MOUNT JOY TOWNSHIP

ZONING ORDINANCE

Ordinance No. 2017-03
Adopted November 2, 2017

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ARTICLE I – GENERAL PROVISIONS

Section 101. Title

This Ordinance shall be known as the *Mount Joy Township Zoning Ordinance of 2017* and may be cited as the *Mount Joy Township Zoning Ordinance*. This Ordinance shall be codified in the Code of the Township of Mount Joy as Chapter 110 Zoning.

Section 102. Purpose

A. This Ordinance is enacted for the following purposes:

1. To promote, preserve, protect, and facilitate any or all of the following: the public health, safety, morals, and general welfare; coordinated and practical community development and proper density of population; compatibility between land uses; direct higher density and more intensive development to areas accessible by major roads and having the potential of central water and sewer services; provision of adequate light, air and water resources; access to utility services, transportation, vehicle parking and loading, emergency services, schools, recreational facilities and public grounds; and the natural, scenic, and historic features.

2. To prevent any or all of the following: overcrowding of land; blight; congestion in travel and transportation; and loss of health, life, and property from fire or other dangers.

3. To ensure that new development enhances, rather than detracts from, the quality of life.

4. To encourage the continuation of farming where practical and appropriate.

5. To maintain the character of existing residential areas.

6. To provide for the use of land within the Township for residential housing of various dwelling types encompassing all basic forms of housing.

7. To establish and maintain a road system that provides for efficient and safe traffic circulation.

8. To provide for economic development and employment opportunities.

9. To provide adequate community facilities.

10. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of uses.

B. This Ordinance was prepared with careful consideration being given to, among other things, existing development patterns, the character of various areas within the Township, their suitability for particular uses, conservation of property values, encouragement of the most appropriate use of land throughout the Township, and the proper fit between land uses to minimize adverse impacts.

C. This Ordinance is generally consistent with the Mount Joy Township Comprehensive Plan, adopted by Mount Joy Township Board of Supervisors in 2003, and updated November 20, 2014. The Comprehensive Plan states community development goals and objectives, which this Ordinance seeks to promote and to establish. It is recognized that circumstances may necessitate the adoption and timely pursuit of new goals and the enactment of a new ordinance or amendment to this Ordinance that may neither require nor allow for the adoption of a new Comprehensive Plan. This Ordinance also is generally consistent with the current Adams County Comprehensive Plan.

Section 103. Community Development Objectives

The zoning districts and requirements and standards in this Ordinance are made in consideration of the Comprehensive Plan for the general welfare of the Township and are intended to achieve, among others, the following objectives:

A. To provide for a balance of and diversity in land uses that characterize a viable and successful community in consideration of historic and existing development patterns in the Township, and the location, size and density of the Township.

B. To accommodate new development while maintaining adequate densities and scale of development and preserving essential and desirable community features, including but not limited to retention of natural features, historic preservation, and sufficient services and infrastructure.

C. To establish appropriate design requirements and standards that minimize adverse impacts at the interface between residential and non-residential areas and uses and between low density and higher density residential areas and uses.

Section 104. Scope

A. Except as otherwise provided herein, from and after the effective date of this Ordinance (i) the use of land or (ii) a structure used, erected, altered with respect to height and area, added to, or relocated in the Township shall be in conformity with the provisions of this Ordinance. A zoning permit, and also a building permit and other permits and/or approvals as circumstance dictates, is required prior to the start of construction, development, occupancy or use.

B. Any legally-existing lot, structure or use of land or structure not in conformity with the requirements and standards herein shall be regarded as nonconforming, but may be continued, expanded, or changed subject to the special regulations provided herein with respect to a nonconforming lot, structure or use.

C. This Ordinance shall not apply to any existing or proposed structure used or to be used by a public utility corporation if, upon petition of the utility, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed structure, or extension thereof, is reasonably necessary for the convenience or welfare of the public. This exemption shall not apply to wireless telecommunications antennas, communications equipment buildings, and towers regulated under the 1996 Telecommunications Act; electric distribution facilities; or any utility use that has been de-regulated by the appropriate state and/or federal agencies and where zoning regulation is not preempted.

D. This Ordinance shall not apply to any existing or proposed uses, lots or structures (including signs) owned, occupied, and/or operated by the Township.

E. The application of this Ordinance shall be limited as to mineral, coal and natural gas fuel extraction only to the extent that local regulation of such uses has been superseded and preempted by law, such as:

1. The Act of May 31, 1945 (P.L. 1198, No. 418), known as the "Surface Mining Conservation and Reclamation Act;"

2. The Act of December 19, 1984 (P.L. 1093, No. 219), known as the "Noncoal Surface Mining Conservation and Reclamation Act;"

3. The Act of December 1984 (P.L. 1140, No. 223), known as the "Oil and Gas Act;" as amended by Act 13 of 2012; and

4. To the extent that the subsidence impacts of coal extraction action are regulated by the Act of April 27, 1966 (1st Sp. Sess., P.L. 31, No. 1),

known as the "Bituminous Mine Subsidence and Land Conservation Act."

Section 105. Conflict

A. This Ordinance does not repeal, annul, or interfere with any prior existing ordinances or with any approval or permit adopted or issued thereunder, except insofar as the same may be inconsistent or in conflict with any of the provisions of this Ordinance.

B. Where this Ordinance imposes greater restrictions upon the use of structures or land, or upon the height and bulk of structures, or the size of open spaces that are required by the provisions of any other ordinance, then the provisions of this Ordinance shall control.

C. If a discrepancy exists between any provisions contained within this Ordinance, the provision which imposes the greater restriction shall apply.

Section 106. Interpretation

A. In interpreting and applying the provisions of this Ordinance, due consideration shall be given to the promotion of the health, safety, and general welfare of the residents of the Township.

B. In interpreting and applying the provisions of this Ordinance to determine the extent of the restriction upon the use of a lot, where doubt exists as to the intended meaning of the language written and adopted by the Township Board of Supervisors, the provisions shall be interpreted in favor of the property owner and against any implied extension of the restriction.

C. In this Ordinance, when not inconsistent with the context in which found:

1. words in the present tense imply also the future tense;

2. the singular includes the plural;

3. the male gender includes the female gender;

4. the word "person" includes an individual, partnership, corporation, association, governmental entity, trustee, receiver, successor, assignee, agent or similar representative; and

5. the term "shall" or "must" means mandatory.

D. References to laws, codes, ordinances, guidelines, resolutions, plans, maps, governmental bodies, commissions or agencies, or officials are to those in effect or office from time to time, including amendments or revisions thereto or successors thereof, unless this Ordinance indicates another reference is intended. If the cited provision has been repealed in its entirety, such as the elimination of a state licensure requirement, any reference in this Ordinance shall be interpreted to mean only such requirement as exists.

Section 107. Use Not Provided For

A. Whenever a use is not specifically permitted by this Ordinance, and an application is made to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Board of Supervisors to hear and decide such request as a use permitted by conditional use in the Baltimore Pike Corridor District or Baltimore Pike Corridor Intensive Uses Overlay District.

B. The applicant for such use must submit an application that satisfies all of the informational requirements governing a conditional use application as set forth in Section 1201. In addition, the applicant for such use also must submit with the application a written analysis that with particularity addresses the following:

1. That the proposed use is not permitted in any district under the terms of this Ordinance;

2. That the proposed use is not prohibited in the district in which the subject lot is located;

3. That the proposed use is similar to and compatible with a permitted use(s) in the district in which the subject lot is located;

4. That the proposed use is proposed in a manner that complies with the strictest requirements imposed upon the other use(s) identified, by operation of subsection B.3. above, by the applicant or determined by the Board of Supervisors as similar to the proposed use, including but not limited to hours of operation, traffic management, parking, noise, odor, dust and other emissions, illumination, solid waste management, water supply demands, and sewage treatment requirements;

5. That the proposed use can be compliant with other applicable Township ordinances;

6. That the use is proposed in a manner that minimizes any likely adverse impacts that would be generated uniquely by the proposed use, including but not limited to hours of operation, traffic, parking, noise,

odor, dust and other emissions, illumination, solid waste management, water supply demands, and sewage treatment; and

7. That the use is proposed in a manner that minimizes any likely impacts that would be generated by the proposed use to natural, scenic, historic and esthetic values of the environment within the scope of Article I, Section 27 of the Pennsylvania Constitution (Environmental Rights Amendment); provided that zoning regulation is not preempted.

The Zoning Officer may return the application to the applicant without further action or consideration by the Township upon finding that the application is incomplete as submitted.

C. In considering a conditional use for a use not provided for, the Board of Supervisors shall consider the following:

1. The purpose of the zoning district in which the use is proposed to be located;

2. The compatibility of the proposed use with existing and potential land uses permitted by right, conditional use or special exception on adjacent lots and lots in proximity to the proposed use that can reasonably be deemed to be impacted thereby;

3. Whether the specific site is an appropriate location for the proposed use taking into consideration impacts including but not limited to hours of operation, traffic, parking, noise, odor, dust and other emissions, illumination, and solid waste management, and proposed safeguards to reduce or minimize such adverse impacts upon persons, lots, and structures in proximity to the proposed use that can reasonably be deemed to be impacted thereby;

4. Existing and anticipated infrastructure (e.g. streets, utilities, stormwater management facilities) serving the lot and the area in proximity to the proposed use; and

5. Natural and historic resources that can reasonably be deemed to be impacted thereby to the extent municipal zoning regulation over such resources is not preempted.

D. To approve a conditional use for the use, the Board of Supervisors must find that the proposed use satisfies the informational and objective standards applicable to conditional uses set forth in Article 12, and further find that the use:

1. Is not permitted in any district under the terms of this Ordinance;

2. Is not prohibited in the district in which the subject lot is located;

3. Is similar to and compatible with one or more permitted uses in the district in which the subject lot is located;

4. Is proposed in a manner that complies with the more restrictive of all applicable requirements imposed upon other use(s) that, in the opinion of the Board of Supervisors, are most closely similar to the proposed use and which requirements, in the opinion of the Board of Supervisors, address the likely adverse impacts that will be generated by the proposed use;

5. The specific site is an appropriate location for the proposed use taking into consideration adverse impacts including but not limited to hours of operation, traffic, noise, odor, dust and other emissions, illumination, solid waste management, and water supply demands and proposed safeguards to reduce or minimize such adverse impacts upon persons, lots, and structures in proximity to the proposed use that can reasonably be deemed to be impacted thereby;

6. Complies with all other applicable sections of this Ordinance;

7. Demonstrates that it can comply with other applicable Ordinances of the Township;

8. Does not conflict with the general purposes and intent of this Ordinance; and

9. Would not be detrimental to the public health, safety and welfare of the area of the Township in which the subject lot is located and which reasonably can be deemed to be impacted thereby.

Section 108. Limitations on Principal Uses and Structures

A. Except where otherwise provided in this Ordinance, only one principal use and one principal structure shall be permitted on a single lot.

B. In any single nonresidential structure in the BPC or BPC- O Districts, any number of uses allowed in the district where the structure is located is permitted, provided that the applicable general requirements are satisfied for each use.

C. A lot in the BPC-O District may include more than one principal use and more than one principal structure per lot, provided that all of the requirements of this Ordinance are met for each use and each structure.

D. In the BPC District, an integrated mixed non-residential/residential planned development may include more than one principal use and more than one principal structure per lot and a relaxation of otherwise applicable dimensional requirements (except maximum height) within the planned development, provided that:

1. The proposed total number of dwellings does not exceed one per acre;

2. The minimum open space and maximum lot coverage requirements stated for the District in the Table of Dimensional Requirements and calculated based upon the total planned development acreage are satisfied;

3. The minimum setbacks stated for the District in the Table of Dimensional Requirements applied along the perimeter of the planned development are satisfied; and

4. A 30 foot buffer meeting the requirements of Section 708 is provided along the perimeter of the planned development.

E. All principal uses shall be on lots with frontage on a street (public or private) or, in the event of a nonconforming landlocked lot, having access to a public or private street by means of a lawfully established access easement of width suitable to handle the amount and type of traffic likely to be generated.

Section 109. Establishment of Districts

A. For the purpose of this Ordinance, Mount Joy Township is hereby divided into districts, which are described in Article 2 and which shall be shown on the Zoning Map, and designated as follows:

AC	**Agricultural Conservation**
OC	**Open Countryside**
BPC	**Baltimore Pike Corridor**
BPC-O	**Baltimore Pike Corridor Intensive Uses Overlay**

B. For purposes of this Ordinance, the OC and BPC Districts are residential zoning districts.

Section 110. District Boundary Lines

A. The district boundary lines shall be as shown on the Zoning Map. District boundary lines are intended to coincide with the corporate boundary of the Township and lot lines; centerlines of streets and alleys, railroad rights-of-way, and streams or other bodies of water as may exist at the time of passage of this Ordinance; or, where such features are not proximate to the district boundary lines, to exist as dimensioned on the Zoning Map. Where uncertainty exists as to the boundaries of the districts as indicated on the Zoning Map, the following rules and guidelines shall be applicable.

1. Where district boundaries are indicated as approximately coinciding with the centerlines of streets, highways, lanes, alleys, railroad tracks, rivers or creeks, such centerline shall be construed to be such boundaries.

2. Where district boundaries are indicated as approximately coinciding with lot lines or deed lines, such lines shall be construed to be such boundaries.

3. Where district boundaries are indicated as approximately coinciding with municipal boundary lines, such lines shall be construed to be such boundaries.

4. Where district boundaries are indicated as being approximately perpendicular to the right-of-way lines of streets or highways, such district boundaries shall be construed as being perpendicular to the right-of-way lines.

B. In the event of dispute about the location of the boundary of any district, the Zoning Officer shall investigate the legislative records of the Township as may exist that are relevant to the drafting, consideration and adoption of the Zoning Map and following such investigation shall make a written recommendation on the location of the boundary to the Board of Supervisors. In the event the recommended boundary differs from the boundary as then shown on the Zoning Map or if any person in writing disputes the location of boundary as recommended by the Zoning Officer, the boundary will be considered in accordance with the procedures, then current, required by the Pennsylvania Municipalities Planning Code for consideration of a zoning map amendment.

Section 111. Specific Words and Phrases

A. General Interpretation.

For purposes of this Ordinance, words and terms shall be understood as follows:

1. The singular shall also include the plural.

2. "He" shall include "she," as well as "it" when referring to a business entity rather than an individual.

3. The word "person" includes a business entity as well as an individual.

4. Words in the present tense shall include the future tense.

5. "Should" means that it is strongly encouraged.

6. "Shall" means mandatory.

7. The words "include" and "including" limit a provision to the matters specified, except where followed by the phrases "for example," "such as," or "but are not limited to," in which case the matters specified are examples of matters that would comply with the provision.

8. If a word or term is not defined in this Ordinance, then the word or term shall have its plain and ordinary meaning, as may be understood upon consultation of a standard dictionary, appropriate to the context in which the word or phrase appears in the Ordinance.

B. Terms and Phrases Defined.

For purposes of this Ordinance, the following words and terms shall have the particular meaning stated below. The definition of any term defined in the then-current Pennsylvania Municipalities Planning Code, 53 P.S. § 10107(a), is incorporated herein by reference, notwithstanding the listing of the word or term below.

ABUT or ABUTTING – See Adjacent.

ACCESS DRIVE – An improved surface, other than a street or driveway, which is privately owned and maintained and intended to provide vehicular access from a street, whether public or private, to a lot or development.

ACCESSORY STRUCTURE – A subordinate structure serving a purpose customarily subordinate and incidental to that of the principal use and which is located on the same lot as the principal use.

ACCESSORY USE – A use customarily incidental and subordinate to the principal use and which is located on the same lot as the principal use.

ADJACENT – The state of sharing a common lot line, zoning district line or right-of-way line, whichever is applicable. A use or lot is adjacent even if separated from another use or lot by a street (private or public) or waterway.

ADJOIN or ADJOINING – See Adjacent.

ADULT USE – Any of the following, either alone or in combination with any other use, and any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

1. An establishment or place of assembly to which the public is permitted or invited having as a substantial or significant portion of its stock in trade, or in which is displayed or viewed magazines, periodicals, books, drawings, photographs, films, videos, paraphernalia, instruments or devices, or other materials that are distinguished or characterized by their emphasis on depicting, describing, or displaying sexual activities or conduct or exposed specified anatomical areas.

2. An establishment or place of assembly to which the public is permitted or invited which features male and/or female entertainers who engage in activities such as topless or bottomless dancing or stripping; whose performances include simulated or actual sex acts; or whose performances expose specified anatomical areas.

For purposes of this definition, specified anatomical areas are less than completely covered or opaquely covered human genitalia; male genitalia in a discernibly turgid state even if completely and opaquely covered; pubic areas; buttocks; and female breasts below a point immediately above the top of the areola.

ADULT DAY CARE CENTER – A use operated primarily to provide supervised care, for limited periods of time within a 24 hour period, to persons over the age of 60 and/or disabled persons of adult age who need daily supervision and assistance because of physical or mental disability or infirmity due to age.

AGENT – A person authorized by writing meeting the requirements of agency law to act on behalf of the landowner, applicant or developer.

AGRICULTURAL COMMODITY – Any of the following transported or intended to be transported in commerce:

1. Agricultural, aquacultural, horticultural, floricultural, viticultural or dairy products.

2. Livestock and the products of livestock.

3. Ranch-raised fur-bearing animals and the products of ranch-raised fur-bearing animals.

4. The products of poultry or bee raising.

5. Forestry and forestry products.

6. Any products raised or produced on farms intended for human consumption and the processed or manufactured products of such products intended for human consumption.

AGRICULTURE – The raising of agronomic, horticultural, viticultural, silvicultural and aquacultural crops and commodities and the keeping or raising of livestock and poultry and their products. Agriculture shall be understood to include all normal agricultural operations as that term is defined in Pennsylvania's Right to Farm Act, 3 P.S. § 952, and also all structures necessary for the housing of livestock and poultry, storage of feed and equipment, keeping of crops, and other operations customarily incidental to the agriculture use. See also, Normal Agricultural Operation.

AGRITOURISM/AGRITAINMENT – A use for the enjoyment of a visitor related to an agriculture use, e.g. a corn maze; hay rides; on-farm tours, demonstrations and learning experiences; and agriculturally-related special events. Weddings, banquets, dance events, musical events, fundraising events and similar events are not "agriculturally-related special events."

ANIMAL EQUIVALENT UNIT (AEU) – One thousand pounds live weight of livestock or poultry animals, on an annualized basis, regardless of the actual number of individual animals comprising the unit; provided that this definition shall conform to the current definition of animal equivalent unit as found in the Nutrient Management Act and/or regulations promulgated under the Act.

APPLICANT – As defined in the then-current Pennsylvania Municipalities Planning Code, 53 P.S. § 10107(a) as of the date of enactment of this Ordinance, "applicant" means a landowner or developer, as hereinafter defined, who has filed an application for development or permit, including his heir, successor, assign and agent.

AREA – The two-dimensional measurement of space between known lines or boundaries.

Building Area – The total area of all buildings (principal and accessory) taken on one or more horizontal planes that are directly between the ground and the sky, exclusive of awnings, terraces, and steps (e.g., top view).

Floor Area – Except as otherwise expressly provided in this Ordinance, the sum of the floor area of a structure as measured to the outside surfaces of exterior walls. The floor area of a dwelling includes all rooms used for habitation, such as living room, dining room, kitchen, basement, bedroom, bathroom, family room, closets, hallways, stairways and foyers, but not including unfinished cellars or attics that would not meet Pennsylvania Uniform Construction Code requirements for a habitable space and unheated areas such as a porch.

Lot Area – The total surface area contained within the lot lines of a lot, exclusive of public and private street rights-of-way.

ASSEMBLY, PLACE OF – A structure or lot used as a place of assembly for the holding of special events, weddings, birthday parties, conferences, meetings, and similar functions, including the provision of food and drink prepared on-site or catered; such use does not include adult use, agritourism/agritainment, bed & breakfast, campground, limited lodging, hotel and motel, office, place of worship, restaurant, or recreation facility use otherwise expressly provided for in this Ordinance.

AUTOMOBILE REPAIR – A building and/or land where repairs on automobiles are conducted, including major mechanical or body work, painting, rebuilding of engines and transmissions, and including safety and emission inspections; but not including work performed upon vehicles owned by the occupants of the lot on which the work is being performed.

AUTOMOBILE SERVICE STATION – See Gasoline Service Station.

BAR – See Tavern.

BED & BREAKFAST – A structure used as a single family dwelling and providing lodging, managed by a resident lot owner or resident manager, for transient overnight guests. Such lodging may include common eating facilities for the provision of meals to the guests.

BUFFER – A strip of land between two land uses and not occupied by any structure, parking area, storage area, active recreation area, or any other improvement, excepting pedestrian ways. Utility, stormwater management facilities (excepting exposed retention or detention basins), access drives, and driveways may cross the buffer so long as located approximately perpendicular to the buffer. The buffer may be located within a required setback as hereinafter defined. Existing and ultimate street rights-of-way may not be included within a buffer.

BUILDING – Any structure having a permanent roof and intended for the shelter, housing, activity or enclosure of persons, animals, equipment or materials. See Structure.

CAMPGROUND – An area improved with facilities and structures for outdoor recreational activities and that involves overnight stays within tents, seasonal cabins, or recreational vehicles.

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO) – A concentrated animal operation with greater than 300 Animal Equivalent Units (AEUs), any agricultural operation with greater than 1,000 AEUs , or any agricultural operation defined as a large CAFO under 40 CFR 122.23(b)(4) (relating to concentrated animal feeding operations (applicable to State NPDES programs). For guidance only: 300 AEUs is roughly comparable to 300 cattle, 16,000 turkeys or 30,000 broiler chickens.

CONCENTRATED ANIMAL OPERATION (CAO) – An agricultural operation that meets the criteria established by the State Conservation Commission under the authority of 3 Pa.C.S. Chapter 5 (relating to nutrient management and odor management) in Chapter 83, Subchapter D (relating to nutrient management).

CONDITIONAL USE – As defined in the then-current Pennsylvania Municipalities Planning Code, 53 P.S. § 10107(a), as of the date of enactment of this Ordinance, "conditional use" means a use permitted in a particular zoning district pursuant to the provisions in Article VI and IX of the Pennsylvania Municipalities Planning Code and in accordance with Article 12 of this Ordinance and for which an application for conditional use has been approved by the Board of Supervisors of the Township.

CONTIGUOUS – See Adjacent.

CONDOMINIUM – Real estate or portions of which, in accordance with the provisions of the Pennsylvania Uniform Condominium Act of 1980, are designated for separate ownership and the remainder of which is designated for common ownership.

CONVENIENCE STORE – A business which involves the retail sales and/or rental of household goods and products and ready-to-eat foods with one or more of the following accessory uses:

1. retail sale or rental of books, magazines, videos, software, and video games, but not adult uses;
2. restaurant, including drive-thru or fast-food operation;
3. photomat and film development drop-off site;
4. laundry, dry cleaning, shoe repair, and tailoring drop-off site;
5. propane fuel sales;
6. dispensing of compressed air;
7. retail sale of oil, washer fluid, and other automotive-related items;
8. car wash;
9. post office and other parcel delivery or drop-off sites; and/or
10. accessory sale of gasoline.

DAY-CARE, CHILDREN – Provision of out-of-home care for part of a twenty-four hour day to children under 16 years of age, excluding care provided by relatives, care furnished in places of worship during religious services for the convenience of those in attendance, and care for three or fewer children unrelated to the caretaker provided at a dwelling.

Family Day-Care Home – Dwelling in which day-care is provided at any one time to 4 to 6 children.

Day-Care Center – Facility where day-care is provided to 7 or more children.

DENSITY – The total number of dwelling units proposed on a lot divided by the lot area, unless otherwise stated in this Ordinance.

DETERMINATION – As defined in the then-current Pennsylvania Municipalities Planning Code, 53 P.S. § 10107(a) as of the date of enactment of this Ordinance, "determination" means the final action by the Zoning Officer charged with the administration of this Ordinance.

DEVELOPER – As defined in the then-current Pennsylvania Municipalities Planning Code, 53 P.S. § 10107(a) as of the date of enactment of this Ordinance, means any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land, a land development or a use requiring zoning approval.

DEVELOPMENT – Any manmade change to improved or unimproved real estate, including but not limited to, structures, mining, dredging, filing, grading, paving, excavation or drilling operations.

DISTRICT – A land area with designated boundaries as indicated on the Zoning Map and within which certain uniform requirements apply under the provisions of this Ordinance.

DRIVEWAY – An improved surface that is privately owned, constructed and maintained and that provides vehicular access to a single principal use.

DWELLING – Any structure or portion thereof designed and used exclusively for residential occupancy, including those listed below, but not including: (i) hotel, motel and similar uses (including, as example, such uses generally understood to be a boarding home, rooming house, or lodge); (ii) institutional housing such as a hospital, nursing home, assisted living facility, dormitory or orphanage; and (iii) bed & breakfast, limited lodging, care dwelling, and sober living residence uses, each of which is discretely identified and regulated in this ordinance as a specific use. A recreational vehicle or camper shall not be construed as a dwelling.

Single-Family – A freestanding structure containing one dwelling unit occupied by one family.

Manufactured (Mobile) Home – As defined in the then-current Pennsylvania Municipalities Planning Code, 53 P.S. § 10107(a). As of the date of enactment of this Ordinance, a transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into an 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. Such dwelling must comply with applicable federal and state law and regulations governing construction and safety.

Multiple Family – A freestanding structure containing three or more dwelling units each occupied by one family, arranged in a side-by-side or over-and-under configuration, or combination thereof.

Two-Family – A freestanding structure containing two dwelling units each occupied by one family, arranged in a side-by-side or over-and-under configuration.

DWELLING UNIT - A structure or portion thereof arranged or designed for occupancy by not more than one family and having its own sleeping, cooking and sanitary facilities and having a separate access to the outside or to a common hallway that connects to an outside access, including by means of a common stairway or elevator. For purposes of this definition, occupancy shall be sufficiently stable and permanent as to not be fairly characterized as transient; occupancy for periods of three months or less in a single calendar year, whether occasional, intermittent or successive, is transient.

EASEMENT – An interest in land owned by another person, consisting in the right to use or control the use of land, or areas above or below it, for a specific limited purpose and which reserves to the owner of the land all other incidents of ownership.

EMPLOYEE – A worker, whether full-time, part-time, permanent or temporary, and also including a contractor, but not including persons making occasional repairs or physical improvements or performing scheduled (but not routine) maintenance.

FAMILY – Any one of the following:

1. Any number of persons occupying a single dwelling unit and maintaining in the dwelling unit a common household; provided that the number of adult occupants who are not related to the other adult occupants shall not exceed:

    a. one in number where the dwelling unit is occupied by two or more adults who are related; or

    b. three in number where all of the adult persons occupying the dwelling unit are not related.

2. Not more than five persons who are not related, but who are the functional equivalent of a family in that they live together, participate in such activities as meal planning, shopping, meal preparation, and the cleaning of their dwelling unit together, and who are part of a community-based residential home (commonly referred to as a group home) that qualifies as a community living arrangement licensed by the Pennsylvania Department of Public Welfare or other appropriate federal or state agency having jurisdiction, where the persons occupying the home are handicapped persons under the then-current terms and definitions of the Fair Housing Amendments Act of 1988, as amended

from time to time, and where the operator of the home provides room and board, personal care, rehabilitative services, and supervision in a family environment. The presence of staff persons in a group home meeting this definition shall not disqualify the group of persons occupying the dwelling unit as a family.

3. For purposes of this definition, common household means all living, dining, cooking and bathroom spaces within the dwelling unit are open and available for shared use by all of its occupants.

4. For purposes of this definition, occupancy shall be sufficiently stable and permanent as to not be fairly characterized as transient; occupancy for periods of three months or less in a single calendar year, whether occasional, intermittent or successive, is transient.

5. For purposes of this definition, related means by blood, marriage, adoption, other decree of legal union or custody, or a common-law marriage which lawfully existed prior to January 1, 2005.

FENCE – A man-made barrier extending a distance greater than 50 feet having a height greater than 24 inches, that is constructed of wood, chain-link metal, vinyl or aluminum and/or plastic, placed or arranged as a line of demarcation; enclosure; or visual barrier or landscape feature.

FORESTRY - The management of forests and timberlands when practiced in accordance with accepted silviculture principles, including developing, cultivating, harvesting, transporting and selling trees for commercial purposes, but does not include land development.

GASOLINE SERVICE STATION – An area of land, together with any structures thereon, used for the retail sale of gasoline/motor fuel and lubricants and incidental services such as lubrication and hand washing of motor vehicles and sale, installation or minor repairs of tires, batteries, windshield wipers, belts and similar vehicle accessories and consumer products such as oil and windshield fluid, but not including sale, installation, repair or service of engines, exhaust systems, transmissions, radiators and similar vehicle components, collision repair, vehicle storage (whether operable or inoperable) or towing. The use includes the conduct of safety and emissions inspections. This use may include the incidental sale of ready-to-eat food and drink for off-site consumption and the incidental sale of automobile products, such as windshield wiper fluids, and common household products, such as paper towels.

GLARE – A sensation of brightness within the visual field of a person which causes annoyance, discomfort or loss of visual performance or visibility.

GROUP HOME – See Family, 2.

HAZARDOUS SUBSTANCE --

1. Any element, compound or material which is:

   a. Designated as a hazardous waste under the act of July 7, 1980 (P.L. 380, No. 97), known as the Solid Waste Management Act, and the regulations promulgated thereto.

   b. Defined or designated as a hazardous substance pursuant to the Federal Superfund Act.

   c. Contaminated with a hazardous substance to the degree that its release or threatened release poses a substantial threat to the public health and safety or the environment as determined by the department.

   d. Determined to be substantially harmful to public health and safety or the environment based on a standardized and uniformly applied department testing procedure and listed in regulations proposed by the department and promulgated by the Environmental Quality Board.

2. The term does not include petroleum or petroleum products, including crude oil or any fraction thereof, which are not otherwise specifically listed or designated as a hazardous substance under paragraph (1); natural gas, natural gas liquids, liquified natural gas or synthetic gas usable for fuel or mixtures of natural gas and synthetic gas usable for fuel; or an element, substance, compound or mixture from a coal mining operation under the jurisdiction of the department or from a site eligible for funding under Title IV of the Surface Mining Control and Reclamation Act of 1977 (Public Law 95-87, 30 U.S.C. § 1201 et seq.). The term shall also not include the following wastes generated primarily from the combustion of coal or other fossil fuels for the production of electricity: slag waste; flue gas emission control waste; and fly ash waste and bottom ash waste which is disposed of or beneficially used in accordance with the Solid Waste Management Act and the regulations promulgated thereto or which has been disposed of under a valid permit issued pursuant to any other environmental statute.

HEIGHT – A structure's vertical measurement from the mean level of the ground at the corners or ends of the structure to the highest point of the structure, excluding any antennas or similar appurtenances.

HISTORIC BUILDING – Any building that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department 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 Commonwealth inventory of historic buildings;

4. Individually listed on the List of Designated Historic Buildings of Mount Joy Township, as duly adopted from time to time by resolution of the Board of Supervisors.

HISTORIC DISTRICT – An area that is:

1. Listed in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for listing on the National Register; or

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.

HOBBY SCHOOL – A facility providing instruction in a craft or hobby, such as a dancing, martial arts (including the award of belts for levels of training), fine arts, scrapbooking, knitting/sewing, music, woodworking, and similar crafts and hobbies, so long as instruction is provided within an enclosed building.

HOME OCCUPATION – See No-impact Home-based Business

HOTEL AND MOTEL – A structure containing rooms for rental 24 hours per day/seven days a week for transient occupancy, excluding a bed & breakfast use or shared housing. The primary access to a hotel is a lobby; primary access to a motel occurs at each respective unit. A hotel and motel may also include related accessory uses primarily directed towards serving its patrons including but not limited to dining, recreation, meeting rooms, newsstand, gifts and incidentals sale area, laundry, maid service, and other personal services.

IMPROVEMENT – Any structure or paving placed upon land, including the provision of underground or above-ground utilities, as well as any physical change to the surface of the land, including but not necessarily limited to grading, paving, the placement of stormwater management facilities, sidewalks, street signs, traffic control devices, and monuments. This definition expressly excludes the tilling of soil for planting.

IMPERVIOUS SURFACE – A surface not readily penetrated by water under normal pressure associated with rainfall or other typical conditions associated with the proposed use. Impervious surfaces shall include, but not be limited to, structures, access drives, interior drives, driveways, sidewalks, off-street parking spaces and areas, loading spaces, and paved recreation courts. Any area designed to be covered by pervious pavement or loose surfacing materials such as gravel, stone and/or crushed stone shall be calculated for purposes of Section 302.A. (maximum lot coverage).

JUNK – Used materials, discarded materials, or both, including, but not limited to, paper, rags, metal, rubber, building materials, house furnishings and appliances, machinery, used building materials, and including wrecked, scrapped, ruined, dismantled or junked motor vehicles, or parts thereof, but not including farm machinery. The term "junk" shall not include solid waste that is temporarily and customarily stored while awaiting routine and regular collection and disposal and materials temporarily and customarily stored while awaiting routine and regular collection. The term "junk" also shall not include building materials or stored top soil or clean fill awaiting imminent use at an on-going construction site.

JUNKED MOTOR VEHICLE – Any motor vehicle that does not have affixed to it an official license plate with a current registration sticker and a current state inspection sticker or that is demolished beyond repair or involves a chassis separated from an axle or engine. Provided, however, that failure to affix a registration or inspection sticker to a farm vehicle, multipurpose agricultural vehicle, or implement of husbandry, as those terms are defined in Title 75 (the Pennsylvania Vehicle Code), will not cause the vehicle to be a "junked motor vehicle" *if* such a vehicle is statutorily exempt from the Vehicle Code's registration or inspection requirements and has a current Certificate of Exemption issued by the Pennsylvania Department of Transportation Bureau of Motor Vehicles.

JUNKYARD – An area of land, with or without buildings, which is used, operated or maintained for storing, keeping, buying or selling junk; for the maintenance or operation of a garbage dump, sanitary landfill or scrap metal processor; or for the storage of three or more junked motor vehicles.

KENNEL – The use of land or structure to board, raise, breed, train or sell five or more dogs or cats, not including animals under six months of age, for fee or other form of compensation. The term "kennel" does not include the housing of the dogs on a short term basis to allow their grooming. The term "kennel" does not include activities associated with the practice of veterinary medicine.

LAND DEVELOPMENT – As defined in the then-current Pennsylvania Municipalities Planning Code, 53 P.S. § 10107(a) as of the date of enactment of this Ordinance, means:

1. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

    a. a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of the occupants or tenure; or

    b. the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

2. A subdivision of land.

3. In accordance with Section 503(1.1) of the Pennsylvania Municipalities Planning Code and Section 86-7 of the Mount Joy Township Subdivision and Land Development Ordinance, Chapter 86 of the Code of the Township of Mount Joy, the following activities are excluded from the definition of land development:

    a. the conversion of an existing single-family detached dwelling, two-family dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium.

    b. the addition of an accessory building on a lot or lots subordinate to an existing principal building; provided, however, that the addition of a non-residential building does not:

        i. exceed a total square footage of 4,000 square feet if the accessory structure is to be used for agricultural purpose;

        ii. exceed a total square footage of 1,000 square feet if the accessory structure is to be used for a non-agricultural purpose

or 10% of the principal non-residential building's square footage, whichever is less, as existed as of any addition of an accessory structure made following the effective date of this Ordinance;

iii. create negative stormwater impacts on existing stormwater facilities or on neighboring lots;

iv. require the construction of additional access drive(s); and

v. require the need for DEP Sewer Planning Module or exemption.

c. the addition or conversion of buildings, structures or rides within an amusement, theme and/or zoo park.

LANDOWNER – As defined in the then-current Pennsylvania Municipalities Planning Code, 53 P.S. § 10107(a) as of the date of enactment of this Ordinance, means the legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he or she is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

LANDSCAPE SCREEN - A planting of noninvasive species arranged to form a barrier between grade and to a height of six feet. This term also includes the use of an earthen berm, provided such berm is covered with noninvasive vegetative materials that stabilize its slopes and form a barrier between grade and to a height of six feet.

LIVESTOCK – An animal bred and/or raised associated with an agricultural use, but also miniature horses, pygmy goats, pot-bellied pigs and similar-sized animals and poultry in numbers greater than two.

LOADING SPACE - An off-street space or area suitable for the loading or unloading of goods.

LOT – As defined in the then-current Pennsylvania Municipalities Planning Code, 53 P.S. § 10107(a) as of the date of enactment of this Ordinance, means a designated parcel, tract or area of land, established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit. The bisection of a lot by street (public or private) or waterway does not create separate lots.

Lot, Corner – A lot having street frontage on two intersecting streets or along a single curved street with an interior angle of less than 135 degrees as measured along the interior edge of the street right-of-way, or in the event of no right-of-way, along the interior edge of the cartway.

Lot, Flag – A lot generally configured in the shape of a flag pole and flag.

Lot, Interior – A lot with only one street frontage.

Lot, Landlocked – A lot which has no frontage on any street (public or private).

Lot, Through / Reverse Frontage – A lot having frontage on two parallel or approximately parallel streets.

Where used in this Ordinance, the word "premises" shall mean lot.

LOT COVERAGE – For purposes of this Ordinance, a percentage of the lot area covered with structures, including any portion of a structure elevated above grade but except above-ground swimming pools and playground equipment, and impervious area as defined in this Ordinance.

LOT LINE – A boundary line of a lot.

Lot Line, Front – The lot line most parallel to the right-of-way line of a street. In the event of a corner lot or through/reverse frontage lot, the front lot line shall be coincident with the right-of-way line of the street of address. In the event of a landlocked lot, the front lot line shall be coincident with the street (public or private) providing access to the lot.

Lot Line, Rear – Lot line parallel to the front lot line.

Lot Line, Side – Lot line other than a front or rear lot line.

LOT WIDTH – The horizontal distance measured between side lot lines along the minimum front setback line. For a flag lot, the flag pole shall be excluded for measurement of the lot width.

MANUFACTURING – Production of goods from raw materials or by the assembly of constituent parts produced elsewhere, or by a combination of these means, including the final packaging of such goods for sale or shipment.

Manufacturing, Light – The assembly, fabrication, manufacture, production or processing of goods or products where no process involved produces noise, vibration, glare, air emissions, or fire hazard measureable beyond the structure in which conducted.

Manufacturing, Heavy – Any manufacturing use not encompassed by the definition of light manufacturing and including:

1. the production and processing of asphalt and asphalt products, bricks, cement and cement blocks, tar and other synthetic paving and masonry-like materials;

2. the production and processing of chemicals, dyes, solvents, fertilizers, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black, bone black, creosote, hydrogen, oxygen, pharmaceutical and industrial alcohol, nitrates, potash, plastic and synthetic resins, pyroxylin, rayon, and hydrochloric, nitric, picric and sulfuric acids, and similar substances;

3. the production, processing and/or refining of matches, fuels and explosives, including but not limited to, gasoline, kerosene, ethanol, coal, coke, naphtha, natural gas, oil (natural and synthetic), lubricating oil, charcoal and other fuel briquettes, and other similar materials;

4. the above-ground bulk storage of oil, gasoline or other similar flammable liquids;

5. the production, processing and/or distillation of gelatin, glue, soap, starch and other plant and animal by-products not associated with food processing;

6. the production and processing of linoleum, oil cloth, paint, varnish, turpentine, vinyl, rubber (natural and synthetic) and other similar materials;

7. the production and processing of glass and glass products;

8. a metal foundry, reduction, refinishing, smelting, alloying and/or refining operation;

9. the milling or processing of flour or grain;

10. principal waste handling, processing, transfer and disposal facilities;

11. truck or motor freight terminals and/or truck stops;

12. the production and/or assembly of passenger vehicles and heavy equipment and mobile homes; and,

13. any operation of assembly, conversion, distribution, manufacture, production, processing, storage, warehousing and/or wholesaling of goods, materials and products, not primarily of commercial nature.

MASSAGE PARLOR – An enclosed building or enclosed area within a building in which the only service offered or provided to patrons consists of body massages, body rubs or other physical manipulation of the patron's body, but shall not be construed to include chiropractic, osteopathic or physician professional practices.

MASSAGE THERAPIST – A professional service, other than those licensed by the Commonwealth of Pennsylvania as medical physicians, osteopaths or chiropractors, provided by a person trained in the use of massage to relieve bodily tension or muscular discomfort, provided such person provides the Township with documentation of his or her training degree or certification.

MEDICAL OFFICE OR CLINIC – A professional office use that provides outpatient health services, including dental, orthopedic, chiropractic, psychological and psychiatric services, but excluding retail pharmacies, retail medical suppliers, retail medicinal marijuana suppliers, insane asylums and similar institutions, and penal or correctional institutions.

MINIMUM LOT AREA - The least amount of lot area required to be associated with a principal use as required by this Ordinance.

MINIMUM SEPARATION DISTANCE - The minimum horizontal distance measured between two identifiable points.

MINING, QUARRYING, MINERAL EXTRACTION, AND RELATED PROCESSING OPERATIONS - The extraction of overburden and minerals from the earth, including by means of shafts, tunnels, wells, and similar openings; the preparation and processing of minerals, including any activities or processes or parts thereof for the extraction or removal of minerals from their original location and the preparation, washing, cleaning, crushing, stockpiling or other processing of minerals at the mine location so as to make them suitable for commercial, industrial or construction use; the removal of such materials through sale or exchange, or for commercial, industrial or municipal use; and the disposition of overburden, tailings and waste at the mine location. Mining shall expressly exclude the following:

1. The extraction of minerals by a landowner for the landowner's noncommercial use from land owned or leased by the landowner.

2. The extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction purposes of the Department of Transportation or the extraction of minerals under construction contracts with the Department if

the work is performed under a bond, contract and specifications that substantially provide for and require reclamation of the area affected in the manner provided by the act;

3. The handling, processing or storage of slag on the premises of a manufacturer as a part of the manufacturing process;

4. Dredging operations that are carried out in the rivers and streams of this Commonwealth;

5. The sale and accompanying removal of non-coal materials from retail outlets;

6. The extraction, handling, processing or storing of minerals from a building construction excavation on the site of the construction if the minerals removed are incidental to the building construction excavation, regardless of the commercial value of the minerals. For purposes of this definition, the minerals removed are incidental if the excavator demonstrates that:

   a. Extraction, handling, processing, or storing are conducted concurrently with construction;

   b. The area mined is limited to the area necessary to construction; and,

   c. The construction is reasonably related to the use proposed for the site.

MOTOR VEHICLE REPAIR FACILITY – A use providing any or all of the following services:

1. Collision service, including body, fender and frame repair; painting and refinishing; and window glass replacement.

2. Repair and overhaul of engines, transmissions, differentials, axles, clutches, radiators and related items.

3. Incidental storage of motor vehicles (whether operable or inoperable) or motor vehicle parts intended for providing replacement parts, provided that such vehicles and parts are screened from the public view.

4. Operations services including:

   a. tire repair, balancing and alignment;

   b. minor repair and tune up;

   c. incidental sales of parts, accessories and lubricants;

d. towing; and

e. state inspections.

NO-IMPACT HOME-BASED BUSINESS – As defined in the then-current Pennsylvania Municipalities Planning Code (MPC), 53 P.S. § 10107(a) as of the date of enactment of this Ordinance, means a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal function to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the requirements set forth in Section 107(a) of the MPC and restated in Section 402.X. of this Ordinance.

NONCONFORMING LOT – As defined in the then-current Pennsylvania Municipalities Planning Code (MPC), 53 P.S. § 10107(a) as of the date of enactment of this Ordinance, means a lot the area or dimension of which was lawful prior to the enactment of this Ordinance or amendment hereinafter enacted, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE – As defined in the then-current Pennsylvania Municipalities Planning Code (MPC), 53 P.S. § 10107(a) as of the date of enactment of this Ordinance, means a structure or part thereof manifestly not designed to comply with the applicable use or extent of use provisions in this Ordinance or amendment hereinafter enacted, where such structure was lawfully in existence prior to the enactment of this Ordinance.

NONCONFORMING USE – As defined in the then-current Pennsylvania Municipalities Planning Code (MPC), 53 P.S. § 10107(a) as of the date of enactment of this Ordinance, means a use, whether of land or structure, which does not comply with the applicable use provisions of this Ordinance or amendment hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance.

NONCONFORMITY, DIMENSIONAL – Any aspect of a lot, use or structure which was lawful prior to the enactment or amendment of this Ordinance, but which fails to conform to a size, height, coverage, setback or other bulk requirement of this Ordinance or amendment thereto.

NORMAL AGRICULTURAL OPERATION – The activities, practices, equipment and procedures that farmers adopt, use or engage in the production and preparation for market of poultry, livestock and their products and in the production, harvesting and preparation for market or use

of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities and is:

1. not less than ten contiguous acres in area; or

2. less than ten contiguous acres in area but has an anticipated yearly gross income of at least $10,000.

The term includes new activities, practices, equipment and procedures consistent with technological development within the agricultural industry. Use of equipment shall include machinery designed and used for agricultural operations, including but not limited to, crop dryers, feed grinders, saw mills, hammer mills, refrigeration equipment, bins and related equipment used to store or prepare crops for marketing and those items of agricultural equipment and machinery defined by the act of December 12, 1994 (P.L. 944, No. 134), known as the Farm Safety and Occupational Health Act. Custom work shall be considered a normal farming practice.

OFFICE – A structure or a space in a structure the primary use of which is the conduct of the affairs of a business, profession, service or government, including administration, record keeping, clerical work, and similar business functions. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, or repair. An office shall not include storage of materials, goods, or products, except supplies incidental to the conduct of an office. An office shall only involve the incidental sales or delivery of any materials, goods, or products. An office shall not include the parking or storage of equipment, including ladders/scaffolding, plows, generators, mowers, construction vehicles (such as a dump truck), etc., regardless of whether bearing a motor vehicle license.

OFFICIAL STREET CLASSIFICATION MAP – The map classifying streets adopted by the Board of Supervisors and made part of the Comprehensive Plan.

OPEN SPACE - Any area of land or water, or a combination of land and water, within a development site that is free of improvement. Open spaces may include required setbacks, utility easements where the utility facilities are located underground, and streets, access drives, driveways and stormwater management facilities where there is necessity to locate these features in the open space and where such features cross the open space in a perpendicular manner.

PARKING LOT – A principal use of a lot for the parking or storage of motor vehicles for specified time periods, but not including the storage of towed, inoperable or impounded motor vehicles, recreational vehicles or marine vehicles.

PARKING SPACE OR AREA – An accessory use of a portion of a lot designated for the off-street parking of a motor vehicle and having usable access to a street or access drive.

PAVED – A condition of surface in which man-made materials are applied resulting in a durable, smooth, stable and dust free surface over which vehicles and pedestrians may pass. This definition shall expressly include asphalt, bituminous, concrete, masonry, permeable, geo-grids and other similar materials provided they are applied with sufficient depth and base to achieve the required durable, smooth, stable and dust free surface.

PERMIT – A document which authorizes a person to act pursuant to or confirms compliance with a statute, ordinance or regulation, such as, but not limited to, a zoning permit, UCC permit, stormwater management permit, and well permit.

PERMITTED BY RIGHT USE – A use allowed upon determination by the Zoning Officer that the use satisfies the requirements of this Ordinance. A nonconforming use is not a permitted by right use.

PERSONAL SERVICE – Frequent or recurrent needed services of a personal nature which do not primarily involve retail sales of goods or professional services, including, as example, a hairdresser, barber, tailor, shoe repair or masseuse.

PERVIOUS SURFACE – A surface readily penetrated by water under normal pressure associated with rainfall or other typical conditions associated with the proposed use, including but not limited to yards, gardens, fields, woodlands and other unimproved open spaces.

PLANNED GOLF COMMUNITY – A mixed use form of development organized around a golf course and permitted by conditional use pursuant to Section 110-70 of the former zoning ordinance.

PLANT NURSERY, GARDEN CENTER – The indoor or outdoor raising of trees, shrubs and plants for sale, but not including a forestry use, and including the accessory sale of landscape maintenance tools, equipment and supplies; landscape materials such as planters, stone and mulch; and seasonal décor.

PREMISES – See lot.

PRINCIPAL USE – The primary or predominant use to which land or structure is devoted.

PROFESSIONAL SERVICE AND OFFICE – Services recognized by the general public as the practice of a profession subject to license or registration through and regulation by the laws of the Commonwealth and requiring special knowledge, skill, education, training and expertise, including, as example, an accountant, architect, attorney, and physician.

PROPERTY – See lot.

PUBLIC HEARING – As defined in the then-current Pennsylvania Municipalities Planning Code (MPC), 53 P.S. § 10107(a) as of the date of enactment of this Ordinance, means a formal meeting held pursuant to public notice by the Board of Supervisors or the Zoning Hearing Board, intended to inform and obtain public comment, prior to taking action in accordance with the MPC and this Ordinance.

PUBLIC MEETING – As defined in the then-current Pennsylvania Municipalities Planning Code (MPC), 53 P.S. § 10107(a) as of the date of enactment of this Ordinance, means a forum held pursuant to notice under Pennsylvania's Sunshine Act.

PUBLIC NOTICE – As defined in the then-current Pennsylvania Municipalities Planning Code, 53 P.S. § 10107(a) as of the date of enactment of this Ordinance, means a notice published once each week for two successive weeks in a newspaper of general circulation in Mount Joy Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty days and the second publication shall not be less than seven days from the date of the hearing.

Public notice for rezoning, conditional use, special exception and/or variance requests also includes the posting of a sign at conspicuous locations along the perimeter of the subject lot deemed sufficient by the Zoning Officer to notify potentially interested citizens. These sign(s) shall be posted at least one week prior to the hearing and will display the purpose, date, time, and location of the public hearing.

PUBLIC SEWER – A municipal or privately-owned (holding a Certificate of Public Convenience from the Pennsylvania Public Utility Commission) sanitary sewer system whose facilities are permitted by the Pennsylvania Department of Environmental Protection.

PUBLIC UTILITY – Utility services owned or operated by a municipality or a municipal authority or privately owned and operated pursuant to a Certificate of Public Convenience issued by the Pennsylvania Public Utility Commission for the provision of sewage collection, disposal and/or treatment; public water supply, storage and/or treatment; electric transmission; or telephone service, and expressly excluding such utilities which have been deregulated and are available on the open market.

PUBLIC WATER – A municipal or privately-owned (holding a Certificate of Public Convenience from the Pennsylvania Public Utility Commission) water supply system whose facilities are permitted by the Pennsylvania Department of Environmental Protection.

RECREATION FACILITY – Land and structures designed for recreation and open to the general public. This definition is meant to include the widest range of uses; however, expressly excluded from this definition are adult uses; golf courses; theme parks, including water parks; target ranges; and tracks for racing or running motorized vehicles of any type.

RECREATIONAL VEHICLE – A vehicle which is designed to transport a person for recreational purposes, including temporary lodging. Such vehicle may be self-propelled or towed or carried by another vehicle, but not including camper cabs fitted over a pickup truck. A recreational vehicle owned by the occupant of a dwelling is permitted to be stored on the lot on which the dwelling is located.

RESTAURANT – An establishment that serves prepared food for consumption, at least a portion of which is customarily consumed on site. Such facility may include the accessory sale and on-site consumption of alcoholic beverages pursuant to a liquor license approved by the Pennsylvania Liquor Control Board.

RETAIL – The general public availability of goods and products for purchase or rental, excluding adult, restaurant, convenience store, manufacturing and wholesale uses.

RIGHT-OF-WAY – An area reserved for and/or improved with streets (public or private), utilities or stormwater management facilities.

RIGHT-OF-WAY, ULTIMATE – Land that is required to be reserved for future use as part of the public street in accordance with the Roadway Classification made part of the Mount Joy Township Comprehensive Plan and the applicable street width standard then current set forth in Chapter 86 Subdivision and Land Development of the Code of the Township of Mount Joy.

ROADSIDE STAND – An accessory structure for the sale of local agricultural or horticultural produce or livestock products and meeting the requirements of Section 402.L. Direct Commercial Sales of Agricultural Products.

SCHOOL – An educational institute for persons between the ages of 5 and 19 that provides state-required educational programs.

SCREENING – An assemblage of materials that are arranged so as to block ground level views between grade and a height of six feet. Suitable screening materials include trees, shrubs, hedges, berms, walls, sight-tight fences, other similar type materials, or any combination thereof, as may be specifically required by this Ordinance.

SELF STORAGE – A structure containing private spaces of varying sizes that are leased or rented on an individual basis for various periods of time.

SETBACK – The required horizontal distance between the closest part of a structure (excluding roof overhangs) or use and:

1. in the case of a front setback, (i) the existing or ultimate right-of-way line, whichever is greater, of the street adjacent to the interior lot, (ii) the existing or ultimate rights-of-way line, whichever is greater, of each street adjacent to a corner or reverse frontage lot; or (iii) the front lot line of the landlocked lot or flag lot. The front setback shall extend the full width of the lot.

2. in the case of a side setback,(i) the side lot line of the interior, landlocked or flag lot; or (ii) the side lot line of the corner lot, which side lot line is not opposite the street of address. The side setback shall extend the full depth of the lot.

3. in the case of a rear setback, (i) the rear lot line of the interior, landlocked or flag lot or (ii) the rear lot line of the corner lot, which rear lot line is opposite the street of address. The rear setback shall extend the full width of the lot.

Provided that, in the event a lot extends into a second municipality a required setback is measured from the Township municipal boundary line.

SIGHT TRIANGLE or CLEAR SIGHT TRIANGLE - An area at the intersection of street (private or public) with another street, access drive or driveway, required to be kept free of certain visual obstructions to traffic.

SIGN – See Article 8.

SLAUGHTERHOUSE – A use involving the killing of animals for the production of food or other commercial product. The on-site killing of animals raised as part of a normal agricultural operation is not a slaughter house use.

SOLID WASTE -- Any waste, including but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials. The term does not include coal ash or drill cuttings.

SPECIAL EVENT – The assembly of people for purpose of business, entertainment, sport or caucus for a limited period of time, whether or not an admission fee or other attendance charge is imposed; but not including wedding and other life event receptions and celebrations, conventions, meetings and other assemblies which take place in structures built and used for such events in the normal course of business (for example, a hotel and motel, funeral home, church).

SPECIAL EXCEPTION – As defined in the then-current Pennsylvania Municipalities Planning Code, 53 P.S. § 10107(a) as of the date of enactment of this Ordinance, means a use permitted in a particular zoning district pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code and in accordance with the provisions of Section 1101.B. of this Ordinance and for which an application for special exception has been approved by the Zoning Hearing Board of Mount Joy Township.

SPECIALIZED VILLAGE SHOPPING CENTER – A planned commercial development owned and operated by a single management entity, organized pursuant to a single architectural and design theme and conducted as a unified operation, and permitted by conditional use pursuant to Section 110-83 of the former zoning ordinance.

STABLE – A building or use of land where horses are kept for compensation, hire, sale, riding, training of horse or rider, or show including, for example, a building or use called a boarding stable, livery or riding academy. A building or use of land to keep horses for the exclusive, private use of the occupants of a property is an accessory use to a dwelling use (see Section 402.Y.1.a.). A building or use of land to keep horses as part of a normal agricultural operation is an agricultural building and use.

STORY – That part of a structure between the surface of any floor and the next floor above it or, where no next floor exists, the finished ceiling or roof above it.

STREET – A way used or intended to be used by vehicular traffic, whether public or private, but not including access drives or driveways.

STREET CLASSIFICATION – The functional classification of streets as shown on the Roadway Classification made part of the Mount Joy Township Comprehensive Plan:

1. Expressway – A major divided highway with access provided only at interchanges. U.S. Route 15 is classified as an expressway.

2. Arterial – A major street designed for high volumes of traffic at moderate speeds. Baltimore Pike (State Road 97) is an arterial.

3. Collector – A major street gathering traffic from local roads and intended to provide for moderate volumes of traffic at low speeds.

4. Minor/Local – A street primarily intended to provide direct access to adjacent lots and channeling traffic to collector roads.

STRUCTURE – As defined in the then-current Pennsylvania Municipalities Planning Code, 53 P.S. § 10107(a) as of the date of enactment of this Ordinance, means any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, excluding stormwater management retention/detention basins and related inlet and/or outlet devices, sidewalks, driveways leading directly to a public street, and public utility lines and appurtenances. Structures shall not include such things as sandboxes, decorative fountains, swing sets, birdhouses, birdfeeders, mailboxes, landscape pots and urns, planters not exceeding twelve inches in height, and any other similar non-permanent improvements.

SUBDIVISION – As defined in the then-current Pennsylvania Municipalities Planning Code, 53 P.S. § 10107(a) as of the date of enactment of this Ordinance means the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development. The subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

TAVERN – A facility where the sale of alcoholic beverages is the primary purpose. Such use may include the accessory sale of prepared foods and provision of entertainment.

THEATER – A building or part thereof devoted to the showing of movies or theatrical productions, but not including an adult movie theater.

TRADE SCHOOL – A specialized instructional facility, providing on-site education and training of business, commercial and/or trade skills for workplace application (and not providing state-required education to persons ages 4 through 19), primarily within classrooms or training areas enclosed in a building, and including on-site the administrative and business offices of the trade school.

TRANSIENT – Any person who assumes temporary occupancy of a dwelling unit, for the purposes of visitation, recreation or leisure, or short term employment or work purposes, for a period of three months or less in a single calendar year, whether occasional, intermittent or successive.

USE – The specific purpose(s) for which land or a structure is designed, arranged, intended, occupied or maintained.

VARIANCE – Relief from the requirements of this Ordinance pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code upon application to and decision by the Zoning Hearing Board of the Township.

VETERINARY OFFICE – A building used for the treatment of animals and related shelter of sick and injured animals receiving care.

WALL – A man-made barrier placed or arranged as a line of demarcation, an enclosure, a visual barrier, or a landscape feature which exceeds 24 inches in height or, regardless of height, does not exceed 10 feet in length, and which is constructed principally of masonry, concrete, cinder block or similar materials.

WETLANDS – An area of land and/or water meeting one or more definitions of a wetland set forth in the then-current Federal and Pennsylvania law and regulation.

WHOLESALE – Sales that primarily involve transactions with other businesses and/or off-site delivery.

WIDTH – The horizontal measurement between the outer face of two vertical structural walls or between lot, right-of-way, setback, or buffer lines.

WORSHIP, PLACE OF – Structure or lot used for religious and/or spiritual activity, including but not limited to a church, monastery, mosque, synagogue and temple.

ZONING PERMIT – In the event of a use permitted by right, a written permit issued by the Zoning Officer stating that a proposed structure, or expansion or addition thereto, or the use of a structure or land complies with the applicable

requirements of this Ordinance.

In the event of a use permitted by conditional use or special exception, a written decision issued by the Board of Supervisors of Mount Joy Township granting approval of a conditional use application or written decision issued by the Zoning Hearing Board of Mount Joy Township granting approval of a special exception. Provided that, in the event conditions have been attached to the grant of approval of a conditional use or special exception, a zoning permit also includes a writing issued by the Zoning Officer stating that the conditions attached to the approval have been satisfied.

In the event that a building or structure or sign, or expansion or addition thereto, or the use of a structure or land requires a variance, a written decision issued by the Zoning Hearing Board of the Township granting a variance; provided that, in the event conditions have been attached to the grant of a variance, a zoning permit also includes a writing issued by the Zoning Officer stating that the conditions attached to the grant of variance have been satisfied.

ARTICLE 2 - DISTRICTS

Section 201. Zoning Map

A. A map entitled *Mount Joy Township Zoning Map* is adopted as part of this Ordinance.

B. Selected locations for each district described herein provide for the accommodation of future development and acknowledge the location of existing land uses with the characteristics of a given district.

Section 202. Permitted Uses

Unless otherwise provided by state or federal statutory or common law, any land or structure shall only be used or occupied for a use specifically permitted in the district in which the lot is located and only if in compliance with the requirements of this Ordinance for such use and district in which it is located.

A. Permitted uses include:

1. Uses permitted by right. The administration of this Ordinance to such uses is made by the Zoning Officer.

2. Uses permitted by conditional use, subject to approval by the Board of Supervisors.

3. Uses permitted by special exception, subject to approval by the Zoning Hearing Board.

Section 203. Agricultural Conservation District (AC)

A. Purpose

The purpose of the Agricultural Conservation District is:

1. to preserve prime agricultural lands and encourage agricultural uses;

2. to minimize land use conflicts between agricultural and nonagricultural uses; and

3. to implement the authority established under Sections 603(b)(5) and 604(3) of the Pennsylvania Municipalities Planning Code.

B. Definitions

For purposes of the Agricultural Conservation District, see the following definitions:

- Agriculture
- Agricultural Commodity
- Agritourism/agritainment
- Animal Equivalent Unit (AEU)
- Concentrated Animal Feeding Operation (CAFO)
- Concentrated Animal Operation (CAO)
- Normal Agricultural Operation

Section 204. Open Countryside District (OC)

Mount Joy Township is predominantly rural in nature and characterized by open space and low density residential development served by a local road system and on-lot water and sewer systems. While small and predominantly locally-owned and operated farms exist throughout the District, the purpose of the Open Countryside District is to provide for and continue the established pattern of low density residential uses. Non-intensive farming is provided for in the District. Non-residential uses exist and are provided for in the District as nonconforming uses, no-impact home-based business uses, and permitted uses limited in scale and impacts and otherwise compatible with the residential uses in the District.

Section 205. Baltimore Pike Corridor District (BPC)

State Road 97 (Baltimore Pike), a long-established and well-known historic roadway, is the major roadway in and through the Township. Enhanced road infrastructure and utilities are present at the intersection of U.S. Route 15 and State Road 97. Commercial development in the Township is concentrated at the intersection of U.S. Route 15 and State Road 97. The remainder of the corridor is characterized by intermix of residential and non-residential uses on lots generally fronting on State Road 97. Historic properties, structures, and districts also are located along State Road 97. The purpose of the BPC Baltimore Pike Corridor is to take advantage of the corridor's historic function as a major thoroughfare and to continue the established mixed use and intensive development pattern along the corridor, subject to appropriate siting and design controls that foster the continued efficiency of State Road 97 as a major corridor, enhance the appearance of land use along State Road 97, protect and preserve the historic features along State Road 97, and minimize adverse impacts of non-residential uses on residential uses.

Section 206. Baltimore Pike Corridor Intensive Uses Overlay District (BPC-O)

The purpose of the Baltimore Pike Corridor Intensive Uses Overlay District is to provide for non-residential uses that are more intensive and/or generate greater impacts, in the area of the Township served by central sewer and water and/or located in close proximity to U.S. Route15.

REMAINDER OF PAGE RESERVED

ARTICLE 3 – GENERAL REQUIREMENTS

Section 301. Table of Uses

The following Table of Uses identifies those principal and accessory uses in the Township that are permitted by right, permitted as a conditional use or permitted as a special exception, and those that are prohibited.

P = Permitted by Right

A = Accessory Use

CU = Permitted as a Conditional Use
SE = Permitted as a Special Exception
☐ = Prohibited

(See Section 107 for Uses Not Provided For)

Use	Zoning Districts			
	AC	OC	BPC	BPC - O
Accessory Use (A)	P	P	P	P
Adult Day Care Center			P	
Adult Use				CU
Agriculture, excluding CAO and CAFO	P	P	P	
Agritourism and Agritainment (A)	P		P	
Airport or Heliport	CU			
Alternative Energy System (A)	P	P	P	P
Animal Grooming and Indoor Training			P	P
Auction House or Flea Market			P	P
Bakery			P	
Bed & Breakfast	P	CU	P	
Billboard				P
Campground			P	
Car Wash			P	P
Care Dwelling (A)	P	P	P	P
Catering Facility (no on-site consumption)			P	P
Cemetery	P			
Concentrated Animal Operation (CAO)/Concentrated Animal Feeding Operation (CAFO)	CU			
Construction Company or Tradesperson's Headquarters - office only			P	P
Construction Company or Tradesperson's Headquarters – outside storage of equipment and materials			CU	P
Convenience Store			CU	P
Crafts or Artisan Studio			P	P
Day Care Center, Children			P	
Direct Commercial Sales of Agricultural Commodities (A)	P	P	P	
Dry Cleaners, Laundries and Laundromats			P	P
Dwelling, Single-Family	P	P	P	P
Dwelling, Two-Family	P	P	P	P
Dwelling, Multiple Family			CU	

Use	Zoning Districts			
	AC	OC	BPC	BPC - O
Fence, Wall (A)	P	P	P	P
Financial Institution			P	
Forestry	P	P	P	P
Funeral Home			P	
Gaming				CU
Gasoline Service Station			CU	P
Golf Course			P	P
Grocery Store			P	P
Group Home	P	P	P	P
Historic Building	P	P	P	P
Hobby School			P	P
Hotel or Motel			CU	P
Junkyard				CU
Kennel	CU		CU	P
Laundromat or Dry Cleaning			P	P
Limited Lodging (A)	P	P	P	P
Manufacturing, Light			CU	P
Manufacturing, Heavy				CU
Massage Parlor				P
Medical Office			P	P
Mining, Quarrying and Related Processing Operations				CU
Motor Vehicle Repair Facility			CU	P
Motor Vehicle Sales				P
No-Impact Home-Based Business (A)	P	P	P	P
Nursing Home			P	P
Office			P	P
Parking Lot, as a principal use				P
Pets (Keeping of) accessory to dwelling (A)	P	P	P	P
Personal Services			P	P
Place of Assembly			P	P
Place of Worship			P	P
Plant Nursery or Garden Center	CU		P	P
Professional Services			P	P
Racetrack	CU			
Recreation Facility	CU		CU	P
Repair Facility (appliances, equipment, bicycles but excluding motor vehicles)			P	P
Restaurant			P	P
Retail (sales and rental)			P	P
Self Storage				P
Slaughterhouse				CU
Sober Living Residence			P	P
Solar Energy System	P		CU	P
Stable (commercial)	P	CU	P	
Target Range	CU		CU	CU
Tavern or Bar			P	P
Theater			P	P
Trade School			P	P

Use	Zoning Districts			
	AC	OC	BPC	BPC - O
Use Not Provided For			CU	CU
Veterinary Office	CU		P	P
Wholesale Sales			CU	P
Wireless Telecommunications Facility, Tower Based			CU	P
Wireless Telecommunications Facility, Non-Tower Based (DAS, DCU, small cell)	P	CU	P	P

Section 302. Dimensional Requirements

A. The following Table of Dimensional Requirements states the dimensional requirements of each district, except as otherwise provided in this Ordinance.

District	Min. Lot Area	Min Lot Width (ft)	Min. Front Setback (ft) **†	Min. Rear Setback (ft) ** †	Min. Side Setback (ft) ** †	Min. Open Space (%)	Maximum Lot Coverage (%)	Max. Height (ft) ‡
Agricultural Conservation	3 acres (130,680 sf)	250	30	25	10	-	35	35
Open Countryside	2 acres (87,120 sf)	200	40	25	10	20	35	35
Baltimore Pike Corridor	1 acre (43,560 sf)*	150	40	30	15	20	50	40
Baltimore Pike Corridor Intensive Uses Overlay	3 acres (130,680 sf)	250	40	35	20	-	65	50

*For a multiple family dwelling use, a minimum of 1500 square feet of floor area is required per dwelling unit and a single multiple family structure shall contain no more than six dwelling units.

**Where a lot adjacent to a Historic Building is proposed for non-residential use or structure, see also Section 402.S.2.

† Where a lot within a historic district is proposed for a non-residential use or structure, the front, side and rear setback shall be increased by 50%.

‡No maximum height requirement shall apply to a structure in normal agricultural operation use. The maximum height requirement for an amateur radio antenna shall be 65 feet.

B. Accessory Structure and Accessory Use

1. In the BPC District, an accessory structure or accessory use not contained, conducted or operated within a structure shall not be located, conducted or operated within the minimum front setback.

2. Except where otherwise provided in this Ordinance, an accessory structure or an accessory use not contained, conducted or operated within a structure:

a. shall not be located, conducted or operated within the minimum front setback stated for the district in which located as provided in the Table of Dimensional Requirements.

b. shall not be located closer than 10 feet from a lot line or one-half of the minimum rear setback stated for the district in which located as provided in the Table of Dimensional Requirements, whichever is larger.

c. shall not be located closer than 10 feet from a lot line or one-half of the minimum side setback stated for the district in which located as provided in the Table of Dimensional Requirements, whichever is larger.

d. shall not exceed the height requirement for the district in which located as provided in the Table of Dimensional Requirements.

ARTICLE 4 - SPECIFIC REQUIREMENTS

Section 401. General Provisions

A. Applicability

All uses must comply with both the general requirements of the underlying district and all other applicable general requirements of this Ordinance, e.g. parking. It is the intent of this Article to provide additional requirements and standards for particular uses. In the event of any conflict among d requirements, the most restrictive requirement shall apply.

B. Permitted Use by Right

For uses permitted by right, the specific requirements and standards must be satisfied prior to approval of any application for land development (when applicable) or, if it is not subject to land development, prior to approval of a zoning permit. The applicant shall have the burden of proof that the proposed use is in compliance with these specific requirements and standards and must furnish whatever evidence is necessary to demonstrate such compliance.

C. Conditional Use

For uses permitted by conditional use, this Article sets forth specific requirements and standards which must be satisfied. The applicant shall have the burden of proof that the proposed use meets all applicable requirements and standards contained within this Ordinance including those

specific to the use, applicable to conditional uses generally, applicable generally to all uses within the relevant zoning district, and applicable generally to all uses.

D. Special Exception

For uses permitted by special exception, this Article sets forth the specific requirements and standards that which must be satisfied. The applicant shall have the burden of proof that the proposed use meets all applicable requirements and standards contained within this Ordinance, including those specific to the use; applicable to special exceptions generally; applicable generally to all uses within the relevant zoning district; and generally applicable to all uses.

Section 402 – Specific Requirements

The following uses shall comply with the standards and requirements stated in this Section, in addition to general requirements of the district in which the use is located and requirements generally applicable to all uses.

A. Adult Use

Where permitted, an adult use shall comply with the following requirements:

1. Purpose. The regulation of adult uses is intended to serve the following purposes, in addition to the overall objectives of this Ordinance.

    a. To minimize and mitigate recognized and documented adverse secondary impacts of adult uses on the public health, safety and general welfare of the Township's residents and businesses. These adverse secondary impacts include, but are not limited to: criminal activity; transmission of sexually transmitted and other communicable diseases; development of blight conditions and neighborhood instability; and decreases in property values and marketability. Owners and operators of adult uses exercise of self-regulation to control and mitigate these secondary effects are demonstrably insufficient in scope and lacking in success.

    b. To limit adult uses to locations where secondary impacts can be minimized by means of both siting and other regulatory controls and mitigation measures.

    c. To recognize rights of speech under the First Amendment of the United States Constitution and Article I of the Pennsylvania Constitution.

2. An application for conditional use for an adult use shall include:

   1. A written narrative containing:

      i. description in sufficient detail that identifies the proposed adult use and all activities to be conducted as part of the adult use;

      ii. identification of all federal and state laws and regulations applicable to the proposed use, including but not limited to the Pennsylvania Liquor Code and Act 120 of 1990, and description in sufficient detail that demonstrates that the proposed use will be operated in full compliance with the identified laws;

      iii. names, street addresses and telephone numbers of all owner(s) of the proposed use;

      iv. names, street addresses and telephone numbers of all operator(s) of the proposed use;

      v. name, street address and telephone number of the manager(s) of the proposed use;

      vi. name and 24/7 toll free telephone number of the individual responsible for receiving and responding to inquiries and complaints regarding the operations of the proposed use; and

      vii. the following statement signed and dated by each owner of the lot and each applicant for conditional use:

      The statements made in this writing are true and correct to the best of the knowledge, information and belief of the undersigned signatory, and made with the understanding that any false statement is subject to the penalties of 18 Pa.C.S.A. Section 4804, relating to "Unsworn Falsification to Authorities."

   2. A site plan, prepared and sealed by a professional engineer or registered and licensed surveyor or landscape architect, showing all lot lines; adjacent lots, their owners, improvements and easements; and existing and proposed on-site improvements and easements.

   3. A site plan, prepared and sealed by a professional engineer or registered and licensed surveyor or landscape architect, demonstrating compliance with requirements of this Section and all other applicable requirements of the Ordinance, including but not limited to the requirements of the zoning district in which located, and requirements for parking, landscaping and signage. A

landscape plan, or that portion of the site plan showing landscaping, shall be prepared and sealed by a registered and licensed landscape architect.

4. A scaled interior building plan showing the location of each activity to be conducted as part of the proposed use.

5. Scale elevations of each side of a proposed building to be used or occupied for the adult use.

3. An adult use shall not be permitted to be located within 1000 feet of any other adult use.

4. An adult use shall not be located within 1,000 feet of a residential zoning district or the lot line of any lot which contains one or more of the following specified land uses:

   a. dwelling;

   b. school, public or private;

   c. day care (child) facility;

   d. place of worship;

   e. community center; or

   f. recreational facility, public or private, indoor or outdoor.

5. Any building or structure used and occupied as an adult use shall have an opaque covering over all windows or doors of any area in which materials, merchandise, film or activities are exhibited, displayed or visible from outside of the building or structure.

6. No sign shall be erected upon the premises pictorially depicting or giving a visual representation of the type of materials, merchandise, film or activities offered therein.

7. Each entrance to the premises shall be posted with a notice specifying that persons under the age of seventeen years are not permitted to enter therein and warning all other persons that they may be offended upon entry.

8. No materials, merchandise, or film offered for sale, rent, lease, loan, or for view upon the premises shall be exhibited or displayed outside of a building or structure.

9. A 100 foot setback shall be provided along all lot lines and shall be measured from the lot line or, where the lot is adjacent to a public road, from the ultimate right-of-way line. The setback shall contain no buildings, structures or parking/loading areas.

10. A 50 foot buffer shall be provided along each adjacent public road, the lot line of an adjacent lot improved with a dwelling or zoned a residential zoning district.

11. The adult use shall not operate between 12:00 midnight and 9:00 am.

12. Alcoholic beverages may not be provided or sold as part of an adult use and an adult use may not be located on the same lot as a use that sells alcoholic beverages.

B. **Agritourism/agritainment as Accessory Use**

Where permitted, an agritourism/agritainment accessory use shall comply with the following requirements:

1. A single agritourism/agritainment use may be an accessory use to an active normal agricultural operation conducted on a lot containing at least 50 acres.

2. An application for conditional use for an agritourism/agritainment use shall include:

   a. A written narrative containing:

      i. description in sufficient detail that identifies the proposed agritourism/agritainment use and all activities to be conducted as part of the use;

      ii. names, street addresses and telephone numbers of all owner(s) of the proposed use;

      iii. names, street addresses and telephone numbers of all operator(s) of the proposed use;

   b. A site plan, prepared and sealed by a professional engineer or registered and licensed surveyor or landscape architect, showing all lot lines; adjacent lots, their owners and improvements; and existing and proposed on-site improvements, and demonstrating compliance with requirements of this Section and all other applicable requirements of the Ordinance, including but not limited to the requirements of the zoning district in which located, and requirements for parking, landscaping and signage.

3. No more than 25% of the lot may be used for the agritourism/agritainment use.

4. Structure(s) used primarily for the agritourism/agritainment use may not exceed a combined total of 2,500 square feet.

5. The total number of visitors may not exceed 500 visitors daily.

6. The operating hours for an agritourism/agritainment use shall begin no earlier than 8:00 a.m. nor extend beyond 10:00 p.m. on any day other than Sunday. The operating hours on Sunday shall begin no earlier than 10:00 a.m. nor extend beyond 7:00 p.m.

7. No more than four agritourism/agritainment events may occur in a calendar year and no single event may last for more than two consecutive days.

8. The Township shall be given written notice of each agritourism/agritainment event at least 30 days prior to the event date. Such notice shall identify and describe the event, the date(s) and time(s) of the event, the anticipated attendance at the event, the means (including any related service or equipment contract) for traffic control, parking, solid waste management, potable water, sewage disposal, lighting, and emergency services and the name and contact number of the operator of the event if it is not the owner/operator of the normal agricultural operation. The notice shall also demonstrate that notice of the proposed special event has been given to the Pennsylvania State Police, the volunteer fire company(ies) and the volunteer EMS company(ies). A site plan delineating the area(s) of the lot (and related facilities) to be used for the event activities, access, parking, solid waste management, sewage disposal, and lighting shall be submitted with the notice.

9. No part of the agritourism/agritainment use shall be located within 100 feet of a front, rear or side lot line.

10. No part of the agritourism/agritainment use shall be located within 500 feet of dwelling (not on the same lot).

11. An ambient noise study shall be conducted and submitted to the Township as part of the application for conditional use approval. The study shall identify ambient noise sources and establish ambient noise levels at all lot lines. No agritourism/agritainment use shall generate noise increasing the ambient noise level by greater than 10 dbh.

12. The agritourism/agritainment use and related ingress, egress and parking facilities shall be located and designed to minimize the migration of dust off-site.

13. Solid waste management facilities, of a size and type appropriate and suitable to the agritourism/agritainment use shall be provided and must

be screened from an adjacent street, an adjacent lot improved with a dwelling or an adjacent unimproved lot in a residential zoning district.

14. When not in use, all motorized vehicles, equipment, materials, etc. associated with the agritourism/agritainment use must be screened from an adjacent street, an adjacent lot improved with a dwelling or an adjacent unimproved lot in a residential zoning district.

15. Sufficient means for potable water supply and sewage disposal shall be provided on-site.

C. **Airport/Heliport**

Where permitted, an airport/heliport shall comply with the following requirements:

1. A minimum lot area of thirty acres is required for an airport; a minimum of five acres is required for a heliport.

2. No part of the take-off/landing strip and/or pad shall be located nearer than 300 feet from any lot line and 500 feet from an adjacent lot improved with a dwelling or zoned a residential zoning district.

3. All facilities shall be designed in strict compliance with all applicable State and Federal laws and regulations.

4. The applicant shall furnish evidence of the submission of an application for license from the Pennsylvania Department of Transportation, Bureau of Aviation and, prior to the initiation of use, shall furnish proof of the issuance of a license.

D. **Alternative Energy System as Accessory Use**

Within every zoning district, an alternative energy system is an accessory use permitted by right when it complies with the following requirements:

1. Any physical modification to an existing alternative energy system that materially alters the size, type and quantity of the facilities shall comply with the applicable provisions specified under this Section.

2. Alternative energy systems shall be primarily utilized by the principal use of the lot upon which it is located and energy generated must first be used to meet the demand on-site. Surplus energy may be exchanged, transferred and/or sold to a public or private utility company, if the applicant submits written expert documentation that the proposed alternate energy system is designed not to exceed the following energy

generating parameters:

a. The maximum energy generated for a residential use shall not exceed 1.5 times the annual energy needs of the principal residential use upon whose site the alternate energy system is located.

b. The maximum energy generated for a commercial use shall not exceed 2.0 times the annual energy needs of the principal commercial use upon whose site the alternate energy system is located.

c. The maximum energy generated for a manufacturing use shall not exceed 3.0 times the annual energy needs of the consumer of the principal use upon whose site the alternate energy system is located.

d. The maximum energy generated for a governmental, school, hospital, church and/or other similar institutional use shall not exceed 4.0 times the annual energy needs of the consumer of the principal use upon whose site the alternate energy system is located.

3. The owner of any alternative energy system connected to an electric utility grid shall provide the Township with written authorization from the utility acknowledging and approving such connection.

4. Alternative energy systems may be erected as detached accessory structures or attached to a building provided that the structural components of such systems meet the setback and lot occupancy requirements of the zoning district and do not exceed the permitted height requirements of the zoning district in which it is located except that:

a. the total height of a building or structure with solar panels shall not exceed by more than one foot the maximum permitted height in the applicable zone;

b. ground-mounted solar panels shall not exceed a height of 20 feet at the highest point of the structure;

c. the maximum height of a freestanding wind turbine and any supporting structure shall be fifty feet for non-agricultural uses and one-hundred fifty feet for agricultural uses, as measured from the ground surface to the tip of the blade at its highest turning movement; and

d. the maximum height of a roof-mounted wind turbine and any supporting structure shall be ten feet (as measured from the highest roof surface to the tip of the blade at its highest turning movement

5. Above-ground alternative energy systems shall be clear-coated, transparent, and/or be designed with a non-obtrusive color such as white, off-white or gray. All such facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

6. On-site electrical transmission and power lines connected to or associated with the alternate energy system that are not contained within a building shall be located underground.

7. The proposed alternative energy system shall not generate noise levels that exceed ambient noise levels at the lot line, which ambient noise levels must be measured and documented by an acoustical engineer as part of the application.

8. The applicant shall make reasonable efforts to avoid any disruption or loss of natural light, or radio, telephone, television or similar signals, and shall mitigate any harm caused by the alternative energy system.

9. The design and installation of the alternative energy system shall conform to applicable industry standards, including those of the American National Standards Institute and the Uniform Construction Code.

10. The applicant for an alternative energy system shall submit as part of its application for zoning permit:

    a. a narrative describing the system and its principal components including, but not limited to related ancillary facilities;

    b. information about its potential energy generating capacity and anticipated generation; and,

    c. a site plan depicting the system and its principal components including, but not limited to related ancillary facilities as they relate to lot lines, required setbacks, adjacent streets, utility rights-of-way and lines, and on-site buildings and structures. Such information shall be depicted upon the site plan even if it is located underground.

11. An accessory solar energy system shall comply with the following additional requirements:

    a. Solar energy panels shall be designed and located in order to

minimize reflective glare towards any adjacent lot or street.

b. All solar energy system installations must be certified by a professional firm from a list of approved solar electric installers provided on the PA Sunshine Program website operated by the PA Department of Environmental Protection or from the North American Board of Certified Energy Practitioners.

c. Solar energy systems shall not be used for displaying advertising except for reasonable identification of the manufacturer of the system. In no case shall such identification exceed 200 square inches.

d. When a building is necessary for the storage of cells and/or equipment or components related to the solar energy system, the building must not exceed 400 square feet in area, must not exceed fifteen feet in height and must comply with all applicable accessory use setbacks. Where no accessory use setbacks apply, principal use setbacks shall apply.

e. All owners of a lot upon which a solar energy system is installed shall be required, as a condition of the issuance of the zoning permit, to acknowledge in writing to the Township that the issuance of a zoning permit for a solar energy system shall not and does not create in the lot owner, its, his, her or their successors and assigns in title or, create in the lot itself:

   i. the right to remain free of shadows and/or obstructions to solar energy caused by development of an adjacent lot or the growth of any trees or vegetation on such lot; or,

   ii. the right to prohibit the development of, or growth of any trees or vegetation on, an adjacent or nearby lot.

f. Roof-mounted solar energy systems shall comply with the following requirements:

   i. Solar panels shall not extend beyond any portion of the roof's horizontal edge.

   ii. A written structural roof analysis shall be required for all roof-mounted solar energy systems.

   iii. Other than those integrated into the roof or mounted flush with the roof, solar panels shall be located only on rear or side-facing roofs as viewed from the any adjacent street unless the proposed location prevents the solar energy system from

operating as designed, as certified in writing by the manufacturer or installer. Removal of potential obstructions such as vegetation shall not be considered sufficient cause for permitting panel installation on a front-facing roof.

g. Ground-mounted solar energy systems shall comply with the following requirements:

i. Ground-mounted solar energy systems (also referred to as "ground arrays") shall be located so that any sun reflection is directed away from or is properly screened from an adjacent lot.

ii. The surface area of a ground-mounted solar energy system, regardless of the mounted angle of any solar panels, shall be considered part of and calculated in the lot coverage of the lot on which the system is located. The surface area of a ground-mounted solar energy system shall not exceed three percent of maximum lot coverage of the lot. For panels that self-adjust, the lot coverage of each solar panel shall be calculated at that angle with the greatest horizontal exposure.

iii. Solar panels shall not be mounted on any pole or tower such that the closest point of the solar panel is more than one foot above the grade directly below the solar panel.

iv. Unless no other suitable location exists upon a lot, a solar energy system, or part thereof, may be located within the front yard provided it is located behind the required building setback line and screening.

12. An accessory wind energy system shall comply with the following additional requirements:

a. Only one wind turbine shall be permitted per principal use, except that normal agricultural operations may have up to two wind turbines.

b. Wind turbines may only be permitted upon lots with a minimum of two and one-half acres.

c. The minimum height of a wind turbine shall be such that there shall be maintained a minimum of fifteen feet ground clearance, as measured between the ground surface and the tip of the blade at its closest point of the turning movement.

d. Wind turbines shall be setback the following distances as measured

from the center of the wind turbine base to the nearest point of the respective feature listed below:

Feature	Minimum setback
Occupied building on lot	Turbine height plus ten feet
Above ground utility right-of-way	Turbine height plus ten feet
Adjacent lot line	1.5 times turbine height
Adjacent ultimate right-of-way	1.5 times turbine height

e. A wind turbine and any supporting structure shall be enclosed by a six foot fence with locking gate or the base of the wind turbine and any supporting structure shall not be climbable for a minimum height of twelve feet. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

f. All wind turbines and wind energy systems shall be equipped with a redundant braking system, which shall include both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.

g. The applicant shall make reasonable efforts to minimize shadow flicker to adjacent lots improved with a dwelling.

h. No wind turbine shall cause ground vibrations perceptible beyond the lot line.

i. No wind turbine shall cause ice to be thrown beyond the ultimate right-of-way line for an adjacent public road or a lot line.

E. Bed & Breakfast

Where permitted, a bed & breakfast use shall comply with the following requirements:

1. A bed & breakfast shall be permitted to be located only within a single-family detached dwelling.

2. A written determination from the Township Code Official that the structure complies with the standards of the Uniform Construction Code for occupancy of the dwelling for single-family and bed & breakfast uses is required to be submitted with the application for zoning permit.

3. Where the lot proposed for the use is served by an on-lot septic system, a written determination from the Township Sewage Enforcement Officer that the on-lot system is adequately sized and designed to handle the proposed sewage treatment load is required to be submitted with the application for zoning permit.

4. Any modifications to the external appearance of the structure (except fire escapes) made for the bed & breakfast use shall complement its residential character.

5. The zoning permit application shall include a site plan that indicates the location, size and, where required, landscaping of all parking spaces required for the principal residential use and proposed bed & breakfast use.

6. In addition to the required number of parking spaces for the principle residential use, one on-site parking space shall be provided for each bedroom available for the limited lodging accessory use. No new parking space proposed to meet this requirement shall be located closer than:

    i. 25 feet to a public street. The required 25 feet shall be measured from the existing right-of-way or the ultimate right-of-way, whichever is larger.

    ii. 25 feet to the lot line of an adjacent lot improved with a dwelling or an adjacent unimproved lot in a residential zoning district.

    iii. Where the siting of the parking space would result in the shining of vehicle lights on adjacent lot, the parking space shall be screened from that dwelling to a height of 36 inches by means of plants or constructed wall or solid fence.

7. Meals may only be served to registered overnight guests.

8. During bed & breakfast operations, the resident lot owner or resident manager shall be on site.

F. Campground

Where permitted, a campground use shall comply with the following requirements:

1. A campground use requires a minimum lot area of ten acres.

2. All campgrounds containing more than twenty-five campsites shall have vehicular access to an arterial or collector road.

3. All campsites shall be located at least 100 feet from any lot line and public street ultimate right-of-way line.

4. Each campsite shall be at least three thousand square feet in size.

5. Each campsite shall include a parking space for one automobile which will not interfere with the convenient and safe movement of traffic on the internal accessways or equivalent parking shall be provided in a designated common parking area near the campsite.

6. The access drive(s) from a public street shall be paved a minimum distance of 50 feet. Internal accessways and parking areas shall be maintained in a dust free condition.

7. A minimum of 20% of the gross area of the campground shall be devoted to active and passive recreational facilities. Constructed active recreation facilities, including paths, shall be set back 150 feet from a lot line and public street ultimate right-of-way line. The recreational facilities shall be used exclusively by registered campground guests and their visitors.

8. Solid waste receptacles shall be provided and routinely emptied to prevent the scattering of solid waste, and the applicant shall furnish to the Township and implement an acceptable working plan for the management of solid waste and vermin control. Solid waste management facilities shall be set back a minimum of 100 feet from any lot line and public street ultimate right-of-way line. Such facilities shall be designed and maintained so as to be secure from native animals such as raccoon, bears, etc. Collection of solid waste from the facilities shall not be conducted between the hours of 10:00 p.m. and 7:00 a.m.

9. Any accessory commercial uses, and associated parking, shall be set back a minimum of 150 feet from any lot line and public street ultimate right-of-way line. Such accessory commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall have

vehicular access only from the campground's internal accessways, rather than the public street.

10. A 25 foot buffer shall be established along an adjacent lot improved with a dwelling or an adjacent unimproved lot in a residential zoning district.

11. During operation every campground shall have an office manned by the person responsible for operation of the campground. The office also shall be posted with a local 24/7 emergency contact name and telephone number.

12. No person, other than a resident manager, shall reside on the site for more than three months in any calendar year.

G. Car Wash

Where permitted, a car wash shall comply with the following requirements:

1. The lot shall front on and have access from an arterial or collector road.

2. The applicant shall demonstrate that adequate means of water supply will serve the proposed use.

3. Gray water recycling is required.

4. For automatic and self-service car washes, each washing bay shall provide a minimum 100 foot long on-site stacking lane which precedes the washing process. For full service car washes, such on-site stacking shall be a minimum of 300 feet per lane.

5. For full service car washes, a post-washing drying area shall be provided for no fewer than three vehicles per washing lane.

6. All structures housing washing apparatuses shall be set back 100 feet from any ultimate street right-of-way line.

7. Solid waste receptacles shall be provided and routinely emptied to prevent the scattering of litter, and the applicant shall provide a solid waste management plan with the application for zoning permit.

8. The applicant shall demonstrate adequate provision for the collection and disposal of greases and oils.

H. Care Dwelling as Accessory Use to Dwelling Use

Where permitted, a care dwelling accessory use shall comply with the following requirements:

1. Definition. On a lot improved with a single family detached dwelling, a temporary and accessory dwelling unit for occupancy by a person who is:

   a. at least 55 years of age and/or is handicapped or disabled, provided such person is related to the occupant(s) of the single family dwelling by blood, marriage, adoption or other decree of legal union or custody, or by common-law marriage lawfully existing prior to January 1, 2005, or

   b. a caregiver who provides care on a full time basis to an occupant of the single family dwelling or an occupant of the care housing unit.

   No more than two persons meeting the description of 1.a. above and/or a caregiver may occupy a care dwelling.

2. One care dwelling is permitted by right as an accessory use to one principal single family dwelling, subject to the following requirements:

   a. The principle dwelling and accessory care dwelling shall be located on a single lot with a minimum lot area of two acres.

   b. The care dwelling shall not exceed 900 square feet of floor area.

   c. A freestanding care dwelling shall be located only in a side or rear yards and shall meet all side and rear setback requirements for a principal single family dwelling.

   d. The care dwelling shall be so designed and constructed as to permit its removal from the lot or conversion to a part of the single family dwelling use within three months after it is no longer occupied by a person who qualifies for the use.

   e. In addition to the parking required for the single family dwelling, a minimum of one all weather off-street parking space shall be provided for the care dwelling, unless satisfactory proof is submitted showing that the occupant of the care dwelling is incapable of operating a motor vehicle or does not have a license to operate a motor vehicle. Such parking space shall be so sited as to be accessible to the care dwelling.

f. Where the lot proposed for the use is served by an on-lot septic system, a written determination from the Township Sewage Enforcement Officer that the on-lot system is adequately sized and designed to handle the proposed sewage treatment load is required. The care dwelling's sewage management system shall be physically connected to any existing system serving the principal dwelling; no separate utility system or connections shall be constructed or used, unless required by the Pennsylvania Department of Environmental Protection.

3. A zoning permit for a care dwelling use shall be issued under a term of expiration of 12 months and is renewable for a successive period(s) of twelve months upon application(s) for a zoning permit.

   a. The initial zoning permit application shall include a:

      i. description of written narrative containing:

         a) the proposed use and all activities to be conducted as part of the use;

         b) names and telephone numbers of all owner(s) of the single family dwelling;

         c) names and telephone numbers of all occupants of the care dwelling;

         d) information demonstrating that person meets the definition for the use; and

         e) written determination from the sewage enforcement officer.

      ii. site plan describing the use and demonstrating compliance with the requirements of this Section.

   b. The initial application and any application for renewal shall include the following language and be signed:

      The statements made in this writing are true and correct to the best of the knowledge, information and belief of the undersigned signatory, and made with the understanding that any false statement is subject to the penalties of 18 Pa.C.S.A. Section 4804, relating to "Unsworn Falsification to Authorities. I understand that false information

provided on this application may result in a revocation of the zoning permit.

I. Cemetery

Where permitted, a cemetery shall comply with the following requirements:

1. All burial plots or structures shall be located at least 100 feet from any ultimate street right-of-way line and any lot line.

2. No burial plots or facilities are permitted in a floodplain.

J. Concentrated Animal Operation (CAO) and Concentrated Animal Feeding Operation (CAFO)

1. An application for conditional use for a CAO or CAFO use shall include:

   a. A written narrative containing:

      i. a description of the proposed use and all activities to be conducted as part of the use;

      ii. identification of all federal and state laws and regulations applicable to the proposed use, and description in sufficient detail that demonstrates that the proposed use will be operated in full compliance with the identified laws;

      iii. names, street addresses and telephone numbers of all owner(s) of the proposed use;

      iv. names, street addresses and telephone numbers of all operator(s) of the proposed use;

      v. name, street address and telephone number of the manager(s) of the proposed use;

      vi. name and 24/7 toll free telephone number of the individual responsible for receiving and responding to inquiries and complaints regarding the operations of the proposed use;

2. A site plan, prepared and sealed by a professional engineer, registered and licensed surveyor or landscape architect, showing all lot lines; adjacent lots, their owners, and lot improvements; water bodies and wetlands on the lot; existing and proposed easements; and existing and proposed on-site improvements proposed for the CAO or CAFO use.

3. A site plan, prepared and sealed by a professional engineer, registered and licensed surveyor or landscape architect, demonstrating compliance with requirements of this Section and all other applicable requirements of this Ordinance, including but not limited to the requirements of the zoning district in which located, and applicable general requirements.

4. Nutrient Management

This subsection applies to practices related to the storage, handling or land application of animal manure or nutrients, or to the construction, location or operation of facilities used for storage of animal manure or nutrients or practices as regulated by Pennsylvania's Nutrient Management Act and regulations promulgated at 25 Pa. Code Chapter 83 Subchapter D (Nutrient Management).

a. An application for a CAO or CAFO shall include, and, upon approval of the conditional use, the owner and operator of the use shall maintain with the Township a current copy of the following:

i. A manure management plan;

ii. A nutrient management plan;

iii. When required by provision of the federal Clean Water Act and promulgated regulations, a National Pollutant Discharge Elimination System (NPDES) permit.

iv. When required by provision of the Pennsylvania Clean Streams Law and regulations promulgated at 25 Pa. Code §§91.36(a) and 92a.29, a water quality management permit.

b. The CAFO/CAO use shall at all times maintain compliance with the requirements of Pennsylvania's Nutrient Management Act and promulgated regulations for the design, construction, location, operation, maintenance and removal from service of manure storage facilities.

5. Odor Management

This subsection applies to the management of odors generated from animal housing or manure management facilities as regulated by Pennsylvania's Nutrient Management Act and regulations promulgated at 25 Pa. Code Chapter 83 Subchapter G (Facility Odor Management).

a. A conditional use application for a CAO or CAFO shall include, and upon approval of the conditional use, the owner and operator of the use shall maintain with the Township a current copy of an odor management plan.

b. The CAFO/CAO use shall at all times maintain compliance with the requirements of Pennsylvania's Nutrient Management Act and promulgated regulations for managing odors.

K. Day-Care Center, Children

Where permitted, a day care center for children shall comply with the following requirements:

1. An outdoor play area shall be provided, at a rate of sixty-five square feet per person enrolled. An off-street parking lot shall not be used as an outdoor play area. Outdoor play areas shall not be located within the front setback or closer than 50 feet to a side or rear lot line. Outdoor play areas shall be completely enclosed by a minimum four foot high fence. All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s), sufficient in area to accommodate all children enrolled.

2. Enrollment shall be defined as the largest number of persons under day-care supervision at any one time during a seven-day period.

3. Passenger drop-off areas shall be provided and arranged so that all such activity occurs on the lot on which the use is located. Where the building containing the day-care center is improved with a parking lot or area, a pedestrian crossing shall be provided and clearly marked.

4. All day-care facilities shall obtain and maintain proper licensure from the Commonwealth of Pennsylvania.

L. Direct Commercial Sales of Agricultural Commodities

Where permitted, a direct commercial sale of agricultural commodities accessory use shall comply with the following requirements:

1. The lot shall be owned and operated by a landowner who produces not less than 50% of the agricultural commodities to be sold through the use. Such direct sales shall be authorized without regard to the 50% limitation under circumstances of crop failure due to reasons beyond the control of the landowner.

2. The direct commercial sales of agricultural commodities shall meet the parking requirements for a retail sales use as stated in the Table – Off Street Parking and Loading Requirements.

3. The direct commercial sales of agricultural commodities shall meet the access requirements set forth Section 902.B.

4. The direct commercial sales of agricultural commodities shall meet the sign requirements set forth in Article 8.

M. **Dry Cleaner, Laundry and Laundromat**

Where permitted, a dry cleaner, laundry or laundromat shall comply with the following requirements:

1. The applicant must demonstrate that adequate means of sewage disposal and water supply will serve the proposed use.

2. All activities shall be conducted within a completely enclosed building.

3. No exhaust ventilation equipment shall be directed toward an adjacent lot improved with a dwelling or an adjacent unimproved lot in a residential zoning district.

N. **Fence; Wall**

A fence or wall is an accessory use permitted in all districts, subject to the following requirements.

1. Any fence or wall shall be durably constructed and well-maintained. Damaged or deteriorated fences or walls, or portions thereof, shall be repaired or dismantled within 60 days.

2. No fence or wall shall be erected, constructed or placed within the existing or ultimate street right-of-way, or obstruct sight distance.

3. No solid fence or wall shall exceed four feet in height and no fence constructed of materials with regular openings shall exceed five feet in height in the minimum front setback as provided in the Table of Dimensional Requirements. This requirement shall also apply to all road frontages adjacent to a corner lot or reverse frontage lot.

4. No fence or wall six feet or less in height shall be erected, constructed or placed closer than five feet to a rear or side lot line. A fence or wall over six feet in height shall comply with the minimum side and rear setbacks

for accessory uses and structures provided in the Table of Dimensional Requirements.

O. Gaming

A gaming use includes any and all gaming activities, whether or not associated with another use; a gaming use does not include small games of chance, legal lottery sales, or bingo. Where permitted, a gaming use shall comply with the following requirements:

1. An application for conditional use for a gaming use shall include:

   a. A written narrative containing:

      i. a description of the proposed use and all activities to be conducted as part of the use;

      vii. identification of all federal and state laws and regulations applicable to the proposed use, including but not limited to the Pennsylvania Liquor Code, and description in sufficient detail that demonstrates that the proposed use will be operated in full compliance with the identified laws;

      viii. names, street addresses and telephone numbers of all owner(s) of the proposed use;

      ix. names, street addresses and telephone numbers of all operator(s) of the proposed use;

      x. name, street address and telephone number of the manager(s) of the proposed use;

      xi. name and 24/7 toll free telephone number of the individual responsible for receiving and responding to inquiries and complaints regarding the operations of the proposed use;

      xii. the following statement signed and dated by the applicant(s) for conditional use:

      The statements made in this writing are true and correct to the best of the knowledge, information and belief of the undersigned signatory, and made with the understanding that any false statement is subject to the penalties of 18 Pa.C.S.A. Section 4804, relating to "Unsworn Falsification to Authorities.

2. A site plan, prepared and sealed by a professional engineer, registered and licensed surveyor or landscape architect, showing all lot lines; adjacent lots, their owners, and improvements and easements; and existing and proposed on-site improvements on the lot proposed for the gaming use.

3. A site plan, prepared and sealed by a professional engineer, registered and licensed surveyor or landscape architect, demonstrating compliance with requirements of this Section and all other applicable requirements of this Ordinance, including but not limited to the requirements of the zoning district in which located, and requirements for parking, loading, landscaping, buffers, solid waste management, lighting, and signage. A landscape plan or that portion of the site plan showing landscaping shall be prepared and sealed by a registered landscape architect. A lighting plan or that portion of the site plan showing lighting shall be prepared by a lighting professional.

4. A scaled interior building plan showing the location of each activity to be conducted as part of the proposed use.

5. A traffic impact study prepared by a professional traffic engineer and meeting the requirements of Section 901.

6. The lot on which such use is conducted shall not be adjacent to a lot improved with a dwelling or zoned residential zoning district.

7. The lot on which such use is conducted shall not be located within 500 feet of any parcel of land used for the following:

   i. dwelling;

   ii. school, public or private;

   iii. day care facility (child);

   iv. church, synagogue, mosque or other religious facility;

   v. community center;

   vi. library; or

   vii. recreational facility, public or private.

8. The minimum off-street parking required for the gaming use is five spaces per 100 square feet of floor area open to customers, in addition to parking required for other principal and accessory uses on the lot.

9. A 250 foot setback shall be provided along all lot lines and shall be measured from the lot line or ultimate right-of-way line, whichever is applicable. The setback shall contain no improvements, including parking/loading areas, utilities and stormwater management facilities, except as are determined to be necessary (without a siting alternative) to permit access drives, roads, utility and stormwater management facilities and only to the extent such improvements cross the perimeter setback at a perpendicular angle.

10. A 50 foot buffer shall be provided along each adjacent street and adjacent lot improved with a dwelling or zoned a residential zoning district.

11. Noise generated from the activities at the gaming use shall not exceed 50 dBA measured at the lot line, but in no event shall exceed the ambient noise level, measured at the lot line and made a part of the application, by more than 10 dBA.

12. The use shall not operate between 11:00 p.m. and 8:00 a.m.

P. Gasoline Service Station

Where permitted, a gasoline service station shall comply with the following requirements:

1. The lot shall have a minimum width of 250 feet.

2. The subject lot shall front on and have access from an arterial or collector road.

3. The use shall not be permitted nearer than 500 feet from a lot improved with a dwelling, historic structure, day-care (child) facility, recreation facility, or nursing or retirement home, or an adjacent unimproved lot in a residential zoning district.

4. All structures (including air compressors, kiosks, gasoline pump islands), other than a building or sign, shall be set back 50 feet from any ultimate street right-of-way line and side or rear lot lines.

5. The outdoor storage of any motor vehicles (whether capable of movement or not) for more than one month is prohibited. Any vehicle stored outdoors must be awaiting needed parts for repair, located within a side or rear yard and screened from adjacent roads and lots.

6. No outdoor storage of auto parts shall be permitted.

7. The applicant shall furnish evidence that the storage, dispensing and disposal of substances will be accomplished in a manner that complies with State and Federal regulations.

Q. Golf Course

1. The minimum lot area shall be 20 acres.

2. A golf course shall be designed so that:

   a. golf carts do not enter a public street; and

   b. errant golf balls do not exit the golf course lot.

3. The application for zoning permit shall include a water study for the purposes and meeting the requirements of Section 86-28.J.(1), (5) and (6) of Chapter 86 Subdivision and Land Development of the Code of the Township of Mount Joy.

R. Group Home

Where permitted, a group home shall comply with the following requirements:

1. An application for zoning permit shall include a written narrative describing the type of treatment/care, stating the maximum number of residents, and identifying the sponsoring agency.

2. The group home shall have staff adequate in number and training for the number and type of resident. An application for zoning permit shall include a written statement describing the staffing, their functions and their training, licensing and/or certifications.

3. The applicant shall provide the Township with the name and 24/7 toll free telephone number of the individual responsible for the group home.

S. Historic Building

1. Purpose. In addition to serving the overall purposes of this chapter, this subsection is intended to:

   a. promote the retention of community character through preservation of the local heritage by recognition and protection of historic resources;

b. encourage continued use, appropriate rehabilitation and adaptive reuse of historic buildings;

c. implement Sections 603(b), 603(g), 604(1) and 605(2) of the Pennsylvania Municipalities Planning Code, which address protecting and facilitating the preservation of historic values through zoning and using zoning to regulate uses and structures at or near places having unique historic, architectural or patriotic interest or value;

d. establish a clear process to review and approve demolition of historic buildings; and

e. strengthen the local economy by promoting tourism, improving property values and increasing investment in older buildings.

2. Where a lot adjacent to a Historic Building is proposed for non-residential use or structure:

a. The side and rear setback adjacent to the Historic Building lot shall be increased by 50%.

b. The front setback shall be increased, where appropriate, so that the new structure is placed no closer to the street than the Historic Building or the front setback increased by 50%, whichever is less.

c. A buffer of 25 feet or of a depth otherwise required by this Ordinance, whichever is greater, shall be established adjacent to the Historic Building lot and along the lot frontage.

3. Nomination; Designation

a. The Township List of Designated Historic Buildings shall include only those buildings which have been nominated, in writing, by the owner(s) of the building for designation as a Historic Building and designated as a Historic Building by the Board of Supervisors.

i. The Township will notify the owner(s) in writing of the Board of Supervisors' acceptance or rejection of the nomination.

ii. The designation of a building as a Historic Building shall be made of public record and recorded in the Recorder of Deeds of Adams County. The first deed of the lot containing the Historic Building that is recorded after the acceptance of the nomination and designation of a building as a Historic Building shall contain the following disclosure:

The [describe Historic Building] contained within the lot that is the subject of this Deed is a designated Historic Building as defined and regulated by the Zoning Ordinance of Mount Joy Township.

b. Upon written nomination by the owner (s) and prior to designation as a Historic Building, the Historic Committee of Mount Joy Township, if existing, shall provide a written recommendation to the Board of Supervisors, which shall include the source(s) and criteria specified below (whichever may be applicable) found to exist in respect to a building nominated for designation as a Historic Building.

c. With respect to a nomination for designation as a Historic Building, the Board of Supervisors shall consider one or more of the following published sources of criteria:

i. The "National Register Criteria for Evaluation", adopted from time to time by the National Register for Historical Places.

ii. The "National Historic Landmarks Criteria for Evaluation", adopted from time to time by the National Register for Historical Places

iii. The "Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings", adopted from time to time by the Secretary of the Interior.

4. General provisions

a. The List of Designated Historic Buildings applicable herein shall be the List of Designated Historic Buildings duly adopted by resolution of the Board of Supervisors.

b. For a building regulated by this Section, all of the provisions of the applicable underlying zoning district shall also continue to apply, in addition to the provisions of this Section. In the event there is a direct conflict between the provisions of this Section and the underlying zoning district, the provision that is most restrictive upon development, demolition and use shall apply.

c. The Zoning Officer shall have the authority to require that a Historic Building be properly sealed and secured by the owner to prevent decay from the elements and vandalism.

d. Any partial or complete demolition of a Historic Building that is visible from a public street shall only occur in compliance with subsection 5, below, and upon issuance of a demolition permit by the Building Code Official pursuant to the Uniform Construction Code.

e. Definitions. In addition to the definitions provided in Section 111.B., the following terms shall have the following meanings for the purposes of this Section:

DEMOLITION – The dismantling, tearing down, removal or razing of the exterior of a building, in whole or in part. This term shall not include changes to the interior of a building, provided such changes do not alter the structural integrity of the building.

DEMOLITION BY NEGLECT – The absence of routine maintenance and repair which leads to structural weakness, decay and deterioration in a building to a point that causes a need for major repair or may cause a need for demolition.

MAINTENANCE AND REPAIR – Work that does not alter the appearance or harm the stability of exterior features of a building.

PARTIAL DEMOLITION – Partial demolition, includes but is not be limited to, the removal of an attached porch roof, removal of porch columns and removal of architectural features.

5. Demolition of Historic Building

a. A building regulated by this Section shall not be demolished, in whole or in part, unless the applicant proves by credible evidence to the satisfaction of the Board of Supervisors, upon application for a conditional use, that one or more of the following conditions exists.

i. The existing building cannot feasibly and reasonably be reused, and that such situation is not the result of intentional neglect or demolition by neglect by the owner;

ii. The denial of the demolition would result in unreasonable economic hardship to the owner, and the hardship was not self-created; and/or

iii. The demolition is necessary to allow a project to occur that will have substantial public benefit (such as a street improvement) that would greatly outweigh the loss of the Historic Building, and the project needs to occur at this location.

b. The Planning Commission and the Historic Commission, if existing, shall review the application for demolition and provide written recommendation to the Board of Supervisors. In reviewing the application, the Planning Commission, Historic Commission and Board of Supervisors shall consider the following:

i. The effect of the demolition on the historical significance and architectural integrity of the surrounding area.

ii. The feasibility of other alternatives to demolition.

iii. The historic or historic architectural significance of the building.

iv. The applicant shall provide credible and sufficient expert testimony to justify any claims that a building cannot feasibly be repaired or reused. The Board of Supervisors may require that this expert testimony and documentation include, but not be limited to, a property appraisal, income and expense statements for the lot, a written estimate of the costs of rehabilitation by a qualified contractor, a written report from a professional engineer regarding the structural soundness of the building, testimony concerning efforts to market the lot over time, information regarding the applicant's purchase price of the building, and similar relevant information.

c. An application for partial or complete demolition of a building regulated by this Section shall not be approved unless all of the requirements of this Section have been met including, but not limited to, the filing of a complete application that includes the following:

i. The name, address and daytime telephone number of the owner of record and the applicant for the demolition.

ii. Recent exterior photographs of the building proposed for demolition. If the applicant is alleging that the building cannot be reused or rehabilitated, then interior photos and floor plans shall be provided as needed to support the applicant's claim.

iii. A site plan drawn to scale showing existing buildings and the proposed demolition.

iv. A written statement of the reasons for the demolition.

v. The proposed use of the site, and a proposed timeline for development of that proposed use.

vi. The proposed disposition of materials. The applicant shall show that debris will be disposed in a legal manner. Salvage of building materials is strongly encouraged to preserve historic features and reduce waste, particularly including stone and beams from old barns.

d. The conditions that justify the proposed demolition of a building regulated by this Section shall not have been self-created by the applicant. Self-created conditions include, but are not limited to:

i. Lack of proper maintenance of the building, including but not limited to structural elements, the roof, windows or architectural elements;

ii. Leaving parts of a building open to the elements or accessible to vandalism; or

iii. Demolition by neglect.

e. Emergency. The Zoning Officer may issue a permit for the demolition immediately if the municipal Building Inspector certifies in writing that the building represents a clear and immediate hazard to public safety, and that no other reasonable alternatives exist to demolition.

f. Exceptions. Conditional use approval is not required for the following:

i. Demolition of an accessory structure that is not attached to the principal building.

ii. Interior renovations that do not harm the structural stability of the building and that are not visible from a public street.

iii. Removal or alteration of exterior features that do not harm the structural stability of the building and that are not visible from a public street.

iv. Removal of exterior features that are visible from the public street and which are not original to the building, such as a modern porch, aluminum siding or carport.

v. Alteration/replacement of exterior features with materials that have a very similar appearance to original materials as viewed from the public street.

vi. Change in color or window replacements, provided original size of the window opening and original style of the window shall be maintained.

vii. Maintenance and repair.

viii. Relocation of a Historic Building within the Township, provided that the relocation does not result in a partial or complete demolition that is regulated by this Section.

6. Additional uses allowed within a Historic Building

a. The following uses shall be allowed within a Historic Building in any zoning district:

i. The conversion of an existing nonresidential building into no more than two dwelling units.

ii. Office.

iii. Bed & breakfast.

iv. Antiques or gift shop.

v. Museum.

b. To be eligible for the foregoing additional uses, the applicant shall demonstrate that the exterior of the building as visible from public streets will be rehabilitated and/or maintained in general

conformance with the Secretary of the Interior's standards for historic rehabilitation, and accompanying guidelines published by the National Park Service, and that any exterior repairs, alterations and additions visible from a public street will be in conformance with such standards and guidelines.

i. The applicant shall submit plans showing the design and materials of any exterior changes to the building that are visible from a public street.

ii. The applicant shall provide a written certification by a registered architect with substantial experience in the rehabilitation of historic buildings that states that such rehabilitation will be consistent with such standards. An applicant is not required to use original materials, provided the materials have a closely similar appearance as original materials as viewed from the street.

iii. The exterior shall be rehabilitated with a historic character that preserves the appearance, when viewed from a public street, of architecturally significant features. However, this does not require that every detail of the building be restored, and allows replacement of original materials with new materials with very similar appearances. Window replacements shall maintain the original size of window openings and style of windows.

iv. Additions to the Historic Building must be in conformance with such federal standards and necessary for the reasonable reuse of the building.

c. The additional use of a Historic Building must satisfy all specific and general requirements and standards applicable to such use.

T. Hotel or Motel

Where permitted, a hotel or motel use shall comply with the following requirements:

1. Recreational facilities that are an accessory use to the principal hotel or motel are permitted, provided that their use is limited to guests of the hotel/motel.

2. A standard restaurant use that is an accessory use to the hotel or motel is permitted, subject to compliance with the parking requirements for a

restaurant. A sign for the restaurant is permitted so long as the requirements for signage on the lot are not exceeded.

U. **Junkyard**

See also Chapter 58, Junkyards and Junk Dealers.

Where permitted, a junkyard use shall meet the following requirements:

1. The minimum lot area of a junkyard shall be 10 acres.

2. The maximum size of a junkyard shall be 25 acres.

3. Outdoor storage shall be completely enclosed by a fifty-foot buffer, except in those areas where outdoor storage is not visible from a lot line or street.

4. Secure fencing with a minimum height of seven feet shall be provided and maintained around all outdoor storage areas. Where a buffer is required, the fencing shall be located on the inside of the buffer.

5. Burning or incineration of vehicles, tires and other material collected, stored or maintained at the junkyard is prohibited.

6. All batteries shall be removed and all fluids drained from vehicles and properly stored in a suitable containment area or facility.

V. **Kennel**

Where permitted, a kennel use shall comply with the following requirements:

1. The owner/operator shall demonstrate that the proposed use complies with the regulatory controls of the Pennsylvania Department of Agriculture under the Pennsylvania Dog Law and any other laws which are applicable from time to time and which are administered in whole or in part by the Pennsylvania Department of Agriculture.

2. The maximum number of animals shall be determined by the Board of Supervisors in accordance with the type of animal to be housed or bred, guidelines of recognized organizations concerned with the breeding of animals and the prevention of cruelty to animals, and the nature and character of the surrounding neighborhood. In no event shall the maximum number of animals exceed 100 animals, including puppies.

3. Each kennel shall apply for an annual license from the Township to ensure compliance with the operational requirements of this Section. Each license application shall be accompanied by an administrative fee, which amount shall be set by and may be amended from time to time by resolution of the Board of Supervisors. A license may be revoked at any time if standards are not being met, provided the owner has been given a written warning and reasonable opportunity to correct any deficiencies.

4. The following are the required minimum lot sizes for a kennel based upon the number of animals kept:

Type and Number of Animals Kept	Minimum Required Lot Area
1 dog to 25 dogs	3 acres
26 dogs to a maximum of 50 dogs	5 acres
51 dogs to a maximum of 100 dogs	15 acres

5. A kennel shall comply with the following setback requirements:

SETBACK FROM	Fully enclosed facility	Unenclosed or partially enclosed facility
Lot lines within the same zoning district	60 feet	100 feet
Lot lines adjacent to an unimproved lot in a residential zoning district	100 feet	300 feet
Dwellings other than on the kennel lot	200 feet	350 feet

The setback requirements shall apply to a building, structure, outdoor exercise area, dog run, and waste disposal area.

6. A kennel shall be operated so as to prevent the barking of dogs at such levels as to be unreasonably annoying to the residents of neighboring lots. If complaints are received by the Zoning Officer and such complaints are determined to be well-founded, the Zoning Officer may require that the kennel be modified to provide a fully enclosed structure and that animals be housed in such structure or to provide such other appropriate physical improvements

reasonably designed to resolve the barking impacts. It shall be unlawful to own, harbor or keep in custody any dog that disturbs the peace by barking between the hours of 7:00 a.m. and 8:00 p.m. continuously for more than fifteen minutes or for periods of five or more minutes more than five times a day. Such behavior shall be deemed to disturb the peace and create a nuisance by causing the annoyance and discomfort of persons of the Township. It shall be unlawful to own, harbor or keep in custody any dog that disturbs the peace by barking between the hours of 8:00 p.m. and 7:00 a.m. Such behavior shall be deemed to disturb the peace and create a nuisance by causing annoyance and discomfort of persons in the Township.

7. A kennel shall be adequately sound-proofed so that sound generated within a structure cannot be perceived at the lot lines.

8. Outdoor exercise or running areas shall be fenced and the fencing shall be of a material and height suitable to contain the animals.

9. The applicant for a zoning permit for the use must furnish to the Township a plan for the storage and disposal of animal waste. All animal waste shall be regularly removed from the areas used to house or exercise the animals and disposed of in accordance with current Pennsylvania law. On-lot disposal shall meet the setback requirements of subsection 5.

10. The applicant for a zoning permit for the use must furnish to the Township a plan for the storage and disposal of deceased animals within 24 hours of an animal's death. On-lot composting of animal carcasses is not permitted.

11. No kennel shall be operated which lacks a full-time resident manager authorized to address noise or other impacts on adjacent lots and unsecured animals. The applicant must publish and maintain a toll-free telephone number manned 24 hours a day/7 days a week.

12. The owner of the lot and the owner/operator of the kennel shall be jointly and severally responsible for the exercise of suitable control over the animals and shall not allow a nuisance condition to be created in terms of noise, waste or odor.

13. The applicant shall, as part of the application for the zoning permit and in writing, set forth those measures that will ensure that the proposed use will comply with the safeguards and requirements in this Section.

W. Limited Lodging as Accessory Use to Dwelling Use

Where permitted, a limited lodging accessory use shall comply with the following requirements:

1. Definition. Limited lodging is the accessory use of a dwelling unit, for temporary rental, for residential occupancy.

2. A dwelling unit may be used for limited lodging only upon compliance with all of the following minimum requirements:

   a. Submission of a complete application for zoning permit for the limited lodging accessory use, which application shall contain sufficient information to demonstrate compliance with applicable requirements of this Ordinance.

   b. The zoning permit application shall include a building plan that indicates:

      i. the location and size of the bedrooms proposed to be used by the primary resident, as identified in this Section, and the occupants of the limited lodging use; and

      ii. the points of access to the dwelling.

   c. The zoning permit application shall include a site plan that indicates the location, size and, where required, landscaping of all parking spaces required for the principal residential use and proposed limited lodging use.

   d. Where the lot proposed for the limited lodging accessory use is served by an on-lot septic system, the application for zoning permit shall include a written determination from the Township Sewage Enforcement Officer that the on-lot system is adequately sized and designed to handle the additional sewage treatment load.

   e. The principal use of the dwelling unit is residential occupancy by a primary resident, either the owner or lessee (by operation of a written lease of duration for periods of no less than one year) of the lot on which the dwelling unit is located.

   f. Limited lodging shall only be permitted as an accessory use to the dwelling unit. The dwelling unit and limited lodging shall function as a single dwelling unit with housekeeping facilities in common.

g. The primary resident of the dwelling unit operates the accessory limited lodging use. If the primary resident is not the owner of the lot, a written agreement by the owner of the lot to the limited lodging use of the lot and its operation by the primary resident is required. Such written agreement shall be submitted to the Township with the application for zoning permit for the limited lodging use and by January 10 of each successive year of the use.

h. The accommodation of visitors is for a total of 90 or fewer days per year, provided the provision of lodging to any individual visitor is for no more than 30 consecutive days.

i. No more than four adult visitors are permitted during concurrent periods of occupancy. The number of minor children accompanying the adult visitors is not limited.

j. In addition to the required number of parking spaces for the principle residential use, one on-site parking space shall be provided for each bedroom available for the limited lodging accessory use. No new parking space proposed to meet this requirement shall be located closer than:

   i. 25 feet to a public street. The required 25 feet shall be measured from the existing right-of-way or the ultimate right-of-way, whichever is larger.

   ii. 25 feet to the lot line of an adjacent lot improved with a dwelling or an adjacent unimproved lot in a residential zoning district.

   iii. Where the siting of the parking space would result in the shining of vehicle lights on adjacent lot, the parking space shall be screened from that dwelling to a height of 36 inches by means of plants or constructed wall or solid fence.

k. Smoke alarms and carbon monoxide alarms shall be installed throughout the unit in number and siting compliant with the then-current Uniform Construction Code and associated regulations.

l. The limited lodging use shall not require or result in changes to the residential character of the building in which it is conducted. No separate building entrance that is visible from a public street may be provided for the sole use of the limited lodging visitor.

m. The limited lodging use shall not adversely affect the residential character of the neighborhood; for example, noise, odors, trash, light, glare, or other effects that unreasonably interfere with any person's enjoyment of his or her dwelling.

n. No signage related to the limited lodging use is permitted.

o. Visitors shall be notified of the solid waste and recycle collection days for the lot. Proper solid waste collection containers shall be provided for the visitors' use.

p. The primary resident operating the limited lodging use shall make and maintain records pertaining to the use and occupancy of the dwelling for limited lodging purposes. The owner of the lot, if not the primary resident, is jointly responsible for the making and maintaining of the records.

q. The required records shall demonstrate primary residency; the dates of limited lodging; and the number and names of visitors by date of limited lodging.

r. Records of the limited lodging use operations in a prior calendar year shall be submitted to the Zoning Officer no later than January 10 of the following calendar year.

s. Within the current calendar year, records relating to the conduct of the limited lodging use operated within that year to date shall be submitted to the Township upon written request of the Zoning Officer.

t. Such records required by subsection p. shall be retained for a period of two years.

u. The primary resident and the owner of the lot (if not the primary resident) shall provide contact information to the limited lodging visitors for the purpose of submitting and responding to complaints regarding the condition, operation or conduct of the occupants of the dwelling and the primary resident and owner of the lot shall have the responsibility to take action to resolve such complaints.

v. The primary occupant and the owner of the lot shall post in a conspicuous place to the limited lodging visitors the following emergency contact information:

i. the street address of the lot;

ii. the name and telephone number of an emergency contact, in the absence or unavailability of the primary resident;

iii. the name and telephone number of the owner of the lot (if not the primary resident); and

iv. the names and numbers of fire, EMT and ambulance services.

X. No-impact Home-Based Business

A no-impact home-based business is a permitted use in all districts when in compliance with the following requirements.

1. The business or commercial activity must satisfy the requirements set forth in the then current Section 107(a) of the MPC. As of the date of adoption of this Ordinance, the requirements stated in Section 107(a) of the MPC are:

   a. The business activity shall be compatible with the residential use of the lot and surrounding residential uses.

   b. The business shall employ no employees other than family members residing in the dwelling.

   c. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

   d. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

   e. The business activity many not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

   f. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

   g. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

   h. The business may not involve any illegal activity.

2. In addition, a no-impact home-based business shall comply with the following requirements:

   a. A no-impact home-based business may be conducted in an accessory structure to the dwelling, subject to the habitable floor area occupancy standard set forth in subsection 1.g. above. If more than one no-impact home-based business is conducted on a lot, the total aggregate floor area per lot for the no-impact home based businesses, whether conducted in the dwelling or in an accessory structure, shall not exceed 25% of the total floor area of the dwelling.

   b. For purposes of Section 1.a.above, a no-impact home occupation includes the following and similar activities:

      i. work routinely conducted within an office;

      ii. custom sewing and tailoring;

      iii. cooking and baking for off-site consumption;

      iv. visual arts, such as jewelry-making, painting, pottery, wood-carving; and

      v. musical instruction.

   c. The no-impact home-based business use shall not require the operation of a commercial vehicle.

   d. The no-impact home-based use shall not require the delivery or shipment of materials, except by services typical of a dwelling use such as the United States Postal Service and United Parcel Service.

   e. For purposes of Section 1.e. above, "detectable in the neighborhood" shall mean detectable at the lot line; provided, however, in the case of multiple dwelling units on the same lot, "detectable in the neighborhood" shall also mean by a resident of the other dwelling units. In either case, "detectable in the neighborhood" shall mean between the hours of 7:00 p.m. and 8:00 a.m. Monday through Saturday or between the hours of 6:00 p.m. and 11:00 a.m. on Sunday and a federally-recognized holiday.

   f. For purposes of Section 1.c. above, the incidental sale of products used in the services provided by the no-impact home-based business, such as hair products by a hair salon, and the sale of products

wholly produced on site, such as clothing by a seamstress, is expressly permitted.

Y. Pets (Keeping of) as Accessory Use to Dwelling Use

The keeping of pets is a permitted accessory use to a dwelling use in all districts, subject to the following:

1. For purposes of this Section:

   a. pet means an animal which is domesticated and compatible with a dwelling use, including but not limited to dogs, cats, fish, birds, and reptiles, but not including livestock; provided that the keeping of horses for personal use by the occupant of the dwelling use is included, subject to the requirement of Section 402.JJ.1; and

   b. the keeping at a dwelling unit of a combined number of dogs and/or cats over the age of six months exceeding five in number is a kennel.

2. The keeping of pets in a manner that creates a nuisance, including but not limited to noise and odor; a health hazard; or a public safety hazard is prohibited.

Z. [Reserved]

AA. Planned Golf Community (PGC)

A planned golf community formed pursuant to Section 110-70 of the former zoning ordinance shall, after the date of enactment of this Ordinance, be a lawfully existing permitted conditional use. The use shall be limited to the lot delineated in any PGC conditional use approval granted, and for which approval has not expired, prior to the adoption of this Ordinance. Any provision of former Section 110-70 conflicting with this area limitation shall not be applicable following the enactment of this Ordinance. Except as provided in this Section, future development within the existing PGC shall be regulated by the procedures and requirements set forth in former Section 110-70, incorporated herein by reference.

BB. Place of worship

Where permitted, a place of worship use shall meet the following requirements:

1. The minimum lot area for the use shall be as required by the Table of Dimensional Requirements or two acres, whichever is larger.

2. A maximum of one dwelling unit may be accessory to a place of worship, provided the dwelling is located on the same lot and meets the area and other bulk requirements and parking requirements for a dwelling in the zoning district.

3. Outdoor areas intended for assembly (regardless of purpose), worship, recreation and/or camping shall meet the requirements for such uses as principal uses.

4. All schools, nursery, day care and after school day care uses accessory to the place of worship shall be located upon the same lot as the place of worship. An outdoor play area shall be provided, at a rate of sixty-five square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front setback and must be set back fifty feet from all lot lines. Outdoor play areas shall be completely enclosed by a minimum four foot high fence. Unless the applicant can demonstrate that the off-street parking associated with the place of worship is sufficient for the proposed use, one off-street parking space shall be provided for each six students enrolled. Enrollment shall be defined as the largest number of students and/or children under day-care supervision at any one time during a seven-day period.

5. Passenger "drop-off" areas for the place of worship and any accessory uses shall be provided and arranged so that all such activity occurs on the lot and without obstruction to the public street. Where the building containing the place of worship is improved with a parking lot or area, a pedestrian crossing shall be provided and clearly marked.

CC. Racetrack

Where permitted, a racetrack shall meet the following requirements:

1. The minimum lot area for this use is 25 acres.

2. Application for zoning permit for a racetrack use shall include:

a. A written narrative containing:

i. A description of all activities to be conducted as part of the racetrack;

ii. Name and 24/7 toll free telephone number of the individual responsible for receiving and responding to inquiries and complaints regarding the operations of the proposed use; and

iii. The following statement signed and dated by the applicant(s):

The statements made in this writing are true and correct to the best of the knowledge, information and belief of the undersigned signatory, and made with the understanding that any false statement is subject to the penalties of 18 Pa.C.S.A. Section 4804, relating to "Unsworn Falsification to Authorities.

b. A site plan, prepared and sealed by a professional engineer or registered and licensed surveyor or landscape architect, showing all lot lines; adjacent lots, their owners, improvements and easements; and existing and proposed on-site improvements and easements.

c. A site plan, prepared and sealed by a professional engineer or registered and licensed surveyor or landscape architect, demonstrating compliance with requirements of this Section and all other applicable requirements of this Ordinance, including but not limited to the requirements of the zoning district in which located, parking, landscaping and signage. A landscape plan or that portion of the site plan showing landscaping shall be prepared and sealed by a registered and licensed landscape architect.

d. A noise assessment and mitigation plan, prepared and sealed by a professional acoustical engineer, demonstrating compliance with the noise standards of this Section.

e. A dust control plan, demonstrating compliance with the dust standards of this Section.

f. A water study for the purposes and meeting the requirements of Section 86-28.J.(1), (5) and (6) of the Chapter 86 Subdivision and Land Development of the Code of the Township of Mount Joy.

g. A traffic study, prepared and sealed by a professional traffic engineer, if the proposed use requires a DOT highway occupancy permit or otherwise will generate more than 100 trips per day.

3. Except as otherwise provided herein, a 500 foot setback shall be provided along all lot lines and shall be measured from the lot line or ultimate right-of-way line, whichever is applicable. A 750 foot setback shall be provided along all lot lines adjacent to a lot improved with a dwelling or in a residential zoning district. The perimeter setback shall contain no improvements, including parking/loading areas, utilities and stormwater management facilities, except as are determined to be necessary (without a siting alternative) to permit access drives, roads, utility and stormwater management facilities and only to the extent such improvements cross the perimeter setback at a perpendicular angle.

4. A 50 foot buffer shall be provided along each adjacent public road and all lot lines of an adjacent lot improved with a dwelling or zoned a residential zoning district. The 50 foot buffer along a public street shall begin at the ultimate right-of-way.

5. The racetrack shall be sited as centrally as feasible within the lot.

6. A solid wall or solid fence 15' in height shall be placed along the perimeter of and in near proximity to the constructed track.

7. Dust from the track shall be managed so that no dust is observable at the lot line.

8. Noise generated from the activities of the racetrack use shall not exceed 60 dBA measured at the lot line, but in no event shall exceed the ambient noise level, measured at the lot line and existing at the time of submission of the zoning application, by more than 10 dBA.

9. The use shall be conducted only between the hours of 9:00 a.m. and 10:00 p.m. Monday through Thursday, between the hours of 9:00 a.m. and 12:00 midnight Friday and Saturday, and between the hours of 12:00 noon and 10:00 p.m. on Sundays or nationally recognized holidays, unless more restrictive hours are established as a condition of any needed approval.

DD. Recreation Facility

1. The maximum area of this use is 10 acres.

2. The lot shall front on and have access from an arterial or collector road.

3. Any outdoor activity area shall be located no closer to any lot line than the required front setback.

4. A 50 foot-wide perimeter buffer shall be required for any outdoor recreation use.

5. No portion of an outdoor recreation use shall be located within 250 feet of a lot improved with a dwelling or an adjacent unimproved lot in a residential zoning district.

6. Noise generated from the activities of the recreation use shall not exceed 60 dBA measured at the lot line, but in no event shall exceed the ambient noise level, measured at the lot line and existing at the time of submission of the zoning application, by more than 10 dBA. Sound mitigation controls shall be provided to protect the neighborhood from any unreasonably annoying noise impacts.

7. A site plan demonstrating compliance with the requirements of this Ordinance shall be submitted.

8. The application for zoning permit shall include a water study for the purposes and meeting the requirements of Section 86-28.J.(1), (5) and (6) of the Chapter 86 Subdivision and Land Development of the Code of the Township of Mount Joy.

9. The use shall be conducted only between the hours of 9:00 a.m. and 10:00 p.m. Monday through Saturday and the hours of 11:00 a.m. and 10:00 p.m. on Sundays or nationally recognized holidays, unless more restrictive hours are established as a condition of any needed approval.

10. A restaurant, tavern, retail store, target range, or campground use shall only be allowed if permitted in the zoning district and if all requirements for such use set forth in this Ordinance also are met.

11. Between 8:00 a.m. and 10:00 pm the use may not generate noise in excess of 10 dbh of the ambient noise level measured at the lot line at the time of application and at any other time may not generate noise in excess of ambient noise levels measured at the lot line at the time of application.

12. Those uses involving extensive outdoor activities shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjacent lots.

13. The maximum permitted height for any structures can exceed forty-five feet provided:

a. that such structures shall not be used for occupancy;

b. that the proposed structure is setback a horizontal distance at least equal to its height from each lot line;

c. the applicant must demonstrate that adequate emergency vehicles and equipment and/or employed fire suppression measures are available; and,

d. the applicant must demonstrate compliance with the BOCA National Fire Prevention Code, 1999 as may be amended.

14. The applicant shall furnish qualified written evidence regarding the character of the proposed use and management strategies to assure that activities conducted upon the site will not be detrimental to the use of adjacent lots due to hours of operation, noise, solid waste, and dust.

15. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle back-ups on adjacent public streets during peak arrival periods based on projected attendance. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle back-ups on adjacent public streets. If, at any time after the opening of the commercial recreation facility, the Zoning Officer determines that traffic back-ups are occurring on adjacent public streets, and such back-ups are directly related to the means of access to the subject lot, the applicant shall be required to revise means of access to the lot to relieve the undue congestion and obstruction.

16. Any outside pedestrian waiting lines shall be provided with a means of shade.

EE. Restaurant

Where permitted, a restaurant shall comply with the following requirements.

1. The lot must front on and have access to an arterial or collector road.

2. An application for zoning permit shall include a plan for the management of solid waste collection and disposal.

   a. Outdoor solid waste receptacles shall be provided in sufficient number and location convenient for the patrons. Such receptacles shall be maintained in a manner that prevents overflow and improper disposal of waste.

b. Dumpsters shall be sized and located to prevent the improper collection or dispersal of solid waste outside of the dumpster. Dumpsters shall be enclosed with solid masonry walls or weather-resistant fencing, constructed to a height that meets or exceeds the height of the dumpster, with an operating access door that shall remain closed and secured at all times excepting during periods of disposal. Dumpsters shall at all times be managed to prevent overflow and improper disposal of waste.

3. All exterior seating/play areas shall be enclosed by a minimum three foot high wall or fence.

4. Any exterior speaker/microphone shall be located, arranged and operated so that there is no increase in noise levels above ambient noise levels measured at the lot line. Documentation of ambient noise levels shall be submitted with the zoning application.

5. Drive-thru window lanes shall be separated from the parking lot's interior accessways and shall provide at least 200 feet of on-site stacking per lane preceding the food order location. Each drive-thru lane shall have on-site directional signs, indicator lights or pavement markings identifying the direction of travel and lane status (i.e. open or closed).

FF. Self-storage

1. All storage units shall be fire-resistant and water-resistant.

2. The maximum building length shall be 200 feet. The minimum separation between buildings shall be 25 feet.

3. No outdoor storage shall be permitted.

4. Outdoor solid waste receptacles shall be provided in sufficient number and location convenient for the patrons. Such receptacles shall be maintained in a manner that prevents overflow and improper disposal of waste.

5. Storage of solid waste, radioactive or highly toxic substances, explosives or flammable materials, hazardous substances, animal carcasses or similar items shall not be permitted on the lot or within the structures.

6. Repair work on vehicles shall not be permitted to be conducted on the lot or within the structures.

GG. Specialized Village Shopping Center (SVSC)

A Specialized Village Shopping Center Use formed pursuant to Section 110-83 of the former zoning ordinance shall, after the date of enactment of this Ordinance, be a lawfully existing permitted conditional use. The SVSC use shall be limited to the lot delineated in any SVSC conditional use approval granted and for which approval has not expired prior to the adoption of this Ordinance; any provision of former Section 110-83 which conflicts with this area limitation shall not be applicable after the enactment of this Ordinance. Except as provided in this Section, future development within the existing SVSC use shall be regulated by the procedures, standards and requirements set forth in former Section 110-83, incorporated herein by reference.

HH. Sober Living Residence

Where permitted, a dwelling unit may be used as a sober living residence use only upon compliance with the following requirements:

1. Definition. A residential facility (including facilities referred to as recovery and halfway houses) where individuals reside together either voluntarily or by court order in order to recover from drug, alcohol and /or substance abuse and move toward sobriety. The primary purpose of the facility is to serve as an interim residence between a facility offering treatment and licensed and regulated by the Pennsylvania Department of Drug and Alcohol Programs and a residence occupied for purposes of reintegration into the community.

2. Submission of a complete application for zoning permit for the sober living residence use, which application shall contain sufficient information to demonstrate compliance with the definition of sober living residence and applicable requirements of the Ordinance and shall include the following:

    a. A written narrative containing:

        i. description of the proposed use and all activities to be conducted as part of the use;

        ii. identification of all federal and state laws and regulations applicable to the proposed use and description in sufficient detail that demonstrates that the proposed use will be operated in full compliance with the identified laws;

iii. names, street addresses and telephone numbers of all owner(s) of the proposed use;

iv. names, street addresses and telephone numbers of all operator(s) of the proposed use;

v. name, street address and telephone number of the manager(s) of the proposed use;

vi. name and 24/7 toll free telephone number of the individual responsible for receiving and responding to inquiries and complaints regarding the operations of the proposed use;

vii. the following statement signed and dated by the applicant(s) for conditional use:

The statements made in this writing are true and correct to the best of the knowledge, information and belief of the undersigned signatory, and made with the understanding that any false statement is subject to the penalties of 18 Pa.C.S.A. Section 4804, relating to "Unsworn Falsification to Authorities. I understand that false information provided on this application may result in a revocation of the zoning permit.

b. a building plan drawn to scale that indicates:

i. the location and size of the bedrooms proposed to be used; and

ii. the points of access to the dwelling.

c. a site plan drawn to scale that indicates the location, size and, where required, landscaping of all parking spaces required for the sober living residence use.

d. where the lot proposed for the sober living residence use is served by an on-lot septic system, a written determination from the Township Sewage Enforcement Officer that the on-lot system is adequately sized and designed to handle the proposed sewage treatment load.

3. The maximum number of individuals residing in a sober living residence shall not exceed 6 individuals.

4. No sober living residence shall be located within 1,000 feet of any use operating under a liquor license.

5. A sober living residence must operate under a written set of restrictions, including but not limited to curfews, community service obligations, attendance at a 12-step or similarly purposed program, and prohibited use (on and off site) of drugs and alcohol. Such written set of restrictions must be provided to the Township with the application and kept current during the operations of the sober living residence use.

6. The minimum off-street parking required for the sober living residence includes:

   a. two parking spaces; plus

   b. one space for every two residents (excluding the owner, lessee or full time resident manager or operator), unless satisfactory proof is submitted showing that one or more residents are incapable or not permitted to operate a motor vehicle during the period of residency at the facility; plus

   c. one space for each non-resident operator or manager and recovery services provider scheduled to be on-site concurrently.

7. No new parking space proposed to meet the parking requirement shall be located closer than:

   a. 25 feet to a public street. The required 25 feet shall be measured from the existing right-of-way or the minimum ultimate right-of-way, whichever is larger.

   b. 25 feet to the lot line of an adjacent lot improved with a dwelling or an adjacent unimproved lot in a residential zoning district.

8. Where the siting of the parking space will result in the shining of vehicle lights on adjacent lot, the parking space shall be screened from that dwelling to a height of 36 inches by means of plants or constructed wall or solid fence.

9. Smoke alarms and carbon monoxide alarms shall be installed throughout the dwelling unit in number and siting compliant with the then-current Uniform Construction Code and associated regulations.

10. The sober living residential use may not adversely affect the residential character of the neighborhood. The use may not generate noise, odors, solid waste, light, glare, or other effects that unreasonably interfere with any person's enjoyment of his or her residence.

11. Residents shall be notified of the solid waste and recyclables collection days for the lot. Proper solid waste disposal containers shall be provided for the residents' use.

12. The owner / operator of the use shall make and maintain records pertaining to the use and occupancy of the dwelling for the sober living residence use.

    a. Records of the sober living residence use operations in a prior calendar year shall be submitted to the Township Zoning Officer no later than January 10 of the following calendar year.

    b. Such records shall be retained for a period of two years.

    The owner of the lot and the owner / operator of the use jointly shall be responsible for compliance with this requirement.

13. The owner / operator of the use shall provide contact information to the residents for the purpose of submitting and responding to complaints regarding the condition, operation or conduct of the occupants of the dwelling and have the responsibility to take action to resolve such complaints.

14. The owner of the lot or owner / operator of the use shall post in a conspicuous place to residents the following emergency contact information:

    a. the street address of the lot;

    b. the name and telephone number of an emergency contact, in the absence or unavailability of a resident operator or manager;

    c. the name and telephone number of the owner of the lot (if not the resident operator or manager); and

    d. the names and numbers of fire, EMT and ambulance services.

    The owner of the lot and the owner / operator of the use jointly shall be responsible for compliance with this requirement.

II. Solar Energy System

Where permitted, a solar energy system principal use shall meet the following requirements:

1. Definitions. The following definitions apply to the solar energy system use:

   SOLAR ENERGY SYSTEM, PRINCIPAL – A system consisting of one or more freestanding ground or roof-mounted solar panels, solar related equipment, and accessory structures and buildings including but not limited to light reflectors, concentrators, heat exchangers, and substations, and used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power for off-site use(s).

   SOLAR PANEL – That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for power.

   SOLAR RELATED EQUIPMENT – Solar photovoltaic cell, module, panel or array; solar hot air or water collector device panels, lines, pumps; batteries, ; mounting brackets, framing and other structural foundations.

2. Application for zoning permit for the solar energy system shall include:

   1. A site plan:

      i. showing all lot lines; adjacent lots, their owners, improvements and easements; and existing and proposed on-site improvements;

      ii. demonstrating compliance with requirements of this Section and all other applicable requirements of this Ordinance, including but not limited to the requirements of the zoning district in which located, parking, landscaping and signage; and

      iii. demonstrating compliance with Chapter 81 Stormwater Management of the Code of the Township of Mount Joy.

2. Glare analysis demonstrating, through siting or mitigation measures, that any glare produced by the solar energy system will not have an adverse impact.

3. Manufacturer specifications for the key components of the solar energy system. If not available at the time of submission of the application, this information shall be submitted at the time of application for a building or electric permit (where required and whichever is submitted first) or 30 calendar days prior to the start of site development, whichever occurs first.

4. Written confirmation that the public utility to which the solar energy system will be interconnected agrees to and has approved of the interconnection. If not available at the time of submission of the application, this information shall be submitted at the time of application for a building or electric permit (where required and whichever is submitted first) or 30 calendar days prior to the start of site development, whichever occurs first.

5. Written confirmation that a certified installer listed on the Pennsylvania Department of Environmental Protection's approved solar installer list or demonstrated equivalent will install the solar energy system and identifying the certified installer.

6. Any written solar easements existing or intended to be entered prior to the issuance of the zoning permit. *Note: The zoning permit for the solar energy use does not create or establish any rights to remain free of shadows or obstructions caused by use and development of adjacent lots, including growth of natural vegetation or planting and growth of landscaping. The issuance of the zoning permit does not create or establish any obligation or right of the Township to enforce private solar easements submitted with the application.*

3. The solar energy system shall meet minimum lot size requirement of the zoning district or two acres, whichever is larger.

4. The solar energy system shall be no closer than 50 feet from the lot line of an adjacent lot improved with a dwelling or an unimproved lot in a residential zoning district; provided that the setback shall not apply to a shared property line of properties hosting a single solar energy system.

5. The solar energy system shall be enclosed with a minimum eight foot high fence with a self-locking gate.

6. An access drive meeting the requirements of Chapter 86 (Subdivision and Land Development) of the Code of the Township of Mount Joy shall be provided. The interior of the solar energy system shall be improved with interior travel aisles sufficient in location, dimension and construction to allow access by maintenance vehicles and emergency management vehicles.

7. The solar energy system shall be improved with lighting only to the extent required for safety.

8. A buffer no less than 25 feet in depth shall be required along (i) any public road frontage and (ii) any lot line adjacent to a lot improved with a dwelling or an unimproved lot in a residential zoning district, provided that the buffer along a lot line shall not apply to lots hosting a single solar energy system. Where the siting of the solar energy system requires the buffer to be sited in the immediate proximity of a public road, the required buffer shall be measured from the existing right-of-way or from the minimum future right-of-way, whichever is larger.

9. The required perimeter fence shall be placed on the inside of the required buffer.

10. The buffer shall be planted to establish a visual screen meeting the following requirements:

    a. The buffer shall be designed to provide a natural looking visual element, including a mix of species and spacing. Monotonous rows of plantings and the use of a single of repeated species of plantings is discouraged. American Arborvitae and similar weak-stem plants shall not be used to meet the buffer yard requirements.

    b. Required plantings shall be primarily of species native to Pennsylvania and appropriate to the conditions of the lot, including but not limited to wet or shaded areas or within or adjacent to impervious surfaces. Plantings shall be resistant to disease, road salt and air pollution and be attractive and sturdy. All plantings shall be of symmetrical growth and free of insect pests and disease.

    c. Plants needed to form the visual screen shall be of such species, spacing and size as can reasonably be expected to produce within 3 years a mostly solid year-round visual screen at least 6 feet in height. An average of one deciduous shade tree, with a minimum trunk diameter of 2 inches measured 6 inches above the finished

ground level, shall be placed for each 50 feet of length of the buffer; provided, however, the deciduous shade trees may be clustered or spaced unevenly to provide a natural looking visual element. If healthy trees with a trunk diameter of 6 inches or greater (measured 4.5 feet above the ground level) exist within the buffer, they shall be preserved to the maximum extent feasible to meet the same purposes as the new plant screening. Shrubs shall be a minimum of 36 inches at the time of planting.

d. Required plantings shall be:

   i. planted in conformance with good landscaping practices, with adequate unpaved surface around each for water and air; and

   ii. properly protected by distance or other devices against damage from vehicles.

e. The planted visual screen shall be continuous, except for vehicle or pedestrian ingress and egress sited perpendicular to the buffer; locations necessary to comply with sight distance requirements; locations needed to meet other specific State, Township and utility requirements, such as storm water swales.

f. On-site transmission lines shall be placed underground to the maximum extent feasible.

g. Layout, design and installation of the solar energy system shall conform to applicable industry standards, including American National Standards Institute (ANSI), Underwriters Laboratories (UL), American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL) or other similar certifying organizations and shall conform to the Pennsylvania Uniform Construction Code.

h. The solar energy system shall at all times be maintained and kept in good working order and repair.

i. The owner and operator of the solar energy system shall post in a prominent location current information identifying the person to contact with inquiries or complaints and his/her toll free telephone number, and shall provide this information to the Township Secretary.

j. The owner and operator of the solar energy system shall notify the Township immediately upon the cessation and/or abandonment of the solar energy system. Cessation and/or abandonment shall be presumed if no power is generated for a period of one year. No later than one year following cessation and/or abandonment, the solar energy system shall be decommissioned. Decommissioning means that solar panels, solar related equipment and transmission lines except electric and associated communication lines buried more than 36" below grade shall be removed and the site restored to a natural condition.

k. Performance security in an amount sufficient to decommission the solar energy facility in compliance with subsection j. above, as determined by the Township Engineer, and in an appropriate form, as determined by the Township Solicitor, shall be provided to the Township. The proposed amount and form of performance security shall be submitted with the application. The approved amount and form of performance security shall be submitted to the Township no later than the submission of the application for a building or electric permit (where required and whichever is submitted first) or 30 calendar days prior to the start of development of the lot for the solar energy system use, whichever occurs first.

JJ. Stable

Where permitted, a stable shall meet the following requirements:

1. A minimum of two acres of lot area free of structures shall be required for each horse.

2. Any structure used to shelter or board horses shall be setback at least 100 feet from a property line and 300 feet from a residential structure not located on the same lot.

3. All areas used for training and show shall be set back a minimum of 100 feet from any lot line.

4. All outdoor training, show, riding or pasture areas shall be enclosed by a minimum four foot high fence.

5. The applicant shall submit an operations plan that demonstrates how areas uses for training, show, riding or pasture shall be maintained with a stable and vegetated surface.

6. The applicant shall submit an operations and management plan demonstrating how on-site activities are appropriately scheduled and operated to minimize detrimental noise, dust, odor, disturbance or interruption to residents of adjacent properties. The plan shall provide for the storage and disposal of animal wastes and other materials waste with particular attention to pesticides, insecticides and detergents.

7. All animals, their housing and associated outdoor areas shall be properly maintained for the care and health of the horses and so as to not become a nuisance to adjacent properties.

KK. Target Range

Where permitted, a target range shall meet the following requirements:

1. The minimum lot area for this use is 10 acres.

2. Application for a target range use shall include:

   a. A written narrative containing:

      i. description of all activities to be conducted as part of the target range use; and

      ii. name and 24/7 toll free telephone number of the individual responsible for receiving and responding to inquiries and complaints regarding the operations of the proposed use.

   b. A site plan, prepared and sealed by a professional engineer, registered and licensed surveyor or landscape architect

      i. showing all lot lines; adjacent lots, their owners, improvements and easements; and existing and proposed on-site improvements and easements.

      ii. demonstrating compliance with requirements of this Section and all other applicable requirements of this Ordinance, including but not limited to the requirements of the zoning district in which located, parking, landscaping and signage. A landscape plan or that portion of the site plan showing landscaping shall be prepared and sealed by a registered and licensed landscape architect.

c. A noise assessment and noise mitigation plan, prepared and sealed by a professional acoustical engineer, demonstrating compliance with the noise standards of this Section.

d. Except as otherwise provided herein, a 100 foot setback shall be provided along all lot lines and shall be measured from the lot line or ultimate right-of-way line, whichever is applicable. A 200 foot setback shall be provided along all lot lines adjacent to a lot improved with a residence or to an unimproved lot in a residential zoning district. The perimeter setback shall contain no improvements, including parking/loading areas, utilities and stormwater management facilities, except as are determined to be necessary (without a siting alternative) to permit access drives, roads, utility and stormwater management facilities and only to the extent such improvements cross the perimeter setback at a perpendicular angle.

e. A 50 foot buffer shall be provided along each adjacent public road and all lot lines of an adjacent lot improved with a dwelling or an adjacent unimproved lot in a residential zoning district.

f. Noise generated from the activities of the target range use shall not exceed 60 dBA measured at the lot line, but in no event shall exceed the ambient noise level, measured at the lot line and existing at the time of submission of the zoning application, by more than 10 dBA.

g. The use shall be conducted only between the hours of 9:00 a.m. and dusk, Monday through Saturday, and the hours of 12:00 noon and dusk on Sundays or nationally recognized holidays, unless more restrictive hours are established as a condition of approval.

LL. Trade School

Where permitted, a trade school shall satisfy the following requirements:

1. Where training and education is conducted outside a structure, a perimeter setback of 50 feet, except where the trade school is adjacent to a lot improved with a dwelling or an improved lot in a residential zoning district the perimeter setback shall be 150 feet.

   a. The perimeter setback shall contain no improvements, including parking/loading areas, utilities and stormwater management facilities, except as are determined to be necessary (without a siting alternative) to permit access drives, roads, utility and stormwater

management facilities and only to the extent such improvements cross the perimeter setback at a perpendicular angle.

b. No education, training or demonstration activities are permitted within the perimeter setback.

2. Where the lot is adjacent to a lot improved with a dwelling or zoned a residential zoning district a 25 foot buffer is required. A site plan depicting the proposed and required landscaping shall be submitted to the Township for review and approval.

3. Noise generated from the activities at the trade school shall not exceed 60 dBA measured at the lot line, but in no event shall exceed the ambient noise level, measured at the lot line and existing at the time of submission of the zoning application, by more than 10 dBA. Where outside training, education or demonstration is proposed, a noise impact study and noise mitigation plan demonstrating compliance with these requirements and describing any proposed noise mitigation measures shall be submitted for Township review and approval with the earliest submitted application for a zoning permit or land development.

4. No vibration generated from the activities at the trade school shall be measureable at the lot line of the trade school. Where outside training, education or demonstration is proposed, a vibration impact study, demonstrating compliance with this requirement and describing proposed vibration mitigation measures, shall be submitted for Township review and approval with the earliest submitted application for a zoning permit or land development.

5. Where outside training, education or demonstration is proposed, a light impact study prepared by a lighting engineer, demonstrating compliance with lighting requirements shall be submitted for Township review and approval with the earliest submitted application for a zoning permit or land development.

MM. Veterinary Office

Where permitted, a veterinary office shall comply with the following requirements:

1. All buildings shall be adequately soundproofed so that sounds generated within the structures cannot be perceived at the lot line.

2. Outdoor animal runs may be provided so long as the runs are located a minimum of 100 feet from all lot lines and a minimum of 200 feet from a lot improved with a dwelling (not on the veterinary office lot).

NN. Wireless Telecommunications Facilities and Support

1. Intent. It is the express intent of the Township to conform to The Telecommunications Act of 1996, as amended, 47 U.S.C.S. §§ 253, 332(c)(7), the FCC's 2009 Declaratory Ruling, the FCC Report and Order released October 21, 2014, and Pennsylvania's Wireless Broadband Collocation Act, Act 191 of 2012, effective December 23, 2012.

2. Definitions. The following words and phrases shall have the following meanings when used in this Section:

   ACCESSORY EQUIPMENT – Any equipment serving or being used in conjunction with a wireless telecommunications facility or wireless support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures.

   ANTENNA – Telecommunications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of wireless telecommunications services. An antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or any other wireless antenna. An antenna shall not include tower-based wireless communications facilities. An antenna shall not include private residence-mounted satellite dishes or television antennae or amateur radio equipment including, without limitation, ham or citizen band radio antennae.

   BASE STATION – A station at a specified site authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies and other associated electronics.

   COLLOCATION – The placement or installation of new wireless telecommunications facilities on previously approved and constructed wireless support structures, including self-supporting or guyed monopoles and towers, electrical transmission towers, water towers or any other structure not classified as a wireless support structure that can support the placement or installation of wireless telecommunications facilities if approved by the municipality. The term includes the placement, replacement or modification of accessory equipment within a previously approved equipment compound.

DISTRIBUTED ANTENNA SYSTEMS (DAS) – Network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area or structure.

DATA COLLECTION UNIT (DCU) – Equipment, utilized primarily by electric utility providers, that communicate with smart meters to obtain meter readings, restore outages and improve operational control.

ELECTRICAL TRANSMISSION TOWER – An electrical transmission structure used to support overhead power lines consisting of 69 kilovolt or greater conducting lines, generally of steel construction and having a height of at least 75 feet. The term shall not include any utility pole having a height of less than 75 feet.

EQUIPMENT COMPOUND – An area surrounding or adjacent to a wireless support structure within which base stations, power supplies or accessory equipment are located.

MODIFICATION OR MODIFY – The improvement, upgrade or expansion of existing wireless telecommunications facilities or base stations on an existing wireless support structure or the improvement, upgrade or expansion of the wireless telecommunications facilities located within an existing equipment compound, if the improvement, upgrade, expansion or replacement does not substantially change the physical dimensions of the wireless support structure.

REPLACEMENT OR REPLACE – The replacement of existing wireless telecommunication facilities on an existing wireless support structure or within an existing equipment compound due to maintenance, repair, or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight and height as the wireless telecommunications facilities initially installed and that does not substantially change the physical dimensions of the existing wireless support structure.

SMALL CELL FACILITY – Either (i) a personal wireless service facility as defined by the Telecommunications Act of 1996, as amended, or (ii) a wireless service facility that meets both of the following qualifications: (a) each antenna is located inside an enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet and (b) primary equipment enclosures are no larger than 17 cubic feet in volume,

provided that the following may be located outside the enclosure and are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment , power transfer switch and cut-off switch.

STEALTH TECHNOLOGY – State-of-the-art design techniques used to blend objects into the surrounding environment and to minimize their visual impact.

SUBSTANTIAL CHANGE OR SUBSTANTIALLY CHANGE – Any increase in the height of the wireless support structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, except that the mounting of the proposed wireless telecommunications facility may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas. Any further increase in the height of a wireless support structure which has already been extended by more than 10% of its originally approved height or by the height of one additional antenna array.

TOWER – A self-supporting lattice tower, guy tower, monopole, or any other pole, that is constructed primarily to support an antenna for receiving and/or transmitting a wireless signal.

TOWER-BASED WIRELESS TELECOMMUNICATIONS FACILITY – Wireless telecommunications facility, including DAS hub facilities, installed on a tower, including, but not limited to, self-supporting lattice towers, guy towers and monopoles.

WATER TOWER – A standpipe or an elevated tank situated on a support structure, both of which shall be constructed of steel, have a height of at least 75 feet and be used as a reservoir or facility to deliver water.

WIRELESS –Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

WIRELESS SUPPORT STRUCTURE – A freestanding structure, such as a guyed or self-supporting monopole or tower, electrical transmission tower, water tower or other structure not classified as a wireless support structure that could support the placement or installation of wireless telecommunications facilities if approved by the Township.

WIRELESS TELECOMMUNICATIONS FACILITY – The set of equipment and network components, including antennas, transmitters, receivers, base stations, cabling and accessory equipment, used to provide wireless data and telecommunications services. The term shall not include the wireless support structure.

3. Collocation, replacement or modification.

   a. Collocation, replacement or modification of or to wireless telecommunications facilities and wireless support structures covered by this Section, as determined upon application of the definitions in sub-section 2. Above and the pre-application submission provisions of sub-section 4.c. below, are subject to the following.

   b. No zoning permit is required for modification, replacement or collocation that meets all of the following requirements:

      i. The proposed collocation, modification or replacement does not substantially change the physical dimensions of the wireless support structure to which the wireless telecommunications are to be attached.

      ii. The proposed collocation, modification or replacement does not further increase the height of a wireless support structure which has already been extended by more than 10% of its original approved height or by the height of one additional antenna array.

      iii. The proposed collocation, modification or replacement does not increase the dimensions of the existing approved equipment compound.

      iv. The proposed collocation, modification or replacement complies with the applicable conditions of approval attached to the initial wireless telecommunications facilities, equipment compound and wireless support structure.

      v. The proposed collocation, modification or replacement may not exceed the applicable wind loading and structure loading requirement for the wireless support structure.

   c. Pre-Application Submission; Determination of Need for Filing of Application for a Zoning Permit.

i. Modifications and replacements of wireless support structures shall submit the following information for a determination of the need for the filing of an application for a zoning permit:

a) Plan depicting the type, location and dimensions of existing wireless support structure and wireless telecommunications facility.

b) Plan depicting the type, location and dimensions of the proposed modification or replacement of the existing wireless support structure and wireless telecommunications facility or proposed collocation of wireless telecommunications facility.

c) Written certification with supporting information demonstrating that the proposed modification, replacement or collocation conforms to the requirements of subsection B above.

d) Written certification with supporting information demonstrating that the proposed modification, replacement or collocation conforms to the initial zoning and/or land use approval issued for the previously approved wireless support structure or wireless telecommunications facility.

e) The pre-application submission shall be signed by the owner(s) and the operator(s) of the wireless structure and the wireless telecommunications facility and shall bear the following statement:

The statements made in this writing are true and correct to the best of the knowledge, information and belief of the undersigned signatory, and made with the understanding that any false statement is subject to the penalties of 18 Pa.C.S.A. Section 4804, relating to "Unsworn Falsification to Authorities.

d. When complete on submission, an application for modification or collocation of a wireless telecommunications facility shall be acted upon within 10 days *[or the most recent timeframe established by the Federal Communications Commission]* of the receipt of an application by written determination that a zoning permit is not

required. In the event a zoning permit is determined to be required, the procedures set forth in subsection 4 below apply.

4. Zoning Permit Required; Application Review Procedures

   a. Zoning Permit; Application. Except as otherwise provided by subsection 3.b., a zoning permit is required for any use regulated by this Section. Application for the zoning permit shall be made on the form prescribed by the Township and shall contain all information generally required for such application as set forth on the form, as well as the additional information required below.

   b. Applicant. Statement and necessary proof that the person signing and submitting the application is an "applicant" as defined by the Pennsylvania Municipalities Planning Code.

   c. Operator. If the applicant is not the intended operator of the proposed use, the name, address, telephone number and email address of the operator.

   d. Narrative. Narrative description of the proposed wireless telecommunications facility and related support and equipment, including a description of dimensions, materials, color and lighting. The narrative shall describe the planned frequency, modulation and direction of all antenna. The narrative shall describe the manner of collapse and the fall zone in the event of a structural failure of the proposed wireless support structure.

   e. Facility Plan. Scaled plan depicting the type and dimensions of the proposed wireless telecommunications facility and related support and equipment, the fall zone of the wireless support structure in the event of a structural failure, lighting, signage and fencing.

   f. Site Plan. Scaled plan, prepared by a Commonwealth-registered professional engineer or surveyor, depicting the location and dimensions of the proposed wireless telecommunications facility, lot lines, names of adjacent lot owners, leasehold lines (if applicable), access, parking, landscaping, and all buildings within 500 feet of the proposed facility.

   g. Visibility Map. Scaled depiction and photographs of the proposed facility as it would be observed from each applicable public road and public lands and all adjacent lots.

h. Construction drawings. Construction drawings, prepared by a professional structural engineer, describing the proposed wireless telecommunications support structure and all equipment and network components and depicting the manner of collapse and the fall zone in the event of a structural failure of the support structure. A certification of the geotechnical suitability and stability of the site to support the proposed support structure, facility and equipment shall accompany the construction drawings.

i. Collocation.

i. Any application for approval of a new tower-based wireless telecommunications facility shall include a comprehensive inventory of all existing towers and other suitable structures within a four mile radius from the proposed tower, unless the applicant demonstrates to the satisfaction of the Township that a reduced distance is more reasonable, and shall demonstrate conclusively why collocation on an existing tower or other suitable structure cannot be utilized.

ii. The applicant shall provide the municipality with a written commitment, binding on the applicant's successors, that it will allow other service providers to collocate antennae, where technically and economically feasible.

5. Coverage. An applicant for wireless telecommunications facility shall demonstrate that a significant gap in wireless coverage or capacity exists with respect to the applicant in the area where proposed and that the type of wireless telecommunications facility proposed is the least intrusive means by which to fill that gap in wireless coverage or capacity.

6. Height. An applicant for wireless telecommunications facility proposed to exceed a height of 90 feet must demonstrate that the height of the proposed facility or support is the minimum height functionally necessary.

7. FCC Compliance. The applicant shall demonstrate that the proposed wireless telecommunications facility complies with all applicable standards established by the Federal Communications Commission.

8. Cost of Removal. An independent and registered professional structural engineer shall calculate and state an estimate of the cost of removal of the proposed wireless telecommunications facility, support and equipment, without regard to salvage value of the equipment.

9. Indemnification. The applicant shall provide a written and executed indemnification to indemnify and hold the Township, its officials, employees, solicitor, special counsel, consultants and agents harmless from any and all claims, suits, demands, causes of action, awards or damages in either law or equity arising out of or caused by the placement, construction, modification, use, operations, maintenance, repair, replacement, modification or removal of the facility, to include but not be limited to, attorney's fees, consultant, expert and witness fees, and any costs incurred by the Township, its officials, employees, solicitor, special counsel, consultants and agents in defending against such claims.

10. Easements. Copies of access easement, if applicable.

11. Notice to Other Lot Owners. The applicant shall demonstrate that it has provided written notice to the owner(s) of every lot improved with a dwelling or in a residential zoning district within 1000 feet of the lot that is the subject of the application for the proposed use.

12. Preparer. Each application supporting document required by subsection 402.NN.4. shall include the name, title (if applicable), business name (if applicable) and contact information of the preparer, shall state the preparer's qualifications (training, education, certification, licensing, etc.) to prepare the document, shall be signed by the preparer, shall contain a certification of accuracy and correctness, and shall bear the following statement immediately preceding the signature of the preparer:

    The statements made in this writing are true and correct to the best of the knowledge, information and belief of the undersigned signatory, and made with the understanding that any false statement is subject to the penalties of 18 Pa.C.S.A. Section 4804, relating to "Unsworn Falsification to Authorities.

13. Pre-Application Meeting. It is recommended, but not required, that the applicant discuss the application with the Zoning Officer prior to its submission to familiarize the applicant with this Section and to familiarize the Township with the applicant's proposed use.

14. Complete Application. Upon receipt of the application, the Township shall perform an administrative completeness review and within 30 calendar days of the date that an application for a wireless

telecommunications facility is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete the application. Such writing must specify the provision, application instruction, or otherwise publically-stated procedure that required the information to be submitted. In the event the applicant fails to provide the missing information, the Township shall within 10 days notify the applicant in writing of the still-missing information.

15. New Wireless Telecommunications Facility – Review Period. An application for a new wireless telecommunications facility shall be acted upon within 150 days *[or the most recent timeframe established by the Federal Communications Commission]* of the receipt of the application by issuance of a zoning permit or written notice of denial stating the grounds for denial. Such period may be tolled for any period of incompleteness (30 days or a single additional period of 10 days) provided the Township has met the notice requirements set forth in sub-section C above.

16. Modified or Collocated Wireless Telecommunications Facility Requiring a Zoning Permit – Review Period. An application for modification or collocation of a wireless telecommunications facility that does not meet the requirements of subsection 402.NN.3 shall be acted upon within 90 days *[or the most recent timeframe established by the Federal Communications Commission]* of the receipt of an application by issuance of a zoning permit or written notice of denial stating the grounds for denial.

17. Retention of Consultants. The Township, in its discretion, may engage a consultant(s) as necessary to assist the Township in reviewing and evaluating the application and, once the proposed wireless telecommunications facility is approved and operating, in reviewing and evaluating any potential violations of this Section. The applicant, or its successor in title or interest, shall reimburse the municipality for all costs incurred by the municipality for such consultation.

18. Administrative Fees. The Township may assess appropriate and reasonable administrative fees not to exceed the Township's actual costs in reviewing and processing the application.

BULK AND AREA REQUIREMENTS

		Outside of rights-of-way	In rights-of-way
Height		Wireless telecommunications facilities shall be designed to minimum functional height (see subsection 402.NN.4.A.10 application requirements); provided, however, that tower based wireless communications facilities in a residential zoning district shall not exceed a maximum total height of 120 feet.	Non-tower based wireless telecommunications facilities shall be designed to minimum functional height (see subsection 402.NN.4.A.10 application requirements); provided, however, that such facilities in a residential zoning district shall not exceed a maximum height of 35 feet.
Lot Size		Minimum lot size in Zoning District or area needed to accommodate the wireless telecommunications facility, support structure and fall zone, guy wires, equipment, building, fencing, screening, parking, whichever is larger.	——
Setbacks	Towers:	Setback from lot lines a distance equal to the combined height of the wireless support structure and antenna, or the underlying zone requirements, whichever is greater; provided, however, that the setback from lot lines shall be increased to 110% of the combined height where the applicant has not demonstrated that a collapse of the support structure will not exceed the height of the support structure (see subsection 402.NN.4.A.10 application requirements); provided, however, that the setback shall be increased by an additional 10 feet where the use is adjacent to a lot improved with a dwelling or an unimproved lot in a residential zoning district	——
	Equipment buildings:	Underlying Zoning District applicable setback for principle use.	——

19. Design, Construction, Operations

    a. Compliance with law. All wireless telecommunications facilities shall be designed, constructed, inspected, operated, maintained, repaired, modified and removed in strict compliance with all current applicable federal and state technical, building and safety codes and the requirements of this Section.

b. Obstruction. No wireless telecommunications facilities placed within a public right-of-way shall be located so as to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the right-of-way as determined by the municipality.

   i. The Township reserves the right to determine the time, place and manner of construction, maintenance, repair and/or removal of all wireless telecommunications facilities located in the public rights-of-way based on public safety; traffic management; physical burden on the right-of-way; construction, repair or maintenance of a public improvement in the right-of-way; and related considerations.

c. Least intrusive design. All wireless telecommunications facilities shall consist of the smallest and least visibly intrusive equipment feasible.

d. Interference. No wireless telecommunications facility shall interfere with public safety communications or the reception of broadband, television, radio or other communication services.

e. Signage. Each wireless telecommunication facility shall be posted, in a manner and design readable by a member of the public, with the name of the owner, the name of the operator, a 24/7 telephone number and an email address in the event of an emergency, and Federal Communication Commission (FCC) registration number (if applicable). Such signage shall not exceed four square feet in size.

f. Lighting. Wireless telecommunications facilities shall not be artificially lighted beyond what is required by law. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, as required by subsection 402.NN.4.A.5 demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.

g. Access and parking. An access road, turnaround space and a parking area, sufficient in dimension for two vehicles, shall be provided to ensure adequate emergency and service access to tower-based wireless telecommunications facilities. The access road shall be improved to a minimum of 10 feet in width and with a dust-free, all weather surface. Where applicable, the wireless

telecommunications facility owner shall present documentation to the municipality of the grant of an easement for access to the proposed facility for emergency and maintenance responsibilities.

h. Fencing. A security fence with a minimum height of 8 feet shall surround any tower-based wireless telecommunications facility. All other related buildings and equipment shall be secured and maintained in such manner as to prevent access by persons other than those authorized to operate or service the facility.

i. Stealth Technology. The wireless telecommunications facility shall employ the most current stealth technology available; at a minimum, facilities shall be painted gray or other appropriate color to harmonize with the character of the area and surrounding land uses.

j. Landscaping and screening. Tower-based wireless telecommunications facilities located outside the right-of-way shall submit a landscape plan for ground mounted equipment where adjacent to a street, a lot occupied by a dwelling, or an unimproved lot in a residential zoning district, which landscape plan shall demonstrate compliance with the requirements of Article 7.

20. Liability Insurance

Before the issuance of a zoning permit, the owner and operator shall obtain public liability insurance with an insurance company authorized to do business in the Commonwealth for personal injury, death and property damage in the amount of $2,000,000.00 per occurrence. The policy shall list the Township, its officials, employees, solicitor, special counsel, consultants and agents as additional insured. The then-current owner/operator of the wireless telecommunications facility shall maintain coverage at all times through the removal of the facility and related support structure.

21. Discontinuation, Abandonment and Removal

a. Nonconforming wireless telecommunications facilities. Any nonconforming wireless telecommunications facility which, after the effective date of this Ordinance, is damaged or destroyed due to any reason or cause may be repaired and restored at its former location, but only with full compliance with this Section.

b. Discontinuation. In the event that use of a wireless telecommunications facility is planned to be discontinued, the owner shall provide written notice to the municipality of its intent to discontinue use and the date when the use shall be discontinued. Failure to use such facility for a period of 180 days (consecutive or non-consecutive) in an 365 day period, excepting for purposes of active repair or modification), shall constitute a discontinuation.

c. Removal. Discontinued or abandoned wireless telecommunications facilities or portions of wireless telecommunications facilities shall be removed as follows:

i. All discontinued or abandoned wireless telecommunications facilities shall be removed within *[six, twelve]* months of the cessation of operations, unless a time extension is approved by the municipality. Upon failure of the owner of the wireless telecommunications facilities to remove the facility, the Township, in its discretion, may remove the facility and assess the cost of removal against the lot upon which located, the lot owner and/or the most recent operator of the wireless telecommunications facility.

22. Performance Security

a. The applicant shall post and maintain performance security for removal of all structures associated with the wireless communications facility, in an amount equivalent to the identified removal costs demonstrated and affirmed by the applicant pursuant to Subsection 402.NN.4.A.12. Following the commencement of operations, the performance security shall be maintained by the wireless telecommunications facility's then-current owner and/or operator. The performance security shall be posted and maintained with a bonding company or federal or Commonwealth-chartered lending institution chosen by the facility owner or operator, provided that the bonding company or lending institution is authorized to conduct business within the Commonwealth. The performance security shall specifically provide for the Township's right to seek release of the secured funds to the Township to perform the removal work in the event of the owner/operator's default. The form of the performance security shall be subject to review and approval by the Township Solicitor.

b. The then-current owner of the wireless telecommunications facility shall retain an independent and registered professional structural

engineer to estimate the cost of removal, without regard to salvage value of the equipment, upon the conclusion of the first year of operation and every five years thereafter, and to submit such estimate in writing to the Township. In the event the posted performance security is less than said estimate, the then current owner/operator must post additional performance security meeting the requirements of subsection A above with the Township within 30 days of the Township's written demand for additional performance security.

ARTICLE 5 - ENVIRONMENTAL PROTECTIONS

Section 501. Nuisances and Hazards to Public Safety

No owner, occupant or operator shall use or allow to be used any land or structure in a way that results or threatens to result in any of the following conditions:

A. A physical hazard to the public, including a physical hazard that could be an attractive nuisance accessible by children.

B. Pollution to the groundwaters or surface waters of the Township.

C. Risks to public health and safety, such as but not limited to explosion and fire.

D. Interference with the reasonable use and enjoyment of property by a neighboring landowner of ordinary sensitivities.

Section 502. Noise

A. Except as otherwise provided in this Ordinance, no principal or accessory use shall generate a sound level exceeding the limits established below when measured at a lot line:

Hours/Days	Maximum Sound level dBA means 'A" weighted decibel
Noon – 6:00 pm Sundays and federal holidays	50 dBA
8:00 am – 9:00 pm all other days	55 dBA

These standards shall not apply to:

1. Sound needed to alert individuals about an emergency.

2. Repair or installation of utilities and streets.

3. Construction of structures between the hours of noon and 6:00 pm on Sundays and federal holidays and 7:00 am and 9:00 pm on all other days.

4. Lawn mowers, snow blowers, leaf blowers and household power tools, when in use for their intended purposes, between the hours of 7:00 am and 9:00 p.m. or during periods of emergency.

5. Normal agricultural operations.

6. Public celebrations and special events specifically authorized by the Township or other governmental entity.

7. Unamplified human voices.

8. Routine ringing of bells and chimes by a place of worship.

9. Vehicles operating on a public street and aircraft.

10. Vehicular reverse movement warning.

B. Wherever a use generates or has the capacity of generating noise exceeding 10 decibels above the ambient noise level measured at the lot line of the lot on which the use is located, the owner/operator of such sue shall either:

1. establish by means of a report prepared by a professional acoustical engineer, that the use will employ sound control, measures that will prevent such elevated noise levels at the lot line by means of sound-proofing of the enclosure of the source of the noise or alterative of the use operations; or

2. construct a wall, earthen berm or other solid constructed feature that will prevent the elevated noise levels at the lot line.

Section 503. Smoke, Dust, Particulates and Odor

No principal or accessory use of land or structure shall generate smoke, dust, particulates or odors that are offensive to persons of average sensitivities beyond the lot lines. This Section does not apply to normal agricultural operations.

Section 504. Lighting

A. Purpose

The purpose of this Section is to:

1. provide for and control lighting in outdoor public places where public health, safety and general welfare are potential concerns;
2. protect drivers and pedestrians from the glare of non-vehicular light sources that interfere with safe movement;
3. protect neighbors and the night sky from nuisance glare and light trespass from improperly selected, placed, directed, applied or maintained light sources;
4. promote energy efficient lighting design and operation; and
5. protect and retain the visual character of the Township.

B. Applicability

This Section applies exterior lighting of all uses, including signs, but excluding:

1. publicly owned street lighting;
2. emergency lighting as may be required by any public agency or volunteer fire company or ambulance corps while engaged in the performance of their duties;
3. temporary seasonal lighting during the period October 15th through January 30th;
4. lighting of the flag of the United States, so long as the placement, direction and output of the light source is no greater than that necessary to illuminate the flag; and
5. normal agricultural operations, so long as fixed and permanent light fixtures do not project glare onto an adjacent lot improved with a dwelling or public or private street.

C. Definitions

For purposes of this Section, the following definitions apply:

FOOT-CANDLE – a unit of incident light quantity measurable with an illuminance meter.

FULL CUTOFF – attribute of a light fixture from which no light is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's intensity is emitted at or above an angle ten degrees below that horizontal plane, at all lateral angles around the fixture.

FULLY SHIELDED – Attribute of a light fixture from which no light is emitted at or above a horizontal plane drawn through the lowest light-emitting portion of the light fixture.

GLARE – The sensation produced by excessive direct or reflected light that causes annoyance, discomfort or loss in visual performance and visibility.

LIGHT TRESPASS – Light emitted by a light fixture which is cast beyond the boundaries of the lot on which the light fixture is sited.

LUMEN – the light-output rating of a lamp (light bulb).

D. Design Criteria

1. Illumination Levels. Unless otherwise provided by this Ordinance, or by decision of the Board of Supervisors or Zoning Hearing Board by lawful condition of approval of an application, lighting shall have intensities, uniformities and glare control in accordance with the recommended practices of the Illuminating Engineering Society of North America.

2. Lighting Fixture Design. Fixtures shall be of a type and design appropriate to the lighting application.

3. Height of Lights. Except as permitted for certain recreational use lighting, no light fixture shall be mounted at a height exceeding 15 feet above finished grade. This limitation shall not apply to lights needed for air traffic safety or lights intended solely to illuminate an architectural feature of a building

4. Shielding. All light sources, including signs, shall be shielded around the light source and placed and directed so as to not create a nuisance or visual obstruction.

5. Under-canopy Lighting. For canopies associated with uses such as a gas station, marquee, or drive-thru, under-canopy lighting shall be accomplished using flat-lens full-cutoff fixtures aimed straight down and shielded in such a manner that the lowest edge of the fixture shall be below the light source at all lateral angles. The average illumination in the area directly below the canopy shall not exceed 20 foot-candles and the maximum shall not exceed 30 foot candles.

6. Steady Illumination. Rotating, flickering, flashing, pulsing, and oscillating light sources, strobe lights, lasers, beacons, and searchlights are prohibited.

7. Spillover. Exterior lighting of a lot used for commercial, industrial, institutional or recreational uses shall not cause a spillover of light onto adjacent lot that exceeds .1 horizontal foot-candle at the lot line of the adjacent lot.

8. Horizontal Surface Lighting (e.g., parking lots, walkways, storage and sales areas, and similar horizontal development elements). All lights shall be aimed downward and shall meet IESNA full cut-off criteria.

9. Non-horizontal Surface Lighting (e.g., facades, signs, displays and similar non-horizontal development elements). Light fixtures shall be fully shielded and shall be installed and directed so as to not project their output beyond the object being illuminated, skyward, onto a public street, into passing vehicles, into windows of structures on adjacent lots, onto the curtilage of adjacent lots.

10. Signs, including Billboards. In addition to the other requirements of this Ordinance, externally illuminated signs, including billboards, shall be illuminated by fixtures mounted at the top of the sign or billboard, aimed downward and fully shielded. Illumination on the face of the sign or billboard shall not exceed 30 vertical foot candles. The aggregate output of the light sources of internally illuminated signs shall not exceed 400 initial lumens per square foot of sign face per side. The illumination of any billboard located within 500 feet of a lot improved with a dwelling or a residential zoning district is prohibited.

E. Control of Glare

1. All lighting shall be aimed, located, designed, fitted and maintained so as to not present a hazard to drivers or pedestrians by impairing their ability to safe movement and so as to not create a nuisance by projecting or reflecting objectionable light onto a neighboring use or lot.

2. Directional fixtures such as floodlights and spotlights shall be shielded, placed and directed so as to not project their output beyond the object illuminated, into the windows of dwellings on adjacent lots, skyward, or onto a public or private street.

3. Dusk to dawn lights, including motion-sensor actuated lights, shall be shielded.

4. Glare control shall be achieved through the use of cut-off features, shields and baffles and mounting height, placement, aiming angle and wattage.

F. Timing of Illumination

1. Except for safety and security lighting, commercial, industrial, recreational and institutional use lighting shall be automatically extinguished no later than one-half hour after the close of business or facility operation.

2. Safety or security lighting for commercial, industrial, recreational and institutional uses shall not exceed 25% of the number of fixtures or the illumination level required or permitted for illumination of such uses during normal hours.

3. The illumination of on and off-premise signs, including billboards, between the hours of 11:00 p.m. and 5:00 a.m. is prohibited, except signs relating to uses open or operating after such time, but only until ½ hour after the use closes or operations cease. An illuminated sign installed after the adoption of this Ordinance, shall be fitted with a programmable controller with daylight savings time and power-outage reset features.

G. Installation

1. Electrical feeds for pole mounted lights and lighting of freestanding signs shall be placed underground. Electrical feeds for all other lights shall be enclosed in conduit or building walls.

2. Poles upon which lights are mounted shall be located a minimum of five feet outside paved parking areas or placed on concrete pedestals at least 30 inches high above the pavement (which additional height shall not be added to the maximum height requirements), or suitably protected by other Township-approved means.

3. Poles and brackets for supporting lighting fixtures shall be those specifically manufactured for that purpose, designed and rated for the weights and wind loads involved and installed in a manner consistent with local soil conditions.

H. Maintenance

Lighting fixtures and ancillary structures and equipment shall be maintained to always meet the requirement of this Ordinance.

I. Non-residential Development

1. Non-residential developments shall install street lighting at:

a. entranceways to the development;

b. intersections of public and/or private roads within the development;

c. the apex of a curve on a public and/or private road within the

development having a radius of 300 feet or less;

d. defined pedestrian crossings within the development; and

e. common parking areas of six or more parking spaces.

J. Residential Development

1. Residential developments exceeding a total buildout of 25 units or lots shall install street lighting at:

a. entrance roads to the residential development;

b. intersections of public and/or private roads within the residential development;

c. the apex of a curve on a public and/or private road within the development having a radius of 300 feet or less;

d. cul-de-sac bulbs;

e. defined pedestrian crossings within the development; and

f. common parking areas of six or more parking spaces.

K. Recreational Facilities

The nighttime illumination of outdoor recreational facilities, such as but not limited to a soccer or football field, tennis court, swimming pool, miniature or standard golf course, regardless of ownership of such facility, shall be the minimum necessary to illuminate the facility for the recreational activity and protect nearby residents from unacceptable levels of light trespass and glare.

1. No illumination source may be placed with 500 feet of the lot line of a lot improved with a dwelling or an unimproved lot in a residential zoning district.

2. Illumination of the outdoor recreational facility shall cease no later than one hour after the use of that facility has ceased but in any event no later than 10:00 p.m.

3. Maximum mounting heights for illumination of outdoor recreational facilities shall not exceed 20', except as follows:

Football, soccer, baseball, softball fields	70'

L. Lighting Plan

Where site lighting is proposed or required by this Ordinance, a lighting (visual impact) plans shall be submitted for review and approval for any

subdivision plan, land development plan, conditional use, special exception or zoning permit for a recreational facility and shall contain the following:

1. Plan of the site showing the layout of the proposed development and all existing and proposed external light fixtures, adjacent lots with information as to the zoning district and current uses, and all dwellings within 500' of the site. Such plan, if not prepared by and sealed by a registered engineer, shall state the name and title/position of the lighting professional who prepared the plan.

2. Elevations of each type of light fixture proposed, including mounting heights and horizontal and vertical aiming angles.

3. Description of the proposed equipment, including fixture catalog cuts, photometrics, lamps, control devices, daylight savings time and power outage reset features, and shields.

4. Photometric plan, overlaid on site plan, plotted out to 0.0 foot candles, which demonstrates compliance with the requirements of this Ordinance. This plan may require the inclusion of vertical foot-candle values at specific off-site views, such as bedroom windows of adjacent dwellings.

5. Narrative describing the frequency of the use of the recreational facility during hours of darkness, proposed illumination, and measures providing for compliance with the illumination and glare control requirements of this Ordinance. The name and title/position of the preparer of the narrative shall be provided.

Section 505. Solid Waste Management

See also Chapter 77 Solid Waste of the Code of the Township of Mount Joy.

A. Requirement for Collection and Storage

1. All solid waste generated by the use(s) of a lot shall be collected and stored for ultimate disposal by such means and in such manner to ensure that no solid waste is dispersed on the lot or on adjacent streets, access drives or driveways, on adjacent and neighboring lots, or into the waters of the Commonwealth.

2. An owner, operator and occupant of the lot on which solid waste has been stored and collected in violation of this Section shall be jointly liable for the violation.

B. Collection and Storage Management

1. The type and capacity of the container used for solid waste storage, and the frequency that it is to be emptied or collected shall be sufficient to ensure that all solid waste generated by the use can be collected and stored for ultimate disposal inside the container without solid waste materials being placed on or allowed to accumulate on the ground.

2. A solid waste container, other than a dumpster, shall be maintained in good repair and kept a minimum of 20 feet from the lot line. Appropriate means shall be taken to keep the solid waste inside the container, e.g. a lid, secured bags, etc. Storage of solid waste in a loose or uncontained manner is a violation of this Ordinance.

3. Any newly placed solid waste dumpster shall be screened on three sides. Such screening shall consist of masonry or solid weather-resistant wood fencing. The fourth side shall be a functioning access that is kept closed at all times other than during disposal or collection of the solid waste.

4. This requirement does not apply to dumpsters temporarily placed during active periods of construction, demolition or property cleanup.

Section 506. Water Supply and Sewage Disposal

A. No use of land or structure shall be allowed without a means of water supply and sewage disposal adequate and appropriate for the proposed use.

1. In any event that a single dwelling unit is occupied within a calendar year by multiple families (concurrently, serially or intermittently), upon written request by the Zoning Officer the owner of the property shall within 15 business days of the date of the request, provide a written and signed narrative providing the following information for a two year period beginning January 1 of the prior calendar year and ending with December 31 of the current calendar year:

   a. a description of each family (see definition of family) occupying the dwelling unit;

   b. each period of occupancy by start and end date;

   c. the number of bedrooms;

   d. the form of rental agreement;

   e. the following statement;

The statements made in this writing are true and correct to the best of the knowledge, information and belief of the undersigned signatory, and made with the understanding that any false statement is subject to the penalties of 18 Pa.C.S.A. Section 4804, relating to "Unsworn Falsification to Authorities. I understand that false information provided on this application may result in a revocation of the zoning permit.

and

f. the printed name and signature of the owner of the property.

The narrative also shall include a written statement of the Township Sewage Enforcement Officer that he/she has determined that the existing on-lot septic system is adequate for the use of the property.

B. For any use demanding groundwater or spring water usage exceeding 3,000 gallons per day, the application for zoning permit shall include a water study for the purposes and meeting the requirements of Section 86-28.J.(1), (5) and (6) of the Chapter 86 Subdivision and Land Development of the Code of the Township of Mount Joy.

ARTICLE 6 OFF-STREET PARKING AND LOADING

Section 601. Purpose

The purpose of required parking and loading spaces is to provide enough on-site parking and loading areas to accommodate the majority of the traffic generated by the use(s) which may locate on a lot over time.

For the purposes of this Article, the words "loading" and "unloading" are used interchangeably.

Section 602. Required Number of Parking Spaces and Loading Areas

A. Number of Spaces

Each use that is newly developed, enlarged, or significantly changed in type of use shall provide and maintain off-street parking and loading spaces in accordance with this Article. Where a lot is occupied by more than one type of use, the number of parking spaces and loading spaces required shall be the sum of the parking and loading requirements for each separate use. Where the computation of the required parking spaces and loading spaces does not result in a whole number, any percentage shall count as one.

B. Use Not Specifically Listed in the Table

For a use not specifically listed in the Table, off street parking and loading requirements shall comply with the requirements for the most similar use listed in Table, as determined by the Zoning Officer, unless the applicant proves to the satisfaction of the Zoning Officer that an alternative standard should be used for that use. If there is no similar use listed in Table, the applicant shall demonstrate and the Zoning Officer on review shall determine that the proposed number of parking spaces is sufficient to accommodate the vehicles at peak use at any one time. However, uses not specifically listed in Table shall be required to provide no less than the number of parking spaces necessary to accommodate one space for each person operating, regularly employed at, or patronizing the use.

C. Reduced Parking.

The Board of Supervisors may permit a reduction in the number of required parking spaces where the existing and projected (5 years) employment; customer, patron, client or patient traffic; or other relevant data to parking demand for the existing and/or proposed use(s), as established by a parking study prepared by a professional engineer, planner, or landscape architect, warrants a reduction in the number of required parking spaces. The proposal for reduced parking must first be submitted to the Township Engineer for review and recommendation and thereafter to the Township Planning Commission for review and recommendation.

D. Shared Parking.

1. The Board of Supervisors may permit the number of parking spaces required for multiple uses individually to be reduced to a number determined to be appropriate in a shared parking arrangement in consideration of the characteristics of each use and each use's projected parking demand, including days and/or hours of operation (e.g., daytime office use and evening restaurant use; shopping center, etc.), so long as the required number of spaces to serve the use generating the most demand for parking is provided. The proposal for shared parking must first be submitted to the Township Engineer for review and recommendation and thereafter to the Township Planning Commission for review and recommendation A shared parking arrangement allowed by the Board of Supervisors requires an agreement, subject to review and approval by the Township Solicitor, which contains terms for ownership and/or tenancy of the parking area, access and usage easements, maintenance standards and allocation of maintenance responsibilities, and other terms appropriate to the particular shared parking arrangement, which agreement upon acceptance by the Board of

Supervisors shall be recorded with the Adams County Recorder of Deeds.

2. The shared parking area must be located on site or within 500 feet of the entry door of the related use(s).

3. Where the uses to be served by shared parking have overlapping hours of operation, the lots on which the uses are located shall share a lot line.

4. A convenient, visible pedestrian connection between the parking area and the uses must exist or be established.

5. The availability of shared parking must be indicated by directional and information sign(s).

6. Residential uses are not eligible for shared parking.

E. Reserved Parking.

Upon demonstration of a seasonal or other intermittent demand for parking associated with a use(s) of a lot, as established by a parking study prepared by a professional engineer, planner, or landscape architect, the Board of Supervisors may permit up to 25% of the required parking to be provided in an on-site or shared area reserved for such use. As established by the parking study, the reserved area shall be improved with fixed access drives and parking spaces improved with surface (e.g. pavers) or subsurface support (e.g. wire mesh) materials appropriate to the demand for parking in the reserved area, but otherwise maintained in a landscaped condition. The proposal for reserved parking must first be submitted to the Township Engineer for review and recommendation and thereafter to the Township Planning Commission for review and recommendation.

F. Grandfathered Conditions

After the effective date of this Ordinance an expansion or change in use of a lot or an existing principal non-residential building shall be required to provide all of the required parking and loading for the entire size and type of the resulting use, except as follows:

1. If a non-residential use expands by no more than ten percent in the applicable measurement (such as building floor area, maximum number of employees, seating capacity, etc.) existing at the time of the adoption of this Ordinance, no additional parking is required.

2. For reuses of an existing building, any deficit of parking for the immediate prior use shall be grandfathered. (For example, an existing

store might include three parking spaces and would have been required to provide seven spaces if it was newly developed, resulting in a deficit of four spaces. If the existing building is reused as an office requiring ten spaces, the office would need to provide a total of six new spaces.)

G. Prohibited Uses of Parking Spaces and Parking Areas for Residential Uses

1. The parking of more than one commercial truck, except where such vehicle is incidental to services being provided to the residential use or deliveries being made to the residential use, or where such commercial truck is used for an agricultural use of the lot on which parked, is prohibited.

2. For the purposes of this Section "commercial vehicles" shall mean any vehicle or trailer having a length longer than 24 feet, but shall not mean farm vehicles and equipment. Except in the BCD and BCD-O Districts or a lot in any other zoning district on which a lawfully existing nonconforming commercial use exists, the parking of commercial vehicles is subject to the following:

   a. The commercial vehicle must be owned by, leased to, or assigned to a residential occupant (owner or lessee) of the lot.

   b. The parking area for the commercial vehicle shall:

      i. On a one acre or smaller lot, not be parked in the area between the existing public road right-of-way and a dwelling on the lot;

      ii. On a lot larger than one acre, not be located in the front setback;

      iii. Be designed and operated so that at no time the commercial vehicle backs out onto the public road; and

      iv. Be of sufficient depth so that when parked in the parking area:

         a) the commercial vehicle is far enough back that it does not impede the sight distance of the surrounding driveway entrances or public or private road intersection; and

         b) the parked vehicle is a minimum of twenty five feet from the right-of-way of the public road.

   c. The access to the parking area shall:

      i. Be a minimum of 10 feet in width; and

ii. Have a tapered radius sufficiently designed to allow for the vehicle to back into the parking space without multiple maneuvers in the public road.

d. The parking area, including access drive, must be stabilized with gravel, pavement or concrete.

e. The parking area and access drive shall be setback a minimum of 25 feet from the lot line of any lot in the AC, OC and BPC Districts.

f. All parking areas must be designed and permitted in accordance with the Mount Joy Township Stormwater Management Ordinance.

g. Routine maintenance and repair of the commercial vehicle, e.g. oil change; tire rotation, repair, or replacement; light fixture or bulb replacement, may be conducted on the lot. Major engine repair, engine replacement, exhaust system repair and replacement, and body work (including painting) is not permitted to be conducted on the lot.

H. Prohibited Uses of Parking Spaces and Parking Areas for Non-Residential Uses

Parking spaces and parking areas for non-residential uses are for the sole purpose of accommodating the vehicles of persons patronizing the use that requires parking. Such parking spaces and parking areas shall not be used for the following:

1. The sale, rental, display or storage of automobiles or other merchandise.

2. The placement of storage devices or structures of any kind, including sheds, portable storage containers, and pallets.

3. The performance of any services, including services to vehicles, except emergency vehicle repair and service.

4. The repair or rebuilding of vehicles.

5. Loading and unloading, except as is incidental to the patronizing of the use otherwise not required to provide a loading space(s).

6. Parking or storage of unlicensed vehicles, recreational vehicles, campers, trucks and boats, except for that period of time during which their occupants are patronizing the use that requires parking.

7. Vehicle sign.

Section 603.

TABLE - OFF-STREET PARKING AND LOADING REQUIREMENTS

Except where requirements are provided in supplemental regulations for specific use.

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:	NUMBER OF LOADING SPACES REQUIRED
RESIDENTIAL USES:			
Dwelling	2 per dwelling unit		
Group home	2 per group home if no residents are capable of or allowed to drive If residents are allowed to drive, .5 per 2 group home residents plus	caretaker on site in a single shift and medical or social services provider on site for fixed period of time	
ALL INSTITUTIONAL, COMMERCIAL AND INDUSTRIAL USES			
See specific uses identified below.			
Use not specifically identified below	1 per 250 square feet of gross floor area accessible to patrons or customers or 1 per 3 fixed seats or 1 per 3 occupants based on maximum capacity as calculated under the UCC, whichever is largest	except where specific requirements are provided, manager/operator and employee on maximum shift	as demonstrated to meet use operations
INSTITUTIONAL USES			
Nursing home (assisted living facility, retirement center, life-care or continuing care facility, congregate care facility, and similar uses)	1 per five beds and 1.5 per independent living dwelling unit	employee on largest shift	As demonstrated to meet use operations
Place of worship	1 per four seats of permanent seating or equivalent space if bench seating, movable seating or floor space is utilized		1 loading space

COMMERCIAL USES			
Adult use	1 per 3 fixed seats or 1 per 200 square feet of floor area accessible to patrons, whichever is larger		1 loading space
Animal grooming and (indoor) training	1 per 250 square feet, but not fewer than 2 spaces		
Auction house or flea market	1 per 2 seats or 1 per 200 square feet of floor area accessible to attendees, whichever is larger		1 loading space per 500 square feet of floor area accessible to attendees
Bakery	1 per 5 square feet of customer waiting area and 1 per 2 fixed or moveable seats in sit-down eating area		1 loading space
Bed & Breakfast	2 plus 1 per guest room	employee on maximum shift and every 2 seats in the dining area exceeding 2 seats per guest unit	
Campground	1 per camp site plus one per every 5 camp sites or recreational vehicle spaces		
Catering facility (no on-site consumption)	1 per 250 square feet of floor area accessible to customers		1 loading space per 500 square feet of floor area
Construction company or tradesperson's headquarters – office only	1 per 250 square feet of floor area accessible to customers	business vehicle and each employee vehicle	
Construction company or tradesperson's headquarters – outside storage of equipment and materials	1 per 250 square feet of floor area accessible to customers	business vehicle and each employee vehicle	1 loading space per 2000 square feet of floor area
Convenience store	1 space per 350 of gross floor area, excluding storage areas, plus 1 space per 3 seats of on-site seating		1 loading space
Day care center, child or adult	1 per 5 children or adults		

Financial institution	1 per 200 square feet of patron waiting area plus 1 space per 2 fixed or moveable seats assigned to patrons		1 loading space
Funeral home	1 per 3 seats in each room available for concurrent use for attendees or 1 per 75 square feet of area accessible to attendees whichever is larger		
Gasoline service station	1 per 4 gas pumps (a double-sided gas dispenser is two pumps) plus 2 per services bay		
Grocery store	1 per 250 square feet of floor area accessible to customers		as demonstrated to meet use operations
Hotel or motel	1 per guest unit		as demonstrated to meet use operations, but no fewer than 1 loading space
Junkyard	1 per 1000 square feet of gross floor area and 1 per 5000 square feet of lot area		
Kennel	1 per 400 square feet of gross floor area		
Laundromat or dry cleaner	1 per 3 washing machines		
Medical office (medical, dental, chiropractic, or physical therapy office, clinic or healthcare facility)	1 per 300 square feet of floor area not used for storage, hallways/stairways	physician, dentist, nurse, physician's assistant, dental hygienist and employee on maximum shift	
Motor vehicle repair facility	2 per service bay	business vehicle and employee vehicle	
Motor vehicle sales	1 per 500 square feet of area accessible to customers		
Office, unless otherwise specified	1 per 300 square feet of floor area not used for storage, hallways/stairways		

Personal service (hair salon, nail salon, barber, masseuse, tattoo parlor, body-piercing studio, health spa, tanning salon, and similar uses)	1 per 250 square feet of area accessible to customers	operator/manager and employee on maximum shift	
Place of assembly	1 per 250 square feet of floor area accessible to patrons or 1 per 4 seats, whichever is greater	employee on maximum shift	as demonstrated to meet use operations, but no fewer than 1 loading space
Plant nursery or garden center	1 per 150 square feet of customer accessible floor area		as demonstrated to meet use operations
Professional office (attorney, accountant and similar uses)	1 per 300 square feet of floor area not used for storage, hallways/stairways		
Recreation facility (health club, gymnasium, paintball, skateboard, tennis club, and similar uses not otherwise listed)	1 per 250 square feet of building floor accessible to patrons or 1 per 4 seats, whichever is greater; 2 spaces per golf hole; 1 per driving range tee; 1 per go cart	employee on maximum shift	as demonstrated to meet use operations, but no fewer than 1 loading space
Repair facility (appliance and equipment, including bicycles and excluding motor vehicles)	1 per 200 square feet of customer accessible area or 1 per 3 fixed or movable customer seats, whichever is larger		1 loading space
Restaurant	1 per 250 square feet of customer accessible area and 1 per 3 fixed or movable customer seats, whichever is greater; 1 per 5 square feet of waiting area if no dining area		1 loading space
Retail sales and rental (excluding vehicle sales and rental)	1 per 200 square feet of area accessible to customers		as demonstrated to meet use operations, but no fewer than 1 loading space
Self-storage	1 per 20 storage units, minimum of 3 spaces		
Stable	1 per 2 horses		as demonstrated to meet use operations

Tavern or bar (pub, brewpub, wine bar, nightclub, after-hours club and similar uses)	1 per 3 persons of maximum seating capacity under PA UCC		1 loading space
Trade	1 space per student attending proposed class, training or demonstration with the largest number of attendees	employee, instructor/trainer and person conducting a demonstration.	
Veterinary office	1 per 250 square feet of reception, examining, treatment, operating and medical boarding areas	veterinarian, and employee on maximum shift	
Wholesale sales	1 per 500 square feet of gross floor area plus 1 per 3 fixed customer seating or 1 per 250 square feet of customer accessible area, whichever is larger		as demonstrated to meet use operations, but no fewer than 1 loading space
INDUSTRIAL USES			
All Industrial uses, including warehouses and truck terminals, except where otherwise specified	1.5 per 1,000 square feet of gross floor area	1 per 250 square feet of customer or visitor accessible area	as demonstrated to meet use operations

Section 604. General Regulations for Off-Street Parking and Loading

A. Parking spaces and loading areas, and their respective accessways,shall be laid out to result in safe and orderly use, and to fully take into account all of the following: vehicular access onto and off the site, vehicular movement within the site, loading areas, pedestrian patterns, and any drive-thru facilities. No parking area shall cause a safety hazard or impediment to traffic off the lot.

B. If a new principal non-residential building is constructed on a lot, any existing parking or loading areas on such lot that serves such building shall be reconfigured to comply with this Ordinance, including but not limited to, paving and landscaping.

C. All required numbers of parking spaces and loading spaces shall be available as long as the use or building which the spaces serve still exists, and such spaces shall not be reduced in number below the minimum required by this Ordinance.

D. Except where permitted as shared parking, required parking spaces and loading spaces shall be on the same lot as the principal use served.

Section 605. Design Standards for Off-Street Parking and Loading

A. General Requirements

1. All parking areas shall include clearly defined and marked traffic patterns and shall be separated from pedestrian routes.

2. No parking or loading area shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking or loading space, except for a single family or two-family dwelling with access onto a local street.

3. Every required parking space shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle, unless specifically permitted otherwise.

4. Parking and loading areas shall not be located within a required buffer or street right-of-way, including ultimate right-of-way.

B. Size, Marking and Location of Parking Spaces; Access Aisle

1. Except handicapped spaces, each parking space shall be a rectangle with a minimum width of 10 feet and a minimum length of 20 feet, except the minimum sized rectangle shall be 8 feet by 22 feet for parallel parking.

2. Each parking space or area shall be connected to the street by means of an access drive or driveway.

3. Each parking space shall be marked to indicate its location, except those for a one or two family dwelling.

4. No parking space may be located closer than five feet to the exterior wall of a non-residential building

5. No parking space shall be located within 10 feet of a septic system absorption field.

6. Except as otherwise required in this Ordinance, no parking space or access to a parking space or area may be located closer than 10 feet to the lot line of the lot on which located or closer than 25 feet to the lot line of a lot improved with a dwelling or of an unimproved lot in a residential zoning district.

7. The aisle accessing a parking space shall have a minimum width of 12 feet if a one-way access aisle and 24 feet if a two-way access aisle.

C. Size, Configuration and Location of Loading Spaces

1. The size of the loading space shall be determined by the type of commercial vehicle associated with the use. If a truck, the loading space shall be either 63 feet or 33 feet in length; if a pickup truck or van, the loading space shall be 20 feet in length. The loading space shall be 12 feet in width. A vertical clearance of 15 feet is required.

2. Each loading space shall be connected to a street by means of an access drive or driveway.

3. Loading spaces shall not interfere with parking spaces and parking aisles.

4. No access drive to a loading space or the loading space itself shall be located within 50 feet of any lot improved with a dwelling or a residential zoning district.

5. Each loading space shall be so located and configured to allow the needed maneuvering room without intrusion into required setbacks, buffer areas and landscaped areas.

D. Paving, Grading and Drainage of Parking and Loading Spaces

1. Parking and loading spaces and area, including accesses, shall be graded and adequately drained to prevent erosion or excessive water flow across streets or adjacent lots.

2. Except for landscaped areas, all portions of required parking, loading and accessways shall be surfaced with asphalt, concrete, paving block, or other low-dust materials approved by the Township Engineer.

   a. If found acceptable by the Township Engineer for the expected usage, parking areas with low or seasonal usage may be maintained in stone, pavers, or other suitable surfaces.

   b. If the design and material are found acceptable by the Township Engineer for the expected usage, portions of parking spaces may be covered with a low-dust porous parking surface that is designed to promote groundwater recharge.

E. Parking for Persons with Disabilities

1. Vehicle parking for persons with disabilities shall comply in number and design with applicable Federal and State requirements. (Note: As of the enactment date of this Ordinance, such provisions were published in ANSI standard A117 and Section 1106 of the International Building Code.)

2. Each handicapped space shall be well-marked by clearly visible signs and by pavement markings.

F. Lighting

See Article 5.

G. Landscaping

See Article 7.

ARTICLE 7 LANDSCAPING

Section 701. Purpose

The purpose of this Article is to establish standards for placing and retaining groundcover, shrubs and trees to enhance the visual appearance of the Township, to establish visually appealing buffers between lots and disparate uses, and to provide for environmental and health benefits related to such features.

Section 702. Applicability

This Article applies to all non-agricultural uses, regardless of zoning district; provided that, except for the street tree requirement found in Section 704, this Article does not apply to individual residential lots that are not proposed as part of a proposed residential subdivision.

Section 703. Requirement for Landscape Plan

A landscape plan, prepared by a registered and licensed landscape architect (signed, sealed and bearing the registration number), depicting the landscaping proposed to meet the requirements and standards of this Article, shall be submitted for Township review and approval with the earliest submitted application for a zoning permit or land development, except for:

A. Street trees on a new lot not involving a land development; or

B. A parking lot of fewer than 25 spaces.

Section 704. Street Trees

As part of the creation of a new lot for any use or the construction of a new principal non-residential building, deciduous shade street trees shall be planted or existing deciduous trees preserved adjacent to a public street.

A. Number. A minimum average of one such tree shall be planted for each 50 feet of length of street right-of-way adjacent to the lot.

B. Location.

1. Such trees shall be placed immediately outside of the ultimate street right-of-way at a location also meeting the following minimum distances from sidewalks, curbs and parking stalls, except as provided in subsection 2 below.

a.	Shade/canopy tree	5 feet
b.	Ornamental/flowering tree	8 feet
c.	Evergreen tree	8 feet
d.	Evergreen/flowering shrub	4 feet

2. Such street trees shall be planted/located in a manner approved by the Township Engineer to avoid conflicts with pedestrian ways, utilities and stormwater management facilities.

C. Species. Only the species of trees listed in Appendix A to this Ordinance shall be allowed as street trees.

D. Buffer. Where trees may be required under the buffer area provisions of this Ordinance, the same tree may be used to count towards both requirements.

Section 705. Parking Lot Landscaping

As part of the creation of a parking lot or parking area for a new use, new principal non-residential building or a new land development, the following landscaping requirements apply.

A. A minimum of one deciduous tree shall be required for every 15 new off-street parking spaces. Except as required by subsection B below, the trees may be planted around the perimeter of the parking area.

B. For 30 or more new parking spaces, landscaped islands shall be provided within the parking area. One deciduous tree shall be planted on each landscaped island.

C. For more than 50 off-street parking spaces, a minimum of 5 percent of the interior of the parking area shall be landscaped.

Section 706. Stormwater Basin Landscaping

The following requirements shall apply to landscaping within and around storm water management basins:

A. The edges, floors and slopes of the stormwater management basins shall be planted with plant materials which may include grasses, perennials and shrubs specifically suited for stormwater basins and expected wet conditions.

B. Trees and shrubs shall be planted around stormwater basins in locations that would not interfere with the design and function of the basin. No tree may be placed on the embankment of the basin at a point above the base of the basin. A minimum average of 2 trees and 10 shrubs shall be required to be planted around the basin for every 100 linear feet of perimeter at the top of the basin.

Section 707. Planting Standards

Plantings proposed or otherwise required by this Article shall meet the following standards:

A. Type of plantings permitted. Required plantings shall principally be of a species native to Pennsylvania and appropriate to the conditions of the lot, including but not limited to shaded areas or within or adjacent to impervious surfaces. Plantings shall be resistant to disease, road salt and air pollution and be attractive and sturdy.

B. Variety of plantings. Plantings selection shall be varied by species and distribution to achieve a more natural appearance and to establish bloom, leaf or needle cover continuously throughout the year.

C. Quality of Plantings. All plantings, proposed or otherwise required, shall be of symmetrical growth and free of insect pests and disease.

D. Minimum Plant Material Size and Grade.

1. The minimum planting standard shall be as follows:

a.	Shade/street trees	2" – 2 ½" caliper
b.	Ornamental/flowering tree	1½" – 2" caliper
c.	Evergreen tree	6' – 8' height
d.	Flowering/deciduous shrub	36" height

e. Evergreen shrub 24" – 36" height/spread

2. All plant material shall be nursery grade #1.

E. Planting

Required plantings shall:

1. Be planted in conformance with good landscaping practices, including soils supplementation and mulch, and with adequate unpaved surface around each for water and air and irrigation to maximize survivability and to allow for expected growth of the particular species;

2. In parking lot islands and landscape beds next to buildings, be planted only in areas excavated of all building materials and poor soils to a depth of 12 – 18 inches and backfilled with good, medium textured planting soils;

3. Be properly protected by curbs, curb stops, distance, or other devices against damage from vehicles;

4. Include a 4 feet minimum radius vegetative area around all sides of the trunk of each required deciduous tree within or adjacent to a parking lot or other impervious surface;

5. Where planted on berms, to the maximum extent feasible such berms shall have dimensions and slopes that establish growing conditions suitable for the trees and shrubs proposed or required to be placed on the top or side of the berm; and

6. Where planted in areas intended to be mowed, to the maximum extent feasible such planted areas shall have a maximum slope ratio of 3:1.

Section 708. Buffer Area

A. The intent of the buffer area requirements and standards is to minimize impacts of the use on adjacent lots, including visual, noise, odor, and debris/dust/sediment/particulate emissions impacts.

B. A buffer area complying with the following standards shall be required, unless a more restrictive provision is established by another section of this Ordinance.

C. Except as otherwise provided in this Ordinance, whichever requirement is larger:

1. A buffer area of no less than 15 feet shall be required along the ultimate street right-of-way line of any lot proposed for a principal use other than a single family detached dwelling or an agriculture use; provided that such buffer shall be increased to 30 feet for a use exceeding 25,000 square feet in floor area; a heavy manufacturing use; a use having a loading area/dock or outdoor storage area visible from the public street; or a use involving overnight parking of tractor trailers.

2. A buffer area of no less than 15 feet shall be required along the side and rear lot lines of any lot proposed for a principal use other than a single family detached dwelling or an agriculture use. Provided that, where such side or rear line is adjacent to a lot improved with a dwelling or an unimproved lot in a residential zoning district, such buffer shall be increased to 30 feet for a non-residential use exceeding 25,000 square feet; a heavy manufacturing use; a use having a side or rear loading area or dock, outdoor equipment storage area or outdoor storage area; or a use involving overnight parking of tractor trailers.

3. Historic Building – See Section 402.S.2.c.

4. Historic District

   a. Where a lot within a historic district is proposed for non-residential use or structure:

      i. a buffer of no less than 25 feet or of a depth otherwise required by this Ordinance, whichever is greater, shall be established along the lot frontage; and

      ii. a buffer of no less than 15 feet or of a depth otherwise required by this Ordinance, whichever is greater, shall be established along the side and rear property line.

   b. Where a lot adjacent to a historic district is proposed for non-residential use or structure:

      i. a buffer of no less than 25 feet or of a depth otherwise required by this Ordinance, whichever is greater, shall be established along the lot frontage; and

      ii. a buffer of no less than 15 feet or of a depth otherwise required by this Ordinance, whichever is greater, shall be established along the side and rear property line that abuts the historic district.

D. The buffer area shall be measured from the lot line or ultimate street right-of-way line, whichever is applicable.

E. A required setback may overlap a required buffer area, provided the each requirement is met.

F. The buffer area shall be free of structures, dumpsters or other type of solid waste management facilities, storage, manufacturing or processing activity, and parking and loading areas.

G. The buffer area may include access drives, utilities and stormwater management facilities as determined to be necessary (without a siting alternative) and only to the extent such improvements cross the buffer yard at a perpendicular angle.

H. A buffer area shall be planted to establish a visual screen meeting the following requirements:

1. Plants shall be of such species, spacing and size as can reasonably be expected to produce a visual screen. Plantings should be distributed throughout the buffer area in a naturalistic pattern.

2. Unless otherwise provided in this Ordinance, the 15 foot buffer area required by Section C shall be planted with a minimum of four deciduous trees (with a mature height exceeding 20 feet), two evergreen trees (with a mature height exceeding 12 feet), and six shrubs (with a mature height of a minimum if three feet) per 100 linear feet.

3. Unless otherwise provided in this Ordinance, the 30 foot buffer area required by Section C shall be planted with eight deciduous trees (with a mature height exceeding 20 feet), four evergreen trees (with a mature height exceeding 12 feet) and twelve shrubs (with a mature height of three feet) shall be provided per 100 linear feet.

4. Where not planted with trees or shrubs, the remainder of the buffer area shall be groundcover, mulch, rock or similar landscape material.

5. The planted visual screen shall be continuous, except for as provided in G. above and to comply with sight distance requirements.

6. The buffer area shall be designed to provide a natural looking visual element, including a mix of species and spacing. Monotonous rows of plantings and the use of a single of repeated species of plantings is discouraged. American Arborvitae and similar weak-stem plants shall not be used to meet the buffer area requirements.

7. If existing healthy trees with a trunk diameter of 6 inches or greater (measured 4.5 feet above the ground level) exist within the buffer area, they shall be preserved to the maximum extent feasible to meet the same purposes as the new plant requirement.

8. The Board of Supervisors, upon recommendation of the Planning Commission, may approve alternative buffer area designs and locations that serve the same purpose, particularly when necessary because of unique site conditions.

9. A buffer area shall be kept free of solid waste and noxious weeds.

Section 709. Sight Clearance

At street intersections, a clear sight triangle shall be maintained free of obstructive plantings. The term "obstructive plantings" shall be understood to be any planting of a species, size, or natural or maintained condition which interferes with the view of the driver of a motorized vehicle of traffic conditions at an intersection of a street (public or private) with another street (public or private), access drive or driveway.

Section 710. Landscape Plan

Where landscaping is required by this Article, the applicant shall submit a scaled landscaping plan that shows:

A. Proposed species, location and initial sizes of all new plantings, inclusive of groundcover;

B. Proposed species, location and size of all existing plantings to be retained;

C. Existing and proposed structures and utilities on the lot;

D. Location and features of an irrigation system, if proposed; and

E. Details for maintenance.

Section 711. Landscape Maintenance

A. All buffer area and other landscaping required by this Article shall be perpetually maintained by the lot owner. Any landscaping needed to meet a requirement of this Article that dies, is removed, or is severely damaged shall be replaced by the then-current lot owner as soon as is practical considering the next available growing seasons but not to exceed 180 days.

B. Required plantings shall be pruned in accordance with generally accepted standards (time and manner) to maintain plantings in good health and condition.

C. Required plantings shall be kept in a relatively weed-free condition, free of solid waste and free of noxious weeds.

ARTICLE 8 SIGNS

Section 801. Purposes

A. To provide opportunities for a variety of sign types and to encourage sign designs which meet local resident and business needs in a manner which is compatible with the locality, enhances the economic value and visual character of the lot and adjacent and nearby lots, and contributes to rather than detracts from the character and visual environment of the Township.

B. To provide for the regulation of sign size, illumination and placement as a proper exercise of the police power and to protect the public health, safety, and general welfare.

C. To reduce hazards to pedestrian and vehicular traffic caused by visual distractions and sight distance obstructions as relate to sign size, commercial sign content, illumination, and placement.

D. To assist in carrying out the goals of the Pennsylvania Outdoor Advertising Act, 36 P.S. 2718.101 *et seq.*, as amended

E. To establish a process for the review and approval of sign permit applications.

Section 802. Zoning Permit Required

A. To install a new sign, to replace or add to an existing sign, or to apply for temporary signage, a zoning permit is required, except for signs that are exempt from needing a permit under Section 803.

B. Only signs allowed by this Article meeting the requirements of this Article and, where required, for which a zoning permit has been issued are permitted.

C. A lawfully existing sign, including nonconforming signs, may be repaired or painted, or the message changed without requiring the issuance of a zoning permit, provided that the change does not increase the sign area or height or otherwise result in noncompliance with the requirements of this Article.

Section 803. Signs Exempt from Zoning Permit Requirement

No zoning permit shall be required in order to erect any of the following signs in any zoning district; however, such signs shall conform to the requirements set forth in this Section:

A. Official highway route number signs, street name signs, or other official government (federal, state, county, or township) signs.

B. Signs located in the interior of a building, except window signs.

C. Building identification sign.

D. A sign that does not qualify as an on-premises or off-premises sign, provided that:

   1. The sign does not exceed 4 square feet in area.

   2. The sign is erected no earlier than one month before and removed no later than one week after the purpose of the sign is fulfilled.

   3. There are no more than two signs regulated by this Section on a lot.

   For explanatory purposes only, such signs include, but are not limited to, a political sign; event sign; instructional sign; directional sign; and signs of a religious, civil, philanthropic, historical or education organization.

E. Freestanding or wall sign identifying a residential or building development, for which subdivision and/or land development plans have been approved by the Mount Joy Township Board of Supervisors, by name and/or logo, not exceeding a maximum sign area of 25 square feet and a maximum height of eight feet. One such sign may be located at each entrance to the development.

Section 804. Nonconforming Signs

A. Any nonconforming sign which is damaged to the extent of 50% or more of its cost of replacement or whose face and support are removed shall only be replaced with a sign that conforms to the requirements of this Article.

B. Other than a sign provided for in Section 804.A., a nonconforming sign may be replaced with a new sign that is smaller in area and lower in height, even if not meeting the size, area and height requirements, provided that such sign meets all other requirements of this Article.

Section 805. Nonconforming Use Sign

A. A lawfully existing nonconforming non-residential use in the A or OC Districts may have one on-premises freestanding sign with a maximum sign area of five square feet and a maximum height of six feet. Provided, however, such sign shall not be permitted under this Section where one or more nonconforming signs exist on the lot.

B. A lawfully existing nonconforming non-residential use in the BPC Districts may have one sign meeting the area requirements of Section 809.B.2.

Section 806. Prohibited Signs

The following signs are prohibited in the Township:

A. Off-premises signs, other than billboards meeting the requirements of Section 811.

B. A device emitting smoke, visible vapor, odor or sound for the primary purpose of attracting the attention of pedestrians and motorists.

C. A sign of such character, form, shape or color that imitates or resembles an official traffic sign, signal or device.

D. Signs with moving and/or animated parts.

E. A sign containing or to which is affixed or erected in close proximity reflective materials to give the appearance of flashing, blinking or twinkling or which is illuminated by or by which intention is brought to the sign by lasers and floodlights.

F. Signs having more than two faces.

G. Changing message signs, excepting signs providing public service information such as time, date, temperature, weather or similar information.

H. A sign containing a message, word or image that is obscene or otherwise highly offensive to public decency.

I. Vehicular signs.

J. Sandwich board signs.

K. Roof signs.

L. Portable signs.

Section 807. Removal of Signs

A. The message on an on-premises sign, which sign conforms to the requirements of this Article that relates to a lawfully existing use that has ceased shall be removed from the sign within 60 days of the cessation of the use.

B. An on-premises sign relating to a nonconforming use that has been abandoned shall be removed within 60 days of the abandonment of the nonconforming use.

Section 808. Definitions

For purposes of this Article, the following words shall have the following definitions:

BANNER -- A sign intended to be hung with or without a frame, and possessing characters, letters, illustrations, or ornamentations applied to plastic or fabric of any kind, excluding flags and emblems of political, fraternal, religious, or civic organizations.

BILLBOARD – An off-premises sign which directs attention to or communicates information about a business, commodity, service or event that exists or is conducted, sold, offered, maintained or provided at a location other than the lot where the sign is located.

BUILDING SIGN – A freestanding or wall sign which gives the name of the building itself, as opposed to the name of occupant or business or activity carried on therein, not exceeding four feet in area.

CANOPY SIGN – A sign attached to, painted, or printed onto a roof-like cover, whether free standing or affixed, to a building and serving to shield persons from the elements when entering, exiting, standing in front of or passing by the building. This shall be considered a type of wall sign.

CHANGEABLE COPY OR MESSAGE BOARD -- A sign on which message copy can be changed through use of attachable letters, numerals, symbols and other graphics or by electronic switching of lamps, LED, illuminating tubes or another electronic or electrical method.

CONTRACTOR SIGN -- A temporary type of sign containing the name and contact information for a contractor performing work on the land or building(s) upon which such signs are displayed.

DIRECTIONAL SIGN – A sign containing the name, logo or symbol of a business or institutional use or building, and a directional arrow and/or distance to the proposed use.

DOUBLE SIDED SIGN – A sign with two parallel and opposite facing sides which are attached to and supported by the same structure. Such signs shall be designed and placed such that only one side of the sign is visible from any given direction of traffic flow.

EVENT SIGN – A temporary sign announcing a community event, such as a fish fry, a fishing derby, a bike race, a school play or concert, or similar event. Such sign may include the name of the event, the event sponsor, date of the event and the location of the event (including a directional arrow and/or distance to the event site) and shall not exceed six square feet in area. Such sign may be displayed no earlier than 30 days in advance of the event and removed within three calendar days after the event.

EVENT SIGN, DIRECTIONAL – A temporary sign for a community event, such as a fish fry, a fishing derby, a bike race, a school play or concert, or similar event, that contains the name and location of an event and a directional arrow and/or distance to the proposed event. Such sign shall not exceed six square feet in area, may be displayed no earlier than 24 hours in advance of the event, and shall be removed within three calendar days after the event.

FREESTANDING SIGN – A detached sign erected and maintained on a freestanding frame, mast, or pole and not attached to any building, including a vehicular sign.

GROUND SIGN -- A type of freestanding sign that is placed directly on the ground.

HEIGHT -- The vertical distance from the grade at the base of the sign support to the uppermost portion of the sign structure.

IDENTIFICATION SIGN – A sign which displays only the name, address, and/or crest, insignia, or trademark, major occupation or profession of an occupant.

INSTRUCTIONAL SIGN -- An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance," "Exit," "Parking," "No Parking", "One-Way," "Warning", "No Trespassing", or similar instruction, and including signs within a residential or business development directing service personnel and guests to a building, area or use within the development.

NONCONFORMING SIGN – A sign lawfully existing at the time of enactment of this Ordinance, but which does not conform to the requirements of this Ordinance.

OFF-PREMISES SIGN – A sign that draws attention to or communicates information about a business, service, or commodity, that exists or is

conducted, sold, offered, maintained, or provided at a location other than the premises where the sign is located.

ON-PREMISES SIGN – A sign that draws attention to or communicates information about a business, service, or commodity that exists or is conducted, sold, offered, maintained, or provided on the premises where the sign is located.

PERMANENT SIGN – A sign which is affixed to the ground or a building by enduring means, and is not readily re-locatable.

POLITICAL SIGN – A temporary sign that advertises a candidate(s) for public elective office(s), supports a political party, or promotes a position on a public or ballot issue, so long as it is not exceeding four square feet in area and removed within seven calendar days of the election.

PORTABLE SIGN – A sign which is designed to be relocated and is not permanently affixed to the ground or a structure.

PROJECTING SIGN – A sign affixed to a wall or other vertical surface at an angle.

REAL ESTATE SIGN – A temporary type of sign pertaining only to the lease, sale or rental of the land(s) or building(s) upon which such signs are displayed.

ROOF SIGN – A sign erected or maintained in whole or in part upon or over the roof or parapet of a building.

SANDWICH BOARD SIGN – A temporary sign which is not secured to the ground or any structure and forms an inverted "V" or is supported by of affixed to an easel.

SIGN – Any object, display or structure, or part thereof, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, symbols, insignia, fixtures, colors, illumination, or projected images. The term "sign" does not include the flag or emblem of any nation, organization of nations, state, political subdivision, municipality, or any fraternal, religious or civic organization; works of art which in no way identify a product or business; scoreboards located on athletic fields; or religious symbols.

TEMPORARY SIGN – A sign intended for short-term use, such as political signs, holiday and special event signs, grand opening/going-out-of-business signs, construction/contractor identification signs, and sandwich board signs.

VEHICULAR SIGN – A sign affixed or painted on a parked vehicle, so sited as to be visible from the public right-of-way, for the basic purpose of providing advertisement of a product(s) or directing people to a business or activity located on the same or nearby lot and the vehicle is not essential or integral to the normal day-to-day operations of said business or primarily used for transportation purposes. Such sign is a freestanding sign.

WALL SIGN – A sign directly attached to or painted on an exterior wall of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building.

WINDOW SIGN – A sign which is located on the inside or outside of a window or door and is readable from outside of the building.

Section 809. General Sign Regulations

A. Location.

1. No off-premises signs shall be permitted, except as otherwise permitted by this Article.

2. No sign shall be placed within the sight distance triangle as defined by this Ordinance.

3. Except where specifically authorized by this Ordinance, no sign shall be erected within the legal or ultimate right-of-way of any public or private street.

4. A sign may be located within a required front setback, provided that it meets the additional requirements of this Section.

5. No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window, or fire escape.

6. No sign shall be permitted which obscures or otherwise interferes with an official traffic sign, signal or device or which obstructs or interferences with the driver's view of approaching, merging or intersecting traffic.

7. No sign shall be permitted to be erected or maintained upon utility poles, street lights, or trees, or painted or drawn upon rocks or other natural features.

B. Area

1. For the purposes of this Ordinance, the area of a sign shall be calculated as follows:

a. Except as otherwise provided in this subsection, sign area shall include all lettering, pictures, graphics, symbols, three-dimensional displays, and background illumination within the smallest rectangle of background area on which displayed, but not including a supporting structure or area clearly incidental to the sign.

b. In the case of a freestanding sign, the sign area is equal to the entire area of the sign face and the area of the horizontal or vertical projections from the sign face. In computing the sign area of a double-sided freestanding sign where both faces are parallel and back to back, only the largest sign face shall be considered.

2. An on-premise sign permitted on a lot in the C, AC and OC Districts shall not exceed 8 square feet and in the BPC and BPC-O Districts shall not exceed 15 square feet.

3. A sign, other than on-premises sign or an off-premises sign as defined in this Article, may not exceed 4 square feet in area. For explanation only, signs regulated by this sub-section would include signs commonly recognized to be a political sign, event sign, instructional sign, directional sign, real estate sign, or contractor sign.

C. Height

1. A sign permit shall not be issued for a lot regraded or improved with a berm for the purpose of elevating an allowed sign.

2. For signs to be placed on a lot having an existing grade below the adjacent road grade, minor variations in height up to 25 percent of the height requirement may be made by the Zoning Officer to achieve a maximum sign height consistent with the allowed height had the lot grade continued the road grade.

D. Illumination

1. Signs shall be illuminated only by white, stationary external lights or back lighted by an interior stationary light, and only so long as such illumination does not cause glare for motorists, pedestrians, or neighboring lots, or impair the vision of a driver or otherwise interfere with a driver's operation of a motor vehicle.

2. No sign shall be illuminated by flashing, intermittent or moving type lights. This requirement is not applicable to holiday displays between October 15 and January 15.

3. Illumination shall be shielded and directed so that the source of light shall not be visible from any point off the lot on which the sign being illuminated is erected, and so that only the sign is directly illuminated thereby.

4. Illumination and wiring of all electric signs shall comply with the then-current electrical code.

5. Signs located within 200 feet of a dwelling or a lot line in the AC and OC zoning districts shall not be illuminated within the hours of 10:00 p.m. and 6:00 a.m.

E. Number of Signs

1. On any lot of record, no more than one on-premise freestanding sign is permitted per lot frontage.

2. On any lot of record, no more than one off-premises sign is permitted.

3. On any lot of record, no more than two signs not meeting the definition of off-premises or on-premises signs are permitted. For explanation only, signs regulated by this sub-section would include, but are not limited to, signs commonly recognized to be a political sign, event sign, real estate sign, or contractor sign.

F. Sign Supports

All freestanding signs shall be erected on either a single or two supports, which supports shall be constructed of metal or weather-treated wooden posts of sufficient diameter to support and secure the sign to prevent the sign from collapse and from being borne away by wind.

G. Maintenance

All signs, including any support structures, shall be maintained in good repair and a structurally sound condition.

Section 810. Signs Placed in Proximity to US Route 15

Signs within 660 feet of the right-of-way of US Route 15 shall be governed by then-current Pennsylvania and federal requirements regulating sign size and placement. Demonstration of compliance with these requirements shall be submitted to the Township prior to erecting the sign.

Section 811. Billboards

Any billboard sign erected after the effective date of this Ordinance shall comply with the following standards and the requirements:

A. Billboards shall be permitted only in the BPC-O District, subject to the requirements set forth in this Section.

B. A billboard is not permitted on a lot already occupied by a roofed structure, telecommunications tower, wind turbine, solar energy system, or another billboard.

C. A billboard facing an expressway, as classified in the Mount Joy Township Comprehensive Plan Roadway Classification Map, shall not exceed 672 square feet in total surface display area per face. A billboard that faces an arterial or collector road, as classified in the Mount Joy Township Comprehensive Plan, Roadway Classification Map, shall not exceed 300 square feet in total surface display area per face. No billboard may face a local/minor road as classified in the Mount Joy Township Comprehensive Plan, Roadway Classification Map.

D. The maximum number of faces on a billboard shall be two, provided that not more than one face is visible to an individual viewer at one time.

E. No billboard shall exceed 40 feet in height. The distance shall be measured from the ground level at the base of the billboard's support system to the highest point of the billboard.

F. No billboard shall be located within:

   1. 50 feet of a collector road ultimate right-of-way.

   2. 40 feet of a lot line.

   3. 150 of a residence or a residential zoning district.

   4. 300 feet of an existing billboard.

   5. 1,000 feet of any street (public or private) intersection.

Section 812. Directional Signs, Off-Premise, Not Located on US 15 or SR 97

Off-premise directional signs for a business or institutional use shall be allowed within the Township-owned public road rights-of-way subject to the following standards and requirements:

A. A license issued by the Township allowing placement of the sign in the Township-owned public road right-of-way.

B. Signs subject to this Section shall be purchased and installed by the Township, upon advance payment to the Township of the actual cost of the construction of the sign plus an administrative fee for maintenance of the sign as is established by resolution adopted by the Mount Joy Township Board of Supervisors.

C. The location of such signs shall be subject to review and recommendation by the Mount Joy Township Roadmaster and approval by the Mount Joy Township Board of Supervisors upon consideration of local road conditions, hazards and obstructions.

D. No sign may be erected within a clear sight triangle.

E. Such signs shall be 12 x 36 inches in dimension.

F. Such signs shall be metal, sage green in color, and have bright white reflective lettering.

G. The height of the letters on such signs shall not exceed six inches.

H. Such signs shall be installed and supported by two metal posts.

I. The height of the directional sign support shall be determined by roadway conditions, but in no event shall exceed eight feet.

J. Up to four individual directional signs are permitted on a single support.

K. No more than one directional sign support structure is permitted per street intersection.

L. An individual business or institution may apply for a directional sign at each compass point from the business or institution and placed at a location not more than one road mile from the business or institution.

ARTICLE 9. INFRASTRUCTURE REQUIREMENTS AND STANDARDS

Section 901. Traffic Impact Study

A. Intent

1. To provide information to the Township that allows assessment of the sufficiency of public street infrastructure to handle current and

development-generated traffic demands, a determination of mitigation measures and street improvements, and estimation of related costs of such mitigation measures and improvements.

2. To require that applicants provide reasonable proposals to address traffic impacts generated by a proposed use.

B. Uses requiring a traffic impact study

In addition to a requirement for preparation and submission of a traffic impact study found elsewhere in this Ordinance, application for the following uses shall include a traffic impact study.

1. Residential use of 30 or more dwelling units.

2. Nonresidential use with 20,000 or more square feet of total floor area.

3. Any use or integrated development of a combination of uses that would generate 750 or more trips per day.

C. General requirements

1. Any required traffic impact study shall be submitted with the application for zoning permit by right, conditional use or special exception, or preliminary land development or subdivision plan, whichever is submitted earlier.

2. The full costs of the traffic impact study and Township review of the traffic impact study shall be borne by the applicant.

3. The scope of the traffic impact study (the public roads and public and private road intersections to be studied) shall be established upon consultation with the Township Traffic Engineer, but shall extend a maximum of one mile from the proposed development boundaries, or in the event of a development expected to generate more than 3,000 trips per day shall extend a maximum of two miles from the proposed development boundaries.

4. A traffic impact study shall include a description of the proposed development, its proposed access and the surrounding street system. If a development is proposed to occur in phases, each phase shall be described and taken into account in the study.

5. A traffic impact study shall include a description of any land development or subdivision plans for property in the study area which have obtained preliminary plan approval. If the applicant owns other

lands within the study area, reasonable assumptions shall be made about how that land can be expected to be developed and shall be taken into account.

6. Traffic volumes and service levels during the a.m. and p.m. peak hours shall be presented for all streets and intersections in the study area that can reasonably be expected to be significantly impacted by the proposed use. Traffic volumes shall be based upon actual counts that occurred within the prior two years, and not upon state estimates. The locations of all accidents in the study area reportable to the State Police during the recent two year period shall be noted.

7. The traffic impact study shall include an estimate of the number of trips expected to be generated by the use and any future phases of the use during the a.m. and p.m. peak hours. Such estimates shall be based upon the latest published estimates of the Institute of Transportation Engineers, or its successor entity, unless the applicant provides the Township with estimates and supporting documentation based upon actual traffic counts of closely similar developments in Pennsylvania.

8. The traffic impact study shall take into account not only the use proposed by the applicant, but other uses and developments that have received preliminary land development or subdivision approval. The study shall project a.m. and p.m. peak hour traffic volumes and levels of service on streets and intersections in the study area. If the traffic generated by the uses and developments would be more than 50% greater during any hour other than the a.m. or p.m. peak hour on adjacent streets, the study shall analyze both the peak hours for the development for adjacent streets. The study shall project what directions the traffic generated will head toward.

9. The study shall estimate the levels of service (A, B, C, D, E and F) for key traffic movements, including turning movements, following the standards of the United States Department of Transportation.

10. Heavily traveled intersections at entrances to the proposed use and other major unsignalized intersections in the study area shall be studied to determine whether a traffic signal is warranted by PennDOT criteria. Existing traffic signals that are significantly impacted shall be studied to determine whether they area in need of upgrading.

11. The traffic impact study may take into account traffic improvements which are clearly funded and will be constructed within the next two years. The study shall include suggestions for how each congested or hazardous intersection in the study area should be improved to reduce the hazard or congestion, and a rough estimate of the cost of that improvement.

    a. Any movements on streets and intersections within the study area showing a Level of Service E or worse, based on the latest edition of the Highway Capacity Manual, shall be considered deficient. Specific recommendations for the elimination of these deficiencies shall be identified. For unsignalized intersections where the traffic impact of the use causes the side street approach to degrade to a Level of Service D or lower, the intersection shall be evaluated for a signal warrant. Highway capacity evaluations shall consider not only the overall intersection level of service, but also each approach and movement to identify any substandard values which need to be improved.

    b. All locations where the level of service for the completion year of the use is deficient without the proposed development, the study shall determine improvements which would provide a level of service and delay no worse than conditions without the subject use. These improvements may include street and intersection design and improvements, traffic signal installation and operation, traffic signal timing and other improvements. The study shall also provide an analysis to determine improvements which would eliminate all deficient levels of service.

    c. The identification of recommended improvements shall include, for each improvement the party responsible for the improvement, a preliminary cost estimate and funding of the improvement, and the phase of the use during which the improvement is proposed to be completed. Any improvement which requires increased right-of-way shall be identified.

    d. Approval of a site access plan by PennDOT does not guarantee approval of the application for which the traffic impact study was provided.

12. The applicant shall respond to the traffic impact study with proposal on traffic improvements, right-of-way dedications or commitments of financing for specific projects that the applicant proposes to commit to to resolve the negative traffic impacts of the proposed use. Such improvements of financing may be phased in relation to the phases of the development.

13. Any traffic improvements that are required as a condition of any approval under this Chapter or Chapter 86, Subdivision and Land Development, shall be in place or sufficient funds committed in escrow acceptable to the Township prior to the issuance of an occupancy permit, or within a phased schedule agreed to at the time of the approval.

14. The preparer of the traffic impact study shall be a professional traffic engineer. The applicant shall reimburse the Township for reasonable fees and expenses incurred for the review by the Township Engineer and or Traffic Engineer for the review of the use's traffic impact study and improvement plans.

Section 902. Uses Not Meeting Definition of Land Development

This Section applies to those uses which, in consideration of the controlling opinions of the Courts of the Commonwealth of Pennsylvania, do not meet the definition of "land development" as defined in and regulated by Chapter 78 (Subdivision and Land Development) of the Code of the Township of Mount Joy. For such uses, the following sections of Chapter 78 are incorporated herein and made part of this Ordinance.

A. Section 86-18 Street and highway standards

B. Section 86-20 Access drives

C. Section 86-25 Streets

D. Section 86-26 Curbs and gutters

E. Section 86-27 Sidewalks

F. Section 86-28, subsection J. Water Studies

G. Section 86-31. Erosion and sedimentation.

H. Section 86-32. Floodplain

I. Section 86-33. Underground utility lines

J. Section 86-34. Petroleum lines

For purposes of this Article, the term "land development" as stated in any of the above referenced requirements and standards shall be understood to mean the proposed use of the lot. Compliance with these requirements and standards, as may be applicable to a proposed use, shall be demonstrated by the applicant for zoning permit, conditional use or special exception by written narrative and/or site plan, as appropriate.

ARTICLE 10 - NONCONFORMITIES

Section 1001. Continuation

Except as otherwise provided in this Section, any lot, use, building, or structure existing at the time of enactment of this Ordinance may be continued subject to the limitations described in this Article, although it is not in conformity with the standards and requirements specified by this Ordinance for the district in which it is located or otherwise applicable.

Section 1002. Abandonment

All nonconforming uses and signs, when discontinued for a period of one year, are nonconforming structures (except signs), when damaged or deteriorated to an extent of 50% or more of replacement costs or damaged or deteriorated to an extent less than 50% and where repair has not started within six months and repair completed within one year, shall not be continued, repaired, or reconstructed. Vacating of or non-operative status of such uses or structures shall be conclusive evidence of discontinuation.

Section 1003. Expansion

A. Any nonconforming use or structure (other than a sign) may be expanded or altered through the approval of a conditional use, provided that the applicant has met his/her burden of proof that the proposed use or structure meets all applicable requirements contained within this Ordinance and specifically as follows:

1. Applicant shall furnish conclusive evidence that establishes that the nonconforming use or structure lawfully existed as of the adoption of this Ordinance or amendment thereto creating the nonconforming condition and the extent of the nonconformity.

2. Expansion of the nonconformity shall be confined to the lot on which it was located on the effective date of the Ordinance or any amendment thereto creating the nonconformity.

3. The total of all such expansions of the use or structure shall not exceed an additional 40% of the area of the lot or structure devoted to the nonconforming use as it existed on the date on which such use or structure first became a nonconformity.

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

5. Provision for vehicular access, off-street parking and off-street loading shall be consistent with requirements stated in this Ordinance.

6. Provision for setback, building height and building area shall be consistent with the requirements stated in this Ordinance for the district in which the nonconformity in question is located. The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities.

7. Provision for buffers and screens consistent with the requirements stated in this Ordinance.

B. A nonconforming sign:

1. May not be expanded.

2. For a business that has ceased and is replaced by a new business, a n nonconforming sign may be replaced with a like sized and dimensioned sign if replaced within 60 days of the removal of the nonconforming sign for the former business.

3. If damaged, may continue if no more than 50% of the sign is damaged and the sign is fully repaired within 90 days; otherwise full compliance with the requirements of this Ordinance is required.

C. Any dimensional nonconformity may be reduced by permitted use, even if the reduction does not entirely eliminate the dimensional nonconformity.

Section 1004. Substitution or Replacement of Nonconforming Use

A. A nonconforming use may be substituted by another nonconforming use of the same type.

B. A nonconforming use may be substituted by a nonconforming use with lesser impacts through the approval of a conditional use.

Section 1005. Restoration of Nonconforming Structure

A nonconforming structure that is partially damaged or entirely destroyed by natural or accidental causes not related to demolition or neglect may be rebuilt and occupied for the same use as before the damage, provided:

A. The reconstructed structure shall not increase any dimensional nonconformity.

B. The reconstruction shall start within six months from the time of damage to the structure and be completed within one year from the time of damage to the structure.

C. The Zoning Officer may extend the time requirements for a single period not to exceed six months upon the applicant's demonstration of extraordinary circumstances requiring the delay of either the start or completion of reconstruction.

Section 1006. Unsafe or Unlawful Structures

If a nonconforming structure becomes physically unsafe due to neglect, lack of repair or maintenance and is declared by a duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

Section 1007. Use of Nonconforming Lot of Record

A. Except as provided in subsection B. below, in any district, any lot of record existing in single and separate ownership on the effective date of this Ordinance may be used for the construction of a building or structure conforming to the use regulations of the district. This provision shall apply

even though such lot fails to meet all of the lot area and lot width requirements in the district in which the lot is located.

B. If two or more adjacent lots in single ownership are of record as of the effective date of this Ordinance and one or more of the lots does not meet the requirements established for lot width and/or area for the district in which the lots are located, the lots shall be considered an undivided and integrated parcel for the purposes of this Ordinance.

Section 1008. Use Variance Is Not a Nonconforming Use

Any use that is permitted by variance under the terms of this Ordinance shall not be deemed a nonconforming use. Any expansion and/or alteration of such use will require grant of another variance by the Zoning Hearing Board.

ARTICLE 11 - ZONING HEARING BOARD

Section 1101. Zoning Hearing Board's Functions

The Zoning Hearing Board shall have the exclusive jurisdiction to hear and render decisions in the matters authorized by Section 909.1(a) of the Pennsylvania Municipalities Planning Code, including but not limited to the following:

A. Variances

1. Filing Requirements – Each variance application shall include the following:

   a. A complete application using the form prescribed by the Township, including:

      i. The name and address of the landowner and applicant;

      ii. Signed verification of the landowner of knowledge of the filling of the application;

      iii. A brief description and location of the real estate to be affected by such proposed change together with a plot plan drawn to scale with sufficient clarity to show the nature and character of the request;

      iv. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof; and

v. A reference to the specific section and, where applicable, the subsection at issue and a statement in numbered paragraphs setting forth the grounds for each form of relief sought together with each fact supporting the claim for relief.

b. Copies of scaled drawings (site plan, including floor plans and elevations where appropriate) of the site depicting existing conditions and requested variance(s), as follows:

i. two full size copies; and

ii. seven reduced size (11" x 17") copies;

c. Names and addresses of adjacent lot owners including lots directly across a public right-of-way;

d. A written description of the requested variance(s) and grounds for the grant of the variance; and

e. Payment of applicable fees.

2. The Zoning Hearing Board may grant a dimensional variance, provided that the applicant submits sufficient evidence for the Zoning Hearing Board to make the following required findings where relevant in a given case. These findings repeat the criteria for grant of a dimensional variance set forth in Section 910.2 of the MPC and shall, at all times be consistent with the criteria then current in the MPC:

a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located;

b. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable reasonable use of the property;

c. That such unnecessary hardship has not been created by the appellant;

d. That the variance, if authorized, will not alter the essential character of the district or neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare;

e. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulations in issue.

f. In considering the application for a dimensional variance, the Zoning Hearing Board, for purposes of determining whether the lot (not the person) is subject to unnecessary hardship, may consider such other factors as have been established by the Courts of Pennsylvania, which under current law include economic detriment to the applicant if the variance is denied, the financial hardship created by any work necessary to bring the building into strict compliance with the zoning requirement from which variance is sought, and the characteristics of the surrounding neighborhood if the lot that is the subject of the application is located in a blighted area and the application will advance the neighborhood's rehabilitation.

3. The Zoning Hearing Board may grant a use variance, provided that the applicant submits sufficient evidence for the Zoning Hearing Board to make the required findings set forth in sub-section 2 above and in addition one of the following findings:

   a. The physical characteristics of the property are such that it could not be used for any use permitted by this Ordinance or could only be used for such permitted use at prohibitive expense; or

   b. The physical characteristics of the property are such that the property has either no value or only distress value for any use permitted by this Ordinance.

4. The Zoning Hearing Board may grant a hybrid variance (a mixed use/dimensional requirement variance as characterized by decisions of the Pennsylvania Courts), provided that the applicant submits sufficient evidence for the Zoning Hearing Board to make the findings set forth in sub-section 2 above.

5. Conditions – In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and to protect the public interest. These conditions shall be enforceable by the Zoning

Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and subject to the penalties described in this Ordinance.

a. A condition may be amended by the Zoning Hearing Board upon written application and finding by the Zoning Hearing Board of changed circumstances that render the original condition no longer appropriate to serve the function of protecting the public interest that gave rise to the condition.

6. In granting any variance, the Zoning Hearing Board shall issue a written decision in time and manner required by Section 908(9) and 908(10) of the Pennsylvania Municipalities Planning Code.

7. If a Zoning Permit has been requested, the approved variance with any conditions imposed by the Zoning Hearing Board shall be attached to the application for Zoning Permit. Where the variance is approved prior to the application, then the approved variance with any conditions imposed by the Zoning Hearing Board shall be forwarded to the Zoning Officer.

8. Time Limitation; Expiration

If the use, building or structure for which the variance was granted is not established, erected or completed, an approved variance shall expire one year after the grant of the variance. By operation of this provision, such expiration period shall be a condition of all grants of variance. An extension of the variance expiration period may be obtained upon application to the Zoning Hearing Board that states in writing the grounds for the need for the extension. The Zoning Hearing Board may grant an extension of six months upon finding that (i) the applicant has acted with due diligence and (ii) reasonable grounds exist for such extension.

B. Special Exceptions

1. For any use permitted by special exception, approval of a special exception must be obtained from the Zoning Hearing Board. No special exception application which requires approval for variance by the Zoning Hearing Board shall be granted until such time as such approvals have been secured. If during the course of review of the special exception it is determined that the proposed use requires approval for variance, the application shall be either withdrawn by the applicant or may be denied by the Board of Supervisors.

2. Except as provided herein, Article 12 relating to conditional uses is incorporated herein in its entirety by reference. For purposes of this Article, all reference to Board of Supervisors shall mean Zoning Hearing Board; all reference to conditional use shall mean special exception.

3. Copies of scaled drawings (site plan, including floor plans and elevations where appropriate) of the site, including finished topography with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance, including competent evidence demonstrating a substantial likelihood of compliance with the requirements of this Ordinance, shall be provided with the application, as follows:

   a. three full size copies;

   b. seven reduced size copies;

   c. five reduced size copies of cover sheet, existing conditions sheet and proposed conditions sheet; and

   d. one digital copy.

C. Appeals from the Determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or enforcement notice or the registration or refusal to register any nonconforming use, structure or lot.

1. Filing Requirements – Each appeal from the determination of the Zoning Officer shall include the following:

   a. A complete application using the form prescribed by the Township and executed by the applicant.

      i. The name and address of the appellant and applicant;

      ii. The name and address of the landowner of the real estate to be affected;

      iii. A brief description and location of the real estate to be affected by such proposed change together with a plot plan drawn to scale with sufficient clarity to show the nature and character of the request;

iv. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof; and

v. A reference to the specific section and, where applicable, the subsection at issue and a statement in numbered paragraphs setting forth the grounds for each form of relief sought together with each fact supporting the claim for relief;

b. Names and addresses of adjacent lot owners;

c. A written description of the error and grounds for the appeal;

d. A scaled drawing (site plan, including floor plans and elevations where appropriate) of the site depicting existing conditions and requested variance(s); and

e. Payment of applicable fees.

Section 1102. Fees

The Township Board of Supervisors may by resolution prescribe reasonable fees with respect to applications requiring public hearing before the Zoning Hearing Board. Fees may provide for the recovery of administrative expenses incurred by the Township as authorized by Section 908(1.1) of the Pennsylvania Municipalities Planning Code.

Section 1103. Determination of Completeness

A. No application or appeal shall be deemed filed unless and until the applicable fee is paid, the related form is properly completed, all informational requirements set forth in this Ordinance have been satisfied, and all necessary signatures are applied. Any failure to comply with the requirements of this subsection may lead to the rejection of the application or appeal because administratively incomplete by the Zoning Officer.

B. By executing the application or appeal, the applicant verifies that to the best of his or her knowledge, information and belief each fact alleged in the application or appeal is true and correct, and that there exists a good faith basis for the requested permission or relief.

Section 1104. Public Hearings

A. The Zoning Hearing Board shall conduct public hearings to inform and obtain public comment and shall make decisions on all matters for which authority has been granted in Section 909.1(a) of the Pennsylvania Municipalities Planning Code.

B. Public notice of a public hearing to be conducted by the Zoning Hearing Board shall be given at such time and in such manner as prescribed by Section 908 of the Pennsylvania Municipalities Planning Code. Written notice of a public hearing also shall be given to the applicant, the Zoning Officer, and such other persons as the Township Board of Supervisors shall designate by Ordinance and to any person who has made timely request for the same.

C. The public hearing on the application shall be held at such time and in the manner prescribed by Section 908 of the Pennsylvania Municipalities Planning Code.

Section 1105. Time Limitations

A. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty days after an application for development, preliminary or final, has been approved by the Zoning Officer or the agency responsible for granting such approval if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice or knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

B. The Zoning Hearing Board shall hold the initial hearing on any complete application properly submitted to the Zoning Hearing Board's jurisdiction within 60 days of the submission. Hearings thereafter shall continue in accordance with Section 908(1.2) of the Pennsylvania Municipalities Planning Code.

C. The failure of anyone other than the landowner to appeal from an adverse decision by the Zoning Officer on a challenge to the validity of this Ordinance or the Official Zoning Map pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code, shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative preliminary approval.

ARTICLE 12 – CONDITIONAL USES

Section 1201 Filing Requirements, Criteria Applicable to All Conditional Uses, Conditions, Site Plan Approval

A. Filing Requirements

Each conditional use application shall include the following:

1. A complete application using the form prescribed by the Township and executed by the applicant, including:

    a. The name and address of the appellant and applicant;

    b. The name and address of the landowner of the real estate to be affected;

    c. A brief description and location of the real estate to be affected by such proposed change together with a plot plan drawn to scale with sufficient clarity to show the nature and character of the request; and

    d. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.

2. Names and addresses of adjacent lot owners including lots directly across a public right-of-way;

    a. Copies of scaled drawings (site plan, including floor plans and elevations where appropriate) of the site, including finished topography with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance, including competent evidence demonstrating a substantial likelihood of compliance with the requirements of this Ordinance, as follows:

        i. three full size copies;

        ii. eight reduced size (11" x 17") copies;

        iii. five reduced size (11" x 17") copies of cover sheet, existing conditions sheet and proposed conditions sheet; and

iv. one digital copy;

b. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance, including competent evidence demonstrating a substantial likelihood of compliance with the requirements of this Ordinance;

c. A written statement identifying the natural, scenic, historic and esthetic values of the environment within the scope of Article I, Section 27 of the Pennsylvania Constitution (Environmental Rights Amendment) reasonably likely to be impacted by the proposed use and identifying the source(s) of law that preempts regulation of the impacts by zoning; and

d. Payment of applicable fees.

B. Criteria Applicable to All Conditional Uses

The Board of Supervisors shall hear and act upon an application for conditional use as specifically authorized by this Ordinance. The granting of a conditional use shall be subject to the following standards and criteria. The applicant for a conditional use shall demonstrate, by credible evidence, compliance with these criteria and those criteria specified elsewhere in this Ordinance for the use in question:

1. The proposed use shall be consistent with the purpose and intent of the Ordinance as expressed in the district descriptions and such use is specifically authorized as a use by conditional use within the district wherein the applicant seeks approval.

2. The proposed use shall not detract from the use and enjoyment of adjacent or nearby lots.

3. The proposed use will not substantially change the character of the subject lot's neighborhood nor adversely affect the character of the general neighborhood, the conservation of property values, the health and safety of residents or workers on adjacent lots and in the neighborhood, nor the reasonable use of neighboring lots. The use of adjacent lots shall be adequately safeguarded.

4. Adequate public facilities are available to serve the proposed use and the proposed use shall not have an adverse effect upon the logical and economic extension of such public services and facilities (e.g., schools, parks and recreation, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.).

5. The applicant shall establish by credible evidence that the proposed use shall be in and of itself properly designed with regard to internal circulation, off-street parking, off-street loading, landscaping, screening, buffering, and all other elements of proper design as specified in this Ordinance and any other governing law or regulation.

   and

6. The proposed use demonstrates a substantial likelihood of compliance with the requirements of this Ordinance.

C. Conditions

The Board of Supervisors in approving a conditional use application may attach conditions considered necessary to protect the public welfare and the purposes listed above. The Board of Supervisors may not attach conditions intended to correct an omission of proof of compliance with an objective requirement or to obtain compliance with an objective requirement, except where the ability to comply with the requirement is clearly apparent from the record made before the Board of Supervisors. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in this Ordinance.

1. A condition may be amended by the Board of Supervisors upon written application and finding by the Board of Supervisors of changed circumstances that render the original condition no longer appropriate to serve the function of protecting the public interest that gave rise to the condition.

D. Site Plan Approval

Any site plan presented in support of the conditional use. Approval of any conditional use will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Except as noted for minor changes, any subsequent change on the subject lot not reflected on the originally approved site plan shall require the approval of another conditional use.

1. A person or entity having obtained a conditional use approval may apply for a minor change to the approval. The intent of the minor change application process is to streamline the review and approval or minor changes to an approved conditional use that do not raise significant substantive concerns.

2. A change to an approved conditional use that involves one or more of the following is ineligible for application for a minor change:

    a. Change in use.

    b. Addition of, or change to, vehicular access.

    c. Change that would require relief from a standard or requirement of the Ordinance or SALDO.

    d. Change that would modify relief already obtained through grant of a variance, with or without a condition.

    e. Change that would modify a condition of approval of a conditional use.

    f. Change that would increase the permitted residential density by more than ten percent (10%) or lot coverage by more than five percent (5%).

    g. Change that would add and/or relocate non-residential off-street parking areas, off-street loading areas, outdoor waste storage, outdoor storage and/or display in an area where such features had not previously been proposed and which is adjacent to a lot improved with a dwelling or an unimproved lot in a residential zoning district.

    h. Change that would substantially alter, add or relocate storm water management facilities previously proposed; increase the existing volume or rate of storm water discharge from the site; or alter the existing quality of storm water discharge.

2. An application for a minor change shall be submitted in writing to the Zoning Officer for review and approval. The application shall include such written and/or graphic information as may be necessary to fully explain the minor change. Concurrent with the submission of the application, the applicant shall mail a copy of the application notice to each person or entity recognized as a party in the initial application proceeding. The application shall include a sworn certificate of service that identifies, by name and address, each party served with the application.

3. As the Zoning Officer deems necessary for the making of a decision on the application for minor change, the Zoning Officer may consult with the Township Engineer, Township Solicitor, and any other consultant.

4. Within 21 days of the submission of the minor change, the Zoning Officer shall issue a written decision approving or recommending denial of the application for minor change. The written decision shall be issued to the applicant and all parties to the initial application proceeding.

   a. In the event the Zoning Officer approves the application for minor change, the decision shall be officially noted in the Township records in a manner consistent with the initial approval and reported to the Board of Supervisors at its next meeting following the making of the decision.

   b. In the event the Zoning Officer recommends denial of the application for minor change, the written decision shall state the grounds for denial.

   c. In the event the Zoning Officer recommends the denial of the application for minor change, the applicant may appeal the determination of the Zoning Officer to the Board of Supervisors.

   d. The Zoning Officer's denial of the application for minor change does not foreclose the applicant from applying for and obtaining another conditional use approval for the proposed change.

5. Time Limitation; Expiration

   If the use or structure for which the conditional use was granted is not established, erected or substantially completed, such approval shall expire one year after the grant of the conditional use. By operation of this provision, such expiration period shall be a condition of all grants of approval of a conditional use. An extension of the expiration period may be obtained upon application to the Board of Supervisors. The Board of Supervisors may grant an extension of six months upon finding that (i) the applicant has acted with due diligence and (ii) reasonable grounds exist for such extension. This expiration provision does not operate to extend the time periods stated in Section 917 of the MPC.

Section 1202. Fees

The Township Board of Supervisors may by resolution prescribe reasonable fees with respect to an application for conditional use. Fees may provide for the recovery of administrative expenses incurred by the Township as authorized by Section 908(1.1) of the Pennsylvania Municipalities Planning Code.

Section 1203. Determination of Completeness

A. No application shall be deemed filed unless and until the applicable fee is paid, the related form is properly completed, all informational requirements set forth in this Ordinance have been satisfied, and all necessary signatures are applied. Any failure to comply with the requirements of this Section may lead to the rejection of the application or appeal because administratively incomplete by the Zoning Officer.

B. By executing the application or appeal, the applicant verifies that to the best of his or her knowledge, information and belief each fact alleged in the application or appeal is true and correct, and that there exists a good faith basis for the requested permission or relief.

Section 1204. Public Hearings

A. The Board of Supervisors shall conduct public hearings to inform and obtain public comment and shall make decisions on all matters for which authority has been granted in Section 909.1(a) of the Pennsylvania Municipalities Planning Code.

B. Public notice of a public hearing to be conducted by the Board of Supervisors shall be given at such time and in such manner as prescribed by Section 908 of the Pennsylvania Municipalities Planning Code. Written notice of a public hearing also shall be given to the applicant, the Zoning Officer, and such other persons as the Township Board of Supervisors shall designate by Ordinance and to any person who has made timely request for the same.

C. The public hearing on the application shall be held at such time and in the manner prescribed by Section 908 of the Pennsylvania Municipalities Planning Code.

Section 1205. Time Limitations

The Board of Supervisors shall hold the initial hearing on any complete application properly submitted to the Board of Supervisors' jurisdiction within 60 days of the submission. Hearings thereafter shall continue in accordance with Section 908(1.2) of the Pennsylvania Municipalities Planning Code.

ARTICLE 13 – APPEAL

Any person aggrieved by any decision of the Township Board of Supervisors or Zoning Hearing Board made under this Ordinance may, within thirty days after such decision has been issued in writing, seek review by the Court of Common Pleas of such decision in the manner provided by the laws of the Commonwealth of Pennsylvania and Article X-A of the Pennsylvania Municipalities Planning Code.

ARTICLE 14 – ADMINISTRATION

Section 1401. Zoning Officer

The provisions of this Ordinance shall be enforced by a person, to be appointed by the Board of Supervisors, who shall be known as the Zoning Officer. The powers and duties of the Zoning Officer are as authorized by Section 614 of the Pennsylvania Municipalities Planning Code. The Zoning Officer shall not issue a zoning permit for any purpose, except in compliance with the literal provisions of this Ordinance. The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcement when acting within his/her scope of employment.

Section 1402. Zoning Permits

A zoning permit indicates that the Zoning Officer has determined that a zoning applicant complies with this Ordinance. However, such reference does not preclude the Township from utilizing a combined permit form, such as a permit form covering both building and zoning permits (zoning/building permit), or a specific form covering a particular matter regulated by this Ordinance (e.g., sign permit). A zoning permit is a concurrent requirement; the applicant may also be required to obtain a Uniform Construction Code construction permit and use and occupancy permit; a stormwater management permit; a driveway permit; a well permit; approval of the sewage system by the Sewage Enforcement Officer; and/or approval of a land development plan.

A. General Requirements for Zoning Permits

1. Actions Requiring a Zoning Permit – A zoning permit shall be required for any use permitted by right prior to:

   a. A new or change in use of land or structure;

   b. The erection or construction, expansion or relocation of a structure excluding ordinary repair and maintenance (e.g. roof repair);

c. The improvement or alteration of any existing structure where such improvement or portion thereof increases the amount of space which the structure encloses;

d. The alteration or development of any improved or unimproved real estate, including but not limited to mining, dredging, filling, grading, paving, excavation, or drilling operations, but not including the tilling of soil associated with agriculture;

e. The erection or alteration of any signs specified in Article 8 as requiring a zoning permit;

f. For uses other than a single-family dwelling:

   i. The installation of a new outdoor lighting system, including the alteration, rehabilitation, or renovation to an existing outdoor lighting installation which involves the complete replacement of an existing lighting system with a new lighting system; and

   ii. The replacement of an outdoor light fixture that increases the intensity of the fixture that existed on the effective date of this Ordinance.

2. Issuance / Rejection of Application for a Zoning Permit – Upon receipt of an application for a zoning permit, the Zoning Officer shall examine the permit application within a reasonable time after filing. The Zoning Officer may request review and comment from the Planning Commission, the Township Engineer, the Township Sewage Enforcement Officer, the Township UCC Inspector and the Township Solicitor. If the application fails to comply with the provisions of this Ordinance and all pertinent local laws and/or any conditions of approval attached to the grant of variance or any applicable subdivision and/or land development approval, the Zoning Officer shall deny such application in writing, stating the reasons therefore. Should the Zoning Officer deny the application, he/she shall inform the applicant of his/her right to appeal to the Zoning Hearing Board. If satisfied that the proposed work and/or use conforms to the provisions of the Ordinance, and all local laws and ordinances applicable thereto and/or any conditions of approval attached to the grant of a variance or any applicable subdivision and/or land development approval, the Zoning Officer shall issue a permit therefore as soon as practical, but not later than 60 days from receipt of a complete application.

3. Expiration of Permit – The permit shall expire six months from the date of issuance; provided, however, that the same may be extended by the Zoning Officer every six months for a period not to exceed an additional year upon the written request by the applicant which demonstrates good cause for the extension.

4. Compliance with Application and Site Plan – After issuance of the zoning permit, all work or uses shall conform to the approved application and site plan for which the zoning permit has been issued. The Zoning Officer may accept adjustments in plans and applications that involve only minor corrections and/or adjustments that do not substantively deviate from approved application. No other change may be made without application to and approval of the Zoning Hearing Board in the case of variance or special exception or the Board of Supervisors in the case of a conditional use.

B. Application for a Zoning Permit

1. An application for zoning permit shall be made on a form adopted by the Township for such purpose; shall contain a general description of the proposed work, development, use or occupancy of all parts of the structure or land; and shall be accompanied by a plot plan in duplicate drawn to scale and showing the following as may be applicable to the requested permit:

   a. The actual dimensions and shape of the lot to be built upon;

   b. The exact size and location on the lot of buildings, structures, fences, signs, and areas of land use, existing and/or proposed extensions thereto;

   c. The number of dwelling units or other units of occupancy (e.g. commercial, industrial, institutional, agricultural, accessory uses, etc.) if any, to be provided;

   d. The location and proposed surfacing of driveways and access drives and copies of any highway occupancy permits as required by local, county and/or state agencies;

   e. The height of all structures, buildings, and/or signs;

   f. Setbacks and the distances of buildings and structures from lot lines and street right-of-way lines;

g. Off-street parking and loading areas and access thereto, including grades and proposed surfacing;

h. Outdoor areas devoted to storage of goods, materials and/or wastes;

i. Utility systems affected and proposed, including primary and backup on-lot and/or public sewage disposal and water supply systems, including any required permits;

j. Alteration or development of any improved or unimproved real estate;

k. Lot coverage;

l. Site lighting, including lighting of signs;

m. Floor area devoted to each proposed use and unit of occupancy for both principal and accessory uses;

n. Recreation areas;

o. Screens, buffer areas, landscaping, erosion control filter strips and riparian buffers;

p. Means of pedestrian access;

q. Means and location of solid waste management;

r. Written approvals for needed Conservation Plans, Nutrient Management Plans and/or Erosion and Sediment Pollution Control Plans;

s. Information relating to any zoning approvals (including conditions of approval) obtained from the Zoning Hearing Board or the Township Board of Supervisors;

t. Information relating to any land development or subdivision plan approvals (including conditions of approval);

u. Proof of approval from the Pa. Department of Labor and Industry, when required by such agency;

v. Copies of any applicable subdivision/land development plan;

w. Workers' Compensation certificates;

x. Information relating to compliance with the Mount Joy Township Stormwater Management Ordinance; and

y. All other information necessary for the Zoning Officer to determine conformance with and provide for enforcement of this Ordinance.

C. Zoning Permit for Temporary Uses and Structures

A Zoning Permit for a temporary use or structure may be issued by the Zoning Officer for any of the following, but only upon submission of a zoning permit application accompanied by a narrative and plan describing in detail the proposed use and depicting the location of the use, including proposed signs and structures, on the lot.

1. A Zoning Permit may be issued for customary, routine and accessory short-term occasional non-commercial events, provided that:

   a. only a well-established nonprofit organization or a permitted educational institution or place of worship proposing a temporary use to clearly primarily serve a charitable, public service or religious purpose shall be eligible to receive approval for commercial-type activities in a district where a commercial use would not otherwise be permitted;

   b. events shall be limited to a maximum of 8 total days per calendar year;

   c. an individual event shall be limited to a maximum of two days; and

   d. the applicant shall prove to the Zoning Officer that sufficient parking, traffic control (without obstructing parking that is required to serve other uses on the site), water supply, and sewage management will be available for the special event.

   e. the application includes the following:

      i. the name and address of the person(s) involved in sponsoring an producing the event;

      ii. the owner(s) of the lot on which the event is to be held;

iii. identification of the lot on which the use is proposed;

iv. a narrative describing all of the activities proposed to occur as part of the event and the anticipated number of attendees or participants;

v. a site plan showing the lot, structures on the lot; adjacent streets; adjacent lots and their owner(s) and uses; arrangement of structures for the event; solid waste collection facilities; and event parking and lot access;

vi. a statement describing solid waste collection and removal; sewage management; water supply; emergency services (fire and medical); crowd control, safety and security. The statement shall identify the services providers and include proof that the providers will be able to provide the services. Where the lot proposed for the use is served by an on-lot septic system, a written determination from the Township Sewage Enforcement Officer that the on-lot system is adequately sized and designed to handle the proposed sewage treatment load is required to be submitted with the application for zoning permit.

vii. proof of general liability insurance naming the Township as a covered insured in an amount no less than $1,000,000 for an event of 250 or fewer attendees; for each additional 100 persons, the amount of liability insurance shall be increased by $100,000.

viii. statement of assumption of liability, in a form and content approved by the Township Solicitor, obligating the applicant to pay for any and all damages caused to third persons or property resulting from the event to the extent the loss is not covered by the general liability insurance. The Township may require a performance guarantee assuring that the applicant has sufficient assets to pay for such damages; and

ix. proof of notice of the event, by date and description, delivered to owners of adjacent lots.

f. The required application fee shall be submitted with the application.

g. An event permit may be denied if it poses a threat to the safety, health and welfare of the participants or the general public.

h. The Zoning Officer's decision on the application shall be reported to the Board of Supervisors at its next scheduled meeting following the issuance of the decision.

2. Temporary Retail Sales. Except as provided for in subsection E.1.a. above, and except for accessory agricultural products sales, a lot shall only be used for temporary retail sales if all of the following conditions are met:

   a. The lot is located within a zoning district that permit retail uses and is presently in lawful retail use.

   b. No off-street parking spaces required to serve permanent use(s) on the lot shall be obstructed.

   c. Any signs advertising the temporary retail sales that are visible from a public street shall comply with this Ordinance.

   d. Any structure for the temporary retail use shall meet applicable minimum setbacks for the zoning district.

   e. A zoning permit for the temporary retail use and prominently displayed while the use is open for business.

   f. The application may be rejected if the Zoning Officer has reason to believe that the activity would obstruct safe sight distances.

   g. Applicable State highway occupancy permit requirements shall be met.

3. "Pop Up" – other than Temporary Retail Use. Except as provided for in subsection E.1. above, a lot shall only be used for a "pop up" use (for example, a "pop up" use selling food, beverages) if all of the following conditions are met:

   a. The lot is located within a zoning district that permits the use and is presently in lawful commercial use.

   b. No off-street parking spaces required to serve the permanent use(s) on the lot shall be obstructed.

   c. Any signs advertising the "pop up" visible from a public street shall comply with this Ordinance.

d. Any structure for the "pop up" shall meet applicable minimum setbacks for the zoning district.

e. The application may be rejected if the Zoning Officer has reason to believe that the activity would obstruct safe sight distances.

f. Applicable State highway occupancy permit requirements shall be met.

g. If food or beverages are sold that are not pre-packaged, the applicant shall prove compliance with State health regulations, including having on-site facilities for workers to wash their hands. Proper bathroom facilities shall also be available for workers.

Section 1403. Certificate of Zoning Compliance

A. It shall be unlawful to use and/or occupy any structure, building, sign, land or portion thereof without first complying with the applicable requirements of the Ordinance including, where required, making application for and receiving approval of a variance, conditional use or special exception and complying with any conditions attached to such approval.

B. Upon written request for a Certificate of Zoning Compliance, a Certificate shall be issued by the Zoning Officer. The Zoning Officer shall not issue such Certificate unless he/she has inspected said structure, building, sign, or land and has determined that all provisions of the Ordinance have been satisfied, that the applicant has complied with any conditions attached to the approval of a variance, conditional use or special exception, and that the applicant has received a Certificate of Use and Occupancy under the Uniform Construction Code, a stormwater management permit under Chapter 81 of the Township Code, a well permit under Chapter 107 of the Township Code, and approval of the septic system under Chapter 68 of the Township Code, and any other required approval or permit under any other chapter of the Township Code, as applicable.

Section 1404. Violations

Failure to secure a zoning permit prior to establishing a new use or a change in use of land or structure, or the erection, construction or alteration of any structure or portion thereof, shall be a violation of this Ordinance.

A. Enforcement Notice

If the Zoning Officer has reason to believe that a violation of this Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice, as provided by Section 616 of the Pennsylvania Municipalities Planning Code. At his/her election, the Zoning Officer may provide notice of the violation and applicable requirements of this Ordinance to the lot owner and/or occupant or operator.

1. The enforcement notice shall be sent to the owner of record of the lot on which the violation has occurred. A copy of the enforcement notice shall be provided (i) to any person who has filed a written request to receive enforcement notices regarding that parcel; (ii) to any other person requested in writing by the owner of record; and (iii) the person known or believed to have violated the Ordinance, if other than the owner of record.

2. An enforcement notice shall state at least the following:

   a. The name of the owner of record and any other person against whom the Township intends to take action.

   b. The location of the lot in violation.

   c. The specific violation with a description of the requirements that have not been met, citing in each instance the applicable provisions of this Ordinance.

   d. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

   e. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth under Section 704.E. of this Ordinance.

   f. 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.

B. Enforcement Penalties

Any person, partnership or corporation who, or which, has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the

Township, pay a judgment of not more than $100 for the first violation, $250 for the second violation and $500 for the third and any subsequent violations, plus all court costs, including reasonable attorney fees and any administrative enforcement expenses (allowed to be recovered by law) incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the Magisterial District Justice. If the defendant neither pays, nor timely appeals the judgment, the Township may enforce the judgment. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Justice, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation, until the fifth day following the date of the determination of a violation by the Magisterial 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 Ordinance shall be paid over to the Township.

C. Remedies in Law and Equity

In case any structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance without a zoning permit or in a manner that does not comply with a zoning permit or condition attached to grant of a variance or approval of a conditional use or special exception, the governing body or, with the approval of the governing body, an officer of the municipality, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such structure or use of land constituting a violation.

Section 1405. Fees

A. The Township Board of Supervisors shall establish by resolution a schedule of fees, charges, and expenses and collection procedures for applications for Zoning Permits, Certificates of Zoning Compliance, conditional uses, special exceptions, variances, appeals, amendments, and other matters pertaining to this Ordinance.

B. The schedule of fees shall be available for inspection in the office of the Zoning Officer and may be altered or amended by resolution of the Township Board of Supervisors.

C. Until all application fees, charges, and expenses have been paid in full, the application or appeal shall not be considered complete. Therefore, no proceedings related to any such application or appeal shall be initiated, no established time elements shall begin to accrue, and no action shall be taken on any such application or appeal.

Section 1406. Information Submission Requirements

A. Submission Constitutes a Public Record

1. By making a submission under this Ordinance, the applicant acknowledges and agrees that all documents and other information submitted to the Township pursuant to this Ordinance (including any document bearing a copyright that was particularly prepared and submitted to meet information or substantive requirements for the application) constitute public records within the meaning of the Pennsylvania Right to Know Law, Act 3 of 2008, as amended, and are subject to review and reproduction upon request made in accordance with that Law.

2. The applicant's acknowledgment and agreement extends to documents prepared by a third party and is understood to have been given following notice to the third party.

B. Applications

1. Submittal. All applications for a Zoning Permit or a decision by the Zoning Hearing Board shall be made in writing on a form provided by the Township. Such completed application, with required fees, shall be submitted to the Zoning Officer. An application shall be deemed complete when a completed application form with any required supplemental information, plus application fees, has been submitted to the Zoning Officer.

2. Site Plan. Except as otherwise provided, the applicant shall submit a minimum of three copies of a site plan with the application if the application involves a new building, expansion of a building or addition of three or more parking spaces. The site plan shall be drawn to scale and show the following:

a. locations, dimensions and uses of existing and proposed structures, parking and loading areas, and locations of existing and proposed uses of areas of land, with existing features clearly distinguished from proposed features;

b. notes showing the dimensions of all buildings from lot lines and street rights-of-way;

c. locations of any watercourses and any 100 year floodplain;

d. proposed lot areas, lot widths and other applicable dimensional requirements;

e. locations and widths of existing and proposed sidewalks;

f. a north arrow and scale; and

g. well and primary and alternate septic system locations, if applicable.

3. Additional Information. Any application under this Ordinance shall include the following information, unless the Zoning Officer determines such information is unnecessary to determine compliance with this Ordinance:

a. the address of the lot;

b. name and address of the applicant, and of the owner of the lot if different from the applicant;

c. if the applicant is not the landowner of record, information shall be presented with the application, such as an agreement of sale or lease, to demonstrate that the applicant has the legal right to make the application;

d. a current deed for the lot;

e. a description of the existing and proposed use(s) of the lot, with the proposed use described in sufficient detail for the Zoning Officer to determine compliance with this Ordinance;

f. all other applicable information listed on the official Township application form;

g. if the applicant is incorporated, the legal names and day telephone numbers of officers of the organization/corporation;

h. such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this Ordinance; and

i. a listing of all conditional use, special exception and/or variance approvals which the applicant is requesting and/or a description with a date of any such approval that was previously granted for the lot that relate to this application.

4. Submittals to the Board. In addition to the information listed above, an application requiring a site plan and action by the Zoning Hearing Board or Board of Supervisors shall also include the following information, unless the Zoning Officer determines that such information is unnecessary to determine compliance with this Ordinance:

a. the present zoning district and major applicable lot requirements;

b. for a non-residential use:

i. a description of the proposed non-residential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire or toxic or explosive hazards or other significant public health and safety hazards,

ii. a list of the maximum hours of operation;

c. the existing directions of stormwater flow (and any proposed revisions), and any proposed methods of stormwater management;

d. a listing of any sections of this Ordinance being appealed, with the reasons for any appeal;

e. approximate locations of principal buildings and locations of streets and alleys and zoning district boundaries within 100 feet of the boundaries of the tract, and description of uses of adjacent lots (such as "drug store" or "single family detached dwelling");

f. heights, locations, methods of illumination and intensity of exterior lighting and sign lighting;

g. name and address of person who prepared the site plan;

h. signed acknowledgment of the application by the applicant; and

i. such additional information required under applicable sections of this Ordinance.

5. Ownership. No person other than a landowner or their specifically authorized agent or a tenant or lessee with written permission of the landowner shall submit a zoning application (see definition of "landowner" in Article 1).

C. Issuance of Permits

1. At least one copy of each permit application and any other zoning approval shall be retained in Township files.

2. PennDOT Permit. Where necessary for access onto a State Road, a Township zoning permit shall be automatically conditioned upon issuance of a PennDOT Highway Occupancy Permit.

D. Revocation of Permits; Appeal of Permit or Approval

1. Revocation. The Zoning Officer shall revoke, withhold or suspend a permit or approval issued under the provisions of the Ordinance in case of one or more of the following:

a. any false statement or misrepresentation of face in the application or on the plans on which the permit or approval was based (Note: The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties);

b. upon violation of any condition lawfully imposed by the Zoning Hearing Board upon a special exception use or variance;

c. any work being accomplished or use of land or structures in such a way that does not comply with this Ordinance or an approved site plan or approved zoning permit; and/or

d. for any other just cause set forth in this Ordinance.

2. Appeals. A party with legitimate standing, or as otherwise provided by State law, may appeal decisions under this Ordinance within the provisions of the Pennsylvania Municipalities Planning Code. Any such appeal shall occur within the time period established in the

Pennsylvania Municipalities Planning Code (as of the adoption date of this Ordinance, such provisions were in Sections 914.1 and 1002-A).

E. Compliance with Township Subdivision and Land Development Ordinance

If an application under this Ordinance would also be regulated by the Township Subdivision and Land Development Ordinance (SALDO), then any permit or approval under this Ordinance shall automatically be conditioned upon compliance with the SALDO. See the definitions of "land development" and "subdivision" in the SALDO.

F. Compliance with Uniform Construction Code (UCC)

If an application under this Ordinance would also be regulated by the Pennsylvania Uniform Construction Code, then any permit or approval under this Ordinance shall automatically be conditioned upon compliance with the UCC.

G. Applicant's Duty of Good Faith

1. In filing an application for review under this Ordinance, the applicant shall exercise good faith to prepare a complete and correct application and to promptly address or otherwise respond substantively to the review comments of the Township, and its consultants.

2. It is the duty of the applicant to move the application to completion in a prompt, timely, and diligent manner so as to enable formal action by the respective agency or agent of the Township, as the case may be, and to comply with all conditions of approval imposed.

H. Unsworn Falsification to Authorities

All statements, whether written or oral, made to the Township in the course of the review of the application under this Ordinance shall be true and correct to the best of the knowledge, information and belief of the applicant, and with the understanding that any false statement is subject to the penalties of 18 Pa.C.S.A. Section 4804, relating to "Unsworn Falsification to Authorities."

Section 1407. Repealer

Except as otherwise required by law, this Ordinance is intended as a continuation of, and not a repeal of, existing regulations governing the subject matter. To the extent that this Ordinance restates regulations contained in ordinances previously enacted by the Township this Ordinance shall be considered a restatement and not a repeal of such regulations. It is the specific intent of the Township Board of Supervisors that all provisions of this Ordinance shall be considered in full force and effect as of the date such regulations was initially enacted. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed. It is expressly provided that the provisions of this Ordinance shall not affect any act done, contract executed or liability incurred prior to its effective date, or affect any suit or prosecution pending or to be instituted to enforce any rights, rule, regulation or ordinance, or part thereof, or to punish any violation which occurred under any prior zoning regulation or ordinance. In the event any violation has occurred under any prior zoning regulation or ordinance, prosecution may be initiated against the alleged offender pursuant to the provisions of said prior zoning regulation or ordinance, and the provisions and penalties provided in said prior zoning regulation or ordinance shall remain effective as to said violation.

Section 1408. Severability.

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 1409. Effective Date

This Ordinance shall become effective on the date permitted by The Second Class Township Code, 53 P.S. § 65101 *et seq.*, following its enactment by the Township Board of Supervisors of Mount Joy Township, County of Adams, Commonwealth of Pennsylvania.

[Signatures on next page]

This Ordinance, ordained and enacted this 2nd day of November, 2017.

BOARD OF SUPERVISORS
MT. JOY TOWNSHIP,
ADAMS COUNTY, PENNSYLVANIA

ATTEST:

Sheri Moyer, Secretary

John Gormont, Chairman

David R. Updyke, Vice-Chairman

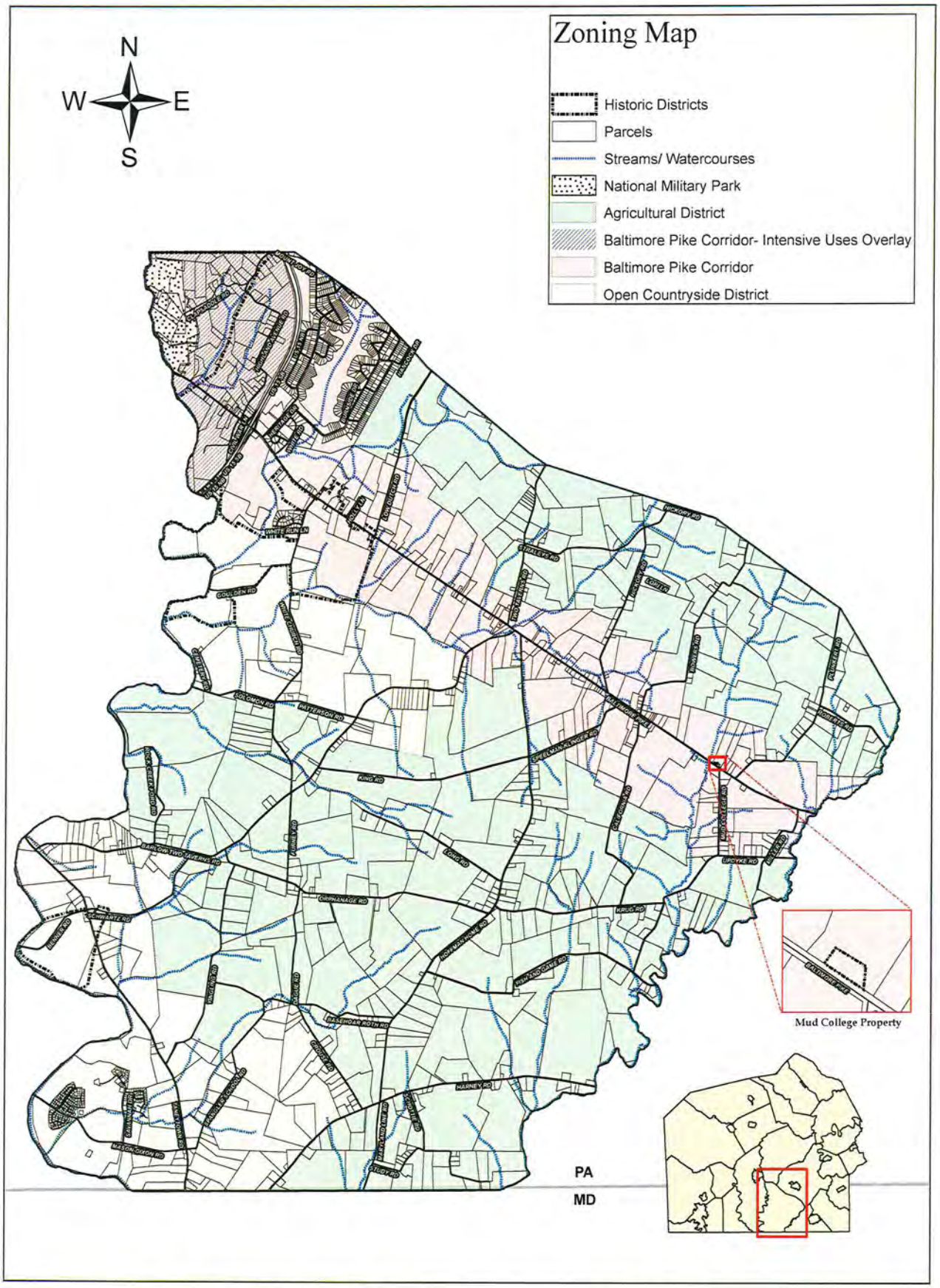
SEAL:

Gilbert M. Clark, Supervisor

Bradley Trostle, Supervisor

Dennis Bowman, Supervisor

Zoning Map



Mount Joy Township Zoning Map

Adams County, PA

WM. F. HILL & ASSOC., INC.
PROFESSIONAL ENGINEERS
CIVIL ✧ MUNICIPAL ✧ ENVIRONMENTAL

Base map created by Adams County
GIS Mapping Office
Map updated by William F. Hill And Associates
June 5, 2017 (DRAFT)

1 inch = 1,600 feet

0 1,600 3,200 6,400 Feet

Appendix
Street Trees

APPENDIX
STREET TREES

SMALL TREES

Paperbark Maple *(Acer griseum)*
Trident Maple *(Acer buergeranum)*
Amur Maple *(Acer ginnala)*
Tatarian Maple *(Acer tataricum)*
Cumulus *(Amelanchier laevis)*
Autumn Brilliance Serviceberry *(Amelanchier x. grandiflora)*
Princess Diana Serviceberry *(Amelanchier x. grandiflora)*
Robin Hill *(Amelanchier x. grandiflora)*
Eastern Redbud *(Cercis Canadensis)*
White Flowering Redbud *(Cercis Canadensis var. alba)*
Forest Pansy Redbud *(Cercis canadensis 'Forest pansy')*
Kousa Dogwood *(Cornus kousa)*
Constellation Dogwood *(Cornus florida x Cornus kousa)*
Cornelian Cherry Dogwood *(Cornus mas)*
Thornless Cockspur Hawthorn *(Crataegus crusgalli var. inermis)*
Washington Hawthorn *(Crataegus phaenopyrum)*
Ohio Pioneer Hawthorn *(Cratageus punctata)*
Winter King Hawthorn *(Crataegus viridis)*
Star Magnolia *(Magnolia stellata)*
Galaxy Magnolia *(Magnolia galaxy)*
Centurion Crabapple *(Malus x zumi x Almey)*
Prairiefire Crabapple *(Malus "Prairiefire')*
Sugar Tyme Crabapple *(Malus 'Sugar Tyme')*
Persian Parrotia *(Parrotia persica)*
Okame Cherry *(Prunus 'Okame')*
Columnar Sargent Cherry *(Prunus sargentii)*
Shubert Chokecherry or Canada Red Cherry *(Prunus virginiana 'Shubert')*
Ivory Silk Tree Lilac *(Syringa reticulate 'Ivory Silk')*
Regent Tree Lilac *(Syringa reticulate 'Regent')*
Japanese Maple (*Acer Palmatum)*

MEDIUM TREES

Hedge Maple *(Acer campestre)*
Queen Elizabeth Hedge Maple *(Acer campestre 'Queen Elizabeth')*
Belle Tower Sugar Maple *(Acer saccharum)*
Goldspire Sugar Maple *(Acer saccharum 'Goldspire')*
Pacific Sunset Hybrid Maple *9Acer truncatum x Acer platanoides 'Warrenred')*
Fort McNair Red Horsechestnut *(Aesculus x carnea)*

Ruby Red Horsechestnut *(Aesculus x carnea 'Briotii')*
Heritage River Birch *(Betula nigra 'Heritage')*
European Hornbeam *(Carpinus betulus)*
Fastigate European Hornbeam *(Carpinus betulus 'Fastigate')*
American Hornbeam *(Carpinus caroliniana)*
Katsura Tree *(Cercidiphyllum japonicum)*
American Yellowwood *(Cladrastis lutea)*
Hardy Rubber Tree *(Eucommia ulmoides)*
Shademaster Honey Locust *(Gleditsia triacanthos var. inermis)*
Skyline Honey Locust *(Gleditsia triacanthos var. inermis)*
Golden Raintree *(Koelreuteria paniculata)*
American Hophornbeam *(Ostrya virginiana)*
Amur Corktree *(Phellodendron amurense)*
Macho Amur Corktree *(Phellodendron amurense 'Macho')*
Sargent Cherry *(Prunus sargentii)*
Columnar Sargent Cherry *(Prunus sargentii 'Columnar')*
Kawnzan Cherry *(Prunus serrulata 'Kwanzan')*
Purple Robe Black Locust *(Robinia pseudoacacia 'Purple Robe')*
Sassafras *(Sassafras albidum)*
Black Ash *(Fraxinus nigra)*

LARGE TREES

Armstrong Maple *(Acer x freemani)*
Autumn Blaze Maple *(Acer x freemani 'Autumn Blaze')*
Celebration Hybrid Maple *(Acer x freemani 'Celebration')*
Scarlet Sentinel Hybrid Maple *(Acer x freeman 'Scarlet Sentinel')*
Red Maple *(Acer rubrum)*
Autumn Flame Red Maple *(Acer rubrum 'Autumn Flame')*
Bowhall Maple *(Acer rubrum 'Bowhall')*
October Glory Red Maple *(Acer rubrum 'October Glory')*
Red Sunset Red Maple *(Acer rubrum 'Red Sunet')*
Sugar Maple *(Acer saccharum)*
Bonfire Sugar Maple *(Acer saccharum 'Bonfire')*
Green Mountain Sugar Maple *(Acer saccharum 'Green Mountain')*
Legacy Sugar Maple *(Acer saccharum 'Legacy')*
Prairie Pride Hackberry *(Celtis occidentalis 'Prairie Pride')*
Magnifica Hackberry *(Celtis laevigata x occidentalis 'Magnifica')*
Katsura Tree *(Cercidiphyllum japonicum)*
Turkish Filbert *(Corylus colurna)*
Autumn Gold Ginkgo (male) *(Ginkgo biloba 'Autumn Gold')*
Lakeview Ginkgo *(Ginkgo biloba 'Lakeview')*
Princeton Sentry Ginkgo (male) *(Ginkgo biloba 'Princeton Sentry')*
Imperial Honeylocust *(Gleditsia triacanthos 'Imperial')*

Ruby Lace Honeylocust *(Gleditsia triacanthos 'Ruby Lace')*
Shademaster Honeylocust *(Gleditsia triacanthos 'Shademaster')*
Skyline Honeylocust *(Gleditsia triacanthos 'Skyline')*
Kentucky CoffeeTree (male) *(Gymnocladus dioicus)*
Cucumbertree *(Magnolia acuminate)*
Dawn Redwood *(Metasequoia glyptostroboides)*
Blackgum *(Nyssa sylvatica)*
London Plane Tree *(Platanus x* acerifolia*)*
Bloodgood London Planetree *(Platanus acerifolia 'Bloodgood')*
Sawtooth Oak *(Quercus acutissima)*
White Oak *(Quercus alba)*
Swamp White Oak *(Quercus bicolor)*
Shingle Oak *(Quercus imbricaria)*
Bur Oak *(Quercus macrocarpa)*
Red Oak *(Quercus rubra)*
Shumard Oak *(Quercus shumardii)*
Japanese Pagoda Tree *(Sophora japonica)*
Regent Pagoda Tree *(Sophora japonica 'Regent')*
Bald Cypress *(Taxodium distichum)*
American Linden *(Tilia Americana)*
Redmond American Linden *(Tilia Americana 'Redmond')*
Littleleaf Linden *(Tilia cordata)*
Glenlevin Littleleaf Linden *(Tilia cordata 'Glenlevin')*
Greenspire Litleleaf Linden *(Tilia cordata 'Greenspire')*
Silver Linden *(Tilia tomentosa)*
Sterling Silver Linden *(Tilia tomentosa 'Sterling')*
Liberty American Elm *(Ulmus Americana 'Liberty')*
Valley Forge American Elm *(Ulmus Americana 'Valley Forge')*
Lacebark Elm *(Ulmus parviflora)*
Dynasty Lacebark Elm *(Ulmus parvifolia 'Dynasty')*
Ohio Lacebark Elm *(Ulmus parvifolia 'Ohio')*
Morton Elm *(Ulmus japonica x Ulmus wilsoniana)*
Prospector Elm *(Ulmus wilsoniana 'Prospector')*
Frontier Hybrid Elm *(Ulmus 'Frontier')*
Homestead Hybrid Elm *(Ulmus 'Homestead')*
Pioneer Elm *(Ulmus 'Pioneer')*
Green Vase Zelkova *(Zelkova serrata 'Green Vase')*
Halka Zelkova *(Zelkova serrata 'Halka')*
Norway Maple *(Acer Platanoides)*
English Walnut *(Juglans Regia)*
American Elm *(Ulnus Americana)*