer. Such appeals shall be taken within a reasonable time, not to exceed sixty (60) days or such lesser period as may be provided by the rules of the Board, by filing with the Zoning Officer and with the Zoning Hearing Board a notice of

appeal specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Board all papers constituting the record from which the action appealed was taken.

- B. The Zoning Hearing Board shall fix a reasonable time for the hearing of an appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within 45 days after the hearing. However, where a hearing has been continued (e.g. scheduling further testimony, conducting a site inspection or accepting briefs), the decision shall be rendered within 45 days of the final hearing on the case.
- C. Conduct of the Zoning Hearing Board shall be in accordance with Article IX of the PMPC. The concurring vote of two (2) members on a three (3) member Board or the concurring vote of three (3) members of a five (5) member Board shall be necessary to reverse any order, requirements, decision, or determination of the Zoning Officer, or to decide in favor of the petitioner on any matter upon which it is required to pass under this Ordinance, or to effect any variation in the application of this Ordinance.

SECTION 19.03 STAY OF PROCEEDINGS. An appeal stays all proceedings in furtherance of the action appealed unless the Zoning Officer from whom the appeal is taken certifies to the Zoning Hearing Board after notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Hearing Board or by a court of record on application, or notice to the Zoning Officer from whom the appeal is taken and due cause shown.

ARTICLE 20

ZONING HEARING BOARD: POWERS AND DUTIES

SECTION 20.01 AUTHORITY AND PROCEDURES. The Zoning Hearing Board shall have the authority to hear and decide petitions of appeal, where applicable for Administrative Review, Special Exceptions, Variance and Ordinance Challenges. Petitions for appeal and subsequent hearings shall be in accordance with the provisions of the PMPC, and the following:

- A. A written petition shall be submitted by the petitioner on the form provided by the Zoning Officer. The petition shall, in addition to information pertaining to the petitioner and property location, specify the type of appeal being taken and the grounds for the appeal. The petition shall be considered complete when, along with the above information, a fee is submitted in the amount set forth by resolution by the Township Supervisors.
- B. Notice of the public hearing shall be provided to all interested parties, all property owners adjoining the affected property, and all property owners within two hundred (200) feet of the affected property. Furthermore, notice of said hearing shall be advertised according to the PMPC, and conspicuously posted on the affected property at least one (1) week prior to the hearing. Continued or reconvened hearings shall not require notice and advertising in accordance with this subsection, provided the time and date of the subsequent hearing is announced at the original hearing.
- C. The public hearing shall be held within sixty (60) days from the date of the petitioner's request unless the applicant has agreed to an extension of time. Any party may appear in person or by agent or attorney.
- D. The parties to the hearing shall be the Township, any person affected by the petition who has made a timely appearance of record before the Board, and any other person, including civic or community organizations. The board may supply forms and require persons to enter appearances, in writing, in order to become parties.
- E. The hearing shall be conducted by the Board or the Board may appoint any member as a Hearing Officer. The decision or, where no decision is called for, the findings shall be made by the Board; however, the applicant, in addition to the municipality, may, prior to the decision, waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.
- F. The Chairman, Acting Chairman or Hearing Officer presiding shall have the 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.

- G. Parties shall have the right to be represented by counsel and have the right to respond and present evidence and argument and cross-examine adverse witnesses on relevant issues. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- H. The Board or the Hearing Officer shall keep a taped recording, or a stenographic record, if requested, of the proceedings. The appearance fee for a stenographer shall be shared equally by the petitioner and the Board. The cost of the original transcript shall be paid either by the Board, if the Board or Hearing Officer orders the transcript; the person appealing the decision of the Board; or the party requesting the original transcript. The cost of additional copies of the original shall be paid by the person requesting such copies.
- I. The Board or the Hearing Officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issues involved except upon notice and opportunity for all parties to participate; shall not take notice of any communications, reports, staff memoranda or other materials, except advice from their solicitor, unless the parties are afforded the 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 representatives unless all parties are given opportunity to be present.
- J. The Board or the Hearing Officer shall render a written decision or findings, if no decision is called for, within forty-five (45) days after the last hearing before the Board or Hearing Officer. Where the petition is contested or denied, the decision shall be accompanied by findings of fact, related conclusions with reference to the provisions of law relied upon and the appropriate reasons for arriving at those conclusion. If the hearing is conducted by a Hearing Officer and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available within forty-five (45) days, and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings. The Board's decision shall be entered no later than thirty (30) days after the report of the Hearing Officer. Where the Board fails to render the decision within the period named above or fails to hold the hearing within sixty (60) days from the date of the petitioner's request, 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 deemed to be rendered in favor of an applicant because of the Board's failure to meet or render a decision on time, the Board shall give public notice of said decision within ten (10) days of the last day it could have met to so act. If the Board fails to provide such notice, the applicant may do so. Nothing in this

Ordinance shall prejudice the right of any party opposing the petition to appeal the decision to a court of competent jurisdiction.

- K. A copy of the decision or findings, where no decision is called for, 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 names and addresses with the Board not later than the day of the last hearing, the Board shall provide, by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.
- L. The procedures described herein shall apply to all Zoning Hearing Board hearings, and the following sections shall further explain when the Zoning Hearing Board has jurisdiction in legal matters and the specific powers and duties of the Zoning Hearing Board for the various appeals permitted by this Ordinance and the PMPC.

SECTION 20.02 JURISDICTION OF ZONING HEARING BOARD. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. Substantive challenges to the validity of any land use ordinance, except those brought before Township Supervisors as curative amendments.
- B. Challenges to the validity of a land use ordinance raising procedural questions or alleging defects in the process in enactment or adoption, such challenges to be appealed within thirty (30) days of the effective date of said Ordinance.
- C. Appeals from the determination of the Zoning Officer (classified as Administrative Reviews), including but not limited to granting, denial or failure to act upon an application for a permit; the issuance of a cease and desist order; permit revocation; or the registration or refusal to register a nonconforming use, structure or lot.
- D. Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of flood plain regulations contained in this or other Township ordinances affecting land use.
- E. Petitions for Variances from the terms of this Ordinance or from a flood hazard ordinance regulating land use, should such regulations ever be enacted separately, following the guidelines enumerated in Article 20 of this Ordinance.
- F. Petitions for Special Exceptions under this Ordinance or flood hazard ordinance regulating land use, should such regulation be enacted separately, following the guidelines enumerated in Article 20 of this Ordinance.

- G. Appeals from the determination of the Zoning Officer or that officer or agency which shall be charged with the responsibility to administer transfers of development rights or performance density provisions under this Ordinance.
- H. Appeals from the determination of the Township Engineer or Zoning Officer in the determination of land use regulations with reference to sedimentation and erosion control and stormwater management when such regulations are not within the scope of the reviews conducted for subdivisions and land development plans or planned residential developments, as enacted. When such regulations are within the scope of those reviews, appeal is taken to Township Supervisors pursuant to the enumerated jurisdictions of the Township Supervisor in Article 20 of this Ordinance.

SECTION 20.03 JURISDICTION OF TOWNSHIP SUPERVISORS. The Township Supervisors shall have exclusive jurisdiction to hear and render final adjudication in the following matters:

- A. Establish a schedule of fees and charges for activities required by this Ordinance.
- B. Applications for approval of subdivisions and land development plans.
- C. Applications for curative amendments.
- D. Applications for amendments to the Zoning Ordinance.
- E. Appeals from the determination of the Zoning Officer or the Township Engineer in the administration of provisions of law with reference to sedimentation and erosion control and stormwater management insofar as those provisions are within the scope of applications under the subdivision and land development regulations, as enacted. When not within such scope, the appeal is taken to the Zoning Hearing Board pursuant to the jurisdiction of the Zoning Hearing Board enumerated in Article 20 of this Ordinance.

SECTION 20.04 ADMINISTRATIVE REVIEWS.

- A. The Zoning Hearing Board shall hear and decide appeals, to be classified as Administrative Review procedures, where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures, has misinterpreted or misapplied a provision of this Ordinance, or has otherwise made an error in any order, requirements, decision or determination in the enforcement of this Ordinance. An Administrative Review shall also be utilized by an appellant who desires a determination or interpretation of the meaning or intent of a requirement of this Ordinance with has inconclusive or unclear language.

- B. After the public hearing on an appeal, the Zoning Hearing Board shall have the authority, so long as such action is in conformity with the terms of this Ordinance, to reverse, affirm, or modify, wholly or partly, the order, requirement, decision, or determination made by the Zoning Officer.

SECTION 20.05 SPECIAL EXCEPTIONS. The Zoning Hearing Board shall hear and decide petitions for Special Exceptions specifically authorized in this Ordinance. Decisions to grant or deny the petition shall be subject to the following:

- A. Such use shall be specifically authorized as a Special Exception in this Ordinance.
- B. The Special Exception use shall satisfy all requirements and conditions specified within this Ordinance.
- C. Where it is deemed necessary to implement the purpose and intent of this Ordinance, reasonable conditions and safeguards, in addition to those expressed in this Ordinance, may be required by the Board in granting the Special Exception.
- D. The Special Exception shall be compatible with adjacent and nearby properties and shall not adversely affect the public health, safety or welfare.
- E. The Special Exception use shall be designed to provide satisfactory arrangement for:
 - 1. Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and conveniences, traffic flow and control, and the access in case of fire or catastrophe.
 - 2. Off-street parking and loading areas where required, with particular attention to the items in #1 above, the requirements of Article 15 of this Ordinance, and the economic, noise, glare, or odor effects of the Special Exception on adjoining properties in the district.
 - 3. Refuse and service areas to be located and maintained in a safe and sanitary manner, well screened on three sides. Trash and rubbish shall be stored in covered vermin proof containers.
 - 4. Utilities to be located underground where possible and to be compatible with the surrounding area. Availability, ease of access and safety precautions shall be considered.
 - 5. Screening and buffering with reference to type, dimensions, and character, in accordance with Article 14 of this Ordinance.

6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district and compliance with Article 16 of this Ordinance.
7. Required yards and other open spaces as specified elsewhere in this Ordinance.

SECTION 20.06 VARIANCES.

- A. The Zoning Hearing Board shall hear and decide petitions for Variances from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Ordinance would result in unnecessary hardship. A Variance may be granted provided that all of the following findings are made, where relevant, in a given case:
 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 granted by the provisions of this Ordinance in the neighborhood or district in which the property is located; and
 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 Ordinance and that the authorization of a Variance is, therefore, necessary to enable the reasonable use of the property, and
 3. That such unnecessary hardship has not been created by the petitioner; and
 4. That the Variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
 5. That the Variance if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue; and
 6. That the Variance, if authorized, will not confer on the petitioner any special privilege that is denied by this Ordinance to the owners of other lands, structures, or buildings in the same zoning district; and

7. That nonconforming use of neighboring lands, structures, or buildings in the same district and permitted or nonconforming use of lands, structures and buildings in other zoning districts shall not be considered grounds for the granting of a Variance; and
 8. That a Variance shall not be granted solely for financial reasons or to facilitate financial gain.
- B. In granting a Variance, reasonable conditions and safeguards may be attached where it is deemed necessary to implement the purposes and intent of this Ordinance.

SECTION 20.07 ORDINANCE CHALLENGES. The Zoning Hearing Board shall hear challenges to the validity of the zoning ordinance or map, except as provided by the PMPC. In all such challenges, the Zoning Hearing Board shall take evidence and make a record thereon. At the conclusion of the hearing, the Zoning Hearing Board shall decide all contested questions and shall make findings on all relevant issues of fact.

SECTION 20.08 EXPIRATION OR REVOCATION OF A ZONING HEARING BOARD DECISION.

- A. The granting or approval of a Special Exception or Variance shall be valid only for the petitioner and the property specified in the petition. Alterations or changes to the use or building authorized by the Zoning Hearing Board shall require re-application to the Board. If the Special Exception or Variance has not been implemented within two (2) years of the date of the Zoning Hearing Board decision, said approval shall expire and become null and void. If the property affected by the Variance or Special Exception is transferred in ownership prior to the implementation of the Variance or Special Exception, said approval shall immediately become invalid upon such transfer of ownership.
- B. The Zoning Hearing Board may revoke approval of a Variance or Special Exception where:
 1. The petitioner repeatedly violates conditions or safeguards specified in the Board's decision, or
 2. The petitioner initiates use or construction contrary to the Board's decision, or
 3. The petitioner is found to have misrepresented or falsified information pertinent to the Board's decision, or

4. The Board's original decision was in error and the revocation is instituted within thirty (30) days of the original decision or prior to substantial reliance thereon by the petitioner.
- C. Violation of the conditions or safeguards or use or construction contrary to that specified by the Zoning Hearing Board decision shall be deemed a violation of this Ordinance, punishable under Article 27 of this Ordinance. Revocation of the Zoning Hearing Board approval shall not preclude the Zoning Officer from instituting civil enforcement procedures or the Township from proceeding in a court of law or equity to prevent or remedy violations of this Ordinance.

ARTICLE 21

APPEALS FROM THE ZONING HEARING BOARD

Any person or persons or agent of the Township aggrieved by any decision of the Zoning Hearing Board may appeal to the Court of Common Pleas. Appeal shall be taken in accordance with the Pennsylvania Municipal Planning Code, and other prevailing laws of the state of Pennsylvania.

ARTICLE 22

DUTIES OF ADMINISTRATIVE OFFICIAL, ZONING HEARING BOARD, TOWNSHIP SUPERVISORS AND COURTS ON MATTERS OF APPEAL

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator and then the Zoning Hearing Board. Recourse from the decisions of the Zoning Hearing Board shall be to the courts as provided in Article 21.

It is further the intent of this Ordinance that the duties of the Township Supervisors in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this Ordinance. Under this Ordinance the Township Supervisors shall have only the duties (1) of considering and adopting or rejecting proposed amendments or the repeal of this Ordinance, as provided by law, (2) of establishing a schedule of fees and charges as stated in Article 23, and (3) those duties specifically noted in other articles of this Ordinance.

ARTICLE 23

SCHEDULE OF FEES, CHARGES, AND EXPENSES

The Township Supervisors shall establish a schedule of fees, charges, and expenses and a collection procedure for Building and Zoning Permits, Certificates of Zoning Compliance, appeals, petitions and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Zoning Administrator, and may be altered or amended only by the Township Supervisors.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or petition, and said application or petition shall be considered incomplete.

ARTICLE 24

AMENDMENTS

The regulations, restrictions, and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. However, no such action may be taken until after a public hearing is held by the Township Supervisors, at which parties in interest and citizens shall have an opportunity to be heard.

Notice of the time and place of such hearing shall be published in a newspaper of general circulation once each week for two (2) successive weeks. 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. If the proposed amendment includes a change to the Official Zoning Map, notice of the public hearing shall be conspicuously posted at sufficient points along the tract to notify potentially interested parties. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.

If the amendment is initiated by any parties other than the Township Planning Commission, the Township Supervisors shall submit each such amendment to the Township Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Township Planning Commission with an opportunity to submit recommendations. In all cases, the proposed amendment shall be submitted to the Lebanon County Planning Department at least thirty (30) days prior to the hearing for review and comment. If after any public hearing held upon an amendment, the proposed amendment is revised, or further revised, to include land previously not affected by it, the Township Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

Within thirty (30) days after enactment, a signed copy of the amendment to this Ordinance shall be forwarded to the Lebanon County Planning Department.

ARTICLE 25

PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adoptive rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standard shall govern.

ARTICLE 26

COMPLAINTS REGARDING VIOLATIONS

SECTION 26.01 Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a formal complaint in writing. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Officer. They shall record properly such complaint, investigate, and take action thereon as provided by this Ordinance. Any person may also report a complaint orally, but such complaint shall not mandate formal investigation on the part of the Zoning Officer.

SECTION 26.02 If it appears that a violation of the provisions of this Ordinance has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice in the following manner:

- A. 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:
- B. An enforcement notice shall state at least the following:
 - 1. The name of the owner of record and any other person against whom the municipality intends to take action.
 - 2. The location of the property in violation.
 - 3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
 - 4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - 5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
 - 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.

ARTICLE 27

PENALTIES FOR VIOLATION

Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance shall, upon being found liable therefor in a civil enforcement proceeding pay a judgment of not more than \$500.00 per day plus all costs, including reasonable attorney fees incurred as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, South Lebanon Township shall 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 South Lebanon Township Zoning Ordinance shall be paid over to South Lebanon Township.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, building, contractor, agent, or other persons who commits, participates in, assists in, or maintains such violation may each be found liable of a separate offense and suffer the penalties provided herein.

Nothing herein contained is intended to prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE 28

SEPARABILITY CLAUSE

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE 29

REPEAL OF CONFLICTING ORDINANCES

EFFECTIVE DATE

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

Ordained and enacted into law this 9th day of March, 2004, to become effective five (5) days from the date hereof.

ATTEST:

SOUTH LEBANON TOWNSHIP
BOARD OF SUPERVISORS

Curtis E. Kulp
SECRETARY

BY: Robert J. Amore (SEAL)
CHAIRMAN

VICE-CHAIRMAN (SEAL)

Stephen Krause (SEAL)
SUPERVISOR

DISTRICT REQUIREMENTS

USE	<u>LOT REQUIREMENTS</u>			<u>YARD REQUIREMENTS</u>			
	MIN LOT AREA	MIN LOT WIDTH	MAX LOT COVERAGE	FRONT	ONE SIDE	TOTAL SIDES	REAR
<u>NON-RESIDENTIAL BUILDING</u>	3 acre	250'	20%	100'	20'	40'	75'
<u>SINGLE FAMILY DETACHED</u>							
No Public Utilities	1 acre	150'	25%	40'	20'	40'	30'
Public Water or Sewer	20,000 sq. ft.	125'	30%	30'	15' 10'	20'	30'
Public Water and Sewer	15,000 sq. ft.	120'	30%	30'	15' 10'	20'	30'

No building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height unless authorized as a Special Exception.

SECTION 7.04 MINIMUM OFF-STREET PARKING REQUIREMENTS. Off-street parking shall be provided in accordance with Article 15 of this Ordinance.

SECTION 7.05 SIGNS AND ADVERTISING STRUCTURES. Signs shall be permitted in accordance with Article 16 of this Ordinance.

SECTION 7.06 SUPPLEMENTARY DISTRICT REGULATIONS. The Supplementary District Regulations in Article 13 shall apply, where applicable, as additional requirements for this district.

SECTION 7.07 ENVIRONMENTAL IMPROVEMENTS AND ENERGY CONSERVATION REQUIREMENTS. The environmental and energy requirements in Article 14 shall apply, where applicable, as additional requirements for this district.



DISTRICT REQUIREMENTS

USE	<u>LOT REQUIREMENTS</u>		<u>YARD REQUIREMENTS</u>			
	MIN. LOT AREA	MIN. LOT WIDTH	FRONT	ONE SIDE	TOTAL SIDES	REAR
<u>NON-RESIDENTIAL BUILDING</u>	3 acre	250'	100'	20'	40'	75'
<u>RESIDENTIAL</u> No Public utilities Single Family Detached	1 acre	150'	40'	20'	40"	30'
<u>RESIDENTIAL</u> Public water or sewer Single Family Detached	15,000 sq. feet	120'	30'	10'	20'	30'
<u>RESIDENTIAL</u> Public water and sewer Single Family Detached	12,500 sq. ft.	100'	30'	10'	20'	30'
Single Family Semi-Detached	8,000 sq. ft.	80'	30'	10**	20**	25'
Two-family Semi-Detached	3,000 sq. ft.	30'	30'	10**	20**	20'
Two Family Detached	4,000 sq. ft.	50'	30'	10'	20'	20'
Town House	(SEE SECTION 8.02)					
Garden Apartment	(SEE SECTION 8.02)					

*Yard requirements apply to unattached sides of buildings.

No building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height unless authorized by a Special Exception.



SOUTH LEBANON TOWNSHIP

ORDINANCE NUMBER 283

AN ORDINANCE AMENDING SECTION 7.03 OF ORDINANCE NUMBER 278 (SOUTH LEBANON TOWNSHIP ZONING ORDINANCE), BY INCREASING THE MINIMUM LOT AREA, MINIMUM LOT WIDTH, AND SIDE YARD REQUIREMENTS IN AN R-1 LOW DENSITY RESIDENTIAL DISTRICT, FOR ALL SINGLE FAMILY DETACHED DWELLINGS WHERE THERE IS AVAILABILITY OF PUBLIC WATER OR THE AVAILABILITY OF PUBLIC WATER OR AVAILABILITY OF PUBLIC SEWER AND WATER AND AMENDING SECTION 8.03 OF ORDINANCE NUMBER 278 BY INCREASING THE MINIMUM LOT AREA, MINIMUM LOT WIDTH, AND YARD REQUIREMENTS IN AN R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT FOR SINGLE FAMILY DETACHED RESIDENTIAL DWELLINGS WHERE THERE ARE NO PUBLIC UTILITIES FOR SINGLE FAMILY DETACHED RESIDENTIAL DWELLINGS, WHERE THERE IS AVAILABILITY OF PUBLIC WATER OR SEWER, AND FOR SINGLE FAMILY DETACHED RESIDENTIAL DWELLINGS WHERE THERE IS AVAILABILITY OF PUBLIC WATER AND SEWER.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of South Lebanon Township, and it is hereby ordained and enacted by the authority of the same as follows:

SECTION ONE. The District requirements as set forth in Section 7.03 of Ordinance Number 278 regarding minimum lot area, minimum lot width, and side yard requirements for single family detached dwellings with the availability of public water or sewer or the availability of water and sewer is hereby amended to read as set forth on Exhibit "A" which is attached hereto and incorporated herein by reference as if fully set forth.

SECTION TWO. The District requirements as set forth in Section 8.03 of Ordinance Number 278 regarding minimum lot area, minimum lot width, and side yard requirements for single family detached residential dwellings where no public utilities are available, single family detached residential units where public water or sewer are available, and single family detached residential units where public water and sewer are available is hereby amended to read as set forth on Exhibit "B" which is attached hereto and incorporated herein by reference as if fully set forth.

SECTION THREE. This Ordinance shall become effective in five (5) days.

Adopted this 27th day of July, 2004.

ATTEST:

Curtis R. Kulp
Secretary

**BOARD OF SUPERVISORS OF
SOUTH LEBANON TOWNSHIP**

BY: Robert J. Amore
Chairman

BY: Di M. Egan
Vice-Chairman

BY: _____
Member

SOUTH LEBANON TOWNSHIP
ORDINANCE NUMBER 295

AN ORDINANCE AMENDING SECTION 703 OF ORDINANCE NUMBER 283 (SOUTH LEBANON TOWNSHIP ZONING ORDINANCE) BY AMENDING THE SIDE YARD REQUIREMENTS TO TEN (10) FEET IN AN R-1 LOW DENSITY RESIDENTIAL DISTRICT FOR ALL SINGLE FAMILY DETACHED DWELLINGS WHERE THERE IS AVAILABILITY OF PUBLIC WATER OR THE AVAILABILITY OF PUBLIC SEWER OR THE AVAILABILITY OF PUBLIC SEWER AND WATER.

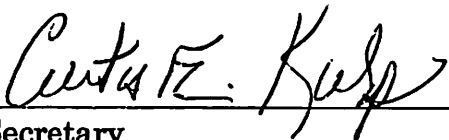
BE IT ORDAINED AND ENACTED by the Board of Supervisors of South Lebanon Township and it is hereby ordained and enacted by the authority of the same as follows:

SECTION ONE. The district requirements as set forth in Section 7.03 of Ordinance Number 283 regarding side yard requirements in an R-1 Low Density Residential District for all single family detached dwellings where there is availability of public water or the availability of public sewer or the availability of public sewer and water is hereby amended to read ten (10) feet.

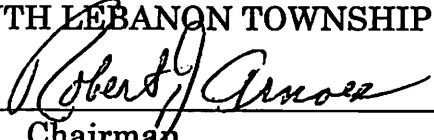
SECTION TWO. This Ordinance shall become effective in five (5) days.

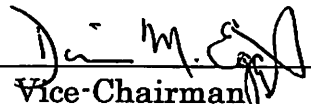
ADOPTED this 22nd day of February, 2006.

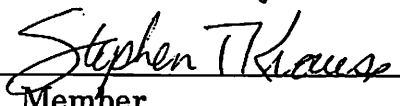
ATTEST:


Secretary

BOARD OF SUPERVISORS OF
SOUTH LEBANON TOWNSHIP

BY: 
Chairman

BY: 
Vice-Chairman

BY: 
Member

SOUTH LEBANON TOWNSHIP

ORDINANCE NUMBER 302

AN ORDINANCE AMENDING ORDINANCE NUMBER 278 (SOUTH LEBANON TOWNSHIP ZONING ORDINANCE) ARTICLE I (DEFINITIONS) BY AMENDING THE DEFINITION OF LOT, THROUGH PROVIDING FOR ONE FRONT YARD AND ONE REAR YARD AND THE AREA PROVIDING PRIMARY ACCESS TO THE LOT BEING DESIGNATED AS THE FRONT YARD, AND PERMITTING ACCESSORY USES IN THE REAR YARD; AMENDING ARTICLE 1 (DEFINITIONS) BY PROVIDING FOR A DEFINITION OF WOOD FIRED BOILERS WHICH CONTAIN A FIRE BOX WITH WATER PIPES RUNNING TO AN ATTACHED/UNATTACHED BUILDING TO TRANSFER HEAT FOR SPACE AND WATER HEATING; AMENDING ARTICLE THIRTEEN (SUPPLEMENTAL DISTRICT REGULATIONS) BY ADDING SECTION 13.22 PROHIBITING WOOD-FIRED BOILERS IN ALL ZONING DISTRICTS EXCEPT THE A-AGRICULTURAL DISTRICT; AMENDING ARTICLE SIX (A-AGRICULTURAL DISTRICT) SECTION 6.02. (PERMITTED USES) BY RENUMBERING SUBSECTION M AS N AND BY ADDING A NEW SUBSECTION M PERMITTING WOOD-FIRED BOILERS; AMENDING ARTICLE 8 (R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT) SECTION 8.02 (PERMITTED USES), SUBSECTION D (TOWNHOUSES) SUBSECTION 7 BY ADDING A NEW SUBSECTION 12 BY PROVIDING THAT ALL ACCESSORY BUILDINGS APPROVED PURSUANT TO A SUBDIVISION PLAN AFTER DECEMBER 31, 2007 SHALL BE ATTACHED TO THE PRINCIPLE STRUCTURE, BE CONSTRUCTED OF THE SAME MATERIAL AS THE STRUCTURE, AND THE EIGHTY (80) SQUARE FOOT REQUIREMENT NOT BE INCLUDED IN THE SQUARE FOOTAGE FOR ANY GARAGE; BY ADDING A NEW PARAGRAPH D TO SUBSECTION 7 PROVIDING THAT ALL TOWNHOUSES CONSTRUCTED AFTER DECEMBER 31, 2007 SHALL HAVE A TEN FOOT EASEMENT ALONG THE EDGE OF THE REAR YARD FOR INGRESS AND EGRESS TO THE REAR YARD OF THE ATTACHED TOWNHOUSES AND PROHIBITING ANY FENCES, SHEDS, TREES OR OTHER OBSTRUCTIONS IN THE EASEMENT; AMENDING ORDINANCE NUMBER 164 (SOUTH LEBANON TOWNSHIP SUBDIVISION LAND USE ORDINANCE) CHAPTER 2 (DEFINITIONS) SECTION 2.01 (GENERAL TERMS) BY ADDING A PARAGRAPH TO THE

DEFINITION OF SUBDIVISION BY PERMITTING A SUBDIVISION FOR THE PURPOSE OF ERECTING A BUILDING AND/OR DWELLING ONLY ALONG AN APPROVED PUBLIC STREET OR A PRIVATE STREET IMPROVED TO SOUTH LEBANON TOWNSHIP'S STREET SPECIFICATIONS.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of South Lebanon Township, and it is hereby ordained and enacted by the authorities of the same as follows:

SECTION ONE: Ordinance Number 278 (South Lebanon Township Zoning Ordinance) Article One (Definitions) Lot, Through is hereby amended to add the following to the definition:

a. **LOT THROUGH** – The through lot shall have one (1) front yard and one (1) rear yard. The area of frontage providing primary access to the lot shall be designated as the front yard. Fences, hedges, walls, sheds, swimming pools, and any other accessory uses are permitted in the rear yard at the discretion of the Board of Supervisors of South Lebanon Township;

SECTION TWO: Ordinance Number 278 (South Lebanon Township Zoning Ordinance) Article One (Definitions) is hereby amended to add the following definition:

b. **WOOD-FIRED BOILERS** – Wood fired or coal-fired boilers containing a fire box with water pipes running to an attached or unattached building to transfer heat for both space and water heating.

SECTION THREE. Ordinance Number 278 (South Lebanon Township Zoning Ordinance) Article Thirteen (Supplemental District Regulations) is hereby amended to add a new section 13.22 as follows:

SECTION 13.22 – Wood Fired Boilers. Wood Fired Boilers are prohibited in all zoning districts except in the A-Agricultural District.

SECTION FOUR. Ordinance Number 278 (South Lebanon Township Zoning Ordinance) Article Six (A-Agricultural District) Section 6.02 (Permitted Uses) is hereby amended to renumber Subsection M as N and adding a new Section M as follows:

M. Wood-Fired Boilers provided the boiler be 200 feet from an adjoining residential building and contain a smoke stack a minimum of 15 feet from ground level.

SECTION FIVE: Ordinance Number 278 (South Lebanon Township Zoning Ordinance) Article Eight (R-2 Medium Density Residential District) Section 8.02 (Permitted Uses) Subsection D (7) is hereby amended to read as follows:

Detached accessory buildings or structures used for storage only shall be permitted on individual lots provided the size of the structure does not exceed eighty (80) square feet and the height is no more than eight feet six inches. This provision shall apply to townhouses which were approved pursuant to a subdivision plan as of December 31, 2007. Detached accessory buildings or structures are prohibited for all townhouses approved pursuant to a subdivision plan after December 31, 2007. All townhouses which were approved pursuant to a subdivision plan after December 31, 2007 shall provide for storage areas of 80 square feet and the height be no more than eight feet six inches which shall be attached to the structure, provided the exterior of the attached structure is constructed of the same material as the structure and provided all requirements of this ordinance are met. The eighty square feet of storage area is in excess of any square footage calculated for a garage. Garages and other normal accessory structures may be attached to the structure of each individual lot provided all of the requirements of this Ordinance are met. Detached accessory buildings and structures for common use by the entire development shall be permitted on common areas as per Article 13 of this Ordinance.

SECTION SIX. Ordinance Number 278 (South Lebanon Township Zoning Ordinance) Article Eight (R-2 Medium Density Residential District) Section 8.02 (Permitted Uses) Subsection D (7) is hereby amended a new Subsection 12 as follows:

12. All Townhouses approved pursuant to a subdivision plan after December 31, 2007 shall have a ten foot easement along the edge of the rear yard for purposes of an ingress and egress to other rear yards of the attached townhouses. No fences, sheds, trees, shrubs or other obstructions shall be placed within the ten foot easement.

SECTION SEVEN. The definition of Subdivision set forth in Ordinance Number 164 (South Lebanon Subdivision Land Ordinance, Chapter 2 (Definitions), Section 2.02 (Specific Terms) is hereby amended to add the following paragraph:

The Subdivision to create a lot for purpose of erecting a building and/or dwelling must be along an approved public street or a private street improved to South Lebanon Township's street specifications.

SECTION EIGHT. All other Ordinances inconsistent with this Ordinance are hereby repealed.

SECTION NINE. This Ordinance shall become effective in five (5) days.

ORDAINED AND ENACTED this 14th day of May, 2008.

ATTEST:

Curtis R. Kelly
Secretary

BOARD OF SUPERVISORS

BY: Robert J. Amos
Chairman

BY: D. M. Egan
Vice-Chairman

BY: Stephen T. Krause
Member

SOUTH LEBANON TOWNSHIP

ORDINANCE NUMBER 305

AN ORDINANCE AMENDING ORDINANCE NUMBER 278 (SOUTH LEBANON TOWNSHIP ZONING ORDINANCE) BY AMENDING ARTICLE THIRTEEN (SUPPLEMENTAL DISTRICT REGULATIONS) SECTION 13.18 (PARKING, STORAGE, OR USE OF MAJOR RECREATIONAL EQUIPMENT) TO INCLUDE MAJOR RECREATIONAL EQUIPMENT AND/OR TRACTOR TRAILERS, TRUCKS, RIGS, OR CABS, UTILITY TRAILERS, CONSTRUCTION EQUIPMENT, CONSTRUCTION TRAILERS, INCLUDING BOATS AND BOAT TRAILERS, TRAVEL TRAILERS, PICK UP CAMPERS OR COACHES, MOTORIZED DWELLING, TENT TRAILERS, AND THE LIKE.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of South Lebanon Township, and it is hereby ordained and enacted by the authorities of the same as follows:

SECTION ONE: Ordinance Number 278 (South Lebanon Township Zoning Ordinance) Article Thirteen (Supplemental District Regulations) Section 13.18 (Parking, Storage, or Use of Major Recreational Equipment) is hereby amended to read as follows:

SECTION 13.18. PARKING, STORAGE, OR USE OF MAJOR RECREATIONAL EQUIPMENT. For purposes of these regulations, major recreational equipment shall include major recreational equipment, tractor trailers, trucks, rigs, cabs, utilities trailers, construction equipment, construction trailers, boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. Such major recreational equipment as set forth above shall not be parked or stored on any lot in a residential district except in a carport, an enclosed building, in a rear yard or on that portion of a private residential driveway not within the road right-of-way. No such equipment shall be used for living, sleeping, or housekeeping purposes nor shall such equipment be hooked up to any type of generator or mechanical equipment which emits a noise or odor of any kind when parked or stored on a residential lot, or in any location not approved for

such use. Additionally, no such equipment shall be parked on public streets in any zoning district for a period of time exceeding 24 hours.

SECTION TWO. All other Ordinances inconsistent with this Ordinance are hereby repealed.

SECTION THREE. This Ordinance shall become effective in five (5) days.

ORDAINED AND ENACTED this 24th day of June, 2008.

ATTEST:

Curtis E. Kulp
Secretary

BOARD OF SUPERVISORS

BY: Robert J. Arnold
Chairman

BY: _____
Vice-Chairman

BY: Stephen Krause
Member