



# Colerain Township

# Zoning Ordinance

July 2011

Last Revised  
3/20/2019



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## **ARTICLE I – GENERAL PROVISIONS**

### **1.01 Title**

An ordinance permitting, prohibiting, regulating, restricting, and determining the uses of land, watercourses, and other bodies of water; the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal, and use of structures, the areas and dimensions of land and bodies of water to be occupied by uses and structures as well as courts, yards and other open spaces and distances to be left unoccupied by uses and structures, the density of population and intensity of use; the location and size of signs; creating zoning districts, and establishing the boundaries thereof; creating the office of Zoning Officer; creating a zoning hearing board; and providing for the administration, amendment and enforcement of the ordinance, including the imposition of penalties.

### **1.02 Short Title**

This Ordinance shall be known and may be cited as “The Zoning Ordinance of Colerain Township, 2011”.

### **1.03 Purpose**

The intent and purpose set forth in Sections 105 and 604 of the Pennsylvania Municipalities Planning Code, as now amended or as subsequently amended, are hereby adopted as the intent and purpose of this Ordinance, and to comply with federal and state floodplain management requirements.

### **1.04 Interpretation**

When interpreting this Ordinance, all provisions shall be held to be the minimum requirements for the promotion of health, safety, morals and general welfare. Any permitted use within a zoning district shall conform to all pertinent regulations of this Ordinance. Any non-conforming use shall comply as set forth herein. This Ordinance is not intended to interfere with, abrogate, annul, supersede or cancel any easements, covenants, restrictions or reservations contained in deeds or other agreements, but if this Ordinance imposes more stringent restrictions upon the use of land or the location or use of structures than are contained in any deeds, agreements or other ordinances of the Township of Colerain, the provisions of this Ordinance shall control.

### **1.05 Application**

The provisions, regulations, limitations and restrictions of this Ordinance shall apply to all structures, and land within the Township of Colerain, Lancaster County, Pennsylvania. However, this Ordinance shall not require any change in plans or construction, previously finally approved by the Township, if

construction is completed in strict compliance with the approval and any former applicable zoning or other provisions.

#### **1.06 Repealer**

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

#### **1.07 Validity and Severance**

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

#### **1.08 Effective Date**

This Zoning Ordinance shall become effective five (5) days after its adoption by the Board of Supervisors of Colerain Township, County of Lancaster Commonwealth of Pennsylvania.

## **ARTICLE II – COMMUNITY DEVELOPMENT OBJECTIVES**

### **2.01 Objectives**

2.01.01 There is hereby established a Zoning Ordinance for the Township, which plan is set forth in the text and map that constitute this Ordinance. Said ordinance is adopted in the interest of protecting and promoting the public health, safety, morals, and general welfare, and shall be deemed to include the following related and specific community development objectives, among others as are detailed in the Octoraro Region Township Comprehensive Plan:

- A. To guide and regulate the orderly growth, development, and redevelopment of the Township, in accordance with a comprehensive plan of long-term objectives, principles, and standards deemed beneficial to the interests and welfare of the people and utilize the potential of Villages to meet the communities housing needs.
- B. To protect the established character and the social and economic well-being of both private and public property.
- C. To promote, in the public interest, the utilization of land for the purposes for which it is most appropriate.
- D. To preserve agriculture and farmland by considering topography, soil type and classification, and present use through regulatory and non-regulatory measures.
- E. To preserve and protect the community's soil and water through voluntary and regulatory programs. To secure safety from floodwater, pollution, and other dangers, and to provide adequate light, air, and convenience of access. To encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- F. To encourage and facilitate the provisions of adequate and efficient public facilities, service, and utilities.
- G. To provide a transportation network that meets motorized and non-motorized demands while preserving the existing community character. To reduce traffic congestion, and where possible, conflicts between different modes of transportation so as to promote efficient and safe circulation of vehicles and pedestrians.
- H. To conserve the value of buildings and to enhance the value of land throughout the Township.

2.02.02      Primary Goal.

The primary goal for the future development of Colerain Township is the maximum preservation of agricultural land and agricultural activity. Therefore, all uses in zoning districts which abut any (A) Agricultural District or any existing agricultural activity must accept the nuisances and hazards which are a normal adjunct to farming.

## **ARTICLE III – DEFINITIONS**

### **3.01 Purpose and Interpretation**

The following words are defined in order to facilitate the interpretation of the Ordinance for administrative purposes and in carrying out of duties by appropriate officers and by the Zoning Hearing Board.

The following words and phrases, when used in this Ordinance, shall have the meanings given to them in this Article unless the context clearly indicates otherwise. Terms not herein defined shall have the meaning customarily assigned to them.

In this Ordinance, when not consistent with the text:

- A. Words in the present tense imply also the future tense.
- B. The singular includes the plural, the plural the singular.
- C. The male gender includes the female gender and the neuter.
- D. The word “person” includes “individual”, “group of individuals”, “profit or non-profit corporation”, “organization”, “partnership”, “company”, “unincorporated association”, or other similar entities.
- E. The term “shall” or “must” is always mandatory.
- F. The word “lot” includes the words “plot” and/or “parcel”.
- G. The word “may” is permissive.
- H. The words “used for” includes “designed for”, “arranged for”, “intended for”, “maintained for”, or “occupied for”.
- I. The word “building” includes “structure” “or any part thereof”.
- J. The word “erect” shall mean to “build, construct, alter, repair, display, relocate, attach, hang, place, suspend, affix or maintain any structure or building and shall also include the painting of exterior wall signs and grading of land.” This shall apply when there is or is going to be new construction to a structure.

### **3.02 Terms**

Abandoned: Any property, dwelling, motor vehicle, or item that is apparently and willfully disused, vacant, relinquished, unoccupied, or discarded. In addition to their ordinary and commonly accepted meanings, the terms, “junked,” “wrecked”, “stripped”, shall have this same definition. An automobile, truck, motorcycle, or similar vehicle shall be deemed to be abandoned if required state registrations and inspections are not maintained for twelve (12) or more consecutive months, and may be deemed to be abandoned by reason of being junked, wrecked, or stripped.

Abandonment: Abandoned by the owner with no intent either of transferring rights to the property to another owner or of resuming the use of the property.

AccessDrive: An improved cartway and/or paved surface designed and constructed to provide for vehicular movement between a public or private road and a tract of land containing any use other than one single-family dwelling unit or farm.

AccessoryUse: See Use, Accessory

AccessoryStructure: A structure subordinate to and detached from the principal structure on the same lot and used for purposes customarily incidental to the principal building.

Adjacent: The state of being side by side, next to, or adjoining one another.

AdultRelatedFacility:

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

Aged: Age 62 or older

Agriculture: The cultivation of the soil and the raising and harvesting of the products of the soil which produce food, fiber and oxygen as listed by the PA Department of Agriculture and the USDA as may be amended from time to time; including, but not limited to, aquaculture, horticulture, forestry, nurseries, silviculture, viticulture, winemaking, and Christmas trees.

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

Agricultural Process Wastewater: Wastewater from agricultural operations, including spillage or overflow from livestock or poultry watering systems; washing, cleaning or flushing pens, milkhouses, barns, manure pits; direct contact swimming, washing or spray cooling of livestock or poultry; egg washing; or dust control.

Agricultural Use/Structure: A use or structure pertaining to, or dealing with, agriculture, which is a direct result of husbandry or the cultivation of soil, involving the actual application of the art or science of cultivating the ground, including the harvesting of crops, and the science or art of production of plants and animals used by man. It shall not include 1) camping, skiing, show competition or racing animals; 2) the raising, breeding or training of cats, dogs, pets, or exotic animals; or 3) stockyard and slaughterhouse operations.

Agricultural Waste: Includes solid, liquid or gaseous wastes, which are the by-product of agricultural production, such as mushroom compost, but excluding manure used as fertilizer in accordance with approved conservation practices.

Aircraft: Any contrivance, except an unpowered hang glider or parachute, used for manned ascent into flight through the air.

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

Alley: A public thoroughfare other than a minor street, which affords only a secondary means of access to abutting property and not intended for general traffic circulation. In no event shall an alley be used as a sole source of access to any use.

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

Amendment: Revisions to the zoning text and/or the official zoning map by the governing body.

AmusementArcade: A commercial establishment, which provides as a principal use, amusement devices and/or games of skill or chance (e.g. pinball machines, video games, skeet ball, electronic or water firing ranges and other similar devices). This definition does not include the use of five (5) or less such devices as an accessory use.

AmusementPark: A lot used principally as a location for permanent amusement structures, rides or activities.

AnimalComposting: The biological digestion of dead domestic animal, domestic animal part, and/or domestic animal waste. *[Added by Amendment-Ordinance No. 2012-August 6<sup>th</sup>, 2012]*

Animal,Domestic: Any dog, cat, equine animal, bovine animal, sheep, goat, or porcine animal (swine), duck, fish, geese, guinea fowl, pigeon, poultry, or turkey.

AnimalEquivalentUnits(AEU): One Thousand (1,000) pounds live weight of livestock or poultry animals, on an annualized basis, regardless of the actual number of individual animals comprising the unit.

AnimalHospital: Any establishment offering veterinarian services. Animal hospitals treat all types of animals and can include outdoor and overnight boarding of animals.

Antenna: Any system of wire, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves, which is external to or attached to the exterior of any building or tower.

Applicant: A landowner or developer who has filed an application for development or a permit, including his heirs, successors and assigns.

ApplicationforDevelopment: Every application, whether preliminary, tentative or final, required to be filed and approved prior to the start of construction or development, including but not limited to, an application for a building permit, for the approval of a subdivision plat or plan, or for the approval of a development plan.

Area: The extent of surface contained within the boundaries or extensions of any object or use.

Area,Gross: The entire area of a tract of land inclusive of existing public rights-of-way whether interior or exterior and including interior parking areas and access lanes, sidewalks, parks, playgrounds, easements, and common open space.

Area,Lot: The area contained within the property lines of a lot or as shown on a subdivision plan excluding space within any street, but including the area of any easement.



Area,Net: The actual area proposed for development exclusive of existing and proposed rights-of-way.

Attic: That part of a building which is immediately below and wholly or partly within the roof framing. Within a dwelling unit, an attic shall not be counted as floor area unless it is constructed as or modified into habitable room by the inclusion of dormer windows, has an average ceiling height of five (5) feet or more, has a permanent interior access stairway to a lower building story, and meets the International Residential Code (IRC) or International Building Code (IBC) requirements for a habitable room.

AutomobileAuction: A use whereby vehicles are offered for wholesale and/or retail sales at prearranged auction sales.

AutomobileSales: Any building or land devoted to the retail sales of motor vehicles, including travel trailers and farm machinery, and including accessory service and repair facilities if conducted within a wholly enclosed building.

AutomobileFilling/ServiceStation: A building or lot or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail direct from pumps and storage tanks, or a building or lot which contains facilities for rendering commercial services, such as lubrication, washing, detailing, vehicle repairs and retail sales of motor vehicle accessories. The station may also include the sale of a limited selection of food and common household items as an accessory use, provided that the total parking requirements of this Ordinance are complied with for each use. Commercial services shall be presumed if vehicles, other than those owned by the lot owner, tenant or family are lubricated, washed or repaired on or in the building or lot.

BaseFlood: A flood which has a one percent chance of being equaled or exceeded in any given year. Also called the "100-year flood".

BaseFloodElevation(BFE): The elevation shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a one percent or greater chance of being equaled or exceeded in any given year.

Basement: Any area of a building having a floor below ground level on one or more than one sides

Bed and Breakfast: A dwelling where up to two (2) bedrooms are rented to overnight guests on a daily basis for periods not exceeding fourteen (14) days. Meals may be offered only to registered overnight guests.

Bedand Breakfast Inns: An owner occupied dwelling in which a room or rooms are rented on a nightly basis for periods of not more than fourteen (14) days. Breakfast may be offered only to registered overnight guests.

Block: An area of land bounded by streets.

Board of Supervisors: The Board of Supervisors of Colerain Township, Lancaster County, Pennsylvania.

Board Zoning Hearing: The Zoning Hearing Board of Colerain Township, Lancaster County, Pennsylvania.

Boarding Home: A building arranged or used for the lodging, with or without meals or other services for compensation, by either transient or permanent residents of not more than ten (10) individuals. This definition includes rooming houses and lodging houses.

Building: Any structure enclosed with exterior walls or fire walls, built, erected and framed of component structural parts, designed for the housing, shelter, enclosure or support of individuals, animals or property of any kind including tents, awnings, manufactured housing or vehicles situated on private property and used for purposes stated above.

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

Building, Attached: A non-residential building constructed so that one or more walls attach to another building. A building shall not be considered attached merely because a railing, spouting, or similar structure may incidentally attach two buildings together.

Building, Detached: A non-residential building that does not share a wall with another building. A building shall still be considered a detached building if it is connected with a railing, spouting, or similar structure that may incidentally attach two buildings together.

Building, Agricultural Operation: Buildings principally devoted to agricultural uses, namely barns, poultry and other animal houses, corn cribs, silos, and other similar agricultural structures. The term "agricultural building" shall not include a dwelling.

Building, Principal: A building in or on which is conducted the principal use of the lot on which such building is located. All other buildings on the same lot (incidental or supplemental thereto) shall be considered Accessory Buildings.

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).

Building Envelope: The area of a lot that has no building or construction restrictions such as, building setback requirements, rights-of-way, easements, floodplains, wetlands, steep slopes, or similar restrictions as defined in this Ordinance.

Building Height: See Height, Building.

Building Length: The longest horizontal measurement of a building.

**BuildingLine:** A line formed by the intersection of a horizontal plane and a vertical plane that coincides with the exterior surface of the building on any side. The vertical plane will coincide with the most projected surface. All yard requirements are measured to the building line.

**BuildingSetbackLine:** The line within a property defining the required minimum distance permitted between any structure and the adjacent rights-of-way, centerline, or property line. This shall include sun parlors, covered porches, whether enclosed or unenclosed, any roof overhangs, but does not include steps.

**Campground:** A Parcel of land used by campers for seasonal, recreational or similar temporary living purposes in buildings of a moveable, temporary or seasonal nature, such as cabins, tents or mobile travel trailers or motor homes. A Tiny House shall not be permitted in a Campground.

**Campsite:** A plot of ground within a campground intended for occupation by a recreational vehicle, tent, yurt, camper, or travel trailer.

**Carport:** An unenclosed structure for the storage of one or more vehicles in the same manner of a private garage, which may be covered by a roof supported by columns or posts except that one or more walls may be the walls of the main building to which the carport is accessory.

**Cartway:** The improved surface of a street, drive, or alley available for vehicular traffic.

**Cemetery:** Land used or intended to be used for the burial of the deceased, including columbariums, mausoleums, and mortuaries when operated in conjunction with the cemetery and within the boundaries thereof. This definition shall not include crematoria, which shall be considered as funeral homes.

**Centerline:** The center of a surveyed street, road lane, alley, alley right-of-way, or where not surveyed, the center of a traveled cartway.

**CertificateofUseandOccupancy:** A certificate issued by a building code official allowing occupancy and/or use of a building or structure under the Uniform Construction Code.

**Church/HouseofWorshipandRelatedUses:** A building, structure, or group of buildings or structures, including accessory uses, designed or intended for public worship. This definition shall include rectories, convents, and church related educational and/or day care facilities.

**Cinema:** Building or part of a building containing a stage and/or screen and seating for meetings, performances, or screening of movies on a paid admission basis.

**ClassI,ClassII,orClassIIIAgriculturalSoils:** Soils classified as Class I, Class II, or Class III soils as defined by the United States Department of Agriculture's Agricultural

Land Capability Classification System for Colerain Township soils as delineated by the Soil Survey of Lancaster County, Pennsylvania (1985), as may be amended.

Clear-SightTriangle: An area of unobstructed vision at street intersections. It is defined by lines of sight between points of a given distance from the intersection of the streets centerlines. (See Appendix A)

Club,Private: An organization catering exclusively to members and their guests, or premises or buildings for social, recreational and administrative purposes which are not conducted for profit, provided there are not conducted any vending stands, merchandising or commercial activities except as required for membership of such club. Clubs shall include, but not be limited to, service clubs, political organizations, labor unions, as well as social and athletic clubs.

ClusterDevelopment: A development design technique that concentrates building in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

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

CommonWall: A wall used or adopted for joint service between two buildings or parts thereof.

CommunicationsEquipmentBuilding: An unstaffed building or cabinet containing communications equipment required for the operation of Communications Antennas and covering an area on the ground not greater than 250 square feet.

CommunicationTower: A structure other than a building, such as a monopole, self-supporting or guide tower, designed and used to support communication antenna(s).

CommunityCenter: A building or portion of a building used as a gathering place or meeting area by local residents or the residents of the municipality or development within which it is located.

CommunitySystem: A central water or sewerage system, the rates and services of which may be publicly or privately controlled.

CompletelyDrySpace: A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

Composting: The conversion of organic matter, such as yard or agricultural waste, to fertilizer.

ComprehensivePlan: The Octoraro Region Joint Strategic Comprehensive Plan.

ConcentratedAnimalOperations(CAO): An agricultural operation with eight or more animal equivalent units (AEUs) where the animal density exceeds two AEUs per acre on an annualized basis. Animal density includes all livestock, including nonproduction animals such as horses used for recreation and transportation. An operation with less than 8 AEUs is not considered to be a CAO regardless of the animal density. The number of AEUs on an agricultural operation is calculated through the use of an established formula set by the State Conservation Commission. The acreage used in the CAO formula to calculate the AEUs per acre includes land suitable for the application of manure, which may include rented or leased land outside the parcel where the agricultural operation is located.

ConcentratedAnimalFeedingOperation(CAFO): A CAO with greater than 300 AEUs, any agricultural operation with greater than 1,000 AEUs, or any agricultural operation defined as a large CAFO under 40 CFR § 122.23, as it may be amended.

ConditionalUse: A use permitted in a particular zoning district pursuant to when specific conditions and criteria prescribed for such uses have been complied with in accordance with this ordinance. Conditional Use Applications are decided by the Board of Supervisors after recommendations by the Planning Commission.

Condominium: Real estate, portions of which in accordance with the provision of the Pennsylvania Uniform Construction Act of 1980 as amended are designated for separate ownership and the remainder of which is designed for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

ConservationArea,Private: An area of open or forested land and/or water in its natural state owned and operated by a non-profit organization, which may only be used incidentally and occasionally for recreation, sports, play and cultural activities.

ConservationArea,Public: An area of open or forested land and/or water in its natural state owned and operated by a governmental entity, which may only be used incidentally and occasionally for recreation, sports, play and cultural activities.

ConservationPlan: A plan including a map(s) and narrative that, at a minimum includes, but is not limited to, an erosion and sedimentation control plan for an identified parcel of land.

Construction: The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building structure, including the placement of manufactured homes.

Contractor'sOfficeorShop: Offices and shops for tradesmen, such as, but not limited to, building, cement, electrical, masonry, painting, and roofing contractors.

ConvenienceStore: A use that primarily sells routine household goods, groceries and prepared ready-to-eat foods to the general public, when no patron seating is provided, and is not primarily a restaurant, and that includes a building with a floor area of less than eight thousand (8,000) square feet. A convenience store shall not have drive-through service; otherwise it shall be considered a restaurant. The rental of video tapes and/or DVDs authorized to be provided by an adult bookstore is specifically prohibited.

ConventionCenter: An assemblage of uses that provide for a setting where indoor and outdoor exhibits and activities serve various business, entertainment, recreation, and conventions. This use can also include related lodging and dining facilities.

Conversion: To change or adapt land or structures to a different use, occupancy or purpose.

CottageIndustry: A business owned and operated by a resident of the premises as a use which is clearly secondary to a permitted use. Such businesses shall be compatible with the rural character of the region. Cottage Industry is intended to enhance the economy of the municipality by providing an equitable opportunity to land owners to develop light industrial uses without the subdivision and fragmentation of rural land. Such industry may include craftsmanship shop, butcher shop, woodworking and cabinetry shops, metalworking, leatherwork, blacksmith shops, carriage shops, toolmaking, handmade arts and crafts, quilts, and kindred.

County: The County of Lancaster, Commonwealth of Pennsylvania

CountyPlanningCommission: The Lancaster County Planning Commission

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

Court,Inner: A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable, not extending to a street, alley, yard of other outer court.

Court,Outer: A court enclosed on not more than three (3) sides by exterior walls and lot lines on which walls are allowable, with one (1) side or end open to a street, driveway, alley or yard.

CurativeAmendment: A zoning amendment proposed to the Governing Bodies by any landowner/applicant who desires to challenge on substantial grounds the validity of an ordinance which prohibits or restricts the use or the development of land in which the landowner/applicant has an interest.

DayCare: A private residence, enrolling less than six (6) individuals and where tuition, fees, or other forms of compensation for the instruction and care of the individuals is charged.

DayCareCenter: A facility, not in a private residence, enrolling six (6) or more individuals and where tuition, fees, or other forms of compensation for the instruction and care of the individuals is charged. Such facility shall employ licensed personnel and be licensed by the Commonwealth of Pennsylvania.

Decision: Final adjudication of any board or other body granted jurisdiction under this Ordinance or other applicable land use ordinance or the Municipalities Planning Code (MPC) by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of Lancaster County and the applicable judicial district for Colerain Township.

DeedRestriction: Clause included in a deed, which restrict, control or limit the general use of a defined parcel of land.

Density: The number of housing units allocated per acre of land.

Density,Net: The aggregate number of residential units within property lines divided by the total number of acres within the same property lines. Because the land area measured is within the property lines, all other lands such as streets, common open spaces, and utility rights-of-way are excluded from the acreage calculation.

Density,Gross: The average number of housing units allocated per gross acres of land. (The total area within the deeded property lines of the development site without exception and inclusive of street, rights-of-way, etc.)

DEP: Pennsylvania Department of Environmental Protection

Determination: Final action by any officer, body or agency charged with the administration of this Ordinance or its application, except the following:

- A) The Colerain Township Board of Supervisors
- B) The Colerain Township Zoning Hearing Board.
- C) The Colerain Township Planning Commission, in cases where it is charged in the applicable subdivision and land development ordinance with the final decision concerning preliminary or final plans or where it is charged in the applicable ordinance with the final decision for planned residential development provisions.

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

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

Development of Regional Significance and Impact: Any land development that, because of its character, magnitude, or location will have substantial effect upon the health, safety, or welfare of citizens in more than one municipality.

Development Plan: The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, driveways and parking facilities, common open space and public facilities. The phrase “provisions of the development area” when used in this Ordinance, shall mean the written and graphic materials referred to in this definition.

Disposal Site: Suitable facility for the final disposition of human and animal sewage and wastes, which facility shall have been and remains approved for such purposes by the Department of Environmental Protection.

Distance Between Buildings: This measurement shall be made at the closest point.

Domestic Pets: See Animal, Domestic.

Drive-Through Establishment: Any portion of a building or structure from which business is transacted or is capable of being transacted directly with customers located in a motor vehicle during such business transaction; also known as “drive-through facilities”.

Driveway: An improved cartway designed and constructed to provide vehicular movement between a public or private road and serving up to four (4) single family dwelling units.

Dump: A lot of land or part thereof used primarily for disposal by abandonment, dumping, burial, or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or part thereof.

Dwelling: A single unit providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation. The word “dwelling” shall not include lodging houses, boarding or rooming houses, bed and breakfast inns, hotels, motels, tents, trailers or any structure designed or used for transient residence.



Dwelling, Apartment: A dwelling unit within a multi-unit building.

Dwelling, Conversion Apartment: An existing dwelling unit that is or was converted to a dwelling for more than one (1) family, with or without substantially altering the exterior of the building.

Dwelling, Duplex: A freestanding building containing two (2) dwelling units for two (2) families. The dwelling units may be side by side or one above the other.

Dwelling, Single-Family Detached: A dwelling unit designed and occupied exclusively by one (1) family, having no walls in common with any other dwelling unit or building. For the purposes of this Ordinance, a single-family detached dwelling may also be a Tiny House provided that the Tiny House is constructed on a permanent foundation and is connected to approved and permitted well and septic systems.

Dwelling, Single-Family Semi-Detached: A dwelling designed as two dwelling units separated by and sharing a common vertical lot line wall.

Dwelling, Tiny House: A dwelling unit placed on a property for occupancy with a habitable floor area between 150 square feet and 400 square feet constructed with a permanent foundation or on block pillars, tie-down strapping, and skirting provided around the base perimeter of the dwelling. The Tiny House shall meet the requirements of Pa. UCC, and Appendix Q of the 2018 International Residential Code and shall be connected to approved and permitted well and septic systems.

Dwelling, Mobile Home: A transportable, single family dwelling intended for permanent occupancy, contained on one (1) unit or two or more units designed to be joined into one (1) integral unit, which may or may not be capable of being separated for repeated towing, and which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation when attached to the required utilities. The term does not include park trailers, travel trailers, recreational and other similar vehicles that are placed on site for more than 180 consecutive days. In no event shall a mobile home be used for any purpose other than a dwelling.

Dwelling, Multifamily: A building designed and occupied as a residence, containing three (3) or more dwelling units.

Dwelling, Townhouses: A building containing between three (3) and eight (8) dwelling units arranged in a side-by-side configuration with two or more common party walls.

Easement: A grant of one (1) or more property rights by the property owner to and/or for the use by the public, a corporation or another person or entity. The owner of the property shall not have the right to make use of the land in a manner that violates the right of the grantee.

Eating Establishment: Any form of restaurant and/or tavern open to the public, dispensing food and drink.

ECHO Housing: A temporary additional dwelling unit placed on a property for occupancy by either an elderly, handicapped, or disabled person related by blood, marriage, or adoption, to the occupants of the principal dwelling. Caregivers can live in the additional dwelling unit. For the purposes of this Ordinance, an ECHO Housing unit may also be a Tiny House, provided that the Tiny House is connected to approved and permitted well and septic systems, and is either constructed on a permanent foundation or on block pillars, tie-down strapping, and skirting provided around the base perimeter of the dwelling.

Elder Cottage: A temporary additional dwelling unit placed on a property for occupancy by either an elderly, handicapped, or disabled person related by blood, marriage, or adoption, to the occupants of the principal dwelling. For the purposes of this Ordinance, an Elder Cottage unit may also be a Tiny House, provided that the Tiny House is connected to approved and permitted well and septic systems, and is either on a permanent foundation or on block pillars, tie-down strapping, and skirting provided around the base perimeter of the dwelling.

Environment: Air, water, noise, open space, soil, night sky, and wildlife resources.

EmergencyServicesStructure: A government owned or a not-for-profit organization such as but not limited to ambulance, fire, police, police sub-station, and emergency operation dwelling.

Essentiallydryspace: A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to passage of water.

Façade: The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Family: Any of the following:

- a. A single individual occupying a dwelling unit.
- b. Two (2) or more persons related by blood, marriage, or adoption occupying a dwelling unit.
- c. Not more than three (3) unrelated person occupying a dwelling unit.
- d. Not more than eight (8) related or unrelated persons who are the functional equivalent of a family in that they live together, participate in such activities as meal planning, shopping, meal preparation and the cleaning of the dwelling unit together and who are part of a community based residential home, operated by an individual, group or organization which qualifies as a community living arrangement licensed by the Pennsylvania Department of Public welfare or other appropriate federal or state agency having

jurisdiction. This shall include persons occupying the home who are handicapped persons under the terms of the Fair Housing Amendments Act of 1988 and/or developmentally disabled persons and/or persons under supervised care and treatment for substance abuse and/or persons who require special care due to age, emotional, mental or physical handicap, and where the operator of the home provides room and board, personal care, rehabilitative services and supervision in a family environment. The presence of staff persons in a home meeting this definition shall not disqualify the group of persons occupying the dwelling unit as a family.

Farm: A parcel of land, containing at least ten (10) acres, which is used for land cultivation, livestock, poultry or dairy operation or which is otherwise used for an agricultural or horticultural use, and provided that the gross income derived from the site is primarily generated from agricultural -related activities.

Farm Related Business: A business owned and operated by a resident of the premises which is a second principal use to the primary agricultural use of a property in which residents engage in a secondary occupation conducted on the agricultural operation. Such agricultural related businesses may include but are not limited to: agricultural equipment repair; welding; small machine repair; painting service; fencing service; sharpening service; livestock grooming; shearing and/or trimming services; agricultural consulting service; sale of small tools, small parts and/or specialized small agricultural equipment manufactured on the premises; family-scale food processing, preparation, canning and baking; cold storage and mini-warehousing of foods and prepared agricultural products in existing agricultural buildings; and kindred. Agricultural related businesses do not include commercial and industrial uses such as feed, fertilizer and grain mills, large agricultural equipment sales-and-service, canneries, rendering plants, manufacture and assembly or any other use which results in high traffic generation or attraction, noise, glare or noxious elements.

FCC: Federal Communications Commission.

Fence: A barrier designed to restrict the movement of persons, animals and/or vehicles. This definition shall include ornamental fence treatments.

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

Financial Institution: A bank, savings and loan association, credit union, finance or loan company, etc.

Flea Market: A retail sales use where more than one vendor display and sells general merchandise that is new or used. Flea markets can include indoor and outdoor display or merchandise.

Flood: A temporary inundation of normally dry land areas.

Flood Elevation, Regulatory: The one hundred (100) year flood elevation plus a free

board safety factor of one and one-half (1 ½) feet.

Flood(Five-HundredYear): A flood which is likely to be equaled or exceeded once every 500 years (i.e. that has a one fifth of one percent chance of being equaled or exceeded in any given year). A study by the Federal Emergency Management Agency (FEMA), the United States Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, or an experienced professional engineer who is licensed and registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this flood.

Flood(One-HundredYear): A flood which is likely to be equaled or exceeded once every 100 years i.e. that has a one percent chance of being equaled or exceeded in any given year). A study by the Federal Emergency Management Agency (FEMA) the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, or an experienced professional engineer who is licensed and registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this flood.

FloodElevation(Five-HundredYear): The water surface elevation of the 500-Year Flood.

FloodElevation(One-HundredYear): The water surface elevations of the 100-year Flood.

FloodElevation,Maximum: The water surface elevations of a flood which would completely fill the floodplain to the boundaries of the **FP** – Floodplain District.

Flood,FlodedorFlooding: A partial or complete inundation of normally dry land areas from the overflow of a watercourse or other body of surface water, or from the unusual and rapid accumulation or runoff of surface waters from any source.

FloodInsuranceRateMap: The official map on which FEMA or FIA has delineated both the areas of special flood hazards and the premium risk zones applicable to the community.

FloodInsuranceStudy: The official report provided by the Federal Insurance Administration (FIA) that includes flood profiles, the Flood Insurance Rate Mpa, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

FloodofRecord: The flood which has reached the highest flood elevation above mean sea level at a particular location.

Floodplainarea: A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

FloodplainArea,Identified: The floodplain area specifically identified in the Ordinance as being inundated by the one hundred (100) year flood.

Floodproof, Floodproofed or Floodproofing: Any combination of structural and or nonstructural provisions, additions, changes or adjustment to structure or contents which are designed or adapted primarily to reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purpose of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred year magnitude.

Floor Area: The sum of the floor areas of a building as measured to the outside surfaces of exterior walls and including all areas intended and designed for the conduct of a business or use.

Floor, Lowest: The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Ordinance.

Forestry: The management of forest and timberlands when practiced in accordance with accepted silviculture principles, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve any land development.

Funeral Home: A building or part thereof used for human funeral services. Such building may include a funeral chapel and may contain space and facilities for:

- a. Embalming and the performance of other services used in preparation of the dead for burial, and may include facilities for cremation;
- b. The performance of autopsies and other related surgical procedures; and
- c. The storage of caskets, funeral urns, and other related funeral supplies.

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

Garage, Private: A garage intended and used for the storage of the private motor vehicles of the families residing on the premises.

Garage, Public: A space or structure, other than a private garage, for the storage, sale, hire, care, repair or refinishing of motor vehicles.

GoverningBody: The Township Supervisors of Colerain Township, Lancaster County, Pennsylvania.

Grade: The level of the ground adjacent to a building, structure, exposed storage, or sign.

GradeEstablished: The elevation of the center line of streets, as officially established by the municipal authorities.

Greenhouse: A structure devoted to the raising and/or selling of trees, ornamental shrubs, flowers, houseplants, and vegetable plants for transplanting.

GroundFloor: The floor of a building nearest the mean grade of the front of the building.

HazardousMaterial: Materials which have the potential to damage health or impair safety. Hazardous materials include, but are not limited to, inorganic mineral acid of sulphur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium, and arsenic and their common salts, lead, nickel, and mercury and their inorganic salts or metallo-organic derivatives; coal tar acids, such as phenols and cresols, and their salts, petroleum products; and radioactive material. In the Floodplain District (FP), floatable materials with the potential to cause physical damage, such as storage tanks, and large containers as defined by Pennsylvania Department of Environmental Protection 25 PA Code Chapter 75.

HazardousWasteFacility: Any structure, group of structures, aboveground or underground storage tanks, or any other area or buildings used for the purpose of permanently housing or temporarily holding hazardous waste for the storage or treatment for any time span other than the normal transportation time through the municipality.

HealthandRecreationFacility: A commercial business that offers active recreational and/or fitness activities. Such facilities do not include golf courses.

HeavyEquipment: Vehicles and machinery that are not normally associated with domestic use (e.g. excavation equipment, commercial trucks and trailers, buses, yachts, farm equipment, mechanized amusement rides, industrial machinery, and other similar items).

Height,Building: A building's vertical measurement from the average ground level at the corners of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs. Chimneys, barns, spires, towers, silos, and elevator penthouses, tanks and other similar projections shall not be included in calculating the height.

HelicopterPad(Private): An accessory use where no more than one helicopter may land/take-off and be stored.

Heliport: A principal use where one or more helicopters may land/take-off and be stored. Such use may also include support services such as fueling and maintenance equipment, passenger terminals and storage hangars.

HighwayAccessPoint: The measurement shall be extended from the terminate of one curb cut to the establishment of an adjacent curb cut. In the event that there are no curbs, the measurement shall be from the edge of each cartway.

HistoricStructure: Any structure that is:

- A. 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.
- B. Certified or preliminarily determined by the Secretary of the Interior as to 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; or
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- D. Individually listed on a local inventory of historic places

HoldingTankCleaner: A municipality, county, municipal authority or person, natural or legal entity, including the holding tank owner, who removes the contents of a holding tank for the purpose of disposing of the sewage at another site.

HomeOccupation: Any activity conducted entirely within a dwelling or accessory structure which is subordinate to the residential use of the dwelling.

HorticulturalUses/Structures: Activities and necessary accessory structures such as greenhouses and hothouses related to the cultivating or managing of plants and gardens, including the growing of flowers, fruits and vegetables in an intensive manner.

Hospital: An institution, licensed in the Commonwealth of Pennsylvania as a hospital, which renders inpatient and outpatient medical care on a twenty-four (24) hours per day basis; and provides primary health services and medical/surgical care to person suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions. A hospital can also include attached and detached accessory uses provided that all accessory uses are contained upon the hospital property.

Hotel/Motel: A facility offering transient lodging accommodations to the general public and providing additional service such as restaurants, meeting rooms, and recreational facilities.

ImpactsAssociatedwithNormalAgriculturalOperationPractices: Including, but not limited to, noise, odors, dust, night, holiday and early morning operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil, herbicides, and pesticides.

ImperviousSurfaceArea: The ratio of the area of all portions of the lot covered in any way so as to not allow the ground beneath to absorb water at a natural rate to the total area of the lot, excluding any portions of the lot within the street right-of-way.

ImperviousMaterial: Any substance placed on a lot which covers the surface in such fashion as to prevent natural absorption of surface water.

Improvement: Physical changes to land including, but not limited to, grading, paving, curbs, gutters, storm sewers and drains, improvements to existing watercourses, sidewalks, street signs, monuments, water supply facilities, and sewage disposal facilities.

Industry: The manufacturing, compounding, processing, assembly or treatment of materials, articles, or merchandise.

Junk: Any material, machinery, scrap metals, articles or objects possessing value in part, gross, or aggregate, and including but not limited to inoperable vehicles and parts thereof, including motors, bodies of motor vehicles and vehicles which are inoperable and do not have a current and valid inspection sticker. Garbage or other organic waste is not included.

JunkYard: Any lot, land, parcel, building or structure or part thereof where junk is stored or accumulated; or, where the business of selling, buying, or dealing in junk is conducted; or, where two (2) or more motor vehicles or vehicles are stored which are unlicensed, inoperable, and do not have a current and valid inspection sticker as required by the Motor Vehicle Laws of the Commonwealth of Pennsylvania.

Kennel: Any establishment wherein dogs or other animals are kept for the purpose of breeding, hunting, training, renting, research or vivisection, buying, boarding, sale, show, or any other similar purpose and is so constructed that dogs or other animals cannot stray therefrom.

LandDevelopment: Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - 1) 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 occupants or tenure; or



- 2) The division or allocation of 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.

B. A subdivision of land.

C. "Land Development" shall not include

- 1) The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
- 2) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.
- 3) The subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling.

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

LaundryFacility: A business premises equipped with individual clothes washing and/or drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment dwelling.

Library: An institution using a room or building where a collection of books, tapes and other modes of written and visual information is kept for reading, reference or circulation, and may be borrowed by members. This excludes materials/uses listed under Adult Related Facility.

Lighting,Indirect: That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

LoadingBerth/Space: An off-street area on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Lot: A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit. The parcel shall contain a sufficient area to meet minimum zoning requirements for use, coverage, and all other applicable minimum dimensions for yards and other open spaces as are herein or otherwise required.

LotArea: The area contained within the property lines of individual parcel of land, excluding any area within a street right-of-way. The lot area includes the area of any utility easement or stormwater management facility, but does not include the “flagpole” of a flag lot.

Lot,Corner: A lot adjacent to a street intersection with frontage on two or more streets. Corner lots shall have two front yards.

LotCoverage: The proportion of a lot which is imperviously surfaced.

LotDepth: The mean (average) horizontal distance, measured between the street right-of-way or front property line, whichever is less, and the rear property line. Lot depth shall be measured perpendicular or radial to the right-of-way or front property line.

Lot, Flag - An irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm (or flagpole) of the lot, designed to be utilized as a means of ingress and egress that does not meet the minimum lot width and street frontage standards specified for the zoning district in which the lot is located. This portion of the lot designed as an area of access (see Flagpole) shall not be calculated into the lot area requirements.

Lot, Flagpole - A narrow extension of property on a flag lot from the buildable area of a lot to the street, and which is not part of the required lot area and does not meet minimum lot width requirements nor is included in the measurement of yards or lot area specified for the zoning district in which the lot is located, but serves as access to the lot or parcel.

LotFrontage: The lot dimension measure along the right-of-way line of any one street abutting a lot.

Lot,DoubleFrontage: A lot extending between and having frontage on two (2) streets.

LotLine: A property line as defined by a sealed survey or legal description for the recorded deed to a lot.

Lot,Nonconforming: See definition for Nonconforming Lot.

LotofRecord: A lot which has been recorded in the Office of the Recorder of Deeds of Lancaster County, Pennsylvania.

Lot Width - The length of a straight line, measured at the front building setback line running substantially parallel to the street line, along the full width of the lot. The "flagpole" or access portion of the flag lot shall not be subject to the lot width. The front yard setback line shall be measured from the end of the flag pole which is furthest from the public street and shall be the portion of the flag area of the lot which meets both the front yard setback and lot width requirement for the zoning district in which the flag lot is located.

ManufacturedHome: See Mobile Home/Manufactured Home.

ManureStorageFacility: A permanent structure or pond, a portion of a structure or pond, or a group of structures or ponds at one agricultural operation, utilized for the primary purpose of containing manure or agricultural process wastewater. This includes concrete, metal or other fabricated tanks and under-building structures, as well as earthen and synthetically-lined manure storage ponds.

MassageSalon: Any establishment having a source of income or compensation derived from the practice of massage and which has a fixed place of business where any person, firm, association or corporation engages in or carries on the practice of massage.

MatureTree: Any deciduous tree with a DBH (diameter at breast height, 4 ½ feet above the ground) greater than or equal to six inches (6”) and any coniferous tree with a height greater than or equal to twelve feet (12’).

MeanSeaLevel: The average height of the sea for all stages of the tide, using the United States Costal Geodetic Survey Datum.

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

MedicalCenter: Establishments primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists and other health care practitioners, medical and dental laboratories, out-patient care facilities, blood banks and oxygen and miscellaneous types of medical supplies and services.

MineralExtraction: The extraction of minerals, rock and other products of the earth by activities conducted upon the surface of the land which requires the removal of the overburden, strata or mineral overlying, above or between, the minerals, rock and other products of the earth or by otherwise exposing and retrieving the minerals of the surface. Mining activities carried out beneath the surface by means of shafts, tunnels or other underground mine openings are not included in this definition.

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

MixedUse: Occupancy of a building or land for more than one (1) use or type of use.

Mobile Home/Manufactured Home: A transportable, single family dwelling

intended for permanent occupancy; contained in one (1) unit or two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation when attached to the required utilities. The term does not include park trailers, travel trailers, recreational and other similar vehicles which are placed on site for more than 180 consecutive days. In no event shall a manufactured home be used for any purpose other than a dwelling. The term Mobile Home is interchangeable with Manufactured Home. For the purposes of this Ordinance, a Mobile Home / Manufactured Home may also be a Tiny House, provided that the Tiny House is connected to approved well and septic systems, and is either on a permanent foundation or on block pillars, tie-down strapping, and skirting provided around the base perimeter of the dwelling.

MobileHome/ManufacturedHomeLot: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home. The term Mobile Home is interchangeable with Manufactured Home.

MobileHome/ManufacturedHomePark: A parcel or contiguous parcels of land, under single ownership, which has been planned, designed and improved for the placement of two or more manufactured homes for non-transient use. The term Mobile Home is interchangeable with Manufactured Home.

ModularBuilding/Home: A building which is fabricated and shipped to the erection site. The structure shall meet the requirements of Pa. UCC, and the IBC or IRC.

Motel: See Hotel/Motel.

MotorHome: See Recreational Vehicle.

MPC: Pennsylvania Municipalities Planning Code, Act 247 as amended.

Multi-GenerationalHousing: Two or more generations of related family members residing in the same structure/house/dwelling unit.

Municipality: Colerain Township

MunicipalEngineer: The professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for Colerain Township.

NFIP – National Flood Insurance Program.

NewConstruction: Structures for which the start of construction commenced on or after 12/8/80 (the effective date of the first floodplain management ordinance enacted by Colerain Township for the purpose of complying with the requirements of the National Flood Insurance Program), and including any subsequent improvements thereto.

NoImpactHome-BasedBusiness: A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential

dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises in excess of those normally associated with residential use. The business or commercial activity must satisfy all of the following requirements:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs, or lights.
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with the residential properties 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.

Non-Conforming Lot: A lot, the area or dimensions of which was lawful prior to the enactment of this Zoning Ordinance or any amendment hereto, but which fails to conform to the requirements of the Zoning District in which it is located by reason of the enactment of this Ordinance or any amendment hereto.

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

Non-Conforming Use: A use, whether of land or of a structure, which does not comply with the applicable use provisions of this or prior zoning ordinance or amendments heretofore or hereafter enacted, where such use lawfully existed prior to the enactment of such Ordinances or Amendments, or prior to the application of such Ordinances or Amendments to its location by reason of annexation.

NoxiousWeed: Noxious weeds shall be those listed in Pennsylvania’s “Noxious Weed Control Law”, as it may be amended.

NursingFacility: A skilled nursing or intermediate care facility, including special rehabilitation and hospital-base facility, that is owned by an individual, partnership, association, or corporation and may be operated on a profit or nonprofit basis.

Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, other structure, or other matter in, along, across, or projecting into any channel, watercourse, or floodplain, which may impede, retard, or change the direction of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to cause damage to life or property.

OdorManagementPlan: A written site specific plan identifying the practices, technologies, standards and strategies to be implemented to manage the impact of odors generated from animal housing or manure management facilities located on the site.

Office: A place where the primary use is conducting the affairs of a business, profession, service, or government, administration, record keeping, clerical work, and similar business functions. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods or products; or the sale or delivery of any materials, goods, or products which are physically located on the premises. Office supplies used in the office may be stored as an incidental use.

OfficialZoningMap – See Zoning Map.

On-LotSewer: A single collection and disposal system for waste waters which services only one lot as approved by the Pennsylvania Department of Environmental Protection.

On-LotWater: A single collection and conveyance system for water supply system which services only one lot.

OpenSpace: An area that is intended to provide light and air, and is designed for environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas and water courses. Open space may also include area used for stormwater facilities; however, no more than 25% of required open space shall be used for stormwater facilities. Open space shall not be deemed to include driveways, parking lots, sidewalks adjacent to streets, or other surfaces designed or intended for vehicular travel or parking.

OtherProvisions: All other laws, regulations, legislation, ordinances, controls, conditions, and provisions of this municipality, County, State, Federal, or other governmental entities or instruments (including, but not limited by enumeration to authorities, boards, commissions, committees, agencies, appellate courts of record, etc.) which are or may be applicable to the use, building, or structure, or any activity or happening related thereto, affecting same, or effected thereby.

ParkingLot: Any lot, municipality or privately owned for off-street parking facilities, proving for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or for a fee.

ParkingSpace: The space within a building, or in a lot or parking lot, for the parking or storage of one (1) vehicle.

Parks,Private: A recreational facility owned or operated by a nonpublic agency and/or conducted as private business. This definition is meant to include the widest range of recreational activities, excluding adult entertainment uses, and amusement arcades.

Parks,Public: Those facilities designed and used for recreation purposes by the general public that are (1) owned and operating by a government or governmental agency/authority, or (2) are operation on a non-profit basis.

Permit: Any and all grants of authority, permissions, registrations or certifications issued by the Zoning Officer, Sewage Enforcement Officer, Zoning Hearing Board or Board of Supervisors.

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

PersonalCareHome: A premise in which food, shelter, and personal assistance or supervision are provided for a period exceeding 24 hours, to four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in activities of daily living or instrumental activities of daily living. The term includes a facility that has held, or presently holds itself out as a personal care home and provides food and shelter to four or more adults who need personal care service, but who are not receiving the services.

PersonalServicesFacility: A structure or portion thereof in which the services of a person, permitted to practice a specific profession, are offered to the general public. Personal services shall include, but not be limited to, agents, barbers, beauticians, cleaners, doctors, lawyers, optometrists, photographers, post offices, repairing, tailors, funeral directors, utility collection offices, coin operated laundromats, dressmaking, and dry cleaning and laundry pick-up stations where the processing is to be done elsewhere, but excluding establishments primarily designed to provide drive-in facilities.

Pesticide: Any substance or mixture of substances intended for use in preventing, destroying, repelling, sterilizing, or mitigating any insect, rodents, nematodes, predatory animals, fungi, weeds, or other forms of plant or animal life.

PetroleumProduct: Oil or petroleum of any kind and in any form, including crude oil, sludge, oil refuse, and oil or petroleum mixed with other wastes. Petroleum products do not include propane.

PlanningCommission: The Planning Commission of Colerain Township, Lancaster County, Pennsylvania.

Plat: The map or plan of subdivision or land development; whether preliminary or final.

Porch: A roofed open-area structure projecting from the front, side, or rear wall of a building.

Premises: Any lot, parcel or tract of land and any structure constructed thereon.

PrimeAgriculturalLand: Land uses for agricultural purposes that contains Soils classified as Class I, Class II, or Class III soils as defined by the United States Department of Agriculture's Agricultural Land Capability Classification System for Colerain Township soils as delineated by the Soil Survey of Lancaster County, Pennsylvania (1985), as may be amended.

ProfessionalOccupation: The practice of a profession by any professional, including, but not limited to, Attorney, Physician, Surgeon, Osteopath, Chiropractor, Dentist, Optician, Optometrist, Chiropodist, Engineer, Surveyor, Architect, Landscape Architect, Planner or similar type, entitled to practice under the laws of the Commonwealth of Pennsylvania.

Public: Owned, operated or controlled by a government agency (federal, state, or local, including a corporation and/or board created by law for the performance of certain specialized governmental functions).

PublicHearing: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action.

PublicMeeting: A forum held in conformity with the Act of July 3, 1986 (P. L. 388, No. 84), known as the "Sunshine Act", as amended.

PublicNotice: A notice published once each week for two successive weeks in a newspaper of general circulation in Colerain 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 (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

PublicRoad: See Street.



PublicSewer: A system providing sanitary sewage collection and/or disposal for two (2) or more lots (or a multi-family land development such as an apartment house or a mobile home park or where two (2) or more dwelling units exist on one lot) which is owned and operated by a municipality or a municipal authority. Under special circumstances, a public sewer system may be owned and operated by one other than a municipality or a municipal authority, if such system is authorized by the governing body of the municipality and conforms strictly with all other Ordinances and approved and permitted by the Pennsylvania Department of Environmental Protection.

PublicUse: A use owned, operated or controlled by a governmental agency (Federal, State, or Local, including a corporation created by law for the performance of certain specialized governmental functions).

PublicUtilities: A business enterprise, such as a public service corporation, performing an essential public service and regulated by the federal, state, or local government.

PublicorCommunityWaterSupply: A municipal water supply system, or a comparable common water facility approved and permitted by the Pennsylvania Department of Environmental Protection. Such systems are capable of serving multiple users.

RecreationalFacility: A recreational use that may include playing fields for baseball, football, lacrosse, rugby, soccer, or similar activities; courts for basketball, tennis, volleyball, or similar activities; skating rinks; skateboarding areas; swimming pools; playground areas suitable for children; or any combination of these uses. Recreational facilities may include ancillary improvements such as off-street parking areas, signage, and lighting, but enclosed structures shall be limited to those accommodating uses clearly accessory to the outdoor recreational function, such as concession stands, storage sheds, locker rooms and shower facilities, first-aid stations, and offices and meeting rooms for the administration of the facility. Recreational facilities may be further classified as described below.

- A. CommercialRecreationFacility: A recreational area operated by a private entity as a commercial, for-profit business that is open to the general public for a fee.
- B. PrivateRecreationalFacilityorClub: A privately-owned recreational area or club that has been established as an element of a housing development or group of residences where access is limited to the residents of that development and their guests.
- C. PublicRecreationalFacility: A recreational area owned by the municipality or some other governmental or public non-profit agency approved by the municipality that is open to the general public. Designation of a recreational area as 'public' shall not stop the operating agency from charging a fee for the use of facilities to cover administrative, insurance, maintenance, and other operating costs.
- D. RestrictedRecreationalFacility: A recreational area operated as a membership

organization where only members and their guests have access to the facility.

RecreationalVehicle: A vehicle which is

- A. Built on a single chassis
- B. Not more than 400 square feet, measured at the largest horizontal projections
- C. Designed to be self-propelled or permanently towable by a light-duty truck
- D. Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

RepairServices: Not limited to: radio, television and appliance shops, plumbing shops, carpenter shops, upholstery shops and shoe-repair shops.

RepetitiveLoss: Flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time at each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

Restaurant: An establishment that serves prepared food primarily on non-disposable tableware, but can provide for incidental carry-out services so long as the area used for carry-out services does not exceed five percent (5%) of the total patron seating area nor eighty (80) square feet (whichever is less). Caterers shall be included in this definition.

Restaurant,Drive-ThruorFastFood: An establishment that serves prepared food generally packages in paper wrappers and/or disposable plates and containers. Such food can be consumed either on or off the site.

Retail: Those businesses whose principal activities involve the sale of goods and products to the general public. This term shall include internet sales but shall not include adult-related facilities as defined herein.

RetirementandConvalescentHome: A building or group of buildings designed and used specifically for the residence and care of aged or infirm persons, which can include one type of residential facility or a continuum of care; such as retirement communities, assisted care facilities, continuing care facilities, and skilled and intermediate care facilities and Health Care Centers in conjunction with residential facilities.

Right-of-Way: A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other public or semi-public similar uses; generally, the right of one to pass over the property of another.

Road: See definition of street.

RoadsideStand: A structure designed or used for the display or sale of agricultural products or other goods produced on the premises upon which such a stand is located.

School – A principal use in which supervised education or instruction is offered according to the following categories:

- A. School,Commercial – An educational facility not operated by a public agency. The range of curriculums can include all levels of academic instruction, business and technical programs and artistic, dance, baton- twirling, and musical training. Commercial schools are principal uses that are neither home occupations nor day care operations. These uses shall not include vocational and/or mechanical trade schools as defined in this Ordinance.
- B. School,Private – A school that may offer a wide range of educational or instructional activities (excluding vocation-mechanical trade schools as defined below) that may, or may not, be operated as a gainful business by some person or organization other than the School District.
- C. School,Public – A school licensed by the Department of Education for the purpose of providing elementary, secondary, post-secondary, post-graduate and adult education, and operated by the School District.
- D. School,Vocational-MechanicalTrade – A school that may or may not be operated as a gainful business that principally offers training in any of the following, but not limited to, occupations: truck driving; engine repairs; building construction and general contracting; woodworking; masonry; plumbing; electrical; electronics; computers.

Screening – An assemblage of materials that are arranged so as to block sound, and/or odor, and/or light. Suitable screening materials include trees, shrubs, hedges, berms, walls, sight-tight fences, other similar type materials, or any combination thereof.

SeasonalResidence – A dwelling, cabin, lodge or summer house which is intended for occupancy less than one hundred eight-two (182) days of the year.

Self-StorageUnits – A use of land where secure structures or secure units within a structure are offered for lease to the general public for the storage of customers goods or wares.

Setback – The required horizontal distance between a setback line and a property or street right-of-way line.

Setback,Front – The distance between the right-of-way line and the front set back line projected the full width of the lot. Commonly called ‘required front yard’.

Setback,Rear – The distance between the rear lot line and the rear set back line projected the full width of the lot. Commonly called ‘required rear yard’.

Setback,Side – The distance between the side lot line and side set back line

projected from the front yard to the rear yard. Commonly called the ‘required side yard’.

SetbackLine: A line within a property and parallel to a property or Right-of-way line which delineates the required minimum distance between some particular use of property and that property or street line.

Sewage: Any substance that contains any of the waste products, excrement or other discharge from the bodies of human beings or animals and noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation or which constitutes pollution under the Clean Stream Law.

ShoppingCenter: One or more attached buildings devoted to more than one (1) commercial use of the same lot. For the purposes of this definition “attached” shall include buildings that are not physically attached, but share a common parking lot or other common facilities.

SightDistance – The maximum extent of observed vision (in a vertical or horizontal plane) along a road from a vehicle located at any given point on the road.

Sign – Any structure or device for visual communication which directs attention to a business, commodity, service, or entertainment. The word ‘sign’ does not include the flag, pennant or insignia of any nation, state, city, or other political unit nor public traffic or directional signs.

Sign,Advertising – A sign intended for the painting, posting or otherwise displaying of information inviting attention to any product, business, service or cause not located on or related to the premises on which the sign is situated.

Sign,Business – A sign directing attention to a business, commodity, or service conducted, sold or offered upon the same premises as those upon which the sign is located and maintained.

Sign,Identification – A sign or name plate, indicating the name of non-commercial buildings or occupants thereof, or describing the use of such buildings; or when displayed at a residence, indicating a home occupation legally existing there.

Sign,Off-Premise – A sign intended for displaying of information not located on or related to the premises on which the sign is situated.

Sign,On-Site – A sign relating in its subject matter to the premises on which it is located.

Sign,Roof – Any device or structure erected for advertising or identification purposes upon or above the roof of any building or structure or part thereof.

Sign,Temporary – A temporary sign shall be construed to mean any sign, banner,

cardboard or other material carrying an advertisement or announcement, which is displayed or intended to be displayed for a period not exceeding ordinance requirements.

Sign, Wall – A sign painted on or affixed to and paralleling the outside wall of a building, and extending not more than eight inches (8”) from such wall.

Sign, Window – A temporary or permanent sign oriented to the right-of-way located either on the inside or outside of a window.

Single and Separate Ownership – The ownership of a lot by one or more persons which ownership is separate and distinct from that of any adjoining property.

Soil Survey: The latest published version of the United States Department of Agriculture’s Soil Survey for Lancaster County, Pennsylvania.

Solar Collection System – A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage and distribution of solar energy for electricity generation or transfer of stored heat.

Solar Energy Production Facility, Large – An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy. Large solar energy production facilities consists of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities. A facility is considered a large solar energy production facility if it supplies electrical or thermal power solely for off-site use.

Solar Energy System, Small – A solar collection system consisting of one (1) or more roof and/or ground mounted solar collector devices and solar related equipment, and is intended to primarily reduce on-site consumption of utility power. A system is considered a small solar energy system only if it supplies electrical or thermal power solely for on-site use, except that when a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

Solar Related Equipment – Item including a solar photovoltaic cell, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations used for or intended to be used for collection of solar energy.

Solid Waste – Garbage, sludge, refuse, trash, rubbish, debris, and other discarded materials, including, but not limited to, solid and liquid waste materials resulting from industrial, agricultural and community activities. Solid waste does not include hazardous material as defined herein.

Special Exception: A use permitted in a particular zoning district when granted by the

Zoning Hearing Board and pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code, as amended.

Storage Facility – Building(s) intended for the lease of storage spaces for the sole purpose of storing household goods, documents, motor vehicles, or recreational equipment. (Also see “Self Storage”.)

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

Street Centerline – The horizontal line paralleling the street that bisects the street right-of-way into two equal widths. In those instances where the street right-of-way cannot be determined, the street centerline shall correspond to the center of the cartway.

Street, Cul-de-Sac – A street intersecting another street at one end and terminating at the other in a vehicular turnaround.

Street, Arterial – A street that represents substantial statewide, interstate, or regional travel and movements between major urban areas. [See Section 10.02]

Street, Major Collector – A street that serves primarily intra-county trips and link with arterial streets. [See Section 10.03]

Street, Minor Collector – A Street that accumulates traffic from Local Streets and brings all development area within reasonable distance of collector roads. A minor collector street provides service to small communities. [See Section 10.04]

Street, Local – A Street primarily provides access to adjacent land and serves travel over relatively short distances. Generally interaction with vehicles entering and exiting the highway network is expected. [Section 10.05]

Structure: Anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.

Structure, Principal – A structure or a group of structures where the context so indicates in or on which is conducted the principal use of the lot on which such structure is located.

Structure, Temporary – A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Structure, Garden – Included in this category of structures are; arbors, aviaries, pergolas, trellises, barbecue shelters, and free standing screens or baffles and similar structures as however called. Unscreened, unroofed, un-walled, or

unfenced patios, birdbaths, ornamental pools and swimming pools are not considered as garden structures.

Subdivision: The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the 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: A lot add-on is included in this definition. However, the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street of easement of access of any residential dwelling, shall be exempted.

Substantial damage: Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

Substantial Improvements: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the fair market value of the structure either (a) before the improvement or repair is started or (b) if the structure has been damaged, and is being restored, before the damage occurred, For the purpose of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred “substantial damage” regardless of the actual repair work performed. The term does not; however include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or:
- B. Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

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

Swimming Pool – Any structure containing, or normally capable of exceeding 24 inches in water depth. Swimming pools shall be considered accessory structures when located on a lot with a residential dwelling. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose of their construction.

Tavern – An establishment which serves primarily alcoholic beverages for mostly on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board. Taverns may also serve food, but no outdoor live entertainment will be permitted.

Theater – See definition for Cinema.

Township: Colerain Township, Lancaster County, Pennsylvania

UniformConstructionCode(UCC): The Statewide building code adopted by The Pennsylvania General Assembly in 1999, as may be amended, applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted the International Residential Code (IRC) and the International Building Code (IBC) by reference, as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC

Use – The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained. The term ‘permitted use’ or its equivalent shall not be deemed to include any non-conforming use.

Use,Accessory – A use customarily incidental to and subordinate to the principal use of the land or principal building and located on the same lot with such principal use or principal building.

Use,ByRight – A use permitted in a zoning district without the need for a special exception, variance, or conditional use approval.

Use,Non-Conforming – See definition for Non-Conforming Use.

Use,Principal – The main or primary purpose for which any land, structure, building or use thereof is designed, arranged or intended, or for which they may be occupied, maintained, or utilized under the zoning ordinance. All other structures, building or uses on the same lot, incidental or supplementary thereto and permitted under the zoning ordinance, shall be considered accessory uses.

Use,Temporary – A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

UseAndOccupancyPermit – A permit issued by the Zoning Officer certifying a use’s compliance with information reflected on the building permit and the zoning ordinance.

Variance: An approved modification of the provisions of this Ordinance for a particular property as granted by the Zoning Hearing Board, and as provided in the Pennsylvania Municipalities Planning Code, Act 247, as may be amended.

Vehicle/Trailer: Every device in, upon or by which any person or property is or could be transported or drawn over land, except devices used exclusively upon rails or tracks.

VehicularWashFacility(CarWash) – A building on a lot, designed and used primarily for the washing, polishing, and/or detailing of automobiles and which may provide accessory services set forth herein for Automobile Filling Service Stations.



Veterinarian's Office – A building used primarily for the treatment and evaluation of animals by a veterinarian. No outdoor boarding of animals is permitted.

Warehouse – A building where wares, goods, or raw materials are stored before distribution to retailers or are kept in reserve.

Watercourse: A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake, wetland or other body of surface water, carrying or holding surface water, whether natural or man-made.

Watershed: All the land from which water drains into a particular watercourse.

Wetlands – Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of hydrophytes typically adapted for life in hydric soil conditions, including swamps, marshes, bogs and similar areas. The term includes, but is not limited to, wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan, and any areas designated as wetlands by the United States Army Corps of Engineers, a river basin commission, or the municipality.

Wind Charger - A wind-driven direct-current generator used for charging storage batteries.

Wind Energy Conversion System (WECS) – A device such as a wind charger, wind turbine or windmill and/or other electric generation facility whose main purpose is to convert wind power into another form of energy such as electricity or heat, consisting of one (1) or more wind turbine and other structures and buildings, including substations, meteorological tower, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

Wind Energy Production Facility, Large – An area of land or other area used for a wind energy conversion system principally used to capture wind energy and convert it to electrical energy. Large wind energy production facilities consist of one (1) or more wind turbines, tower, and associated control or conversion electronics and other accessory structures and buildings including substations, electrical infrastructure, transmission lines and other appurtenant structures facilities. A facility is considered a large wind energy production facility if it supplies electrical power solely for off-site use.

Wind Energy System, Small - A wind energy conversion system consisting of a wind turbine or windmill, tower and associated control or conversion electronics, and is intended to primarily reduce on-site consumption of utility power. A system is considered a small wind energy system only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

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

WindTurbineTower – The vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground.

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

WoodedArea: Any area having more than one (1) viable tree (at least six (6) inches in diameter measured one (1) foot above the ground) per two thousand five hundred (2,500) square feet of lot area excluding tree farms, orchards or other horticultural activities.

Yard (As amended by Ordinance 2015-02, January 5<sup>th</sup>, 2015): An area between the permitted structures and the property lines.

Yard,Front – The area contained between the principal structure and the street right-of-way line, except that where a portion of the site has a front property line that is located away from the street right-of-way and runs generally parallel to the street, the front yard shall also include that area that is located between the principal structure and the front property line that generally parallels the street. A corner lot shall have two (2) front yards.

Yard,Rear – The area contained between the principal structure and the property line directly opposite the street of address. For flag lots, the rear yard shall be that area between the principal structure and that lot line which is directly opposite the above-described front yard. On corner lots, the rear yard shall be considered those areas between the principal structure and the property lines directly opposite the non-address street(s).

Yard,Side – The area(s) between a principal structure and any side lot line(s). For flag lots, the side yards shall be the area between the principal structure and that one (1) outermost lot line which forms the flag and pole, plus the area on the opposite side of the principal structure.

Zoning – The designation of specified districts within a community reserving them for certain uses together with limitations on lot size, heights of structures and other stipulated requirements.

ZoningHearingBoard: The official municipal body having jurisdiction to render final adjudications in accordance with this Ordinance and the *Pennsylvania Municipalities Planning Code, Act 247*, as may be amended.

ZoningMap: The officially adopted Zoning Map of Colerain Township, together with all amendments thereto subsequently adopted.

ZoningOfficer: The duly constituted municipal official or their authorized representative designated to administer and enforce this Ordinance in accordance with its literal terms.

ZoningOrdinance – The Colerain Township Zoning Ordinance.

Zoning Permit: A written statement issued by the Zoning Officer, or authorized representative, authorizing buildings, structures or uses consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provisions.

## **ARTICLE IV – ESTABLISHMENT OF ZONING DISTRICTS**

### **4.01 Designated Districts**

4.01.01 For the purpose of this Ordinance, the Township is hereby divided into the following districts:

- |    |                            |                |
|----|----------------------------|----------------|
| A. | Agricultural (A)           | (Section 5.01) |
| B. | Conservation District (CN) | (Section 5.02) |
| C. | Residential (R)            | (Section 5.03) |
| D. | Village Center (VC)        | (Section 5.04) |
| E. | Light Business (LB)        | (Section 5.05) |
| F. | Floodplain (FP)            | (Section 5.06) |

### **4.02 Zoning Map**

4.02.01 The boundaries of the Zoning Districts shall be as shown or noted on the Colerain Township Official Zoning Map which is on file in the Township Office. Said Map and all notations, references and data shown thereon are hereby incorporated by reference into this Ordinance, and shall be as much a part of this Ordinance as if all were fully described herein.

### **4.03 District Boundaries**

- 4.03.01 Boundaries indicated as attempting to follow the centerline of streets, highways, or alleys, or extensions thereof, or parallel or perpendicular to such centerlines, shall be construed as such.
- 4.03.02 Boundaries indicated as attempting to follow lot lines or extensions thereof, or parallel or perpendicular to such lot lines shall be construed as such.
- 4.03.03 Boundaries indicated as attempting to follow Township boundary lines or limits shall be construed as following such boundary lines or limits.
- 4.03.04 Boundaries indicated as approximately following the centerline of streams or other bodies of water shall be construed to follow such centerlines.
- 4.03.05 Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Zoning Hearing Board may permit, as a special exception, the extension of the regulations for either district into the other district on the lot involved, but such extension shall not exceed fifty (50) feet beyond the district boundary line.
- 4.03.06 Distances specifically indicated shall be so construed. Distances not specifically indicated shall be determined by the scale of the map.

- 4.03.07 Where physical or cultural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not indicated by provisions of this Section, the Zoning Officer, subject to appeal to the Zoning Hearing Board, shall interpret the district boundaries.

#### **4.04 Application of District Regulations**

- 4.04.01 Application: The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land. In addition to the foregoing, and not in limitation thereof, any Supplementary Regulations set forth in Article VI hereof, or any other regulations governing structures or uses, shall apply to any uses or structures that may be referred to therein, regardless of district. Unless reference is made to the contrary, references to lot area, lot width, front yards, side yards, rear yards, and other yard and lot requirements shall be minimal dimensional requirements for the particular district in which they are references. If there are no such requirements for any use, structure or district, the requirements set for similar uses or structures in such districts shall be applicable. The most restrictive in another district shall apply in a district for which no such regulation is provided.
- A. No structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
  - B. No part of a yard, other open space, or off-street parking or loading space required or in connection with any building or structure for the purpose of complying with this Ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building or structure.
  - C. Except as is otherwise specifically provided herein, no yard or lot existing at the time of pass of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

#### **4.05 Regulation of Uses**

- 4.05.01 Regulated Uses of Land. The use of land in Colerain Township shall be regulated uniformly throughout each Zoning District based upon the following types of use:
- A. Permitted. Permitted uses shall be specifically allowed as a matter of right upon application with the issuance of a use permit by the Zoning Officer, and without prohibition, condition, or exception, except where supplemental performance standards, or the general health, safety, and

welfare of the Township supersedes the permitted use.

- B. Special Exceptions. Special exceptions may be granted or denied by the Zoning Hearing Board pursuant to public notice and hearing, and in accordance with the criteria, standards and conditions set forth for each such use in each zoning district. In granting a special exception use, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance as empowered by the Pennsylvania Municipalities Planning Code (MPC); Act 247, P. L. 805, of 1968, as amended by Act 170, P. L. 1329 in 1988).
- C. Prohibited Uses. To provide for the health, safety, and general welfare of the residents of Colerain Township, all uses not specifically permitted shall be prohibited. Certain uses similar in nature and impact to permitted uses may be allowed by special exception as approved by the Zoning Hearing Board, with the exception that certain uses shall be strictly prohibited as follows:
- 1) Sanitary, Hazardous, or Solid Waste Landfills, except as a special exception use in the Light Business (LB) District in accordance with all applicable legal requirements of the Township, County, Commonwealth, and Federal authorities.
  - 2) Quarrying or mechanized mineral extraction, except as a special exception use in the Agricultural District (Section 5.01.05.B.3) in accordance with all applicable legal requirements of the Township, County, Commonwealth, and Federal authorities.
  - 3) Underground tanks for the storage of anything other than water or wastewater when approved by the Township Sewage Enforcement Officer or Zoning Officer in accordance with the regulations of this Ordinance, except when complying with all applicable regulations of the Pennsylvania Department of Environmental Resources.
  - 4) Any occupation, use of land, trade or process which may be in any way dangerous, noxious or injurious to public health, safety, or welfare.
  - 5) Outdoor storage of junk, trash, sludge, garbage.
  - 6) Outdoor storage of two (2) or more unregistered vehicles for periods exceeding 3 months.

4.05.02 Other Principal Uses. Where specifically provided in a given zoning district, more than one principal use may be granted by the Zoning Hearing Board for erection on a lot provided that all lot and yard requirements, standards, and other requirements of this Ordinance shall be met for each structure, as if it were located on a separate lot. The Zoning Hearing Board, in making its decisions on other principal uses shall, in addition to requiring that the other criteria and standards to be met as set forth in this Ordinance governing the decisions of the Zoning Hearing Board, grant such other uses only in such districts where they are similar to permitted uses in such district or, if there are no similar uses in any districts, where they most nearly meet the intent of a district. In said event, the lot and bulk restrictions applicable for the district in which the Zoning Hearing Board finds the other principal uses most aptly belong, shall apply to such other principal uses, and if there are no clearly applicable restrictions, then reasonable restrictions shall be imposed consistent with those in that district and elsewhere in this Ordinance.

4.05.03 Uses Not Provided For. In interpreting this Ordinance, all uses of land which are not specifically allowed as permitted, special exception, or conditional uses, shall be deemed to be prohibited. However, the Township recognizes that this Ordinance cannot foresee all reasonable land uses that are, or may be, appropriate for Colerain Township. Therefore, whenever a land use is neither specifically permitted nor prohibited by this Ordinance, and an application is made by a property owner for such use, the Zoning Officer shall deny the application. Thereafter, the owner may then request the Zoning Hearing Board to permit the proposed use as a special exception per other provisions of this Ordinance. The Zoning Hearing Board may permit the proposed use if the following conditions are met.

- A. The proposed use is substantially similar to a use permitted by right, conditional use, or special exception.
- B. The proposed use is substantially compatible with the general neighborhood.
- C. The proposed use is compatible with the general purpose of the district in which it is proposed.

The Zoning Hearing Board may attach reasonable conditions to its determination, including, but not necessarily limited to, screening, limits on intensity of use, limits on hours of operation, setbacks, height limitations, lot coverage limitations and fencing.

- 4.05.04      Conversion of Buildings: The objective of this statement is to encourage the conversion, reuse and phasing out of mushroom houses and/or other buildings as these structures become obsolete or unnecessary for mushroom production, or their intended use, and to encourage new uses compatible with existing district regulations whether by permitted use, or special exception.
- 4.05.05      Municipal uses, including, but not limited to structures (such as structures for fire protection) in furtherance thereof, shall be permitted as of right in all zoning districts.
- 4.05.06      Forestry shall be permitted in all zoning districts on any of the eight (8) Agricultural Land Capability Classifications as defined by the United States Department of Agriculture, subject to compliance with the supplemental regulations set forth in Article VI.



## ARTICLE V – ZONING DISTRICTS

### 5.01 Agricultural District (A)

- 5.01.01 Purpose. Agriculture in Colerain Township and Lancaster County is a special non-replaceable resource which needs to be preserved for the benefit of the world and the nation as well as the County and this Township. This is true because:
- A. The open space of this Township and County is valuable for the health, safety, and general welfare of its inhabitants.
  - B. The soils and climate of this Township and County enable its farmers to produce the largest value of agricultural goods of any non-irrigated county in the nation. Lancaster County has the greatest concentration of Class I prime agricultural soils in any county in the Nation. Over fifty percent of the soils in Colerain Township are Class I and II prime agricultural soils and Class III agricultural soils (agricultural soils of statewide importance).
  - C. The agricultural land of Colerain Township and Lancaster County has cultural value to its own citizens and also is an attraction to those who are tourists.
  - D. The aesthetic value of the agricultural land of Colerain Township and Lancaster County is of special significance.
  - E. The Commonwealth of Pennsylvania has, by provisions in the Pennsylvania Municipalities Planning Code, special tax assessments, publications of various departments, and by executive order of the Governor, shown an interest in preserving agricultural land.
  - F. The Lancaster County Planning Commission has determined by its Comprehensive Plan that there is more than sufficient land available in the County for residential, commercial, and industrial needs without infringing upon the agricultural areas which the Plan proposes for preservation. Furthermore, the Township has provided sufficient land area for residential, commercial, and industrial needs.
  - G. The Colerain Township Comprehensive Development Plan Goals states that “Agricultural farmland should be preserved.”
  - H. The present character of the agricultural land is such that it is a valuable national economic resource, necessary of preservation.

- I. The open space areas of Colerain Township and Lancaster County are an integral part of the culture which have attracted people and industry to the Township and County and are thus a part of the lifestyle of the Township and County.

5.01.02      Intent. The Agricultural District is intended to serve the interest of public health, safety and welfare. The Agricultural District is further designed and intended to accomplish the following:

- A. Protect and stabilize agriculture in areas of productive soils as an on-going, viable, major component of the economy of the Township.
- B. Permit only those land uses and activities which are agricultural in nature or incidental thereto.
- C. Encourage the preservation of the most productive agricultural land within the Township as a valuable resource which is lost and not economically reclaimable once it is developed for building purpose.
- D. Prevent adverse effects resulting from the encroachment and mixing of residential and other incompatible development with agricultural uses. For the farmer, such mixing would cause increased traffic on the narrow roads used to move agricultural machinery and livestock; additional litter, which is a nuisance to crop production and a danger to livestock; possible damage and loss of crops and livestock from theft, mischief, or trespass; and complaints about odors, noise, dust, barbed wire or electric fences, night operations, and other items which are a normal part of agricultural operations. For the residential occupant there are the nuisances and health and safety hazards alluded to above as well as the possible contamination of well water by agricultural chemicals, fertilizers, and animal waste.
- E. Ensure the ready availability of agricultural products to the residents of the Township and the region.
- F. Guide development incompatible with agriculture into more appropriate zoning districts.
- G. Provide maximum protection to existing and future agricultural enterprises as a natural and national economic resource.

- 5.01.03      PrimaryUse. In the Agricultural District, agriculture is the primary use with residential and other uses subject to agriculture and agricultural operations.
- A. Residential uses must accept the nuisances and hazards which are a normal adjunct to agriculture. Non-agricultural dwellings in this district may be subject to some common characteristics of agriculture which are sometimes regarded as objectionable, such as odor, dust, night, holiday, early morning and weekend operations, noise, heavy vehicle use of roads, etc. Any occupant of a non-agricultural dwelling in this district should accept these factors as unavoidable characteristics of residency in an agricultural area.
- B. Future population and housing demand projections for the Township and County have been analyzed and future population growth and housing needs can be accomplished in other zoning districts, given their size and permitted densities.
- 5.01.04      PermittedUsesandStructures. In the (A) district, the use and development of land, including but not limited to the subdivision of land and the erection of structures, shall be guided according to the classification of the soil. Undeveloped lands having high quality soils, whether used in agriculture, woodland, or other open space, shall be conserved and maintained against fragmentation or land development. The Agriculture (A) District is hereby divided into overlay districts based upon actual soil quality as determined by the Zoning Officer upon consideration of the latest version of the Soil Survey of Lancaster County, Pennsylvania, as may be amended, and/or a site analysis prepared and certified by a professional soil scientist.
- A. The following uses and no others are permitted as uses by right on soils having Agricultural Land Capability Classification I, II, or III as defined by the U. S. Department of Agriculture:
- 1) Agricultural Operation
  - 2) Agricultural dwellings including facilities for permanently employed persons and families who receive housing in lieu of all or part of their wages, and for the agricultural operation owner whether or not he is farming the land. When the agricultural operation is owned by a corporation or partnership, no more than three (3) persons shall constitute a separate “agricultural owner” for the purpose of this paragraph.
  - 3) Customary home occupations, provided that they comply with Section 6.14.

- 4) Display and sale of agricultural products by a person farming land in the Agricultural (A) District, provided that:
  - a) At least half of all products sold measured by both volume and quantities must be produced on the premises.
  - b) Any structure which is used for the display or sale of agricultural products shall be at least fifty feet (50) from any lot line and the street right-of-way line.
  - c) The structure and requisite parking area shall not together occupy more than two thousand (2000) square feet of area for every ten (10) acres in the agricultural operation.
  - d) Off-street parking must be provided for all employees and customers
- 5) Processing of agricultural products, where such use is designed to be accessory to the raising or growing of such products and is located on the same property on which the products are raised or grown. Agricultural wastes such as mushroom compost shall not be included in the definition of “agricultural products”.
- 6) Signs advertising or identifying any use which has been established in the A District as a Permitted Use or Special Exception Use shall be permitted subject to the limitations below. If any other section of this Zoning Ordinance establishes a more restrictive regulation, the more restrictive regulations shall apply:
  - a) All such signs shall be located on the same premises at which the use is located.
  - b) There shall be only one such sign for each use; however, such sign may have two faces.
  - c) The maximum size of each face of any such sign shall be ten (10) square feet.
  - d) The maximum total height of any such sign shall be fifteen (15) feet above the ground surface below the sign.
- 7) Public utility and communication structures when absolutely necessary to be located in this district for public service purposes.
- 8) Single Family Detached Dwellings.

- 9) Subdivisions are permitted subject to the following:
- a) Any separate parcel in separate ownership as of June 4, 1987 and containing at least eighty thousand (80,000) square feet of land, with or without buildings, may be used to create one and only one additional lot provided that both lots and buildings, following subdivision, comply with the regulations set forth in Section 5.01.06. In the event that a parcel of land became incorporated into the Agricultural District after June 4, 1987 through a change in zoning district boundaries, and the tract satisfied all other previous requirements of this paragraph, the provisions of this paragraph shall pertain to the date on which the change in zoning district boundaries became effective.
  - b) If such a separate lot in separate ownership as defined in Paragraph 5.01.04.A.(9).(a) contains at least one hundred twenty thousand (120,000) square feet of land, it may be used to create two (2) subdivided lots as aforesaid, and in accordance with Section 5.01.06. In the event that all subdivision rights are not utilized, the remaining subdivision rights apply to the largest tract unless otherwise specified on the subdivision plan. In the event that a subdivision creates tracts of equal size and all subdivision rights are not utilized, the distribution of the remaining subdivision rights shall be determined by the owner of the parent tract (prior to subdivision) and specified on the subdivision plan.
  - c) Notwithstanding the limitations set forth in above subsections 9.a and 9.b, portions of existing parcels may be subdivided for single-family detached dwelling use only, if such areas are located in natural, non-manmade wooded areas, which wooded areas existed as of March 1, 2019, and so long as the following conditions are met:
    - i) Such subdivided lots shall not be less than forty thousand (40,000) square feet;
    - ii) Such subdivision rights shall only apply to the wooded areas of any existing parcels;
    - iii) Further, for any lots subdivided pursuant to this subsection, the owner/applicant shall enter into a recorded deed restriction, in a form satisfactory to the Township, running to the benefit of the Township and all adjacent property owners, to preserve the existing woodlands, with the exception of the area to be developed as a single-family home, in perpetuity;

- iv) Tree removal must comply with Section 6.52, Tree Clearing, and a maximum of 30%, or 20,000 square feet, whichever is less, of any proposed lot may be clear cut to construct the single –family detached home, driveway, utility areas and yard area for the same;
- v) No additional roadways shall be built to provide access or street frontage for any proposed lot. Any proposed lot shall meet the Lot Frontage and Lot Width requirements of the A- Agricultural District on a public roadway that exists as of March 1, 2019; and
- vi) Regardless of the size of the original Lot or the wooded area of the same, no more than 1 additional lot may be created pursuant to this subsection 9.c, for wooded areas which are between 80,000 square feet and less than 3 acres. For wooded areas that are from 3 to 5 acres, no more than 2 additional lots may be subdivided pursuant to this subsection 9.c. For any wooded areas which are over 5 acres, a maximum amount of 4 lots maybe created pursuant to this subsection 9.c.

10) Manure storage facilities, subject to the provisions of Section 6.31.

11) Riding academies or stables.

12) Bed and Breakfast, subject to the requirements for the same as set forth in Article VI.

13) Customary accessory uses and structures incidental to the above permitted uses.

B. The following are permitted as uses by right only on tracts that contain no more than fifteen percent (15%), by area, of Agricultural Land Capability Class **I, II or III** soils and which are substantially comprised of soils having Agricultural Land Capability Classifications of **IV, V, VI, VII, or VIII** (non-prime soils) as defined by the United States Department of Agriculture.

- 1) All those uses provided above in paragraph 5.01.04.A.
- 2) Subdivisions according to the following:
  - a) Lots (substantially comprised of such non-prime soil) under ten (10) acres and in existence as of June 4, 1987, are not easily used for agriculture. Accordingly, non-agricultural single family dwellings on separate, subdivided lots shall be permitted if in compliance with all other applicable regulations. Such lots shall not be less than forty-thousand (40,000) square feet.
  - b) For lots ten (10) acres or more in size, in existence as of June 4, 1987, agricultural uses become increasingly more appropriate. From such larger agricultural lots the following total number of lots may be subdivided where such lots are to be located on that portion of the parcel which is substantially comprised of non-prime soils, and where such subdivision is in compliance with other applicable regulations for non-agricultural single family dwelling purposes:

Ten (10) acres but less than fifteen (15) – two (2) lots. Fifteen

(15) acres but less than twenty (20) – three (3) lots. Twenty

(20) acres but less than twenty-five (25) – four (4) lots.

Twenty-five (25) acres but less than thirty (30) five (5) lots.

Thirty (30) acres but less than thirty-five (35) – six (6) lots.

Thirty-five (35) acres but less than forty (40) – seven (7) lots.

Forty (40) acres but less than forty-five (45) – eight (8) lots.

Forty-five (45) acres but less than fifty (50) – nine (9) lots

Because any lot of fifty (50) acres or more of this soil will normally be used for agriculture, no more than ten (10) lots.

In the event that all subdivision rights are not utilized, the remaining subdivision rights apply to the largest tract unless otherwise specified on the subdivision plan. In the event that a subdivision creates tracts of equal size and all subdivision rights are not utilized, the distribution of the remaining

subdivision rights shall be determined by the owner of the parent tract (prior to subdivision) and specified on the subdivision plan.

- 3) Veterinary offices.
- 4) Animal hospitals.
- 5) Customary accessory uses and structures incidental to the above permitted uses.

5.01.05 SpecialExceptionUsesandStructures.

- A. The following uses and structures are permitted by Special Exception when granted by the Colerain Township Zoning Hearing Board on soils with any of the eight (8) Agricultural Land Capability Classifications as defined by the United States Department of Agriculture. In granting such uses, the Zoning Hearing Board shall condition the approval upon the operation of the use in conformance with the Operational Performance Standards as provided in Section 6.36, and with the provisions of any other applicable Supplementary District Regulation as provided in Article VI of this Ordinance, and upon any other conditions as may be deemed necessary to meet the intent of this Ordinance or to ensure the health, safety, and welfare of Colerain Township residents.
  - 1) Processing of agricultural products grown in Colerain Township, excluding the processing of mushroom compost or other agricultural waste.
  - 2) Concentrated Animal Operation and Concentrated Animal Feeding Operation in accordance with the provisions of Section 6.12 of this Ordinance.
  - 3) Non-agricultural single-family dwelling for the owner, owner's children or parents, permanent or temporary. When the agricultural property is owned by a corporation or partnership, no more than three (3) persons shall constitute a separate "agricultural owner" for the purposes of this paragraph. Not more than one (1) lot per each owner, owner's children or parents may be subdivided.
  - 4) Agricultural-related business and cottage industry, provided that:
    - a) The owner and operator of such business resides on the premises.



- b) Such business is intended to serve a local market and remain compatible with neighboring agricultural uses.
  - c) Such use is compatible with other uses permitted by right in the Agricultural District as determined by the Zoning Hearing Board.
  - d) Off street parking must be provided for all employees, assistants, and customers in accordance with the provisions of Article IX of this Ordinance.
  - e) Total impervious surface areas for such occupation, including but not limited to all relevant structures, and storage areas, may not occupy more than twenty percent (20%) of the premises or exceed forty thousand (40,000) square feet, whichever is less.
  - f) All signs, lighting, freight traffic, storage areas or structures, and any other improvements, facilities or services associated with the use shall not cause a negative impact to the adjoining and neighboring properties.
  - g) Non-resident employees or assistants shall not exceed three (3) full-time equivalent employees, but the Zoning Hearing Board may increase this number, if necessary for the conduct of the business, with reasonable conditions.
  - h) The applicant shall include a statement from the Township Sewage Enforcement Officer indicating that the proposed use will have an adequate method of sewage disposal.
  - i) The conduct of the occupation shall remain secondary to the permitted primary use of the premises.
- 5) One room school house.
  - 6) Grass landing strips.
  - 7) Communication tower.
  - 8) Kennels
  - 9) Other principal uses under Section 4.05 determined by the Colerain Township Zoning Hearing Board to be of the same general character and not more detrimental than those permitted and Special Exception uses.

10) Customary accessory uses and structures incidental to the above uses.

11) Animal Composting Facility *[Added by Amendment-Ordinance No. 2012-August 6<sup>th</sup>, 2012]*

B. The following uses are permitted by Special Exception only on soils with Agricultural Land Capability Classifications of IV, V, VI, VII, and VIII as defined by the United States Department of Agriculture. In granting such uses, the Zoning Hearing Board shall condition the approval upon the operation of the use in conformance with the Operational Performance Standards as provided in Section 6.36 and with the provisions of any other applicable Supplementary District Regulation as provided in Article VI of this Ordinance, and upon any other conditions as may be deemed necessary to meet the intent of this Ordinance or to ensure the health, safety, and welfare of Colerain Township residents.

- 1) Privately owned recreation areas for profit such as, but not limited to, swimming pools, tennis clubs, and riding clubs.
- 2) Commercial camps and resorts.
- 3) Extraction of sand, gravel and other materials and the removal of natural resources.
- 4) Facilities for the commercial processing of agricultural products.
- 5) Facilities for the warehousing, sale, and service of agricultural equipment, vehicles, feed, or supplies.
- 6) Commercial grain or commercial feed mills.
- 7) Multiple room school house.
- 8) Solar Energy Production Facility (“Solar Farm”)
- 9) Large Wind Energy Production Facilities
- 10) Other principal uses under Section 4.05.02 determined by the Zoning Hearing Board to be of the same general character and not more detrimental than those Permitted and Special Exception uses.
- 11) Customary accessory uses and structures incidental to the above uses.

Area, Height, and Yard Regulations.

## A. Minimum Lot Area:

Agricultural Operation; Processing of Agricultural Products; Extraction of Sand, Gravel and Other Materials; Removal of Natural Resources; Riding Academies or Stables	Ten (10) Acres
First Agricultural Dwelling, as may be used for both agricultural and dwelling acres	Ten (10) Acres
Each Additional Agricultural Dwelling	Two (2) Acres
Non-Agricultural Single Family Detached Dwelling; One Room School House; Veterinary Office	Forty-Thousand (40,000) Square Feet
All other Permitted and Special Exception Uses	Forty-Thousand (40,000) Square Feet

## B. Minimum Lot Width:

Agricultural Dwellings and Non-Agricultural Single-Family Detached Dwellings; One Room School Houses; Veterinary Office	One Hundred Fifty (150) Feet
All other Permitted and Special Exception Uses	One Hundred Fifty (150) Feet*

\*The Zoning Hearing Board may require increased lot widths and/or depths for Special Exceptions if necessary to protect the character of the zoning district in which the proposed use will be located.

## C. Minimum Lot Depth:

Agricultural Dwellings and Non-Agricultural Single-Family Detached Dwellings; One Room School Houses; Veterinary Office	Two Hundred (200) Feet
All other Permitted and Special Exception Uses	Two Hundred (200) Feet

\*The Zoning Hearing Board may require increased lot width and/or depths for Special Exceptions if necessary to protect the character of the zoning district in which the proposed use will be located.

## D. Minimum Yard Requirements:

1. All buildings shall be set back from lot lines and the right-of-way lines of public roads to comply with the following yard requirements. Where more than one principal structure is erected on a lot, each such structure shall comply with all yard requirements as though it were on an individual lot.

<b>Use</b>	<b>Front</b>	<b>Side</b>	<b>Rear</b>
Agricultural Dwellings	50'	20'	20'
Non-Agricultural Single-Family Detached Dwellings	50'	20'	20'
Accessory Buildings or Structures	50'	20'*	20'*
CAO/CAFO Manure Storage Facilities	100'-300' as required under the Nutrient and Odor Management Act regulations and approved nutrient and odor management plan		
CAO/CAFO Animal Shelters	located the greater of (i) the distance required from a lot line or adjoining residence by an approved Odor Management Plan or (ii) 75 feet from all lot lines or (iii) 100 feet from an adjoining residence		
Non-CAO/CAFO Manure Storage Facilities	100'-300' from lot lines as guided by the requirements under the Nutrient and Odor Management Act regulations under 25 Pa. Code §83.351.		
Other Agricultural and Non-Agricultural Structures	50'	50'	50'

\* Except as modified by Section 6.02 and Section 16.02.01

E. Maximum Height Regulation:

- 1) Dwelling – thirty-five (35) feet.
- 2) Private Garage, Carriage House/Horse Barn – twenty-eight (28) feet. [See Section 6.40]
- 3) Other Buildings – no height restriction, unless regulated in Article VI.

F. Maximum Impervious Surface Area:

- 1) Agricultural Operation – Five percent (5%)
- 2) Single family detached dwelling – Twenty percent (20%).
- 3) Other Uses – Fifteen percent (15%).

## **5.02 Conservation District (CN)**

5.02.01 Purpose: The Conservation District is intended to protect areas in the Township for the preservation and conservation of the natural environment and to permit and encourage the retention of open land and flood plain areas of major streams. In keeping with the intended purpose of this district and to generally define the location of certain conservation areas parallel to major streams within the Township, a minimum distance of three hundred (300) feet from the water's edge of both sides of such streams, as generally indicated on the Official Zoning Map shall be deemed the established boundary of this district, unless shown otherwise on the Zoning Map by location or dimensions thereof.

5.02.02 Permitted Uses and Structures: The following uses and no others are permitted by right.

- A. Agricultural Operation, excluding buildings or structures.
- B. Agricultural and horticultural uses except Concentrated Animal Operations or Concentrated Animal Feeding Operations.
- C. Parks, recreation areas, and playgrounds not operated for private profit.
- D. Public conservation areas and structures for the conservation of open space, water, soil, air, and wildlife resources.
- E. Customary accessory uses and structures incidental to the above permitted uses.

5.02.03 Special Exceptions Uses and Structures: The following uses and structures are permitted as a special exception when granted by the Zoning Hearing Board in accordance with the provisions of Article XVI, and as may be supplemented by an applicable provision of Article VI.

- A. Public utility and communication structures when absolutely necessary to be located in this district for public purposes.
- B. Other principal uses under Section 4.05.02 determined by the Zoning Hearing Board to be of the same general character as those Permitted and Special Exception uses and which will not be more detrimental than any permitted uses and structures.
- C. Customary accessory uses and structures incidental to the above uses.

5.02.04 Area, Height and Yard Regulations:

- A. Minimum lot area: Ten (10) acres
- B. Minimum lot width: One-hundred fifty (150) feet at the building line.
- C. Minimum lot depth: Five-hundred (500) feet.
- D. Minimum yard requirements: All buildings shall be set back from the right-of-way of public roads and lot lines to comply with Section 5.01.06.D unless changed under other provisions of this Zoning Ordinance.
- E. Maximum building height regulations – thirty-five (35) feet or as regulated by Article VI.
- F. Maximum impervious surface area – five percent (5%).

### **5.03 Residential District (R)**

- 5.03.01 PurposeandIntent: The Residential District is intended to provide low density residential areas where on-site water supply and sewage disposal are generally the only types available.
- 5.03.02 PermittedUsesandStructures: The following uses and no others will be permitted by right:
  - A. Single-family detached dwellings.
  - B. Agricultural Operation except Concentrated Animal Operation and Concentrated Animal Feeding Operation facilities.
  - C. Customary accessory uses and structures incidental to the above permitted uses.
- 5.03.03 SpecialExceptionsUsesandStructures: The following uses and structures are permitted as a special exception when granted by the Zoning Hearing Board, in accordance with the provisions of Article XVI, and as may be supplemented by any applicable provision of Article VI.:
  - A. Private and public schools.
  - B. Churches and cemeteries.
  - C. Medical and dental offices.
  - D. Private and public parks, recreation areas, and conservation areas not for profit.

- E. Customary home occupations, provided that they comply with Section 6.14.
- F. Public Utility and communication structures when absolutely necessary to be located in this district for public service purposes.
- G. Municipal building, firehouses and similar uses.
- H. Conversion of existing residential dwelling to multiple family.
- I. Child day care center.
- J. Animal waste storage facilities in accordance with Section 6.31.
- K. Manufactured and Mobile Home Parks, said parks comply with the Colerain Township Mobile Home Park Ordinance, and the provisions of Article XI.
- L. Other principal uses under Section 4.05 determined by the Zoning Hearing Board to be of the same general character as these Permitted and Special Exception uses and which will not be more detrimental than any permitted uses and structures.
- M. Bed and Breakfast.
- N. Customary accessory uses and structures incidental to the above permitted uses.

5.03.04      Area, Height and Yard Requirements.

- A. Minimum lot areas:
  - 1) Single family detached dwelling and all other principal buildings and uses permitted in this district for which no specific lot areas are provided:
    - a) Areas with on-lot sewer and on-lot water: forty thousand (40,000) square feet minimum.
    - b) Areas with public sewer and on-lot water: eighteen thousand (18,000) square feet minimum.
    - c) Area with public sewer and public water: twelve thousand (12,000) square feet minimum.
  - 2) Agricultural Operation: 10 acres

B. Minimum Lot Widths:

- 1) Single family detached dwelling and all other principal buildings and uses permitted in this district for which no specific lot widths are provided.
  - a) Areas with on-lot sewer: one-hundred fifty (150) feet.
  - b) Areas with public sewer: ninety (90) feet.
- 2) Agricultural Operation: four-hundred (400) feet.

C. Minimum Lot Depth: one-hundred fifty (150) feet.

D. Minimum Yard Requirements:

- 1) Single family detached dwellings and all other principal buildings and uses permitted in this district but for which no specific yard requirements are provided.
  - a) Front yard: forty (40) feet.
  - b) Side yard: with on-lot sewage disposal, twenty (20) feet; with public sewer, fifteen (15) feet.
  - c) Rear yard: twenty (20) feet.
- 2) Agricultural Operation: as required under Section 5.01.06.D.

E. Maximum Height Regulation:

- 1) Agricultural structures – no height restriction shall apply unless otherwise regulated by Article VI.
- 2) Private Garage, Carriage House/Horse Barn – twenty-eight (28) feet. [See Section 6.40]
- 3) All other structures – thirty-five (35) feet unless otherwise regulated by Article VI.

F. Maximum Impervious Surface Area:

- 1) Single family detached dwelling: twenty-five percent (25%).
- 2) Agricultural Operation: five percent (5%).
- 3) Other uses: thirty percent (30%).



#### **5.04 Village Center District (VC)**

5.04.01 PurposeandIntent. The Village Center District is intended to provide for various types of medium and high density residential development consistent with the potential availability of adequate transportation facilities and public sewage and water service, while maintaining sufficient open area to blend with the general rural agricultural character of the Township and to exclude those uses not compatible with such development.

5.04.02 PermittedUsesandStructures. The following uses and no others are permitted by right:

- A. Single family detached dwellings.
- B. Single family semi-detached dwellings.
- C. Duplex detached dwellings.
- D. Agricultural Operation except Concentrated Animal Operation or Concentrated Animal Feeding Operation facilities.
- E. Retail stores, offices, convenience stores, restaurants.
- F. Private schools, public school, parks and playgrounds.
- G. Municipal buildings, fire houses and similar uses.
- H. Churches.
- I. One No Impact Home Business per parcel.
- J. Business services such as banks, credit unions, loan companies and other financial institutions, real estate and insurance agencies, utility offices, government, business and professional offices.
- K. Personal services, such as barber shops, beauty salons, photographic studios, coin operated laundry facilities, tailors, dress-making, millinery, and dry cleaning and laundry pick-up stations where the processing is to be done elsewhere, but excluding establishments primarily designed to provide drive-in facilities.
- L. Bed and Breakfast, subject to the requirements for the same as set forth in Article VI.
- M. Customary accessory uses and structures incidental to the above permitted uses.

5.04.03

Special Exceptions Uses and Structures. The following uses and structures are permitted as a special exception when granted by the Zoning Hearing Board in accordance with the provisions of Article XVI, and as may be supplemented by any applicable provision of Article VI:

- A. Townhouses when connected to public sewer and water containing no more than six (6) dwelling units per building.
- B. Multi-family dwelling when connected to public sewer and water or any appropriately designed system approved by the Township Sewage Enforcement Officer containing no more than twelve (12) dwelling units per building.
- C. Conversion of existing residential dwelling to multiple family.
- D. Medical and dental offices.
- E. Private park and conservation areas not for profit.
- F. Customary home occupations.
- G. Retirement homes, nursing homes, children's homes or clinics or similar facilities including dormitory, group homes, student homes and other uses which are related to the institutions that are owned and/or operated by the institution they serve.
- H. Public utility and communication structures when absolutely necessary to be located in this district for public service purposes.
- I. Child day care center.
- J. Commercial businesses, trucking, auto repair, and light manufacturing.
- K. A single-family residence which is a secondary use to a commercial business on the same lot provided that at least one of the occupants is either the owner or an employee of the commercial business. No more than one single-family residence shall be permitted on the same lot as a commercial business under this provision. Additionally, the single family residence may not be separated from the commercial use through subdivision.
- L. Other principal uses under Section 4.05 determined by the Zoning Hearing Board to be of the same general character as these Permitted and Special Exception uses and which will not be more detrimental than any permitted uses and structures.

M. Customary accessory uses and structures incidental to the above.

5.04.04      Area, Height and Yard Requirements.

A. Minimum Lot Areas:

- 1) Single family detached dwellings and all other principal buildings and uses permitted in this district for which no specific lot areas are provided:
  - a) With on-lot sewer and on-lot water: forty thousand (40,000) square feet with any appropriately designed system approved by the Township Sewage Enforcement Officer.
  - b) With public sewer and on-lot water: fifteen thousand (15,000) square feet.
  - c) With public sewer and public water: ten thousand (10,000) square feet.
- 2) Single family semi-detached dwellings:
  - a) With on-lot sewer and on-lot water: forty thousand (40,000) square feet with any appropriately designed system approved by the Township Sewage Enforcement Officer.
  - b) With public sewer and on-lot water: seven thousand (7,000) square feet.
  - c) With public sewer and public water: five thousand (5,000) square feet.
- 3) Duplex dwelling:
  - a) With on-lot sewer and on-lot water: forty thousand (40,000) square feet with any appropriately designed system approved by the Township Sewage Enforcement Officer.
  - b) With public sewer and on-lot water: thirty thousand (30,000) square feet.
  - c) With public sewer and public water: ten thousand (10,000) square feet.

- 4) Townhouse dwelling unit:
  - a) With on-lot sewer and on-lot water: forty thousand (40,000) square feet with any appropriately designed system approved by the Township Sewage Enforcement Officer. Dwellings must be hooked up to public sewer and/or public water if available.
  - b) With public sewer and public water: three thousand five hundred (3,500) square feet.
- 5) Multi-family dwelling
  - a) With on-lot sewer and on-lot water: forty thousand (40,000) square feet with any appropriately designed system approved by the Township Sewage Enforcement Officer
  - b) With public sewer and public water: three thousand (3,000) square feet.
- 6) Agricultural Operation: Ten (10) acres
- 7) All other uses: Forty thousand (40,000) square feet minimum.

B. Minimum Lot Widths:

- 1) Single family detached dwelling and all other principal buildings and uses permitted in this district but for which no specific lot widths are provided:
  - a) With on-lot sewer: one-hundred fifty (150) feet with any appropriately designed system approve by the Township Sewage Enforcement Officer.
  - b) With public sewer: eighty (80) feet.
- 2) Single family semi-detached dwelling:
  - a) With on-lot sewer: one-hundred fifty (150) feet with any appropriately designed system approved by the Township SEO.
  - b) With public sewer: fifty (50) feet.
- 3) Duplex dwelling:

- a) With on-lot sewer: one-hundred fifty (150) feet with any appropriately designed system approved by the Township Sewage Enforcement Officer.
  - b) With public sewer: ninety (90) feet.
- 4) Townhouse dwelling unit:
- a) With on-lot sewer: one-hundred fifty (150) feet with any appropriately designed system approved by the Township Sewage Enforcement Officer.
  - b) With public sewer: twenty (20) feet.
- 5) Multi-Family dwelling:
- a) With on-lot sewer: one hundred fifty (150) feet with any appropriately designed system approved by the Township Sewage Enforcement Officer
  - b) With public sewer: one hundred (100) feet
- 6) Agricultural Operation: four hundred (400) feet.
- 7) All other uses: one hundred fifty (150) feet.
- C. Minimum Lot Depth – one hundred fifty (150) feet.
- D. Minimum Yard Requirements:
- 1) Single family detached dwellings and all other principal buildings and uses permitted in this district but for which no specific yard areas are provided:
    - a) Front yard from street right-of-way line: twenty-five (25) feet.
    - b) Side yard from lot line: twenty (20) feet; with public sewer: ten (10) feet.
    - c) Rear Yard from lot line: twenty (20) feet.
  - 2) Single family semi-detached:
    - a) Front yard from street right-of-way line: twenty-five (25) feet.
    - b) Side yard from lot line: ten (10) feet.

- c) Rear yard from lot line: twenty (20) feet.
- 3) Duplex dwelling:
  - a) Front yard from street right-of-way line: twenty-five (25) feet.
  - b) Side yard from lot line: fifteen (15) feet.
  - c) Rear yard from lot line: twenty (20) feet.
- 4) Townhouses:
  - a) Front yard from street right-of-way line : twenty-five (25) feet.
  - b) Side yard: fifteen (15) feet between end units and side yard property lines.
  - c) Rear yard from lot line: twenty (20) feet.
  - d) Minimum distance between townhouse buildings: thirty (30) feet.
- 5) Multi-family dwelling:
  - a) Front yard from street right-of-way line: twenty-five (25) feet
  - b) Side yard from lot line: twenty-five (25) feet
  - c) Rear yard from lot line: twenty (20) feet
- 6) Agricultural Operation: As required under Section 5.01.06.D.
- 7) All other uses:
  - a) Front yard from street right-of-way line : thirty five (35) feet.
  - b) Side yard from lot line: ten (10) feet except when adjacent to any residential district in which case a minimum side yard of twenty five (25) feet is required.
  - c) Rear yard from lot line: ten (10) feet except when adjacent to any residential district in which case a minimum rear yard of twenty five (25) feet is required.

E. Maximum Building Size for all uses except Agricultural: 10,000 square feet.

F. Maximum Height Regulations: Thirty five (35) feet except agricultural structures or as regulated in Article VI.

G. Maximum Impervious Surface Area:

- 1) Single family detached dwelling: Thirty percent (30%).
- 2) Single family semi-detached dwelling: Thirty five percent (35%).
- 3) Duplex dwelling: Thirty five percent (35%).
- 4) Townhouse dwelling: Forty percent (40%).
- 5) Multi-family dwelling: Forty five percent (45%)
- 6) Agricultural Operation: Five percent (5%).
- 7) Other uses: Forty five percent (45%).

## **5.05 Light Business District (LB)**

5.05.01 PurposeandIntent. The Light Business District is intended to provide for low intensity businesses that serve the local rural community and to provide for anticipated future needs.

5.05.02 PermittedUsesandStructures. The following uses and no others are permitted by right:

- A. Retail business, such as variety stores, apparel stores, drug stores, grocery stores, eating and drinking establishments, antique stores, music stores, sporting goods stores and book, stationery, magazine, candy and tobacco stores and garden centers.
- B. Business services such as banks, credit unions, loan companies and other financial institutions, real estate and insurance agencies, utility offices, government, business and professional offices.
- C. Personal services, such as barber shops, beauty salons, photographic studios, coin operated laundromats, tailors, dress-making, millinery, and dry cleaning and laundry pick-up stations where the processing is to be done elsewhere, but excluding establishments primarily designed to provide drive-in facilities.
- D. Repair services, such as radio, television and appliance shops, upholstery shops and shoe repair shops.
- E. Schools.

- F. Clubs and lodges.
- G. Fire house.
- H. Child day care centers.
- I. Agricultural Operations.
- J. Offices for administrative, executive, professional sales and other similar uses.
- K. Laboratory for scientific, agricultural or industrial research and development.
- L. Light manufacturing of beverages, confections, food products, ceramics, clothing, cosmetics, drugs, biologicals, plastics, electrical goods, furniture, hardware, tools, dies, patterns, professional and scientific instruments, handcraft products, electronics and small parts assembly and/or manufacture, printing and publishing.
- M. Public utilities and communication uses, such as electric substations, storage of materials and trucks, repair facilities, offices, pump stations, and generating plants.
- N. Customary accessory uses and structures incidental to the above permitted uses.

5.05.03 Special Exceptions Uses and Structures. The following uses and structures are permitted as a special exception when granted by the Zoning Hearing Board in accordance with the provisions of Article XVI, and as may be supplemented by any applicable provision of Article VI:

- A. General public warehousing, general wholesale trading, operations and storage terminals for general contractor or regional building trade contractor, contractor shops.
- B. General public trucking or other transportation terminal or private shipping center.
- C. Outdoor advertising business sign.
- D. Landfills (see Section 6.29).
- E. Automobile service station.
- F. Neighborhood shopping center.
- G. Hotels, motels, boarding houses, tourist houses.



- H. Car washes.
- I. Funeral homes.
- J. Automobile sales establishments including used car lots.
- K. A single-family residence which is a secondary use to a commercial business on the same lot provided that at least one of the occupants is either the owner or an employee of the commercial business. No more than one single-family residence shall be permitted on the same lot as a commercial business under this provision. Additionally, the single family residence may not be separated from the commercial use through subdivision.
- L. Communication tower.
- M. Adult-Related Facilities
  - 1) An adult related facility shall not be permitted to be located within one thousand (1,000) feet of any other adult-related facility.
  - 2) No adult-related facility shall be located within one thousand (1,000) feet of any residentially-zoned land.
  - 3) No establishment shall be located within one thousand (1,000) feet of any parcel of land which contains any one or more of the following specified land uses:
    - i. Amusement park
    - ii. Camp (for minors' activity)
    - iii. Child care facility
    - iv. Church or other similar religious facility
    - v. Community center
    - vi. Museum
    - vii. Park
    - viii. Playground
    - ix. School; or
    - x. Other lands where minors congregate.
  - 4) The distance between any two adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment. The distance between any adult entertainment establishment and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of the adult entertainment establishment to the closet point on the property line of said land use.

- 5) 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.
  - 6) Any building or structure used and occupied as an adult-related facility shall be windowless, or have an opaque covering over all windows or doors of any area in which materials, merchandise, or film are exhibited or displayed, and no materials, merchandise, or film shall be visible from outside of the building or structure.
  - 7) No sign shall be erected upon the premises pictorially depicting or giving a visual representation of the type of materials, merchandise or film offered therein.
  - 8) Each entrance to the premises shall be posted with a notice specifying that persons under the age of eighteen (18) years are not permitted to enter therein and warning all other persons that they may be offended upon entry.
  - 9) No adult-related facility may change to another adult-related facility, except upon approval of an additional special exception.
  - 10) The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate.
  - 11) No unlawful sexual activity or conduct shall be permitted.
  - 12) No more than one adult-related facility may be located within one building or shopping center.
- N. Other principal uses under Section 4.05.02 determined by the Zoning Hearing Board to be of the same general character as these Permitted and Special Exception uses and which will not be more detrimental than any permitted uses and structures.
- O. Bed and Breakfast.
- P. Customary accessory uses and structures incidental to the above permitted uses.

5.05.04. Area, Yard and Height Requirements.

A. Minimum Lot Areas:

- 1) Agricultural Operation, airports: ten (10) acres.
- 2) All other uses: Forty thousand (40,000) square feet minimum.

B. Minimum Lot Widths:

- 1) Agricultural Operation: four hundred (400) feet.
- 2) All other uses: one hundred fifty (150) feet.

C. Minimum Lot Depth – one hundred fifty (150) feet.

D. Minimum Yard Requirements:

- 1) Agricultural Operation as required under Section 5.01.06.D.
- 2) All other uses:
  - a) Front yard from street right-of-way line : thirty five (35) feet.
  - b) Side yard from lot line: ten (10) feet except when adjacent to any residential district in which case a minimum side yard of twenty five (25) feet is required.
  - c) Rear yard from lot line: ten (10) feet except when adjacent to any residential district in which case a minimum rear yard of twenty five (25) feet is required.

E. Maximum Height Regulations: Thirty-five (35) feet except agricultural structures or as regulated in Article VI.

F. Maximum Impervious Surface Area: Sixty five percent (65%).

**5.06 Floodplain District (FP)**

5.06.01 Purpose and Intent.

- A. The Floodplain District (FP) includes the areas of Colerain Township which are subject to periodic inundation by floodwaters.
- B. In the interest of public health, safety, and welfare, the regulations of the Floodplain District (FP) intended to protect floodplain areas subject to and necessary for floodwaters, to permit and encourage the retention of open land uses so located and utilized as to constitute a harmonious and appropriate part of the physical development of Colerain Township as provided in the Colerain Township Comprehensive Plan, and to guide incompatible development into more appropriate zoning districts.
- C. In advancing these principles and the general purposes of this Zoning Ordinance and Colerain Township Comprehensive Plan, the specific

intent of this district includes the following:

- 1) To combine with present regulations, certain restrictions necessary for the control of floodplains for the general health, safety, and welfare of the community.
- 2) To prevent the erection of structures in areas unfit for human usage by reason of danger from flooding.
- 3) To minimize danger to public health by protecting water quality and promoting safe and sanitary drainage.
- 4) To control development which, acting alone or in combination with similar development, will create and impose additional unjustified burdens on the community, its governmental units, and its individuals for the costs of flood control works, rescue, relief, emergency preparedness measures, sandbagging, pumping, and temporary dikes or levees, as well as business interruptions, factory closings, disruptions of transportation routes, and interference with utility services, as well as other factors that result in loss of wages, sales, and production and generally adversely affect the economic well being of the community.
- 5) To maintain a stable tax base through the preservation or enhancement of property values adjacent to the floodplain, as well as preventing the creation of future flood blighted areas on floodplains.
- 6) To permit certain uses which can appropriately be located in the floodplain as herein defined without impeding the flow of floodwaters or otherwise causing danger or damage to life or property at, above, or below their locations in the floodplain.
- 7) To permit certain uses in the floodplain in ways that preserve natural conditions conducive to the maintenance of ecological balance, wildlife and productive marine habitat, other healthy biotic systems, scenic and natural values, constant rates of water flow throughout the year, and areas for groundwater absorption for sustaining the subsurface water supply.
- 8) To provide sufficient unimpeded drainage courses and prohibit the restriction of their carrying capacities so as to safely carry abnormal flows of storm water from periods of heavy precipitation.
- 9) To encourage the utilization of appropriate construction practices which will minimize flood damage in the future.
- 10) To prevent the placement of materials which might be swept by floods onto other lands or downstream to the injury of others.

- 11) To provide for public awareness of flooding potential and to discourage and protect unwary individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.
- 12) To regulate uses, activities, development, and structures which, acting along with or in combination with existing or future uses, activities, development, or structures, will cause increases in flood heights, velocities, and frequencies.
- 13) To provide areas for the deposition of sediment.
- 14) To protect people and property in other municipalities within the same watershed from the impact of improper development in floodplains and the consequent increased potential for flooding.

5.06.02 Lands in District Defined.

- A. The Floodplain District (FP) is hereby defined to include all of the following lands within Colerain Township:
  - 1) All those areas of Colerain Township which are subject to the one hundred (100) year flood, as identified in the Flood Insurance Study (FIS) for Lancaster County dated April 19, 2005 and the accompanying maps as prepared for by the Federal Emergency Management Agency or the most recent revision thereof.
  - 2) All land not identified in 5.06.02.A.1) which are within the 100 year flood boundaries of all watercourses, including but not limited to all land which is so identified by the United States Geological Survey or the United States Army corps of Engineers.
  - 3) All those areas identified as being subject to the 500 year flood in the Flood Insurance Study prepared for Colerain Township by the Federal Emergency Management Agency (FEMA).
  - 4) All land not identified in 5.06.02.A.(1) and (2) above which are delineated by the United States Department of Agriculture's Soil Survey as possessing alluvial or floodplain soils.
  - 5) All land which has been flooded by floods of record.
  - 6) All additional land delineated under Section 5.06.02 B. of this Ordinance.
- B. Where the complete and definitive information necessary to delineate the boundary of the Floodplain District (FP) is not available, the

Zoning Officer in consideration of an application for a permit, shall require such on-site studies and/or surveys to be made as are necessary to make a determination of the precise boundaries of the Floodplain District (FP) as defined in this Ordinance and in accordance with the following:

- 1) Such studies and surveys shall be signed, sealed, and certified by a licensed professional registered by the Commonwealth of Pennsylvania to perform such studies and surveys. Such certification shall acknowledge the accuracy of the study or survey and the qualification of the individual to perform such studies and surveys.
- 2) Copies of such studies and surveys shall be submitted to the Zoning Officer, the Colerain Township engineer, and the United States Department of Agriculture's Soil Conservation Service, who shall have thirty (30) days to comment.
- 3) Any property owner whose property is so studied and/or surveyed to justify an application for a permit shall pay all costs of these studies and surveys, except for work done under retainer to or on behalf of Colerain Township.
- 4) Where such study is performed the Limits of Study shall supersede the above delineations which are made by more approximate methods.

5.06.03 Boundary Disputes.

- A. Should a dispute concerning any boundary of the Floodplain District (FP) arise, the initial determination of the Zoning Officer may be appealed to the Zoning Hearing Board. The burden of proof in such an appeal shall be on the property owner. The property owner shall pay all costs associated with the hearing before the Zoning Hearing Board, including all costs for advertising public notice, for all stenographic records including the attendance of a stenographer and, when necessary, the transcription of the record, and other fees as permitted by the Pennsylvania Municipalities Planning Code.
- B. All changes to the boundaries of the Floodplain District (FP) are subject to the review and approval of the Federal Insurance Administrator for compliance with the Rules and Regulations of the National Flood Insurance Program.

5.06.04 Relationship to Other Articles. The provisions of this Section create an overlay zoning district which is applicable within floodplains in all other zoning districts established by this Zoning Ordinance. To the extent the provisions of this Section are applicable and more restrictive, they shall supersede conflicting provisions within all other Sections and Articles of

this Zoning Ordinance and all other ordinances of Colerain Township. However, all other provisions of all other Articles of this Zoning Ordinance and all other ordinances of Colerain Township shall remain in full force.

- 5.06.05 Permitted Uses. The following uses and no others are permitted in the Floodplain District (FP) by right and such uses are permitted only where in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 394 of 1937, as amended; the Rules and Regulations of the Pennsylvania Department of Environmental Protection; and all other applicable provisions of this Zoning Ordinance and all Other Regulations.
- A. Agriculture, horticulture, and forestry, all excluding any structures, and excluding any grading or filling which would cause any increase in flood heights or frequency.
  - B. Erosion and sedimentation control measures, facilities, and structures provided no increase in flood heights or frequency, unhealthy ponding, or other unsanitary conditions shall occur.
  - C. Public and private recreational uses such as parks, swimming areas (excluding swimming pools), play areas, day camps, campgrounds (excluding camp sites), picnic groves, lawns, gardens, golf courses, driving ranges, archery ranges, game farms, areas or clubs for hunting, fishing, and/or boating (including marker or anchor buoys), paved bicycle paths, and hiking and horseback riding trails, all excluding any buildings, and excluding any grading or filling which would cause any increase in flood heights or frequency.
  - D. Harvesting of any wild crop, such as marsh hay, ferns, moss, berries, tree fruits and seeds, or wild rice, excluding any plants appearing on the latest edition of the United States List of Endangered and Threatened Plant Species maintained by the United States Fish and Wildlife Service.
  - E. Activities related to the preservation of natural amenities, including wildlife sanctuaries, nature preserves, woodland preserves, botanical gardens, or arboretums, excluding any buildings, and excluding any grading or filling which would cause any increase in flood heights or frequency.
  - F. Open space and front, side, or rear yards required by other Sections of this Zoning Ordinance. Floodplain land may be used to meet minimum open space, yard, and lot area requirements, provided that the purpose and intent of this Section, together with the requirements of any other pertinent municipal regulations, is complied with. If such compliance cannot be shown, the land areas within the Floodplain District (FP) shall not be used or calculated for purposes of meeting lot

open space, area, or yard requirements.

- G. Stream improvements whose sole purpose is to improve aquatic life habitat, when approved by the Pennsylvania Fish Commission and reviewed by the Lancaster County Conservation District, and subject to the provisions of this Ordinance.
- H. One or two-strand fences.
- I. Picnic tables, park benches, temporary fireplaces and grills, and playground equipment, all if anchored to prevent flotation.
- J. Blinds for the shooting or observation of wildlife, provided that such blinds may only be placed, erected, and maintained during the open season established by the Pennsylvania Game Commission for the taking of migratory waterfowl and the three weeks immediately preceding and three weeks immediately following that open season. Blinds must be removed during all other times of the year.
- K. Circuses, carnivals, and similar transitory enterprises, provided that natural vegetative ground cover is not destroyed, removed, or covered in such a way as to create erosion or sedimentation.
- L. Ponds which are constructed in accordance with a Conservation Plan reviewed by the Lancaster County Conservation District and which do not create any increase in flood heights or frequency on adjoining properties, and subject to the provisions of this Ordinance.
- M. Floodproofing and flood hazard reduction structures to protect only lawfully existing and registered nonconforming structures and lawfully existing and registered nonconforming uses within structures.
- N. Public utility facilities (except buildings) under the exclusive jurisdiction of the Pennsylvania Public Utility Commission and specifically exempted from control by municipal zoning ordinances, subject to the provision of this Ordinance.

5.06.06 SpecialExceptionUsesandStructures. The following uses and structures are permitted in the Floodplain District (FP) only when special exceptions are granted by the Zoning Hearing Board as provided for herein, and where in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 394 of 1937, as amended; the Rules and Regulations of the Pennsylvania Department of Environmental Protection; and all other provisions of this Zoning Ordinance and by all other applicable regulations.

- A. Parking lots, loading areas, driveways, and aircraft landing strips and taxiways, if they are water permeable surfaced.



- B. Water-oriented uses such as docks, piers, wharves, marinas, boat liveries, and boat launching ramps.
- C. Public utility facilities not under the exclusive jurisdiction on the Pennsylvania Public Utility Commission, subject to the following conditions:
  - 1) Facilities such as pipelines, gas lines, storm sewers, sanitary sewers, water lines, outlet installations for sewage treatment plants, sealed public and private water supply wells, pumping stations, and underground communications facilities, shall, together with associated structures, but excepting necessary vents, be designed and installed underground so as to be at or below the existing natural surface grade within the floodplain, and in such a manner as will prevent flotation, minimize or eliminate flood damage, and not alter the cross-sectional area of the floodplain. All new or replacement water supply facilities and/or sanitary sewage facilities shall be designed to minimize or eliminate infiltration of floodwaters into the facilities and discharges from the facilities into floodwaters. All gas lines shall have a system of shut-off valves for service to the Floodplain District (FP) to allow positive control during flood emergencies.
  - 2) Electrical distribution lines and supporting structures shall be installed so as to minimize or eliminate flood damage, and all lines of less than 15 kilovolts shall be installed underground below the existing natural surface grade within the floodplain. Above ground electrical distribution and transmission lines of 15 kilovolts or more may be allowed above ground as a special exception, provided they are certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania as meeting all of the following standards:
    - a) Above ground lines and supporting structures shall enter the Floodplain District (FP) only to cross a watercourse, shall cross the watercourse and the Floodplain District (FP) using the most direct and shortest route possible consistent with the goals, objectives, purposes, and intents of this Zoning Ordinance, shall make the minimum number of crossings necessary, and shall be designed and installed so as to minimize or eliminate flood damage.
    - b) Above ground lines shall be elevated so that their lowest portions are a minimum of ten feet above the maximum flood elevation.
    - c) Supporting structures for above ground lines within the Floodplain District (FP) shall be the minimum number

necessary to carry the lines across the Floodplain District (FP). Supporting structures shall be designed and installed so as to be able to withstand the maximum volume, velocity, and force of floodwaters which can be expected at the point where they are located.

- d) Facilities and services in the Floodplain District (FP) shall be designed so that flood damage within the District does not disrupt service outside the District.
- D. Fish hatcheries, including uncovered ponds and raceways, which are approved by the Pennsylvania Fish Commission, but excluding other structures.
- E. Water monitoring devices.
- F. Culverts, bridges, and approaches to public and private culverts and bridges which meet all of the following conditions:
  - 1) Review and/or approval by the Lancaster County Planning Commission, if required.
  - 2) Approval by the Susquehanna River Basin Commission if required.
  - 3) Approval by the Pennsylvania Department of Environmental Protection, if required.
  - 4) Approval by the United States Army Corps of Engineers, if required.
  - 5) Approval by the Pennsylvania Department of Transportation (PennDOT), if required.
  - 6) If approval by PennDOT is not required, the proposed use must still meet all of the appropriate minimum design standards of PennDOT.
  - 7) The proposed structure must be designed in such a way as to have the capacity to allow the unrestricted passage of waters of maximum flood elevation below and through it without any upstream or downstream increase in water surface elevation.
- G. Extraction of sand, gravel, and other mineral resources.
- H. Other uses similar to the above, provided the use will not reduce the cross-sectional area of the floodplain.

Standards and Criteria for Special Exceptions:

- A. In hearing and deciding upon special exceptions to be granted or denied under the provisions of Section 5.06.06 of this Ordinance, the Zoning Hearing Board shall determine that each of the following standards and criteria have been complied with:
- 1) That increased danger to life and property due to increased flood heights, velocities, or frequencies caused by encroachments, is minimized.
  - 2) That the danger that floodwaters or materials may be swept onto other lands or downstream to cause injury to others is minimized.
  - 3) That the possibility of disease, contamination and unsanitary conditions, is minimized and especially that any proposed water supply or sanitation systems are able to prevent these problems.
  - 4) That the susceptibility of the proposed facility and its contents to flood damage, the effect of such damage on the individual owners, and the need for the effect of floodproofing, are minimized.
  - 5) That the proposed facility and its services are important to the community.
  - 6) That the proposed facility needs a waterfront or floodplain location.
  - 7) That there are no reasonable available alternate locations not subject to flooding for the proposed use.
  - 8) That the proposed use is compatible with existing and anticipated development.
  - 9) That the proposed use is consistent with the Colerain Township Comprehensive Plan and any floodplain management program for the area.
  - 10) That the safety of access to the property in times of flooding for ordinary and emergency vehicles is assured if affected by the proposed use.
  - 11) That the expected area, height, depth, velocity, pressure, frequency, duration, rate of rise, seasonality, sediment, debris, and pollutant load of floodwaters expected at the site is not inconsistent with the proposed use.

- 12) That the proposed activity will not unduly alter natural water flow or water temperature.
  - 13) That archeological or historic sites and structures, endangered or threatened species of animals or plants, high quality wildlife habitats, scarce vegetation types, and other irreplaceable land uses will not be degraded or destroyed.
  - 14) That the natural, scenic, and aesthetic values at the proposed site will be conserved.
  - 15) That the danger, damage, and injury to all adjoining properties on both sides of any watercourse regardless of municipality, is minimized. In this regard, any proposal affecting an adjacent municipality shall be submitted to that municipality's planning commission and governing body for review and comment.
  - 16) That the granting of the special exception from the provisions of Section 5.06.06 will not result in any of the following:
    - a) Increases in flood heights.
    - b) Additional threats to public safety.
    - c) Extraordinary public expense.
    - d) Creation of nuisances.
    - e) Fraud of the public.
    - f) Conflict with local laws or ordinances.
- B. In hearing and deciding upon special exceptions to be granted or denied under the provisions of Section 5.06 of this Ordinance, the burden of proof shall be on the applicant. The Zoning Hearing Board may require the applicant to submit such plans, specifications, and other information as it may deem necessary to assist it in arriving at a fair and impartial determination. Such required information may include, but is not limited to, the following:
- 1) Plans drawn to scale showing the nature, location, dimensions, and elevations of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationships of the above to the location of the channel.
  - 2) A typical valley cross-section showing the channel of the watercourse, elevations of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.

- 3) A plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location and elevations of streets, water supply facilities, and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types; and other pertinent information.
- 4) A profile showing the slope of the bottom of the channel or flow line of the watercourse.
- 5) Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply facilities and sanitary facilities.

- C. In hearing and deciding upon special exceptions to be granted or denied under this Ordinance, the Zoning Hearing Board shall solicit the comments and recommendation of the Colerain Township Planning Commission, and any other experts or authorities it may deem necessary to assist it in arriving at a fair and impartial determination.
- D. In granting any special exception under Section 5.06.06 the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Zoning Ordinance, as it may deem necessary to implement the purposes of this Zoning Ordinance.

5.06.08 Fees for Special Exceptions. Any fees assessed an applicant for a special exception under Section 5.06.06, whether for a hearing, a flood study, or any other purpose shall not exceed those costs directly associated with the particular application.

5.06.09 Variances. Variances from the provisions of Section 5.06 of this Ordinance are discouraged. Where, however, a variance is required all requirements of the National Flood Insurance Program must be compiled with in addition to all other variance provisions of this Zoning Ordinance and the Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended.

5.06.10 Prohibited Uses. The following uses are prohibited in the Floodplain District (FP).

- A. All uses not authorized either expressly or implicitly in the underlying zoning district for the land in question.
- B. All structures with the exception of those specifically allowed in this Ordinance.

- C. Sanitary landfills, dumps, junk and salvage yards, and outdoor storage of vehicles and/or materials.
- D. Placing, depositing, or dumping any spoil, fill, or solid waste, except such grading or filling necessary to accomplish and carry out those uses permitted in this Ordinance; provided, however, that no grading or filling is permitted which would cause any increase in flood heights or frequency.
- E. Removal of topsoil, excluding sod production and nursery activities as allowed in this Ordinance, and excluding such grading or filling necessary to accomplish and carry out those uses which are permitted in this Ordinance; provided, however, that no grading or filling is permitted which would cause any increase in flood heights or frequency.
- F. Damming or relocation of any watercourse, except as provided for in this Ordinance.
- G. Any parts of any on-site sewage disposal systems.
- H. Swimming pools.
- I. Fences, except one or two-strand fences.
- J. Stockpiling, storage, or disposal of buoyant materials, logging slash, herbicides, pesticides, domestic or industrial waste, radioactive materials, petroleum or other flammable materials, explosives, poisonous materials, hazardous materials, or other materials which, if flooded, would pollute the watercourse or be injurious to human, animal, or plant life.
- K. Cemeteries for humans or animals.
- L. Zoos, menageries, wild animals, domestic or agricultural animal enclosures which are entirely located within the floodplain or will not allow all animals to escape floodwaters or maximum flood elevation without human intervention while remaining safely confined.
- M. The flood proofing of new residential structures.
- N. Any development, structure, or use which may, whether alone or in combination with others, except where clearly and expressly authorized elsewhere in this Ordinance:
  - 1) Endanger human life.

- 2) Obstruct, impede, retard, change, or increase the velocity, direction, or flow of floodwaters.
  - 3) Increase the surface elevation of floods, or the frequency of floods.
  - 4) Catch or collect debris carried by floodwaters.
  - 5) Be placed where the natural flow of the stream of floodwaters will carry it downstream to the damage or detriment of property within or adjacent to the Floodplain District (FP).
  - 6) Degrade the water carrying capacity of any watercourse, channel, or floodplain.
  - 7) Increase the rate of local runoff, erosion, or sedimentation.
  - 8) Degrade the quality of surface water or the quality or quantity of ground water.
  - 9) Be susceptible to flotation and subsequent movement which would cause damage to other property.
  - 10) Create unhealthful ponding or other unsanitary conditions.
  - 11) Not be in harmony with the intent and purpose as set forth in Section 5.06.1 of this Ordinance.
0. Feed lots.
- P. No development which would allow any of the above activities to cause any increase in flood heights in any floodway area including a FEMA delineated floodway.
- Q. Partially or fully enclosed space below the lowest floor.

5.06.11 Nonconforming Uses and Structures in the Floodplain District (FP).

- A. Continuation: All uses or structures lawfully existing in the Floodplain District (FP) on the effective date of this Ordinance which are not in conformity with the provisions of this Ordinance shall be deemed nonconforming uses or structures. Such nonconforming uses or structures may be continued, maintained, repaired, and flood proofed, except as otherwise provided for in this Ordinance. However, such nonconforming uses or structures may at any time be improved to comply with existing Pennsylvania

or Colerain Township's health, sanitary, or safety code specifications which are necessary solely to assure safe living conditions subject to obtaining permits.

- B. Abandonment: Nonconforming uses or structures which have been discontinued or vacated for twelve consecutive months shall be considered abandoned. Vacation of land or structures or the non-operative status of the use normally carried on by the property shall be evidence of discontinuance. No abandoned use or structure may be reestablished, repaired, or reoccupied. Colerain Township may require the removal of any abandoned nonconforming use or structure upon proper notice to the owner of the property on which an abandoned nonconforming use or structure exists. If the owner has not completely removed the abandoned use or structure within a reasonable amount of time, not to exceed nine months, Colerain Township shall have the authority, but not the obligation, to itself cause the removal to be accomplished, the costs of such removal to be paid by the property owner.
- C. Expansion and Modification: A nonconforming use or structure may not be expanded or modified in any manner which would increase or aggravate flooding or flood hazards. Nothing shall be done which would otherwise violate any other of the provisions of this Ordinance. No nonconforming use or structure shall be expanded, enlarged, or altered in any way which increases its nonconformity with respect to height, area, yard, and other requirements established in other Articles of this Zoning Ordinance, nor in any way which causes it to occupy more space within the Floodplain District (FP) than was occupied by it on the effective date of this Ordinance.
- D. Replacement and Rebuilding:
  - 1) A nonconforming use or structure may be replaced, repaired, or rebuilt if it is damaged or destroyed by any means, including floods, to the extent of less than fifty percent of its fair market value at the time of its damage or destruction. In such a case, however, the nonconformity of the new use or structure with respect to requirements as expressed in provisions of this Zoning Ordinance shall not exceed that of the original use or structure which was damaged or destroyed. Nothing shall be done which would otherwise violate any of the provisions of this Ordinance.



- 2) A nonconforming use or structure which has been damaged or destroyed by any means, including floods, to the extent of fifty percent or more of its fair market value at the time of its damage or destruction may not be replaced, restored, repaired, reconstructed, improved or rebuilt in any way other than in complete conformity and full compliance with the provisions of this Section, all other Articles of this Zoning Ordinance, and all other ordinances of Colerain Township. The Zoning Hearing Board may waive, as a special exception, the requirements of this paragraph where it is shown that such requirements could not be met on land owned by the appellant or where such requirements would impose undue hardship to the appellant in the efficient operation of the premises. In such a case, the Zoning Hearing Board shall be authorized to grant only the minimum relief necessary, and the least modification possible of the provisions of this Ordinance, while respecting and maintaining its purposes and intents.
- 3) The Zoning Officer shall have the initial responsibility of determining the percent of damage or destruction and the fair market value of the damaged or destroyed use or structure at the time of its damage or destruction, and may call on any experts or authorities he may deem necessary to assist him in arriving at a fair and impartial determination. Appeals of the decision of the Zoning Officer may be made to the Zoning Hearing Board.

- E. Historic Structures: The Zoning Hearing Board shall have the right to waive, as a special exception, any of the requirements of Section 5.06.09 and Section 5.06.10 for any structure listed on the National Register of Historic Places or the Pennsylvania Register of Historic Sites and Landmarks, and the provisions of Sections 5.06.07.D of this Ordinance shall be applied in such a case.

#### 5.06.12 Design and Performance Standards.

- A. Applicability: Unless otherwise specified in this Section, the standards and criteria included in this Section are to be used, together with all other ordinances in force in Colerain Township by the Zoning Officer and Zoning Hearing Board in their administration of this Ordinance.
- B. Regulations and Reviews by Other Agencies:

- 1) Where applicable and where possible, all necessary permits or other written approvals must be obtained from all other agencies before any approvals of plans, special exceptions, variances, or permits may be granted by Colerain Township or its agencies, officials, or employees.
- 2) Where necessary permits or written approvals from other agencies cannot be obtained prior to action by Colerain Township, any approval of plans, special exceptions, variances, or permits by Colerain Township or its agencies, officials, or employees shall be conditioned upon receiving such other agencies' permits or written approvals.
- 3) No regulations of the Commonwealth governing watercourses are amended or repealed by this Ordinance. Prior to any proposed alteration or relocation of any watercourse a permit shall be obtained from the Pennsylvania Department of Environmental Protection, and notification of any such proposal shall be given to all affected adjacent municipalities. Copies of such permit application and Municipal notifications shall be forwarded to the Federal Emergency Management Agency (FEMA) and to the Pennsylvania Department of Community and Economic Development.

C. Placement and Construction of Authorized Uses and Structures:

- 1) All uses and structures shall be designed, constructed, and placed so as to offer the minimum obstruction possible to the flow of water, and shall be designed to have a minimum effect upon the flow, velocity, or height of floodwaters. Whenever possible, structures shall be placed no closer to the same flood flow lines as those of nearby structures.
- 2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- 3) All new or replacement drains, water supply facilities, or sanitary sewage facilities shall be designed to preclude infiltration or back-up of sewage or floodwaters.
- 4) All new construction and substantial improvements of permanent non-residential structure shall either (1) have the lowest floor (including basement) elevated to one foot above the 100-year flood elevation as defined by this Zoning

Ordinance, or (2) together with attendant utility and sanitary facilities, be floodproofed so that below one foot above the 100-year flood elevation as defined by Section 5.06.02.A. of this Zoning Ordinance the structure is watertight, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

- 5) All authorized improvements or additions to existing residential structures shall, to the greatest extent possible, be elevated. Any portion of the structure not elevated to one foot above the 100-year flood elevation as defined by this Zoning Ordinance shall be floodproofed.
- 6) All authorized new residential structures shall have the lowest floor (including basement) elevated to one foot above the 100-year flood elevation as defined by this Zoning Ordinance.

- D. Floodproofing: Where floodproofing is authorized by this Ordinance it shall be done according to the standards and provisions for flood proofing classes W-1, W-2, W-3, or W-4, as contained in Flood-Proofing Regulations published by the Office of the Chief of Engineers, U. S. Army, publication EP 1165 2 314 (June 1972 and as subsequently amended) where such standards and provisions do not conflict with other provisions of this Ordinance. The most strict provision shall apply in the event of conflict. Where reference is made in Flood-Proofing Regulations to the "RFD" (Regulatory Flood Datum) it shall be interpreted to mean the 100-year flood evaluation as defined by this Section. The floodproofing of new residential structures is specifically prohibited.
- E. Anchoring: All structures, including buildings, air ducts, large pipes, and storage tanks, within the Floodplain District (FP) shall be firmly anchored to prevent flotation, movement, or collapse, thus reducing the possibility of the blockage of bridge openings and other restricted sections of the watercourse.
- F. Surface Drainage: Adequate drainage shall be provided for all new development to reduce exposure to flood hazards.
- G. Agricultural Standards:
  - 1) A filter strip is required between any watercourse and any tilled land. Such strip shall be a minimum of fifteen (15) feet in width measured from the bank of the watercourse channel.

The filter strip shall be planted and maintained in grass or natural forest cover.

- 2) Within the Floodplain District (FP), a cover crop, such as annual rye grass, is required whenever the land is not being tilled for major crops.
- 3) Livestock shall not be confined in pastures or other enclosures located entirely within the Floodplain District (FP).
- 4) Within the Floodplain District (FP), feedlots are prohibited.

5.06.13 Building Permits.

- A. Irrespective of other provisions of this Ordinance, within the Floodplain District (FP) building permits shall be required for all proposed development, construction, reconstruction, placement, expansion, renovation, extension, repair, or other improvement of uses or structures, regardless of value, including the placement of mobile homes and activities such as mining, dredging, filling, grading, logging, paving, excavation, or drilling operations. Building permits shall not be required for normal maintenance.
- B. Every building permit application for work or uses within the Floodplain District (FP) shall include or be accompanied by all information necessary for the Zoning Officer to determine that the proposal meets all of the provisions of this Section and this Zoning Ordinance.
- C. The following information is specifically required to accompany all building permit applications involving structures within the Floodplain District (FP):
  - 1) The elevation (in relation to mean sea level) of the lowest floor (including basement).
  - 2) Whether or not the structure includes a basement.
  - 3) If the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was flood proofed.
  - 4) Existing and proposed elevations necessary for determinations hereunder.

- D. Where floodproofing is proposed to be utilized for a particular structure, the building permit application shall be accompanied by a document certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania or a licensed professional architect registered by the Commonwealth of Pennsylvania certifying that the floodproofing methods used meet the provisions of this Zoning Ordinance and are adequate to withstand the flood depths, pressures, velocities, impact, uplift forces, and other factors associated with the 100-year flood as defined by this Ordinance, and indicating the specific elevation (in relation to mean sea level) to which such structure is flood proofed.
- E. A copy of all plans and applications for proposed construction or other improvements within the Floodplain District (FP) to be considered for approval may be submitted by the Zoning Officer to any other appropriate agencies and/or individuals for review and comment. Such copies shall be provided by the Applicant.

## **ARTICLE VI - SUPPLEMENTARY DISTRICT REGULATIONS**

### **6.00 Application**

The provisions of this Article shall apply to all uses, development, and structures in the Township, regardless of district, and shall be considered as additional conditions or restrictions to any other provisions in this Ordinance. To the extent anything contained in this Article conflicts with any other provision of the Zoning Ordinance, the most stringent and restrictive provision shall apply. These provisions shall not apply where they are clearly inapplicable by virtue of the provisions resulting in an absurd or impossible result.

### **6.01 Access to Buildings and Structures**

Every building hereafter erected or placed shall be on a lot adjacent to a public road or with access to an approved private road, and all structures shall be so located on lots so as to provide safe and convenient access for servicing, fire protection and required off-street parking.

### **6.02 Accessory Buildings or Structures**

An accessory building or structure shall comply in all respects with the yard requirements of this Ordinance for the principal building, except that any accessory structure or building containing less than one hundred eighty (180) square feet of floor area not exceeding fifteen (15) feet in height may be located within twenty (20) feet but no closer than ten (10) feet of side and rear lot lines. [Section 5.01.06.D]

### **6.03 Accessory Non-Commercial Keeping of Domesticated Animals (As amended/replaced per Ordinance 2015-02 on the 5<sup>th</sup> day of January, 2015)**

Noncommercial keeping of domesticated animals, excluding dogs and cats, on lots of less than ten (10) acres, where accessory to an existing or approved single-family detached dwelling shall be a permitted, subject to the following:

1. Number of Animal Units\*

Animal Equivalent Units

<u>Lot Area</u>	<u>Zoning Districts R, VC and LB</u>	<u>Agricultural Zoning District</u>
0 - 50,000 sq. ft.	2.1	3.1
50,001 sq. ft.- 1.99 acres	3.1	4.1
2.0-3.99 acres	4.1	5.1
4.0 - 9.99 acres	6.1	7.1

10 +Acres Subject Agricultural Use Standards

\* Domesticated Animal Equivalent Unit-One Thousand Pounds live weight of domesticated animals regardless of the actual number of individual animals comprising the unit. No animal shall count as more than one animal unit. **This Animal Unit definition only applies to 6.03.**

The following weights shall be utilized for determining Animal Equivalent Units:

<b>Livestock</b>	<b>Animal Size in Pounds</b>
Cattle	
Dairy	1,500
Beef	1,400
Veal	350
Swine	200
Gestating Sow (limit fed)	275
Sow and 8 Pigs	375
Boar (limit fed)	350
Sheep	100
Horse	1,000
Poultry	
Layer	4
Layer, Heavy	7
Pullet	3
Broiler	4
Roaster	7
Turkey	20
Duck	7

Guinea	3 - 4
Pheasant	3
Chukar	1.5
Quail	0.5

Source: PA DEP, *Field Application of Manure, and Poultry Manure Management*.

## 2. Maximum Structure Size (including overhangs and projections)

Lot Area	Maximum Structure Size (sq ft)	
	Zoning Districts R, VC and LB	Agricultural Zoning District
0 – 50,000 sq. ft.	1000	1000
50,001 sq. ft.– 1.99 acres	1200	1200
2–3.99 acres	1400	1400
4 - 9.99 acres	1800	1800

10 +Acres Subject to Agricultural Zone Requirements

## 3. Specific Requirements

A All structures used to house domesticated animals shall be prohibited from placement in the front yard. Side and rear yard setbacks shall comply with the principal use setbacks of the respective zoning district.

B. All structures used to house domesticated animals shall be located a minimum of 200 feet from a dwelling other than that of the owner.

C. All structures used to house domesticated animals shall be limited to a total maximum height of 28 feet as defined by Article III.

D. All outdoor pasture/recreation areas shall be enclosed with fencing to prevent the escape of animals.

E. All animal wastes shall be stored in a completely enclosed structure and disposed of, so as not to be objectionable to the adjoining properties. All animals, their housing, and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties.



4. Supplementary Regulations

A. In any zoning district, the maintenance of up to four dogs or cats (a total of four animals in any combination) over the age of six months is permitted for non-commercial purposes. (See Kennels Section 6.28). An outdoor shelter must be located in the rear yard at least twenty-five (25) feet from a property line and at least one hundred and fifty (150) feet from the nearest dwelling other than that of the owner.

B. In any zoning district, the maintenance of pigeons or fowl is permitted for non-commercial purposes subject to the following:

1. The area in which the fowl or similar birds shall be kept must be enclosed by a fence to prevent the escape of animals and shall be located at least fifty (50) feet from any property line and one hundred (100) feet from the nearest dwelling other than that of the owner and be located in the rear yard area.
2. The number of fowl or similar birds per property shall be limited to 100 lbs. per acre of lot area with a maximum of 100 animals per property.

C. All animal wastes shall be stored in a completely enclosed structure and disposed of, so as not to be objectionable to the adjoining properties. All animals, their housing, and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties.

**6.04 Agricultural Buildings/Structures**

For the purpose of this Ordinance, any agricultural building shall be considered as a permitted principal building of an agricultural operation. In addition to agricultural buildings, and for the purpose of this Ordinance, dwellings housing an owner or one or more full-time laborers (or any family member thereof), on the agricultural operation in which the dwelling is located shall be considered as an accessory structure or use to an agricultural operation. No more than two (2) dwelling units shall be considered as a permitted accessory use on an agricultural operation unless the Applicant requests and is granted a special exception, which shall be contingent upon the Applicant's provision of proof of a need for additional dwellings to house a farm owner or farm worker or members of their respective families in connection with the agricultural or horticultural use

of the property.

## **6.05 Airports**

Airports and landing strips shall be subject to the following conditions:

- 6.05.01 Any areas to be used by aircraft while operating under its own power shall be provided with a dustless surface.
- 6.05.02 No residential building shall be permitted within two thousand (2,000) feet of the end of any runway or within any aircraft approach zone as the same may be established by either the State Department of Transportation, Bureau of Aviation or the Federal Aviation Agency, whichever area is greater.
- 6.05.03 Evidence shall be presented to the Zoning Hearing Board that ample safeguards to minimize hazards and disturbance from noise of aircraft affecting residents and properties in the vicinity will be assured at all times of operation.
- 6.05.04 Vending machines, restaurants, newsstands, governmental installations, airport, airline and express offices, and aircraft repair facilities must be located within completely enclosed buildings. Storage and sale of aviation gasoline may also be permitted.
- 6.05.05 The proposed use shall comply with all requirements of the Federal Aviation Agency and the Pennsylvania Department of Transportation, Bureau of Aviation.
- 6.05.06 Each such additional or accessory use shall be permitted separately only when in accordance with the provision of this Ordinance.

## **6.06 Automobile Service Station**

The building shall be constructed so as to blend harmoniously with the surrounding neighborhood. All automobile parts, dismantled, inoperable or derelict vehicles and similar articles shall be stored only within an enclosed building. All gasoline pumps shall be located outside of buildings and in no case within twenty (20) feet of any property line or the street right-of-way. All repair work shall be performed inside a building.

### **6.06A Bed and Breakfasts**

Bed and Breakfasts shall be permitted as set forth in Article V, so long as the following criteria are met.

6.06A.01 The Operator of the Bed and Breakfast shall reside on the premises and must be present at all times during periods when any room is rented to a guest or guests.

6.06A.02 There shall be no external alteration of the dwelling structures located on the premises except as may be necessary for reasons of safety. Fire escapes and outside stairways shall, where practical, be located to the rear of the building in so far as permitted by applicable building codes.

6.06A.03 The bedrooms rented to guests shall be located within a single-family detached dwelling or an associated accessory structure.

6.06A.04 There shall be no cooking facilities in any bedroom.

6.06A.05 Lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent lots or public streets.

6.06A.06 If on-lot sewer disposal is provided, DEP and the Sewage Enforcement Officer shall approve the method and adequacy of sewer disposal.

6.06A.07 Any signage erected shall be in accordance with Article VII.

6.06A.08 Parking shall be provided in accordance with Article IX.

## **6.07 Burning, Open**

In Residential (R), Village Center (VC), Light Business (LB) [*LB District Added by Amendment-Ordinance No. 2012-August 6<sup>th</sup>, 2012*] and Conservation (CN) Districts open burning of domestic waste is allowed under these conditions:

6.07.01 Domestic waste is defined as any waste materials resulting from residential use, including, but not limited to, paper, leaves, garden vegetation, wood, and food scraps. Domestic waste doesnot include any of the following:

1. Biological waste.
2. Chemical waste.
3. Pressurized containers.
4. Plastics or rubber materials.
5. Hazardous material as defined in the Code of Federal Regulations, Title 40, Chapter 1, part 261, dated July 1, 1984, or as amended from time to time thereafter.
6. Any waste materials not generated by the on-site residence.

7. Any other material that would produce a noxious or dangerous odor, gas, and/or explosive when burned.

- 6.07.02 All burning shall be conducted during daylight hours.
- 6.07.03 Except as to the burning of leaves and brush, such burning shall be confined within a noncombustible container which is covered with a screen of one-quarter inch (1/4") or smaller mesh. Such containers shall be raised off the ground and set atop noncombustible supports.
- 6.07.04 Burning shall be constantly supervised by a responsible person at least sixteen (16) years of age.
- 6.07.05 All burning shall be completely extinguished before the person supervising the burning shall cease such supervision.
- 6.07.06 All burning shall be setback at least twenty-five (25) feet from any building and fifteen (15) feet from any lot lines or right-of-way. Such burning shall be confined to the site's side or rear yards.
- 6.07.07 All burning shall be confined to the property where the domestic waste was generated.
- 6.07.08 A pressurized water (garden) hose must be available with a working nozzle of sufficient strength to reach the further most area being burned.
- 6.07.09 Open burning is not permitted under conditions of excessive winds or dryness. Open burning is expressly prohibited during a drought emergency declared by the Pennsylvania Emergency Management Council, other agencies of the Commonwealth of Pennsylvania, or the Colerain Township Board of Supervisors.
- 6.07.10 No materials other than wood and wood products may be burned in an open fire.
- 6.07.11 Smoke and emissions shall be so controlled as not to be offensive to others.
- 6.07.12 Outdoor fires, except within burning barrels, shall be located at least 20 feet from any property line or right-of-way and at least 75 feet from any structures.
- 6.07.13 Leaves and brush fires shall only be burned in an area cleared in a radius of forty (40) feet from the open fire. Such fires are subject to Section 6.07.12, except for leaves and brush fires in a burn barrel.

- 6.07.14 No fire shall be ignited, kindled, and/or maintained on a public street, alley, sidewalk, and/or other public lands within Colerain Township.

#### **6.08 Campgrounds**

Campgrounds and travel trailer parks are subject to the following conditions:

- 6.08.01 A plan shall be submitted showing spaces for the location of recreational vehicles. There shall be no more than fifteen (15) units per acre of the park.
- 6.08.02 All sewage disposal shall be approved by the Department of Environmental Protection.
- 6.08.03 No camping or vehicular parking space shall be located within one hundred (100) feet of any street right-of-way line or property line and no recreational area within the campground or travel trailer park shall be located closer than fifty (50) feet to a street right-of-way line or property line.
- 6.08.04 All streets shall have a minimum cartway of ten (10) feet per driving lane and shall be improved with a hard surfaced material.
- 6.08.05 At least fifteen (15%) percent of the total lot area shall be set aside and solely devoted to recreational areas to facilitate the patrons of the campground or travel trailer park.
- 6.08.06 Screening shall be provided in accordance with the Operational Standards 6.36.09 of this Ordinance along property lines and street right-of-way lines to preserve the rural character of the neighborhood.

#### **6.09 Carcass Disposal**

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Animal composting and carcass disposal must be in conformance to the Pennsylvania Department of Environmental Protection and the Pennsylvania Domestic Animal Laws as it may be amended from time to time.

#### **6.10 Communication Antennas -** A cell site with antenna that is attached to an existing communication tower, smoke stack, water tower, farm silo, or other tall structure, is permitted in all zoning districts provided:

- 6.10.01 That the height of the antenna shall not exceed the height of the existing structure by more than ten (10) feet.

- 6.10.02 All other uses associated with the cell site antenna such as a business office, maintenance depot, or vehicle storage shall not be located on the cell site unless the use is otherwise permitted in the zoning district in which the cell site is located.

## **6.11 Communication Towers**

A Communication tower, where permitted by special exception, shall be subject to the following criteria:

- 6.11.01 The applicant shall be required to demonstrate, using technological evidence, that the communication tower must be located where it is proposed, including proof that existing structures are not feasible for the proposed communication use.
- 6.11.02 The applicant must demonstrate that the communication tower is the minimum height required to function satisfactorily. If the applicant proposes to erect a new tower, the applicant shall demonstrate that the owners of other tall structures within one-half (1/2) mile radius of the proposed site have been contacted and the applicant has requested permission to install the antenna on those structures. The applicant shall make a good faith effort to install the antenna on an existing structure, including but not limited to water towers, tall buildings, antenna support structures of other communications companies and similar structures. Height limitations for the district shall not apply to communication towers. All towers are to be of the self-supporting type and limited to 300 feet in height.
- 6.11.03 The applicant shall demonstrate that the proposed communication tower support structure is safe and that the surrounding area will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields, radio or satellite frequency interference.
- 6.11.04 A fence shall be required around the communication tower and other equipment. The fence shall be eight (8) feet in height. Any wire on top of the fence shall not be included in the eight-foot measurement of the height of the fence. The total height of the wire and fence shall not be over twelve (12) feet including the wire and fence. The fence material shall be of such construction to prevent and/or deter vandalism and entry by climbing or other means by unauthorized persons.
- 6.11.05 The following landscaping shall be required to screen as much of the support structure as possible, the fence surrounding the support structure, and any other ground level features (such as a building):
- A. An evergreen screen shall be required to surround the site. The

screen can be either a hedge or a row of evergreen trees. The evergreen screen shall be a minimum height of six (6) feet at planting, and shall grow to a minimum of fifteen (15) feet at maturity;

B. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.

- 6.11.06 If the communication tower is fully automated, two (2) off-street parking spaces shall be required. If the site is not automated, the number of required parking spaces shall equal the number of people in the largest shift, but in any event, may not be less than two (2) off-street parking spaces.
- 6.11.07 All other uses associated with the communication tower such as maintenance depot or vehicle storage shall not be located on the site unless the use is otherwise permitted in the zoning district in which the site is located.
- 6.11.08 In order to reduce the number of communication towers needed in the Township in the future, any proposed support structure shall be designed to accommodate other users, including but not limited to police, fire and emergency services.
- 6.11.09 The applicant shall obtain a building permit prior to commencement of construction or any modification of any communication tower.
- 6.11.10 If the use of the communication tower requires licensing by any state or federal agency, including but not limited to the Federal Communications Commission, the applicant shall present evidence that it has obtained such license.
- 6.11.11. Communication towers shall be painted with a silver color or have a galvanized finish retained in order to reduce visual impact. Support structures may be painted green up to the height of nearby trees to lessen visual impact. All support structures shall meet all applicable Federal Aviation Administration regulations. No communication tower may be artificially lighted except when required by the Federal Aviation Administration or by state regulations.
- 6.11.12 The applicant shall submit a plan for the removal of the facility when it becomes functionally obsolete or is no longer in use. The applicant shall be responsible for the removal of the facility within three (3) months from the date the applicant ceases use of the facility or the facility becomes obsolete.

- 6.11.13 The minimum lot area shall be one (1) acre.
- 6.11.14 All communication towers shall be located at least two (2) miles from any other communication towers. If the applicant requires the tower to be located less than two (2) miles from another communication tower, the applicant shall be required to demonstrate using technological evidence and radio frequency data, that the communication tower must be located where it is proposed in order to satisfy its function in the company's grid system.
- 6.11.15 A full Site Plan prepared by either a registered surveyor or a professional engineer, shall be required for communication tower sites showing the communication tower, buildings, fences, buffering, access, and any accessory structures.
- 6.11.16 Prior to a Certificate of Use and Occupancy being issued, the applicant shall provide an Engineer's Certification that the tower is constructed as designed and shall submit the same to the Zoning Officer.

**6.12 Concentrated Animal Operations (CAOs) and Concentrated Animal Feeding Operations (CAFOs)**

- 6.12.01 Application: The requirements of this section shall apply to all Concentrated Animal Operations (CAOs), all Concentrated Animal Feeding Operations (CAFOs), and all operations that expand or modify their operations so as to cause them to become CAOs or CAFOs.

All manure storage facilities, carcass storage, or composting facilities must be constructed, operated, maintained, and utilized in accordance with plans approved by the State Conservation Commission (SCC) and the Department of Environmental Protection (DEP).

- 6.12.02 Building Permit: Prior to receiving a building permit to construct any structures or other facilities utilized in connection with a CAO or CAFO, the applicant must provide documentation to the Township of the following:

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- 1) NPDES permit approved by the Department of Environmental Protection or documentation from DEP stating that none is required.
- 2) Operators Site Specific Nutrient Management Plan as approved by the State Conservation Commission or Lancaster County Conservation District for the site.
- 3) Odor Management Plan, developed by certified odor management specialist, as approved by the State Conservation Commission for the site of a new or expanding CAO or CAFO.



4) Plan for the disposal of dead animals consistent with the requirements of the Pennsylvania Department of Environmental Protection and the Domestic Animal Law, 3 Pa. C.S.A. §2352. The plan must provide for storage of dead animal carcasses to prevent the spread of odor and disease while awaiting ultimate disposition. If carcasses are to be disposed of offsite, a signed contract with the owner of the disposition site permitting such dispositions must be submitted to the Township.

6.12.03 UseCertificate: Prior to the issuance of a use certificate, certification from a registered professional engineer must be submitted to the Township stating that the facilities are constructed according to design, construction, and location standards of the approved plans.

6.12.04 Operation: The owner must inform the Township of any changes in the owner's operation such as an increase in the number of animals located at a CAO which renders or causes any operation to become a CAFO as defined in this Ordinance.

6.12.05. The Township will report all suspected violations to DEP and the State Conservation Commission for appropriate enforcement action.

### **6.13 Conversion of an Existing Single Family Dwelling to Multi-Generational Family Dwelling**

Conversion of a single family to a multi-generational family dwelling shall comply with the following requirements:

6.13.01 The conversion and use of the dwelling(s) must be by the same multi-generational family.

6.13.02 Two (2) off-street parking spaces for each proposed dwelling unit is to be provided on the premises that comply with Article VIII. All off-street parking shall be provided on the same lot as the dwelling unit.

6.13.03 The lot area per dwelling unit, after the conversion, shall be a minimum of twenty thousand (20,000) square feet.

6.13.04 That adequate sewage disposal facilities exist or can and will be provided to accommodate all existing and additional dwelling units.

6.13.05 When the dwelling is no longer used for Multigenerational Family Dwelling, it must be converted back to single family use. The dwelling is not to be used as a rental unit for non-family members.

#### **6.14 Customary Home Occupations**

Where home occupations are permitted they shall comply with the following requirements:

- 6.14.01 No display of goods or services or any occupational activity is visible from the street.
- 6.14.02 Such occupation is incidental to the residential use of the premises and may be carried on in the principal building by the residents therein with not more than two (2) assistants who are not residents.
- 6.14.03 Such occupation is carried on in an area not exceeding 30% of the area of the ground floor of the principal building or one thousand (1,000) square feet, whichever is less.
- 6.14.04 At no time shall any premises be used in such a manner to cause the emanation therefrom of offensive or noxious odors, vapors, fumes, glare, dust, smoke, gas, vibration, noise, radiation or be used in such a manner as to cause injury, annoyance, or disturbance to any of the surrounding properties, and to their owners and occupants.
- 6.14.05 Off-street parking shall be provided in accordance with Article VIII except that no less than three (3) off-street spaces shall be provided.

#### **6.15 Day Care Centers**

- 6.15.01 A child day care center can be considered as a customary home occupation only if two or fewer children, not members of the family residing in a single family detached dwelling, are cared for in such single family detached dwelling.
- 6.15.02 All such child day care centers shall comply with all other applicable laws and ordinances, and all children thereon shall be properly supervised by a resident adult and shall be properly controlled so as to not interfere with enjoyment of neighboring residential uses.
- 6.15.03 All properties containing child day care centers shall contain a suitable fence for restriction of the children.
- 6.15.04 Child day care centers involving three or more children not members of the family residing therein shall be considered a commercial use and subject to the provisions of this Ordinance relating to commercial uses.

## **6.16 Elder Cottages or Echo Housing**

- 6.16.01 Elder Cottages and/or Echo Housing shall be permitted as a temporary accessory use in any zoning district as an accessory use to a principal dwelling on a Lot.
- 6.16.02 An Elder Cottage or Echo Housing may not exceed one thousand (1,000) square feet of floor space, must be a transportable one (1) or two (2) bedroom mobile home or a Tiny House constructed so that it may be used without a permanent foundation, or the residential conversion of an accessory building permitted in accordance with this Ordinance.
- 6.16.03 The unit must be serviced by utilities, including water and sewer.
- 6.16.04 All yard, set back and side yard requirements shall be met.
- 6.16.05 The unit may be occupied by no more than two (2) persons, who must be related by blood or marriage to the owner of the property on which the cottage is to be installed.
- 6.16.06 The occupants of the Elder Cottage or Echo Housing must be at least 62 years of age or have qualified for social security disability benefits.
- 6.16.07 The right of occupancy shall terminate upon either (1) the date of death of the persons set forth in above subsection 6.16.05, or (2) the date of sale of the property, whichever comes first.
- 6.16.08 The Elder Cottage or Echo Housing shall be physically removed from the premises no later than six (6) months from the date the right of occupancy is terminated, and the premises shall be restored to its previous condition.
- 6.16.09 The Landowner shall execute and record an Agreement, which runs to the benefit of the Township, in a form acceptable to the Township, which identifies the temporary nature of the proposed use, the restrictions, and requires any current and future land owners to comply with the requirements of this Ordinance. The said Agreement shall be completed by the Landowner and submitted to the Township for recording. All costs and expenses of the Township shall be paid for by the Landowner.
- 6.16.10 The owner of an Elder Cottage or Echo Housing shall obtain a permit from the Township prior to occupancy. The permit shall be renewed annually with the Township, on or before July 31 of each year after occupancy of the same, for as long as the elder cottage or Echo Housing is in use. The Township may assess an annual fee sufficient for the permit. For any Elder Cottage or Echo Housing in existence at the time of

the adoption of this subsection, the annual permit shall begin in July 2020.

#### **6.17 Erection of More Than One Principal Building on a Lot**

In any district, more than one building housing a permitted or permissible principal use may be erected on a single lot in accordance with Section 4.05.02 of this Ordinance, and provided that yard area and other requirements of this Ordinance shall be met for each building as though it were on an individual lot.

#### **6.18 Exceptions to Lot Depth Requirements**

The required lot depth at any point may be decreased by 25% if the average lot depth conforms with the minimum requirement.

#### **6.19 Farm House Conversions**

Notwithstanding any other provision of this Ordinance to the contrary, any dwelling existing on an agricultural operation at the time of the adoption of this Ordinance may be converted to two (2) apartments.

#### **6.20 Fences**

No permanent fence shall be erected which is over six (6) feet in height except as may be required to comply with any other applicable legal requirement including but not limited to Section 6.29.02.F of this Ordinance. No closed fence shall be erected within the required front yard setback.

#### **6.20A Forestry**

- 6.20A.01 Forestry shall be permitted by right within any zoning district, subject to the requirements of the underlying zoning district, any other applicable sections of this Ordinance.
- 6.20A.02 Forestry activities within the Township shall be in full compliance with the requirements of the Lancaster County Conservation District. Any required erosion and sedimentation pollution control plan, along with evidence of the review and approval of same by the Lancaster County Conservation District, shall be submitted to the Township prior to initiating any earth moving or timber harvesting activities.
- 6.20A.03 No clear-cutting shall be done within fifty (50) feet of a wetland, stream or watercourse.

## **6.21 Front Yards on Narrow Streets**

On existing streets with less than a fifty (50) foot right-of-way, the front yard set-back shall be measured from the center line of the existing street, and twenty-five (25) feet shall be added to the front yard set-back.

## **6.22 Garage/Yard Sales**

Within any district, an owner and/or occupant may conduct up to two (2) garage/yard sales per year. No garage or yard sale shall be conducted for a period longer than three (3) consecutive days. Such sales may offer for sale personal possessions; no import or stocking of inventory shall be permitted. Any signs used in connection with this use must comply with the sign portion of these regulations. In no case shall any aspect of the garage/yard sale be conducted in a street right-of-way. The conduct of garage sales beyond the extent described herein represents a commercial business and requires appropriate zoning authorization.

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## **6.23 Garden Structures**

Accessory structures which may be used for other than sleeping or general housekeeping purposes, or which serve as a temporary shelter primarily for human beings such as arbors, aviaries, pergolas, trellises, barbecue shelters, bath houses, private greenhouses and freestanding screens or baffles and similar structures are permitted provided:

- 6.23.01 Structure may not be located closer than three (3) feet to any side or rear lot line.
- 6.23.02 No structure may be located in any required front yard between the building setback line and the street line.
- 6.23.03 Such structure may be solidly roofed and walled or open to the sky and on the sides, but if solidly roofed or solidly walled on more than two (2) sides, structure must be located within the building line of the lot and may not invade any required yard.
- 6.23.04 Garden structures do not include a garage, porch or carport.
- 6.23.05 Unscreened, unroofed, unwalled, or unfenced patios, bird baths, ornamental pools and swimming pools are not considered as garden structures.
- 6.23.06 Permitted structures may be attached or detached from a dwelling.

## **6.24 Geothermal Energy Systems**

Open loop geothermal systems shall not be permitted in the Township. Closed loop geothermal systems shall be permitted in all zoning districts and shall be subject to the following regulations:

- 6.24.01 The design and installation of geothermal systems and related boreholes for geothermal heat pump systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), the International Ground Source Heat Pump Association (IGSHPA), American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Uniform Construction Code of Pennsylvania and with all other applicable Township requirements. The manufacturer specifications shall be submitted as part of the application.
- 6.24.02 In all closed loop geothermal systems relying upon circulation fluids, only nontoxic, biodegradable circulating fluids such as food grade propylene glycol shall be permitted.
- 6.24.03 All parts of the geothermal system shall be located a minimum distance of twenty-five (25) feet from any property line.

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## **6.25 Grazing Areas**

All grazing areas or pasture areas utilized for grazing shall be fenced.

## **6.26 Junk Yards**

All junk yards shall be established, maintained, conducted and operated in strict compliance with all Ordinances of Colerain Township and other applicable laws and ordinances.

## **6.27 Junk, Disposal of**

- 6.27.01 Application. The term “junk”, as used in this Section only, shall include, but not be limited to, old iron, steel, brass, copper, tin, lead, or other base metal, old cordage, ropes, rages, fibers or fabric, rubber, lead bottles or other glass, bones, motor vehicles, waste paper, appliances machinery, building materials and other waste or discarded materials which might be prepared to be used again in some form. Junk, for the purpose of this definition, also specifically includes any vehicles or parts thereof that by the laws of this Commonwealth cannot be used legally upon the roads of this Commonwealth, other than usable farm machinery on agricultural operations.

- 6.27.02 UseRegulation. No junk shall be stored, placed, or accumulated on property unless in a building which can be closed and locked. It shall be unlawful for the owner of any junk or the occupant of any property to allow, permit or suffer abandoned materials to be left upon any property, unless the same be authorized in connection with a business property complying with and operated pursuant to this Ordinance and other Ordinances of Colerain Township.

## **6.28 Kennels**

Kennels are permitted by Special Exception in the Agricultural District provided:

- 6.28.01 The maximum number of animals to be kept on the premises shall be four (4). For more than four (4) adult animals, approval must be specifically obtained from the Zoning Hearing Board.
- 6.28.02 All kennel pens and sales areas associated with kennels shall not be located closer than five hundred (500) feet from all property lines and street right-of-way lines.
- 6.28.03 All kennel pens shall be located within an enclosed area.
- 6.28.04 Off-street parking shall be provided in accordance with Article VIII.

## **6.29 Landfills**

- 6.29.01 DefinitionandApplication. Landfills shall be defined as the use of a lot or land or part thereof for the primary purpose of disposal of garbage, refuse and other discarded materials, including, but not limited to solid and liquid waste materials resulting from industrial, commercial, agricultural and residential activities. The operation of a land fill normally consists of: 1) Depositing the discarded material in a planned, controlled manner, 2) compacting the discarded material in thin layers to reduce its volume, 3) covering the discarded materials with a layer of earth, and 4) compacting the earth cover.
- 6.29.02 UseStandards. The following standards shall apply:
- A. No landfill shall be located on land either mapped by the United States Department of Agriculture Soil Survey of Lancaster County, Pennsylvania, as may be amended, or as determined by the Zoning Officer as having a high water table or seasonally high water table, or as being subject to flooding, or as having a geological hazard by the existence of carbonate, shistostic or other geologic conditions

which could have the potential for widespread groundwater contamination.

- B. No burning or scavenging shall be permitted.
- C. All weather access roads shall be provided to the land fill sites.
- D. All landfill sites shall be located a minimum of two hundred (200) feet from any public street and three hundred (300) feet from any adjoining property line.
- E. Minimum lot size shall be twenty (20) acres.
- F. A fence shall be maintained along all property lines. This fence shall have a minimum height of six (6) feet and shall have locks at all entrance gates which are locked except during business hours. Such fence shall be constructed so that no operations can be viewed from the lot boundaries.
- G. Landfills shall conform to all other applicable laws and ordinances.

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### **6.30 Manure Digesters**

#### **6.30.01 ManureDigester,Small**

Small manure digesters shall be permitted as accessory use and/or accessory structures to an agricultural operation. The owner shall provide a copy of the letter from the electric utility company indicating that it has received and processed an application for interconnection of renewable generation equipment with the application for a zoning permit. The owner shall provide a copy of the final inspection report or other final approval from the electric company prior to the issuance of a certificate of use and occupancy by the Township for the small manure digester. Off-grid systems shall be exempt from this requirement.

#### **6.30.02 ManureDigester,Large**

Large manure digesters shall be allowed in the Agricultural District by Special Exception and shall be subject to the following regulations:

- A. The applicant shall provide a detailed description of the proposed use in each of the following topics and a complete land development application shall be submitted to the Township once the special exception application has been approved.



1. The nature of the on-site activities and operations, the types of materials stored and used, the frequency and duration period of storage of materials and the methods for use and disposal of materials. In addition, the applicant shall furnish evidence that the use, handling, and disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
  2. The general scale of operation in terms of its market area, specific space and area requirements for each activity, the total number of employees of each shift, and an overall needed site size.
- B. The proposed use shall comply with all the requirements of the applicable district, except that all buildings, structures and facilities used as part of the manure digesting operations shall be setback two hundred (200) feet from any property line. Additionally, no building, structure, or facility shall be located nearer than three hundred (300) feet to an existing residential building unless the owner of such residence waives this restriction in writing to the Township.

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### **6.31 Manure Storage Facilities**

Every person installing, erecting or constructing any manure storage facility and the owner of the land where the manure storage facility is placed shall be responsible for satisfying the requirements of the following regulations:

- 6.31.01 Manure storage facilities shall be designed in compliance with the guidelines outlined in the publication Manure Management for Environmental Protection, Bureau of Water Quality Management Publication No. 43, and any revisions, supplements, and replacements thereof, published by the Pennsylvania Department of Environmental Protection, copies of which are available at the Lancaster County Conservation District Office.
- 6.31.02 Manure storage facilities shall be designed by a registered professional engineer and submitted to the Township before issuance of a permit. All new and expanding CAOs and CAFOs shall submit a copy of the Odor Management Plan certified by an odor management specialist and approved by the State Conservation Commission (SCC).
- 6.31.03 Construction and subsequent operation of the manure storage facility shall be in accordance with the permit and the approved design.

- 6.31.04 Manure storage facilities that do not qualify as CAOs or CAFOs, shall be setback 100'-300' from lot lines as guided by the requirements under the Nutrient and Odor Management Act regulations under 25 Pa. Code § 83.351. (See Section 5.01.06.D)

### **6.32 Mining/Extraction of Natural Resources**

In addition to compliance with this Ordinance and other laws and ordinances, the following additional standards are applicable for the extraction of natural resources which shall be upon special exception:

- 6.32.01 A buffer zone shall exist or be created to screen all the operation. Screening shall be approved by the Township.
- 6.32.02 Control of the emission of air pollutants shall be provided. This shall include but not be limited to, a requirement that water be sprinkled on the area to be cut, drilled or worked.
- 6.32.03 Trucks loaded with quarry material shall have their loads washed or covered to remove the dust in a reasonable manner.
- 6.32.04 All access roads must be of a paved or treated surface in order to limit the emission of dust.
- 6.32.05 Any pit or well shall not extend or be closer than five hundred (500) feet from all property and street right-of-way lines.
- 6.32.06 All accessory building and uses including, but not limited to, crushers, maintenance buildings, truck storage, weighing scales, etc., shall not be closer than one hundred (100) feet from all property and street right-of-way lines.
- 6.32.07 Where any open excavation will have a depth of ten (10) feet or more and a slope of more than thirty (30) degrees, there shall be a substantial fence, approved by the Zoning Hearing Board, with suitable gates where necessary, effectively blocking access to the area in which such excavation is located. Such fence shall be located no less than fifty (50) feet from the edge of the excavation.
- 6.32.08 Before a special exception approval is granted, a plan for rehabilitation, showing both existing and proposed final contours, shall be submitted and approved by the Township Planning Commission. After any such operations, the site shall be made reusable for a use permitted in the Zoning District. Where topsoil is removed, sufficient top soil shall be set aside for retention on the premises and shall be respread over the premises after the operation is terminated. Except

where ponds are created and retained, the area shall be brought to final grade by a layer of earth capable of supporting vegetation of at least two (2) feet or to original thickness, whichever is less. Fill shall be of a suitable material approved by the Township Planning Commission.

### **6.33 Non-Conforming Structures/Additions, Residential**

Notwithstanding anything else in this Ordinance to the contrary, a single family detached dwelling or a single family semi-detached dwelling that is a non conforming structure under the terms of this Ordinance because of front yards, may be expanded otherwise in conformance with this Ordinance, except that the front yards for the addition may not be further reduced from the current front yard setback. [See also Article XI]

### **6.34 Noxious Weed Control**

This Noxious Weed Control Section of this Ordinance is intended to supplement, and not to contradict, Pennsylvania's "Noxious Weed Control Law", 3.P.S. §255.1 and following, as it may be amended from time to time, together with regulations<sup>VI-20</sup> issued by the Pennsylvania Department of Agriculture, as same may be amended from time to time. A Noxious Weed is defined in said law as "a plant that is determined to be injurious to public health, crops, livestock, agricultural land or other property.

6.34.01 Propagating noxious weeds, or permitting noxious weeds to grow, is prohibited. The landowner or owners of the premises on which noxious weeds are present is in violation of this Ordinance if said landowner or owners fail to prevent a noxious weed from spreading or fail to eradicate said noxious weed.

6.34.02 A. The following are determined to be noxious weeds within the definition of the Noxious Weed Control Law.

1. Cannabis sativa, commonly known as Marijuana
2. Cirsium arvense, commonly known as Canadian Thistle
3. Rosa multiflora, commonly known as Multiflora rose
4. Sorghum halepense, commonly known as Johnson grass
5. Polygonum perfoliatum, commonly known as Mile-a-minute
6. Pueraria lobata, commonly known as Kudzu vine
7. Cirsium vulgare, commonly known as Bull or Spear Thistle
8. Carduus nutans, commonly known as Musk or Nodding Thistle
9. Sorghum bicolor, commonly known as Shattercane
10. Datura stramonium, commonly known as Jimsonweed
11. Lythrum salicaria, commonly known as Purple Loosestrife including all cultivars

12. *Heracleum mantegazzianum*, commonly known as Giant Hogweed
13. *Galega officinalis*, commonly known as Goat's rue

B. Any weed determined to be noxious by statute or by Commonwealth of Pennsylvania regulation shall also be deemed a noxious weed.

### **6.35 On-Lot Sewage Disposal**

6.35.01 If any lot in the Township that is not serviced by public sewer contains steep slopes, marginal soil suitability or other limiting factors that reduce the availability of land area for the installation of a subsurface sewage disposal system, the Zoning Officer or the Zoning Hearing Board, as the case may be, prior to the issuance of any permit, shall require that an alternative replacement area for the sewage system proposed be tested and reserved for future use in order to provide a back-up in the event of failure of the original sewage system.

### **6.36 Operational Performance Standards**

All uses shall operate in compliance with the following standards:

#### **6.36.01 Noise:**

A. During the specified hours, no operation shall emit any noise in excess of the following limits expressed as the maximum sound pressure level in decibels (0.002 dynes per square centimeter):

Octave Band (Cycles Per Second)	7 am- 10pm	10 pm-7 am
0-75	74	69
75-150	59	54
150-300	52	47
300-600	46	41
600-1,200	42	37
1,200-2,400	39	34
2,400-4,800	36	31
Over 4,800	33	28

B. For any noise of an impulsive or periodic character the permissible limits for each octave band shall be reduced by five (5) decibels.

C. Sound levels shall be measured at the lot line with a sound level meter and associated octave band filter manufactured

according to standards prescribed by the American Standards Association.

6.36.02 Smoke, Ash, Dust, Fumes, Vapors and Gases.

- A. There shall be no emission of smoke, ash, dust, fumes, vapors or gases that violate the Pennsylvania Air Pollution Control Laws, including the standards set forth in Chapter 123 (Standards for Contaminants), and Chapter 131 (Ambient Air Quality Standards), Article III, Title 25, Pennsylvania Department of Environmental Protection, Rules and Regulations or the United States Environmental Protection Administration.
- B. The emission of dust, dirt, fly ash, fumes, vapors or gases which can cause any damage to health, to animals or vegetation or other forms of property, or which can cause any soiling of persons or property at any point beyond the lot line of the use crating the emission is hereby prohibited notwithstanding. This does not apply to normal agricultural operations as stated in PA Act 38. VI-22

6.36.03 Odor. Emission of odorous gases or other odorous matter in such quantities as to be offensive at any lot lines shall not be permitted.

6.36.04 GlareandHeat. No use shall produce heat or glare beyond the property line on the lot on which the operation is located.

6.36.05 Vibration. No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at any point on or beyond the lot line.

6.36.06 WasteProducts. Storage of waste materials shall not be permitted except in an enclosed building or approved containers. No untreated potentially dangerous effluent shall be discharged to the air, land or waters of Colerain Township.

6.36.07 Screening. All outdoor storage and loading areas shall be screened from view from any residential or public right-of-way by a landscape screen or other visual barrier.

- A. The screening shall be placed immediately surrounding the storage or loading area or along the lot line between the premises and a contiguous residential zoning district or residential use.

- B. The landscape screen shall be composed of evergreen plants and trees arranged to form both a low level and a high level screen. The high level screen shall consist of evergreen trees planted at an initial height of not less than four (4) feet, with specimens no younger than three (3) years in age, and planted at intervals of not more than ten (10) feet. The low level screen shall consist of two rows of evergreen shrubs or hedges planted at an initial height of not less than two (2) feet and spaced at intervals of not more than five (5) feet. The low level screen plantings shall be placed in an alternating or staggered pattern to produce a more effective visual barrier.
- C. An alternative visual barrier shall be a six (6) feet high opaque fence or wall with plantings of trees, shrubs and/or vines along the surfaces of the barrier facing any residential district.

- 6.36.8 Landscaping. With the exception of site clearing and construction and agricultural uses during land preparation for cultivation, any part or portion of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season ground cover and/or shall be landscaped with small trees and shrubs in accordance with an overall landscape plan.
- 6.36.9 Equipment Screening. For commercial and industrial uses or operations, all mechanical equipment and other functional accessories of each building, such as elevators, penthouse, ventilation pipes, and ducts, water pressure tanks, heating, air conditioning, and power supply units should have an architectural building material screen or covering which is an integral part of the building envelope and/or which is harmonious with the building design.

### **6.37 Patios, Paved Terraces**

No patio or paved terrace shall be located within required front, side and rear yard setbacks requirements.

### **6.38 Parking Area Reservation – (As amended/replaced per Ordinance 2014-02 on the 6<sup>th</sup> day of October 2014)**

- 6.38.01 All off-street parking shall be reserved and used for vehicle parking only. No sales, dead storage, repair work, dismantling or servicing of any kind in any district is permitted on the required off-street parking areas. The storage of one (1) recreational vehicle is permitted within the side or rear yard area provided the storage use does not include the use of the recreational vehicle for sleeping or living purposes.
- 6.38.02 Parking of Commercial Vehicles-Commercial vehicle parking shall comply with the following requirements:
- A. Commercial vehicles with a Gross Vehicle Weight Rating (GVWR) of Class I or Class 2 (maximum 10,000 lbs) shall be permitted to be parked within any zoning district.
  - B. Commercial vehicle parking in the Residential and Conservation districts shall be in accordance with the following requirements based on Vehicle Class GVWR:

1. Class 3 (GVWR 10,001 lbs- 14,000 lbs) to Class 5 (GVWR 16,001lbs- 19,500 lbs) subject to the following:

a. Parking area shall be located a minimum of 100 feet from any adjoining dwelling other than the dwelling of the property owner.

b. Vehicle shall be located a minimum of 20 feet from the street right of way line and 25 feet from a side or rear property line.

c. Parking Area shall be comprised of an all-weather surface. (i.e. stone or asphalt paving).

d. The parking area shall be buffered in accordance with Section 6.36.07. The buffer shall be located immediately adjacent to the parking area.

2. Class 6 (GVWR 19,501 lb-26,000 lb) vehicles or larger are prohibited within the Residential or Conservation zoning districts.

C. Commercial vehicle parking in the Agricultural, Light Business and Village Commercial districts shall be in accordance with the following requirements based on Vehicle Class GVWR:

1. Class3 (GVWR 10,001 lbs-14,000 lbs) to Class5 (GVWR 16,001lbs- 19,500lbs) subject to the following:

a. Parking area shall be located a minimum of 100 feet from any adjoining dwelling other than the dwelling of the property owner.

b. Vehicle shall be located a minimum of 20 feet from the street right of way line and 15 feet from a side or rear property line.



2. Class 6 (GVWR 19,501 lb - 26,000 lb)  
or larger subject to the following:

- a. Parking area shall be located a minimum of 100 feet from any adjoining dwelling other than the dwelling of the property owner.
- b. Vehicle shall be located a minimum of 20 feet from the street right of way line and 25 feet from a side or rear property line.
- c. Parking Area shall be comprised of an all-weather surface. (i.e. stone or asphalt paving).
- d. The parking area shall be buffered in accordance with Section 6.36.07. The buffer shall be located immediately adjacent to the parking area.

### **6.39 Private and Public Park and Conservation Areas**

Public pools, clubhouses, or other similar structures of high use or noise potential shall be located not less than two hundred (200) feet from all property lines. Where park or recreational areas are adjacent to a residential area adequate screening is required and lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties.

### **6.40 Private Garages** *(As amended by Ordinance NO 2015-02 , 5<sup>th</sup> day of January, 2015).*

Private garages shall be permitted in any district subject to the following requirements:

- 6.40.01 MaximumCapacity: The construction of an attached and/or detached garage shall be permitted provided that the total horizontal

projection or footprint, including walls and overhangs, shall not exceed 1 000 square feet.

6.40.02 MaximumDimensions:

Total Square Footage not to exceed 1000 square feet. Height – Twenty-eight feet (28')

6.40.03 Location: The location of a private garage shall comply with the minimum yard requirements of the prevailing zoning district for principal buildings unless the structure complies with Section 6.02.

**6.41 Retail Store, Shopping Center, Warehouse, Industrial Business**

Retail stores, shopping centers, warehouses, and industrial business are permitted to provide a unified grouping in one (1) or more buildings of retail stores, personal establishments, professional or business offices subject to the following conditions:

6.41.01 The development of the retail store, shopping center, warehouse or industrial business shall be completed in accordance with an approved land development plan which shall include unified plans for architectural and landscaping standards.

6.41.02 The landscaping must be such as to minimize an adverse impact on surrounding uses.

6.41.03 The total building area (ground floor footprint) of all buildings shall not exceed 10,000 square feet. For shopping centers, the floor area of one (1) establishment or building shall not exceed fifty (50%) percent of the total floor area

6.41.04 Direct access shall be provided from the development to a collector or arterial road.

**6.42 Satellite Dish Antenna**

The location of all satellite dish antennae must comply with the set back restrictions for the principal use and shall not be located in front of the principal building.

**6.43 Solar Energy Production Facilities, Large**

Large solar energy production facilities shall be allowed in the Agricultural District on non-prime soils (Section 5.01.05.B) as a special exception and shall be subject to the following regulations:

- A. A site plan shall be prepared and certified by a registered professional engineer and submitted with and as part of any Special Exception application. Applications submitted without a site plan shall be returned to the applicant as incomplete. The site plan shall contain at a minimum, in addition to the other requirements of this Section, the following:
  - 1. Property boundaries and identities of neighboring property owners.
  - 2. Location of all manmade structures on the property, as well as all manmade structures within two hundred feet (200') of the proposed solar energy facility.
  - 3. All wires, and overhead structures, both natural and manmade.
  - 4. Soil type(s) where the foundation will be constructed.
  - 5. Complete structural and construction details, including narrative descriptions, demonstrating how the foundation, support and other parts of the solar energy facility will be constructed, installed and maintained, together with the safety features proposed to prohibit unauthorized access.
  - 6. All new structures, together with any alterations to or modifications of existing structures, proposed in connection with the solar energy facility.
- B. The Township may require the submission of additional information at any time prior to, during or following the Special Exception hearing(s).
- C. All conditions of any Special Exception granted by the Township shall be obligations of any succeeding owners of the property. To assist with this subsection, any Special Exception Approval permitting a solar energy facility shall be recorded verbatim against the property in the Office of the Recorder of Deeds for Lancaster County. In addition, any change in ownership of the property shall be registered with the Township within thirty (30) days of said change in ownership.
- D. Certifications and Inspections.
  - 1. National and State Standards. The applicant shall show that all applicable manufacturers, Commonwealth of Pennsylvania and U.S. standards for the construction, operation and maintenance of

the proposed solar energy facility have been met. The applicant for a solar energy facility shall furnish evidence, over the signature of a professional engineer licensed to practice in the Commonwealth of Pennsylvania that such facility is in compliance with such standards.

2. Annual Inspection Report. Whenever a solar energy facility is authorized by Special Exception, an annual inspection report prepared by an independent professional engineer licensed in the Commonwealth of Pennsylvania shall be obtained by the property owner and submitted to the Township not later than thirty (30) days following each anniversary of the date on which the Township certified the solar energy facility ready for operation. The inspection report shall certify the structural soundness and proper operation of the solar energy facility. The requirement to submit the annual report shall be such that it shall be required even if not specifically included in or as part of a Special Exception decision.

- 6.43.01. The layout, design, and installation of large solar energy production facilities shall conform to applicable industry standards, including those of the ANSI, Underwriters Laboratories (UL), the ASTM, or other similar certifying organizations, and shall comply with the Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
- 6.43.02. All on-site utility and transmission lines extending to and from large solar energy production facility shall be placed underground.
- 6.43.03. All large solar energy production facilities shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street rights-of-way.
- 6.43.04. Large solar energy production facilities mounted on the roof of any building shall be subject to the maximum height regulation specified within each zoning district.
- 6.43.05. The owner shall provide evidence in the form of stamped plans certified by a professional engineer that the roof is structurally sound.
- 6.43.06. All ground-mounted and free standing solar collectors of large solar energy production facilities shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.

- 6.43.07. A clearly visible warning concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fence.
- 6.43.08. The large solar energy production facility owner is required to notify the Township immediately upon cessation or abandonment of the operation. The large solar energy production facility owner shall then have twelve (12) months in which to dismantle and remove the large solar energy production facility from the property. At the time of issuance of the permit for the construction of the large solar energy production facility, the owner shall provide financial security in form and amount acceptable to the Township to secure the expense of dismantling and removing said structures.
- 6.43.09. The owner of the large solar energy production facility shall be required to provide a certificate of insurance to the Township providing evidence of liability insurance of not less than One Million (\$1,000,000.00) Dollars and naming the Township as an additional insured on the policy or policies of the owner and/or lessee.

#### **6.44 Solar Energy System, Small**

Small solar energy systems shall be permitted in all zoning districts as appurtenances to any building or as accessory structures and shall be subject to the following regulations:

- 6. 44.01. The design and installation of small solar energy system shall conform to applicable industry standards, including those of the ANSI, Underwriters Laboratories (UL), the ASTM, or other similar certifying organizations, and shall comply with the Uniform Construction Code and Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
- 6. 44.02. All small solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent lots as well as adjacent street rights-of-way.
- 6. 44.03. All on-site utility and transmission lines extending to and from the small solar energy system shall be placed underground.
- 6. 44.04. No part of any small solar energy system shall be located within or above any front yard, along any street frontage, nor within any required setback of any lot.
- 6. 44.05. Small solar energy systems mounted on the roof of any building shall be subject to the maximum height regulations specified within each zoning district. The owner shall provide evidence in the form of

stamped plans certified by a professional engineer that the roof is structurally sound.

- 6. 44.06. Small solar energy systems which are ground mounted or detached from the principal or accessory structure shall not exceed fifteen (15) feet in height.
- 6. 44.07. The owner shall provide a copy of the letter from the electric utility company indicating that it has received and processed an application for interconnection of renewable generation equipment with the application for a zoning permit. The owner shall provide a copy of the final inspection report or other final approval from the electric utility company to the Township prior to the issuance of a certificate of use and occupancy for the small solar energy/system. Off-grid systems shall be exempt from this requirement.

#### **6.45 Soliciting and Canvassing**

- 6.45.01 This section applies to all solicitation, peddling and canvassing within the jurisdictional boundaries of Colerain Township.
- 6.45.02 Registration and application for and receipt of a permit shall be required for any person engaged in commercial or business solicitation, peddling and/or canvassing for the purposes of soliciting orders, sales or subscriptions for any goods, wares or merchandise, or for the purposes of soliciting or obtaining business or commercial information within the township as provided for herein.
- 6.45.03 Any person seeking such a permit shall submit a written application with the Township on a form provided by the Township, containing the following information:
  - A. Name, address, telephone number, and contact person for the principal applicant;
  - B. The nature of goods, wares, merchandise or services that are to be sold or distributed;
  - C. The proposed method of solicitation and/or operation within the Township, including but not limited to days and hours of solicitation, peddling or canvassing;
  - D. A list of all persons who will solicit or canvass in the Township on behalf of the applicant, including name, address, telephone number, and a general description;

- E. A current photograph to be affixed to the permit for purposes of personal identification; and
- F. Such other and further information as the Township may deem relevant and require from time to time.

6.45.04 No person shall solicit, peddle or canvas within the Township without possessing a current, valid copy of the official permit issued by the Township, together with such other identification as may be required by the Township. Such person shall solicit, peddle or canvass only those items, commodities, services or subscriptions identified in the registration application.

6.45.05 Exemptions.

- A. The following are exempt from the requirement to secure a permit when conducting activities consistent with their charter and under the protection of the First Amendment of the Constitution of the United States. However, soliciting funds, selling items, or other similar activities are not exempt in this requirement for a permit.
  - 1. Officers or employees of the Township, county, state or federal government, or any subdivision thereof, when on official business;
  - 2. Charitable, religious or nonprofit organizations or corporations which have received tax exempt status under 26 USC Section 501(c) (3), or other similar civic, charitable or nonprofit organization; and
  - 3. Representatives of political organizations.
- B. Activities and arrangements having prior consent of the occupant are exempt from the provisions of this ordinance.
- C. Colerain Township residents peddling within their neighborhood produce, eggs, baked or canned goods, or equivalent farm products grown or made within the Township are exempt from the provisions of this Ordinance.
- D. No groups or organizations are exempt from the provisions of Section 6.45.07. *[Section Reference Correction by Amendment-Ordinance No. 2012-August 6<sup>th</sup>, 2012]*

6.45.06 Hours of Operation

Solicitation and canvassing shall only occur within the Township during the following hours:

Monday to Friday from 5:00 pm to 8:00 pm

Saturday from 9:00 am to 5:00 pm

No Sunday sales.

6.45.07 No solicitor, peddler or canvasser shall contact any residence within the Township that is posted with signage providing that such contact, solicitation or canvassing is not desired by the resident thereof.

6.45.08 Any person who violates any provision of this Ordinance shall be subject to a fine of not more than \$500.00 for each violation. Each violation shall constitute a separate offense.

#### **6.46 Steep Slopes**

In those areas of the Township where the natural slope of land exceeds twenty five (25%) percent no structure shall be erected unless the Zoning Hearing Board as a special exception finds that the use will not unduly disturb existing grades and natural soil conditions. In addition to all other applicable requirements, a statement must be prepared and submitted to the Zoning Hearing Board by a registered architect, engineer, or landscape architect in regard to the building method used in overcoming foundation problems, the maintenance of the natural water shed, and the means of preventing soil erosion. Such statement and a sewage permit must be presented to the Zoning Hearing Board prior to the issuance of any special exception and building permits for construction.

#### **6.47 Storage of Explosives**

No explosives, other than small supplies of gunpowder for reloading of personal firearms, shall be stored in any district except the **(LB)** Light Business Districts. Explosives may be stored in the **(LB)** Light Business District, provided the storage area is no closer than two hundred (200) feet to any property line, and provided the requirements of all other ordinances have been previously been met.

#### **6.48 Structure Placement**

For all subdivision and land development applications proposed after the effective date of this Ordinance, all proposed lots and/or structures shall be placed on soils which have the poorest Agricultural Land Capability Classification as defined by the United States Department of Agriculture, and all proposed uses shall be situated in a manner reducing to a minimum



the amount of productive agricultural land which is converted to the proposed uses. The applicant for a permit shall bear the burden of proving to the Zoning Officer or Zoning Hearing Board, as the case may be, compliance with this Section.

#### **6.49 Swimming Pools, Tennis Courts or Other Recreational Accessory Structures**

No swimming pools, tennis courts or other recreational accessory structures shall be within the minimum yard setback requirements of the district where located. Every swimming pool shall be enclosed by a permanent fence with a self-locking gate with a minimum height of four (4) feet. Fences shall be erected immediately after completion of construction of the structures described in this section and in the case of swimming pools fences shall be erected prior to pools being filled with water. Pool fences shall meet the requirements of the Uniform Construction Code (UCC), International Building Code (IBC) or International Residential Code (IRC).

#### **6.50 Temporary Structures or Uses**

A temporary permit may be issued for structures or uses necessary during construction or other special circumstances of a non-recurring nature, subject to the following additional provisions:

- 6.50.01 The life of such permit shall be for a term of one (1) year, renewable for a maximum of two (2) - three (3) month intervals. The maximum permit term shall be 1 ½ years.
- 6.50.02 Temporary uses not otherwise permitted in the Zoning District, shall be subject to authorization by the Zoning Hearing Board as a special exception use.
- 6.50.03 Such structure or use shall be removed completely upon expiration of the permit without cost to the municipality and shall be removed prior to the issuance of an occupancy permit for any permitted new structure.
- 6.50.04 In addition, one temporary structure consisting of a Motor Home, Travel Trailer or Mobile Home may be occupied temporarily by the owner of the land during the construction or reconstruction of a permanent permitted dwelling thereon, provided that adequate water and sewage facilities are provided. To the greatest extent possible, the temporary dwelling shall meet all set-back requirements. Mobile Homes are required to comply with the Uniform Construction Code

(UCC). The permit for each placement of a temporary lodging structure shall be for a period of not more than of one (1) year, renewable for a maximum of two (2) - three (3) month intervals. The maximum permit term shall be 1 ½ years.

- 6.50.05 No persons or family shall be permitted to permanently reside within any Tent, Travel Trailer, Bus, Boat, Camper, or Motor Home. However, temporary occupancy of a Tent, Travel Trailer, Camper, or Motor Home shall be permitted within an approved campground or for periods of up to fourteen (14) days in any calendar year on the property of another, free of any charge, cost or fee.

#### **6.51 Through Lots**

Where a lot extends through from street to street, the applicable front yard regulations shall apply on both street frontages. No lot shall be required to designate more than two (2) front yards.

#### **6.52 Tree Clearing**

In existing wooded areas at least seventy five (75%) percent of the number of trees of a minimum trunk caliber of five (5") inches, measured at two (2') feet above ground, that exist at the time of subdivision of the property, shall be maintained or replaced immediately following construction. Replacement trees shall be a minimum trunk caliber of two (2") inches measured at a height of six (6") inches above finished grade. It is the intent of this Ordinance that existing wooded areas be protected to prevent unnecessary destruction, however, clearing of trees in Class I, II and III soils for farming is permitted.

#### **6.53 Vegetation Cover Structures**

Any man-made device designed for the purpose of sheltering vegetation and comprised of structural components shall be located in conformance with building line requirements of Article XII. *[Article Number Correction by Amendment-Ordinance No. 2012-August 6<sup>th</sup>, 2012]* Additionally, no such structure shall be located within twenty (20) feet of a property line unless erected in the Light Business District where the structure shall not be located within ten (10) feet of a property line.

#### **6.54 Visual Obstructions**

No wall, fence or other structure shall be erected or altered, and no hedge, tree, shrub or other growth shall be planted or maintained in such a manner as to cause danger to traffic on a street or public road by obstructing the view.

## **6.55 Water Supply**

- 6.55.01 Policy. No land use shall be permitted in any district which would require a volume or rate of ground water withdrawal which could cause interference with the availability of ground water by an adjoining property.
- 6.55.02 Procedure. All Applicants for uses other than single family dwellings, which uses would rely upon an on-lot water supply, shall provide the Zoning Officer or the Zoning Hearing Board with a water supply feasibility study as prepared, signed, sealed, and certified by a qualified hydrogeologist. Such feasibility study shall, at a minimum, include suitable testing and technical evaluation on the effect of such water withdrawal to establish that the proposed use will not cause substantial well drawdown or other interference beyond the property line of the intended use. Such testing shall be done at the expense of any Applicant, who shall bear the burden of proof that the use of ground water shall not interfere with the ability or potential of an adjoining property to develop to its maximum permitted use in accordance with this Ordinance. All water-intensive land uses, as determined by the Zoning Officer or as decided by the Zoning Hearing Board, including intensive agricultural uses shall be restricted if they present a hazard to the continued availability of ground water to other lands in the Township.

## **6.56 Wind Energy Production Facility, Large**

Large wind energy production facilities shall be allowed in the Agricultural District on non-prime soils (Section 5.01.05.B) as a special exception and shall be subject to the following regulations:

- A. A site plan shall be prepared and certified by a registered professional engineer and submitted with and as part of any Special Exception application. Applications submitted without a site plan shall be returned to the applicant as incomplete. The site plan shall contain at a minimum, in addition to the other requirements of this Section, the following:
1. Property boundaries and identities of neighboring property owners.
  2. Location of all manmade structures on the property, as well as all manmade structures within two hundred feet (200') of the proposed wind energy facility.

3. All wires, and overhead structures, both natural and manmade.
  4. Soil type(s) where the foundation will be constructed.
  5. Complete structural and construction details, including narrative descriptions, demonstrating how the foundation, support and other parts of the wind turbine energy facility will be constructed, installed and maintained, together with the safety features proposed to prohibit unauthorized access.
  6. All new structures, together with any alterations to or modifications of existing structures, proposed in connection with the wind turbine energy facility.
- B. The Township may require the submission of additional information at any time prior to, during or following the Special Exception hearing(s).
- C. All conditions of any Special Exception granted by the Township shall be obligations of any succeeding owners of the property. To assist with this subsection, any Special Exception Approval permitting a wind turbine energy facility shall be recorded verbatim against the property in the Office of the Recorder of Deeds for Lancaster County. In addition, any change in ownership of the property shall be registered with the Township within thirty (30) days of said change in ownership.
- D. Certifications and Inspections.
1. National and State Standards. The applicant shall show that all applicable manufacturers, Commonwealth of Pennsylvania and U.S. standards for the construction, operation and maintenance of the proposed wind turbine energy facility have been met. The applicant for a wind turbine energy facility shall furnish evidence, over the signature of a professional engineer licensed to practice in the Commonwealth of Pennsylvania that such windmill is in compliance with such standards.
  2. Annual Inspection Report. Whenever a wind turbine energy facility is authorized by Special Exception, an annual inspection report prepared by an independent professional engineer licensed in the Commonwealth of Pennsylvania shall be obtained by the property owner and submitted to the Township not later than thirty (30) days following each anniversary of the date on which the Township certified the wind turbine energy facility ready for operation. The inspection report shall certify the structural

soundness and proper operation of the wind turbine energy facility. The requirement to submit the annual report shall be such that it shall be required even if not specifically included in or as part of a Special Exception decision.

- 6.56.01 The layout, design, and installation of large wind energy production facilities shall conform to applicable industry standards, including those of the ANSI, Underwriters Laboratories (UL), the ASTM, or other similar certifying organizations, and shall comply with the Uniform Construction Code and the Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
- 6.56.02. Large wind energy production facilities shall not generate noise which exceeds sixty (60) decibels measured at any property line.
- 6.56.03. All on-site utility and transmission lines extending to and from the large wind energy production facility shall be placed underground.
- 6.56.04. All large wind energy production facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Staff regulations shall not be considered a sufficient braking system for overspeed protection.
- 6.56.05. Large wind energy production facilities shall not be artificially lighted, except to the extent required by the FAA.
- 6.56.06. Wind turbines and towers shall not display advertising, except for reasonable identification of the large wind energy production facility's manufacturer. Such sign shall have an area of less than four (4) square feet.
- 6.56.07. Wind turbines and towers shall be a non-obtrusive color such as white, off-white or gray.
- 6.56.08. All large wind energy production facilities shall, to the extent feasible, be sited to prevent shadow flicker or any occupied building on adjacent lot.
- 6.56.09. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fence.
- 6.56.10. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

- 6.56.11. No portion of any large wind energy production system shall extend over parking areas, access drives, driveways or sidewalks.
- 6.56.12. All large wind energy production facilities shall be independent of any other structures and shall be located a minimum distance of one and one tenth (1.1) times the turbine height from any inhabited structure, property line, street right-of-way, or overhead utility line.
- 6.56.13. The minimum height of the lowest position of the wind turbine shall be thirty (30) feet above the ground.
- 6.56.14. All large wind energy production facilities shall be completely enclosed with a self-locking door, or the wind turbine's climbing apparatus shall be limited to no lower than twelve (12) feet from the ground, or the wind turbine's climbing apparatus shall be fully contained and locked within the tower structure.
- 6.56.15. The large wind energy production facility owner is required to notify the Township immediately upon cessation or abandonment of the operation. The large wind energy production facility owner shall then have twelve (12) months in which to dismantle and remove the large wind energy production facility from the lot. At the time of issuance of the permit for the construction of the large wind energy production facility, the owner shall provide financial security in from and amount acceptable to the Township to secure the expense of dismantling and removing said structures.
- 6.56.16. The owner of the large wind energy production facility shall be required to provide a certificate of insurance to the Township providing evidence of liability insurance of not less than one Million (\$1,000,000.00) Dollars and naming the Township as an additional insured on the policy or policies of the owner and/or lessee.

#### **6.57 Wind Energy System, Small**

Small wind energy systems shall be permitted in all zoning districts as accessory uses and accessory structures and shall be subject to the following regulations:

- 6. 57.01. The design and installation of all small wind energy system shall conform to applicable industry standards, including those of the ANSI, Underwriters Laboratories (UL), the ASTM, or other similar certifying organizations, and shall comply with the Uniform Construction and the Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as

part of the application.

- 6. 57.02. No more than one (1) small wind energy system shall be permitted per lot. All small wind energy systems shall be used on a lot on which it is located and shall not be operated as a commercial enterprise
- 6. 57.03. Small wind energy systems shall not generate noise which exceeds sixty (60) decibels measured at any property line.
- 6. 57.04. Small wind energy systems shall not be artificially lighted, except to the extent required by the FAA.
- 6. 57.05. All on-site utility and transmission lines extending to and from the small wind energy system shall be placed underground.
- 6. 57.06. No part of any small wind energy system shall be located within or above any front yard, along any street frontage, nor within any required setback of any lot. No portion of any small wind energy system shall extend over parking area, access drives, driveways or sidewalks.
- 6. 57.07. All small wind energy systems shall be independent of any other structure and shall be located a minimum distance of one and one tenth (1.1) times the turbine height from any inhabited structure, property line, street right-of-way, or overhead utility line.
- 6. 57.08. The maximum height of any small wind energy system shall not exceed 125 feet, except that the maximum height may be increased higher than 125 feet by special exception in the Agricultural District.
- 6. 57.09. The minimum height of the lowest position of the wind turbine shall be fifteen (15) feet above the ground.
- 6. 57.10. All small wind energy systems shall be completely enclosed by a minimum six (6) foot high fence with a self-locking gate, or the wind turbine's climbing apparatus shall be limited to no lower than twelve (12) feet from the ground, or the wind turbine's climbing apparatus shall be fully contained and locked within the tower structure.
- 6. 57.11. Small wind energy systems shall not display advertising, except for reasonable identification of the small wind energy system's manufacturer. Such sign shall have an area of less than four (4) square feet.
- 6. 57.12. When an accessory building is necessary for storage cells or related mechanical equipment, the accessory building shall not have a floor

area exceeding two hundred (200) square feet, and shall comply with the accessory building requirements specified within each zoning district.

1. Accessory buildings shall not be located within any front yard or along any street frontage, nor within any required setback of any lot.
6. 57.13. All small wind energy systems shall display a high voltage warning sign on the turbine or on the enclosing fence.
6. 57.14. The owner shall provide a copy of a letter from the electric utility company indicating that it has received and processed an application for interconnection of renewable generation equipment with the application for a zoning permit. The owner shall provide a copy of the final inspection report or other final approval from the electric utility company to the Township prior to the issuance of a certificate of use and occupancy for the small wind energy system. Off-grid systems shall be exempt from this requirement.
6. 57.15. The owner of the small wind energy system shall, at the owner's expense, complete decommissioning within twelve (12) months after the end of the useful life of the small wind energy system. It shall be presumed that the wind turbine is at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.
6. 57.16. The owner of the small wind energy system shall provide evidence that the owner's insurance policy has been endorsed to cover damage or injury that might result from the installation and operation of the small wind energy system.

**6.58 Animal Composting Facility** *[Section Added by Amendment-Ordinance No. 2012-August 6<sup>th</sup>, 2012]*

Animal Composting Facility shall be allowed by Special Exception on agricultural lots in the Agricultural District and shall be subject to the following regulations:

- 6.58.01 Application: The requirements of this section shall apply to all Animal Composting Facilities as defined in this Ordinance. All composting facilities must be constructed, maintained, and utilized in accordance with plans approved by the Department of Agriculture and all licensing requirements thereof.
- 6.58.02 Licensure requirement: Any person who purchases or receives for disposal a dead domestic animal, domestic animal part or potentially



infectious animal waste shall be deemed to be in the business of dead domestic animal disposal and shall be licensed by the Department of Agriculture to engage in and conduct such activity.

A copy of the original and/or renewed license shall be submitted to the Township on an annual basis or in lieu thereof, written notice provided to the Township that the license has expired and that the property is no longer functioning as an Animal Composting Facility.

6.58.03 Documentation: Prior to commencing operation or obtaining a permit to construct any structures or other facilities utilized in connection with the Animal Composting Facility, the applicant must provide the following documentation to the Township:

- A. Copy of the application for licensing and the license issued for the facility from the Department of Agriculture.
- B. An erosion and sedimentation control plan for any area disturbed up to one (1) acre. An NPDES permit shall be provided for any area disturbed of one (1) acre or more.
- C. A plot plan of the property demonstrating compliance with the Department of Agriculture requirements should be submitted. The plot plan should also show off-street parking for all employees or assistants and details for truck access to the facility to ensure that all trucks are off the roadway and completely on the lot prior to loading or unloading any materials for the Animal Composting Facility.

6.58.04 Operation

- A. Lot size and setbacks:
  - 1) Lot Size: 10 acre minimum
  - 2) Setbacks:
    - a) May not be located within the 100-year floodplain
    - b) Must be located at least 100' from waters of the Commonwealth including streams, ponds, or wetlands or as may be required by the Department of Agriculture.
    - c) Must be located at least 100' from property lines and street right-of-way or as may be required by the Department of

Agriculture.

- B. Dead animals must be covered with 2' of soil/approved material within 48 hours of receipt per requirements of the PA Domestic Animal Act.
- C. Signage for the facility must be in accordance with Section 5.01.04.A.6 of this Ordinance
- D. Off-street parking shall be in compliance with Article IX-Off Street Vehicle Parking and Loading Regulations.
- E. Direct sales of finished compost to individuals are prohibited. Nothing in this section shall prohibit the delivery of compost from the Animal Composting Facility to any property.
- F. The access drive to the Animal Composting Facility must be paved with asphalt for a distance of at least 50 feet from any Township or State road and then a further minimum distance of 50 feet with a dust and mud-free surface. The access drive must be maintained so as to minimize dust and to prevent or minimize the tracking of mud or materials off-site.

## **ARTICLE VII – SIGN REGULATIONS**

### **7.01 Use, Location, and Size Regulations**

The following types of signs and no others shall be permitted. All signs may have two (2) sides. The maximum area of any one side shall be as provided by this Ordinance.

7.01.01 Identification, informational, or directional signs erected or required by governmental bodies are permitted in all zoning districts.

7.01.02 Sale or Rental of Property

Signs advertising the sale or rental of premises may be erected and maintained, provided that:

- 1) Such signs shall be erected only on the premises to which they relate. No off premises signs will be permitted.
- 2) The area of one side of any sign shall not exceed ten (10) square feet.
- 3) The signs are to be removed promptly within ten (10) days of sale or rental of the premises. If signs are not removed, the Township may remove such signs pursuant to Section 703.
- 4) Not more than one (1) such sign may be erected on the premises.

7.01.03 Development Signs

Signs indicating the location and direction of premises available for or in the process of development and having inscribed thereon the name of the owner, developer, builder, or agent may be erected and maintained, provided that:

- 1) Such signs shall be erected only on the premises where such work is being performed. No off premises signs will be permitted. Any off premises signs may be removed by Township pursuant to Section 703.
- 2) The area of one (1) side of any sign shall not exceed twenty (20) square feet.
- 3) Not more than one (1) such sign shall be erected.
- 4) Such signs shall be removed promptly within ten (10) days of completion of the work. If signs are not removed, the Township may remove such signs pursuant to Section 703.

7.01.04 Mechanic and Artisan Signs

Signs of mechanics and artisans may be erected and maintained during the period such persons are performing work and until they are paid provided that:

- 1) Such signs shall be erected only on the premises where such work is being performed. No off premises signs will be permitted. Any off premises signs may be removed by the Township pursuant to Section 703.
- 2) The area on one (1) side of any such sign shall not exceed three (3) square feet.
- 3) Such signs shall be removed promptly within ten (10) days upon completion of the work. If signs are not removed, the Township may remove such signs pursuant to Section 7.03.
- 4) Not more than one (1) sign per artisan or mechanic.

7.01.05 Recreation Areas, Schools, Colleges, Churches, Hospitals, etc.

Signs for public recreation areas, schools, colleges, churches, hospitals, or other similar public institutions or uses may be erected and maintained, provided that:

- 1) The area on one (1) side of any such sign shall not exceed thirty-two (32) square feet.
- 2) Not more than one (1) such sign may be erected on the premises.

7.01.06 Trespass Signs

Signs prohibiting or otherwise controlling trespassing upon particular premises or indicating the private nature of a road, driveway or premises, or otherwise controlling, may be erected and maintained, provided that:

- 1) The area of one (1) side of any such sign shall not exceed six (6) square feet.
- 2) Signs may be erected at a distance of no less than twenty-five (25) foot intervals along street frontage.

7.01.07 Organization, Home for Aged, Nursing Home, Convalescent Home

Signs indicating the name of a particular organization, home for the aged, nursing home or convalescent home, may be erected and maintained, provided that:

- 1) The area on one (1) side of any sign shall not exceed thirty-two (32) square feet.

- 2) Any such sign shall be located on the same lot as the organization, home for the aged, nursing home, farm or estate.
- 3) Not more than one (1) such signs may be erected on the premises.

7.01.08 Farm Products For Sale Signs

Signs advertising the sale of farm products, as permitted by this Ordinance, may be erected and maintained, provided that:

- 1) The area on one (1) side of any such sign shall not exceed ten (10) square feet.
- 2) Not more than two (2) such signs shall be erected and maintained.
- 3) Such signs shall be displayed only when such products are on sale and only on the premises where such products are being sold. No off premises signs will be permitted. Any off premises signs erected may be removed by the Township pursuant to Section 703.

7.01.09 Professional, accessory use, name or address signs may be erected and maintained in any District provided that:

- 1) The area of one (1) side of any such sign shall not exceed two (2) square feet.
- 2) Any such signs shall be erected only on the premises wherein such professional, accessory use exists. No off premises signs will be permitted.
- 3) Not more than one (1) such sign may be erected.

7.01.10 Business or industrial signs may be erected and maintained provided that:

- 1) The area on one (1) side of any free-standing sign shall not exceed eighty (80) square feet.
- 2) Not more than one (1) such sign free-standing sign shall be erected. More than one sign on a property in the Light Business District is allowed if more than one business is located on the property. Each business is limited to one sign.
- 3) The area of any sign attached to the building shall not exceed fifteen (15) percent of wall area on which the sign is placed. Any such sign shall not exceed thirty-two (32) square feet. Not more than one (1)

attached sign shall be erected per street frontage or per building. A maximum of two (2) such signs are permitted per site.

- 4) The sign placed on any building or lot shall relate to the business conducted on such premises. No off premises signs will be permitted. The Township may remove any such off premises sign pursuant to Section 703.

#### 7.01.11 Temporary Signs

Temporary signs advertising a yard sale, public sale or similar event which is occurring during the year shall not be displayed for more than thirty (30) percent of the time during any month. The area of any one sign is limited to six (6) square feet and no more than three (3) signs are permitted to be located on a property other than where the event is located so long as the property owner's permission has been granted. These signs must be removed within 1 day of the event's completion. If not removed, Township may remove such signs pursuant to Section 703.

Temporary signs advertising a sale or event sponsored by a civic or religious group are permitted, provided that such signs shall not be displayed in excess of one (1) month and shall be removed within 1 day of the event's completion. The area of any one sign is limited to thirty-two (32) square feet. Failure to remove such signs may result in Township removing the signs pursuant to Section 703.

Temporary Political signs are permitted to be displayed on a property owner's and/or tenant's property (where the property is leased or rented), provided that the area of any such sign shall not exceed eight square feet per side and the height of any such sign shall not exceed four feet. Signs may be erected not more than 30 days prior to the election and shall be removed within two days after the election. Failure to remove such signs may result in Township removing the signs pursuant to Section 703.

A permit or fee is not required for Temporary signs as defined in this section.

#### 7.01.12 Directional Signs are intended to provide a safe and uniform means to direct the general public from the main traffic corridors of Route 472 (Kirkwood Pike), Route 896 (Georgetown Road), Noble Road and Maple Shade Road to points of interest in Colerain Township and shall conform to the following:

1. No sign shall be wider than 9 inches or longer than 36 inches. All signs are to be white letters on a blue background and uniform in shape and shall only contain the name and direction to the point of interest.

2. No sign shall be located between 30 inches and 8 feet from the ground surface immediately underneath.
3. No establishment shall erect, place, install or maintain more than three signs within the Township and no more than one sign at any street intersection.
4. The number of signs placed at any street intersection will be decided by the Supervisors after review of safety and aesthetic factors. Signs to be located at a safe sight distance by the Colerain Township Road Crew.
5. Directional Signs will be primarily erected for businesses located within Colerain Township; however, Directional Signs may be erected for businesses which closely border the Township upon approval of the Supervisors after reviewing availability, safety, and aesthetic factors.
6. An application for the directional sign and accompanying fee must be submitted to the Township.
7. The location of any Directional Sign shall be approved by the Supervisors and installed by the Roadmaster.
8. All signs shall be erected, placed, installed or maintained by the Township in the Township right-of-way. No directional sign shall be permitted outside the Township right-of-way.

7.01.13 Bed and Breakfast Sign. A Bed and Breakfast may erect one (1) on-site, non-illuminated sign no larger than three and one half (3.5) square feet in size, which shall be set back a distance of at least equal to the height of the sign from the ultimate right-of-way. The height of the sign shall not exceed four (4) feet.

## **7.02 General Regulations for All Signs**

The following regulations shall apply to all permitted signs:

1. No signs shall be placed in such a position that it will cause danger to traffic on a street by obscuring the view or by causing distraction to traffic.
2. No sign or sign bearing structure other than official traffic signs, Directional Signs, and public utility signs necessary for the operation, identification, or protection of public utility facilities shall be erected within or extend into the right-of-way of a public road.
3. No sign shall be of the intermittent flashing or rotating type.

4. No sign shall be higher than twenty (20) feet above the ground.
5. Signs must be constructed of durable materials and maintained in good condition.
6. No sign shall be maintained within the Township in such a state of disrepair as to have the appearance of complete neglect, which is rotting or falling down, which is illegible, or has loose parts separated from original fastenings.
7. Whenever a sign becomes structurally unsafe or endangers the safety of the building or premise, or endangers the public safety, the Zoning Officer shall give written notice to the owner of the premises on which the sign is located that such sign be made safe or removed within five (5) days.
8. Signs shall not be erected closer to any side or rear property line than the minimum setback for any side or rear property line except for signs permitted by 7.01.06 and 7.01.12.
9. Advertising painted upon or displayed upon a barn or other building or structure shall be regarded as a sign and the regulations pertaining thereto shall apply.
10. Each sign shall be removed when the circumstances leading to its erection no longer apply or as directed in this Section. Failure to remove any sign as required by this Ordinance may result in Township removing such signs pursuant to Section 703.
11. Illuminated signs or lighting devices shall employ glare shields and guards to prevent light from interfering with adjacent properties or roads, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be so placed or directed as to permit beams or illumination to be directed or beamed upon a public road, highway, or adjacent lot so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
12. All electrically illuminated signs shall be constructed to the standards of the Uniform Construction Code (UCC).
13. No sign located within three hundred (300) feet of any traffic light shall be illuminated with red, green, or yellow lights or neon tubing.
14. Signs must be positioned so that they do not interfere with any clear sight triangle.
15. Determination of Size: The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, including any border framing or decorative attachments. The sign



dimensions will include the entire area within a single continuous perimeter, and a single plane, composed of a square, circle or rectangle, whichever most closely encloses the extreme limits of the message, background and trim. Multiple sign faces on a single support structure system shall be considered one sign. Any supportive frame and bracing members of a sign shall not be included in the sign area calculations so long as there are two or less vertical members per sign, any member or members do not exceed six inches in diameter or square, and the member or members have no advertising value. The sign area shall be computed as follows:

- a. Single-faced sign: one face counted.
  - b. Double-faced sign: one face counted if both sign faces are identical; two faces counted if each face is not identical.
  - c. "V" sign with an internal angle of 45° or greater: two faces counted. If internal angle is less than 45°, the sign shall be considered a double-faced sign.
  - d. Three-dimensional sign: projected to single flat planes, all visible sign faces counted.
- 16. No loud, obnoxious, vulgar, indecent, or obscene advertising matter shall be displayed in any manner.
  - 17. No sign shall be erected or located as to prevent free ingress or egress from any window, door, or fire escape.
  - 18. No sign shall be placed in such a position that it will obstruct light or air from a building or which would create a traffic danger.
  - 19. No sign shall be permitted which is temporarily or permanently attached to public utility poles or trees.
  - 20. No sign located within the Floodplain District shall exceed six (6) square feet of area per side.
  - 21. In the event that a symbol, trademark or other such figure is used as a sign post or standard which could be construed to indicate or identify a particular use or business, that symbol, trademark or figure is to be computed as part of the total allowable sign area.
  - 22. In all Districts, only those signs referring directly to materials or products made, sold, or displayed on the premises shall be permitted, except as otherwise permitted.

23. No streamers, pennants, or other similar materials shall be permitted to be located on the outside of any building.
24. Portable signs, including vehicle signs specifically parked and stationary for use as a sign, are prohibited, except for those signs necessary to be used as warning signs to bring attention to construction activity, temporary road hazard or the like.
25. No sign shall be permitted within a street right-of-way except a directional sign, a public utility sign, a non-profit temporary sign, or any other sign as may otherwise be permitted under this Ordinance, or as may be permitted by the Board of Supervisors or other governmental agency.

### **7.03 Violations and Penalties**

No sign shall be erected or constructed in the Township except as provided in this Article or elsewhere in this Ordinance. Any sign erected or constructed in violation of this Ordinance may be removed and impounded by the Township. Upon removal of any sign pursuant to this Section, Township shall give notice to the person or organization erecting such sign of the removal and that the signs are available to be picked up at the Township office and shall provide a written warning that such sign was erected in violation of the Ordinance. After the first written warning, Township shall not be required to give any further warnings and upon subsequent violations, may remove the sign, and/or may impose a fine or penalty of \$25.00 plus court and collection costs for each sign in violation of this Ordinance, and/or may proceed in accordance with Section 13.04 of this Ordinance.

## **ARTICLE VIII – LIMITATIONS ON ACTIVITIES WITHIN TOWNSHIP RIGHTS-OF-WAY**

### **8.01 General Intent and Application**

Roads and rights-of-way in the Township have been damaged by the deposit of stone, mud, dirt, silt, corn fodder, manure, or other debris and such damage has resulted in dangerous driving conditions created by said deposits. Road maintenance in the Township is made more difficult by the creation of fences, walls, or the planting of trees or shrubbery within the Township's rights-of-way. The Township wishes to protect its roads and its rights-of-way by restricting what can be done by the public within the same.

- 8.01.01 No person shall hereafter plow, cultivate, plant crops or in any way disturb the surface of the land (except common mowing) within six (6) feet of any Township Road cartway.
- 8.01.02 No person shall erect, create or maintain a fence, wall or any building or other structure, nor shall they plant, nurture, or maintain trees or shrubbery within the rights-of-way of any Township road.
- 8.01.03 No person or persons shall deposit field stone or debris within the rights-of-way of any Township roads.
- 8.01.04 No person shall deposit on, or allow excessive deposits of mud, dirt, silk, corn fodder, manure and other debris to remain on Township cartways. As used herein the term "excessive" shall mean a deposit that is of a sufficient density or size as to be picked up by tires or wheels of the traveling public.
- 8.01.05 Any person, who shall violate the provisions of this Ordinance shall, upon proof thereof in a civil enforcement proceeding, pay a civil enforcement penalty of Three Hundred Dollars (\$300.00) for each offense. Each day that the violation continues shall be considered an additional and separate offense.
- 8.01.06 In addition to the penalty described in Section 8.01.05 hereof, each person shall pay the Township's costs and expenses (including reasonable overhead) to repair or reinstate the right-of-way or cartway (and their surfaces or facilities) back to the former condition in which it was prior to the offence.

## **ARTICLE IX – OFF STREET VEHICLE PARKING AND LOADING REGULATIONS**

### **9.01 General Intent and Application**

It is the intent of these requirements that adequate parking and loading facilities be provided for each use off the public roads of Colerain Township for each use. These requirements shall apply to all uses in all districts.

### **9.02 Design Requirements for Parking Facilities**

- 9.02.01      Size. The size of a parking space for one (1) vehicle shall not be less than one hundred eighty (180) square feet. For purposes of computing the number of parking spaces available in a given area, the ratio of one hundred eighty (180) square feet per space shall be used. Only the area actually used for parking, not access or driving lanes, shall be considered. The provisions of the last sentence shall not apply to single-family detached and semi-detached dwellings.
- 9.02.02      Access and Egress. Parking facilities shall be designed so that each vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle.
- 9.02.03      Surface. The parking facilities shall be provided with a paved surface unless exempted by the Zoning Hearing Board.
- 9.02.04      Joint Use. The required parking space for two (2) or more uses may be provided in a common parking facility, provided that the number of spaces is not less than the sum of the spaces required for each individual use. However, a variance may be granted to allow a reduction in the number of spaces required for separate uses when the various activities or uses are conducted at substantially different times.
- 9.02.05      Location. All parking spaces shall be provided on the premises, or in common parking facilities located adjacent to the premises except that after Zoning Hearing Board approval as a special exception, all or part of the required number of spaces may be provided on a separate lot or lots within five hundred (500) feet from such premises. In the Residential District all off street parking spaces shall be located behind the street right-of-way. In all other districts, off street parking spaces shall not be located within the area of required landscaping.

### **9.03 Minimum Parking Requirements**

- 9.03.01      Dwelling. Two (2) spaces for each dwelling unit.

- 9.03.02      Hotel, Motel or Tourist Home. One (1) space for each rental unit plus one (1) space for each employee.
- 9.03.03      Theater, Auditorium, Church, Stadium, Membership Club, Lodge Hall, Funeral Home, and Similar Places of Public Assembly. One (1) space for three (3) permanent seats; and for establishments without permanent seats, one (1) space for every fifty (50) square feet of floor area used for assembly purposes.
- 9.03.04      Commercial Business Establishment Other Than Those Specifically Specified in This Section. Sufficient space to accommodate the cars of all persons employed and all business invitees present. In no case shall there be less than one (1) space for every three hundred (300) square feet of floor area other than warehouse or storage space.
- 9.03.05      Nursing Home, Convalescent Home, or Home for the Aged. One (1) space for each five (5) beds in the home plus one (1) space for each two (2) employees.
- 9.03.06      Medical Clinic or Doctor's Office. Four (4) spaces for every doctor engaged in practice at the clinic or office plus one (1) for each employee and technician.
- 9.03.07      Restaurant or Tavern. One (1) space for every four (4) seats of planned capacity plus one (1) for each two (2) employees.
- 9.03.08      Manufacturing or Industrial Establishment. One (1) space for each two (2) employees computed on the maximum number of employees at any one time on the premises.
- 9.03.09      Bed and Breakfast. In addition to the parking required for the principal use(s), and any other existing accessory use(s), there shall be a minimum of one (1) additional off street parking space per each bedroom being offered for rent as part of the Bed and Breakfast use.
- 9.03.10      All Structures and Uses Not Specifically Mentioned Above. Sufficient space as determined by the Zoning Officer shall be provided to accommodate the vehicles of all person regularly to be employed, to have business on, or to reside on the premises. Applicant shall provide to the Zoning officer all necessary information for determining the parking spaces required.

#### **9.04    Off-Street Loading Requirements**

Adequate off-street loading and unloading space shall be provided on the same premises for every building or part thereof hereafter erected or occupied for any use which involves receipt or distribution of material or merchandise by more

than two (2) delivery trucks per day. This space shall be so placed and arranged as to not interfere with the free movement of vehicles and pedestrians over a public road.

#### **9.05 Parking and Storage of Vehicles**

Automotive vehicles or vehicular dwellings of any kind or type without current registration shall not be parked or stored in the Residential District other than in completely enclosed accessory buildings. [See also Section 4.05.01.C.6]

## **ARTICLE X – DRIVEWAY REGULATIONS**

### **10.01 General Intent and Application**

Regulations prohibiting the installation of a driveway or portion thereof or reconstruction, repair or resurfacing of a driveway so as to increase the area or intensity of its use without first obtaining a permit, providing for permits, regulations and filing fees and imposing fines and penalties for violation.

### **10.02 Permit Required**

- 10.02.01 No person, owner and/or contractor shall hereafter install a driveway or any portion thereof without first obtaining a permit from the Township.
- 10.02.02 No person, owner and/or contractor shall hereafter reconstruct, repair or resurface (Excluding adding stone to an existing unpaved driveway and application of liquid sealers to an existing driveway) a driveway or portion thereof on or within any Township right-of-way in a manner that will increase the area or intensity of use or change the use without first obtaining a permit from the Township.
- 10.02.03 No permit shall be issued unless said permit is signed by the owner, or, in the case of more than one owner, all the owners of a property.

### **10.03 Expiration of Permit**

A driveway permit shall be valid for twelve (12) months from the date of issuance. The Enforcement Officer may, at his or her discretion, grant one (1) extension of the permit for up to six (6) months upon written application of the person to whom the permit was issued prior to the expiration of the permit. The application for extension must indicate good cause for the failure to complete work within the twelve-month time period. A permit shall not expire while a request for an extension is pending.

### **10.04 Post of Permit**

The permit granted under this Ordinance shall be posted at the right-of-way line so as to be visible from the roadway. The permit shall remain posted until final approval of work has been given.

### **10.05 Design Requirements**

- 10.05.01 The grade and construction of all driveways shall be in accordance with the following standards and specifications.

- 1) The shoulder slope usually varies from one-half (1/2) inch per foot [four percent (4%)] to three-fourths (3/4) inch per foot [six percent (6%)]. However, the shoulder slope should be maintained when constructing the driveway.
  - 2) All driveways shall be constructed so as not to impair drainage within the right-of-way, alter the stability of the improved area or change the drainage of adjacent areas.
  - 3) Where a drainage ditch or swale exists, the permittee shall install adequate pipe under the driveway in accordance with Section 10.05.03. Drainage pipe installed under driveways shall be at least fifteen (15) inches in diameter.
  - 4) The side slopes for driveway embankments within the right-of-way shall not be steeper than ten to one (10:1).
- 10.05.02 The sight distance for all driveways shall comply with the requirements for state highways prescribed by the Pennsylvania Department of Transportation as codified at 67 Pa. Code s441.8, any amendments and addenda thereto.
- 10.05.03 The Township will only permit the use of drainage pipes under a driveway if all of the following conditions are met:
- 1) It is impossible or impractical to maintain drainage flow without a pipe.
  - 2) Calculations are submitted to the Township showing that the proposed pipe will have a capacity equal to or greater than the existing gutter or that such pipe will pass a ten-year storm from the drainage area without flooding the roadway. Runoff calculations shall be based upon the United States Department of Agriculture Soil Conservation Service Soil-Cover-Complex method, the Rational Formula of  $Q=CIA$  or any other method acceptable to the Township Engineer. All pipes to be installed shall have a minimum diameter of fifteen (15) inches.
  - 3) The owner agrees, in writing, to maintain the pipe in good condition free of debris and siltation.
  - 4) The owner agrees, in writing, to relocate and/or replace the pipe if at some future date the Township improves or widens the public road requiring such relocation and/or replacement.
- 10.05.04 The stone base shall consist of a minimum of 8-inch depth. The swale should be maintained or the pipe should be located four (4) feet from the edge of the cartway or as otherwise directed by the Enforcement Officer.



- 10.05.05 The provisions of these regulations relating to driveways are intended as a minimum standard for the protection of public health, safety and welfare. If the literal compliance with any mandatory provision of these regulations relating to driveways is shown by the applicant, to the satisfaction of the Board of Supervisors, to be unreasonable or to cause hardship as it applies to a particular property or if the applicant shows that an alternative proposal will allow for equal or better results, the Board of Supervisors may grant a waiver from such mandatory provisions so that substantial justice may be done and the public interest secured while permitting the reasonable utilization of the property. However, the granting of a waiver shall not have the effect of making null and void the intent and purpose of these regulations. In granting waivers, the Board of Supervisors may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of these regulations.

#### **10.06 Application Procedure**

- 10.06.01 A permit shall be applied for and obtained prior to the application for a permit to commence of the excavation for the construction or erection of any structure on the property.
- 10.06.02 Any person, owner and/or contractor shall, prior to obtaining a driveway permit, file an application, on an application form supplied and approved by the Township, reflecting and showing the location of the driveway relative to the premises and designated the course, grade, structure, materials and drainage facilities, if any, involved in the construction of the driveway.
- 10.06.03 The application shall be reviewed by the Enforcement Officer and may be reviewed by the Township Engineer or Road Foreman. The Enforcement Officer may consult with the Township Engineer or Road Foreman to determine if the proposed method of constructing or making said connection, as reflected on the application, is such that it will minimize the adverse impact of storm-water runoff or surface drainage resulting from said connection, not cause damage to the road to which the driveway is to be connected and not create or increase hazardous driving conditions for those persons using the road to which the driveway is to be connected. If found satisfactory by the Enforcement Officer or Road Foreman or Township Engineer, the Enforcement Officer will issue or cause to be issued the permit.
- 10.06.04 If the plan is found deficient or if, in the opinion of the Enforcement Officer, Road Foreman or Township Engineer, the plan could be modified so as to minimize the adverse effect of stormwater runoff or to lessen drainage to the public road to which the driveway is to be connected, the Enforcement Officer, Road Foreman or Township Engineer shall, by written communication to the owner, notify him or her to the changes to be made.

The applicant shall make such changes and return the revised plan to the Township. When such plan is in acceptable form, the Enforcement Officer shall approve the plan and will issue or cause to be issued the permit. If the applicant refuses to make such changes, the application shall be deemed denied for the reasons set forth in the written communication, and the date of the written communication shall be the date of the denial of the application.

- 10.06.05 The applicant may appeal a denial of an application to the Board of Supervisors. The appeal shall be made within ten (10) days to the Board of Supervisors by filing written notice of the appeal with the Secretary of the Township. The Board of Supervisors shall thereafter hold a hearing and render a decision on the refusal to issue a permit pursuant to the provisions of the Local Agency Law, 2 Pa. C.S.A. S552 et. Seq.
- 10.06.06 Each driveway, whether serving the same premises or not, shall require an individual permit. One is permitted for each property. The Enforcement Officer may permit more than one per property, subject to minimum separation of 500' between driveways.

#### **10.07 Fees**

The application shall be accompanied by such fee or fees as the Board of Supervisors shall prescribe from time to time by resolution or ordinance not exceeding the approximate reasonable cost of processing and reviewing the application and making any necessary inspections.

#### **10.08 Construction**

- 10.08.01 All construction in any way incidental to the installation of the driveway or for the repair of the driveway for which a permit is required under this Ordinance shall be performed in strict conformance with the approved plans. After the proposed driveway has been stoned in but before the driveway has received final surfacing, the person to whom the permit has been issued shall notify the Enforcement Officer or Road Foreman. The driveway shall not be final surfaced until the stoned-in area has been inspected and approved by the Enforcement Officer or Road Foreman or their designated representative. In the event that the owner and/or contractor fails to notify the Enforcement Officer or Road Foreman prior to placing the final surface, the Township may direct the owner and/or contractor to remove the final surface in order that the inspection may be completed. Such removal shall be at no expense to the Township. After the driveway has received final surfacing, the person to whom the permit has been issued shall notify the Enforcement Officer or Road Foreman.
- 10.08.02 The contractor shall utilize procedures and/or traffic control devices as necessary for the maintenance and protection of traffic in strict accordance

with Pennsylvania Department of Transportation Publication 203 “Work Zone Traffic Control”, unless otherwise directed, in writing, by the Enforcement Officer.

#### **10.09 Liability**

The grant of a permit under this Ordinance shall not constitute a representation, guarantee, or warranty of any kind by the Township or by any official or employee thereof of the practicability or safety of the proposed driveway and shall create no liability upon the Township or its officials or employees.

#### **10.10 Violation and Penalties**

If the Board of Supervisors or the officer designated to enforce these driveway regulations by the Board of Supervisors determines that a person has committed or permitted the commission of a violation of this Ordinance, the Board of Supervisors or such Enforcement Officer shall inform such person in writing of the violation, shall notify such person to cease the violation of these regulations and shall inform such person that he or she must pay a civil penalty to the Township within the range of the amounts set forth below to settle the violation. The penalty for the first offense shall be not less than \$50.00 and not more than \$600.00; the penalty of a second offense shall be not less than \$100.00 and not more than \$600.00; the penalty for a second offense shall be not less than \$100.00 and not more than \$600.00; and the penalty for a third or greater offense shall be not less than \$200.00 and not more than \$600.00. If such person fails or refuses to remit the penalty to the Township within ten (10) days from the date of the written notice of the violation of these regulations, the Township may commence a civil enforcement proceeding seeking penalties and costs for the violation of this Ordinance and/or may commence an action in equity. The Township shall seek a judgment for the penalty previously imposed, together with additional daily penalties for continuing violations, plus all court costs, including the reasonable attorneys’ fees incurred by the Township in the enforcement proceedings. Each day that a violation continues shall constitute a separate violation, and each section of this Ordinance which is violated shall constitute a separate violation. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.

## **ARTICLE XI – MANUFACTURED AND MOBILE HOME PARKS**

### **11.01 General Description**

Manufactured/Mobile Homes are becoming an increasingly popular form of housing. However, because of their limited size, relative mobility, and type of construction, this type of housing requires the availability of supporting installations and services to provide the occupants with a healthful, safe, convenient, and attractive residential environment. The following restrictions and regulations are adopted as part of this Zoning Ordinance to establish standards for the use of Mobile Homes as single family detached dwellings, and to establish the standards and conditions under which Mobile Home Parks may be granted by the Zoning Hearing Board as special exception uses in the Residential District (R).

Individual Mobile Homes will be considered a single family detached dwelling if they conform with all requirements for single family detached dwellings, and with the following additional criteria:

- A. All Mobile Homes shall be set upon and securely fastened to a permanent foundation of block or concrete, with concrete footings extending at least thirty six (36) inches below finished grade that will not heave, shift, settle or move due to frost action, inadequate drainage, or other forces acting on the superstructure. In addition to the foregoing the Mobile Home foundation will be provided with devices for anchoring the Mobile Home to the foundation to prevent overturning or uplift of the Mobile Home. The anchoring device should be in the form of anchor bolts, fastened securely to the base frame of the Mobile Home and anchored to the concrete footing with adequate anchor plates or hooks. The requirements of the Pa Uniform Construction Code (UCC) and the International Residential Code (IRC) must be met.
- B. All wheels and any removable hitch shall be removed from the Mobile Home and either removed from the lot or placed within a building.
- C. The construction of all Mobile Homes shall conform to the requirements of Act. No. 69 of the General Assembly of the Commonwealth of Pennsylvania, enacted May 11, 1972, HUD and other state or federal laws or regulations and no Mobile Home shall be modified or improved without strict compliance with this Act and all other provisions.
- D. An enclosure of compatible design and materials shall be erected around the entire base of the Mobile Home. Such enclosures shall provide sufficient ventilation to inhibit decay and deterioration of the structure.
- E. The Mobile Home shall be connected to a public water and sewer system, if available. If not, the Mobile Home shall be permanently connected to a potable water supply and a septic system that shall meet all of the standards of

the Pennsylvania Department of Health, and the Pennsylvania Department of Environmental Resources.

- F. All piping from outside fuel storage tanks or cylinders to Mobile Homes shall be securely and permanently fastened in place. All fuel oil supply systems provided for Mobile Homes shall have shut-off valves located within five (5) inches of storage tanks. All fuel storage tanks or cylinders shall be securely placed and shall not be less than five (5) feet from any Mobile Home exit. All fuel storage tanks or cylinders which are buried shall not be placed beneath the Mobile Home.
- G. All exposed non-current carrying metal parts of Mobile Homes and other equipment shall be grounded by means of an approved grounding conductor run with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for Mobile Homes or other equipment.

## **11.02 Area and Density Regulations**

- 11.02.01 Minimum Size. The minimum size of a Mobile Home Park for which a building permit or certificate of use and occupancy may be issued shall be five (5) acres.
- 11.02.02 Density. When the Mobile Home Park is served by a public sewage system or a private sewage system using a treatment plant, there shall be a maximum of six (6) dwelling units per acre. When sub-surface sewage disposal methods are used, there shall be a maximum of one (1) dwelling unit per acre.
- 11.02.03 Setback. The minimum setback from a public road to any Mobile Home service or accessory building and the location of an off-street parking facility shall conform to the requirement of the district in which the Mobile Home Park is located.
- 11.02.04 Yard. The minimum allowable distance between any Mobile Home Park boundary line, and a Mobile Home, shall be fifty (50) feet.
- 11.02.05 Distance Between Buildings. Mobile Homes shall be separated from each other and service or accessory buildings and the adjoining pavement of a Mobile Home Park street or common parking area by at least twenty-five (25) feet.

## **11.03 Required Mobile Home Space Size and Mobile Home Stand**

- 11.03.01 Mobile Home Space Size. Subject to the area and density regulations applicable to the park itself, the minimum area of any Mobile Home space

shall be seven thousand (7000) square feet. When all off-street parking as required in Article IX of this Zoning Ordinance is provided in common parking areas rather than on the Mobile Home space, the minimum Mobile Home space area shall be six thousand (6000) square feet.

- 11.03.02      Mobile Home Stand. Each Mobile Home space shall be provided with a hard surfaced Mobile Home stand providing a foundation that will not heave, shift or settle unevenly because of frost action, inadequate drainage, vibration or other forces acting on the superstructure. Each Mobile Home stand shall be equipped with appropriately designed utility connections. The space between the floor of the Mobile Home and the Mobile Home stand shall be enclosed to conceal all supports and utility connections.

#### **11.04    Mobile Home Requirements**

- 11.04.01      Minimum Floor Area. All single family detached dwelling units, including all Mobile Homes located in a Mobile Home Park, shall have a minimum of four hundred (400) square feet of floor space.
- 11.04.02      Location of Mobile Homes. All Mobile Homes located within a Mobile Home Park shall be properly affixed to an approved water, sewer, and electrical outlet.

#### **11.05    Service and Accessory Buildings**

- 11.05.01      Accessory Buildings. Service and accessory buildings shown on an approved plan may be erected in a Mobile Home Park. Attachments to individual Mobile Homes in the form of sheds and lean-to's are prohibited.
- 11.05.02      Construction. All service and accessory buildings including management offices, storage areas, laundry buildings and indoor recreation areas shall be adequately constructed, ventilated, and maintained so as to prevent decay, corrosion, termites and other destructive elements for causing deterioration.
- 11.05.03      Mobile Home Park Office. Every Mobile Home Park shall contain a structure designed and clearly identified as the office of the Mobile Home Park manager.
- 11.05.04      Storage Space. Occupants of each mobile space shall be provided with at least one hundred fifty (150) cubic feet of enclosed storage space which shall be provided in a common storage building located in the Mobile Home Park or in individual storage units on each lot. The type of storage

facility shall be approved by the Township; however, sheds and lean-tos are prohibited.

- 11.05.05      Use of Service and Accessory Buildings. Service and accessory buildings located in a Mobile Home Park shall be used only by the occupants of the Mobile Home Park or their guests.

## **11.06    Water Supply**

- 11.06.01      Approved Source. All Mobile Home Parks shall be connected to a public water supply when available. Mobile Home Parks unable to connect to a public water supply shall have an adequate supply of potable water from a source approved by the Pennsylvania Department of Environmental Protection and shall be subject to the Department's operating regulations.
- 11.06.02      Connection Required. All Mobile Homes and service buildings shall be connected to an approved water supply system. Individual water-riser pipes having an inside diameter of no less than three-fourths (3/4) inch shall be located on each Mobile Home stand and shall terminate no less than four (4) inches above the ground.
- 11.06.03      Protection of Lines. Adequate provisions shall be made to protect water service lines from damage including a shut-off valve on each Mobile Home space below the frost line.
- 11.06.04      Fire Hydrants: Where a public water supply is available fire hydrants shall be installed within six hundred (600) feet of all units.

## **11.07    Sewage Disposal**

- 11.07.01      Approved System. All Mobile Home Parks shall be connected to a public sewerage system when available. When a Mobile Home Park is not connected to a public sewerage system, sewage shall be collected and disposed of by a method approved by the Pennsylvania Department of Environmental Protection.
- 11.07.02      Connection Required. All Mobile Homes and service buildings shall be connected to an approved sewerage system. Individual sewer-riser pipes having at least a four (4) inch diameter shall be located on each Mobile Home stand and shall extend at least one (1) inch above ground level. Provisions shall be made for sealing the sewer-riser pipe with a securely fastened plug or cap when the Mobile Home site is unoccupied.
- 11.07.03      Protection of System. Adequate provisions shall be made to protect sanitary sewers from storm water infiltration and breakage. All sewer lines shall be constructed of materials approved by the Pennsylvania

Department of Environmental Protection or the Municipal Sewer Authority.

### **11.08 Storm Drainage**

- 11.08.01 Surface Drainage. The ground surface in all parts of the Mobile Home Park shall be graded and equipped to drain all surface water in a safe and efficient manner as approved by the Township Engineer.
- 11.08.02 Drainage Structures. Storm sewers, culverts, and related installations shall be provided to permit the unimpeded flow of natural water courses; to insure the drainage of all low points along the line of streets; to intercept storm water run-off along streets at intervals reasonably related to the extent and grade of the area drained.
- 11.08.03 Storm Water Kept Separate. Storm water shall be kept separate from sanitary waste until the latter is treated in a manner approved by the Pennsylvania Department of Environmental Protection.

### **11.09 Mobile Home Park Streets**

- 11.09.01 Width. All Mobile Home Park streets shall have a right-of-way of fifty (50) feet and a paved width of (34) feet.
- 11.09.02 Construction Standards. Pavement base and pavement wearing surface shall be constructed according to the Township public road specifications.
- 11.09.03 Clear Sight Triangle. Measured fifty (50) feet along the center lines of intersections shall be kept free of all obstructions except at the intersection of a Mobile Home Park street with a public road where the clear sight triangle shall be one hundred (100) feet.
- 11.09.04 Grades. There shall be a minimum grade of zero point seven five (0.75%) percent and a maximum grade of ten (10%) percent on all Mobile Park streets.

### **11.10 Off-Street Parking Requirements**

Off-street parking spaces shall be provided in all Mobile Home Parks in accordance with the requirements in Article IX of this Zoning Ordinance. One (1) space per dwelling unit shall be provided either on the Mobile Home site or in common areas within two hundred (200) feet of the Mobile Home served.



### **11.11 Pedestrian Walks**

- 11.11.01 Required. All Mobile Home Parks shall provide pedestrian walks to allow pedestrian access between individual Mobile Homes, service and accessory building, and public rights-of-way.
- 11.11.02 Width. All pedestrian walks shall have a minimum width of four (4) feet except where a walk will provide access only to a group of Mobile Homes not exceeding four (4) in number, where they need be no more than three (3) feet in width.
- 11.11.03 Construction. All pedestrian walks shall be paved and shall be maintained in their original condition at all times.
- 11.11.04 Lighting. All pedestrian walks shall be provided with lighting units so spaced, equipped, and installed that will allow safe movement of pedestrians at night.

### **11.12 Ground Cover and Screening**

- 11.12.01 Surface Protection. Ground surfaces in all parts of every park shall be paved, covered with other solid materials or protected with vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.
- 11.12.02 Harmful Vegetation. Park grounds shall be maintained free of vegetation growth which is poisonous, or which may harbor rodents, insects or other pests harmful to humans.
- 11.12.03 Screening. Screening, such as fences or natural growth, shall be provided along the property boundary line separating the Mobile Home Park from adjacent properties.

### **11.13 Electrical Distribution**

Every Mobile Home Park shall contain an electrical wiring system consisting of wiring, fixtures, equipment, and appurtenances which shall be installed and maintained in accordance with local electric power company's specifications regulating such systems. Each Mobile Home shall be connected to this electrical distribution system.

### **11.14 Solid Waste and Vector Control**

Solid waste disposal and vector control shall be the responsibility of the Mobile Home Park operator and shall be performed in accordance with the requirements of the Pennsylvania Department of Environmental Protection regulations.

## **11.15 Permits**

A permit to construct or make alterations to a Mobile Home Park shall be issued only after a plan, which has been approved by the Lancaster County Planning Commission, has been filed with and granted by the Township Zoning Hearing Board. The Zoning Hearing Board shall require that the standards prescribed in this Article are met prior to its approval. No application for a zoning permit to construct a Mobile Home Park shall be considered complete until a special exception for such use has been granted by the Zoning Hearing Board.

## **11.16 Submission and Review of Plans**

11.16.01 Plans for Mobile Home Parks shall be submitted to the Zoning Hearing Board as part of an application for a special exception, and to the Zoning Officer as part of the application for a zoning permit. Such site development plans for Mobile Home Parks shall contain the following information at a scale of not smaller than one inch equal fifty feet (1" = 50'):

- A. All information required by Rules and Regulations, Commonwealth of Pennsylvania Department of Health, Chapter 4, Article 415, Regulations for Mobile Home Parks, Section 4, Submission and Review of plans adopted October 30, 1959, as amended from time to time.
- B. Name of Mobile Home Park.
- C. Name of municipality.
- D. Date of plan preparation.
- E. Graphic scale.
- F. Name and address of firm preparing plan.
- G. North point.
- H. Name and address of owner of record.
- I. Site data.
  - 1) Number of Mobile Home spaces.
  - 2) Number of acres.

- 3) Zoning district.
- 4) Density per acre.
- 5) Number of off-street parking spaces.
- J. Location map.
- K. Approximate boundaries of Mobile Home spaces numbered consecutively.
- L. Location and dimension of pedestrian ways.
- M. Location of off-street parking spaces.
- N. Location of bench mark and datum used.
- O. Location of proposed monuments and markers.
- P. Location and dimensions of streets including:
  - 1) Complete curve data on center lines.
  - 2) Clear sight triangle at all street intersections.
  - 3) Typical cross section of all streets.
  - 4) Street center line profile.
- Q. Location of all utilities.
- R. Location, dimensions, and use of all service and accessory structures.
- S. Location and dimensions of all Mobile Home stands.
- T. Location of all plantings and landscaping.
- U. Location and type of waste containers.
- V. Engineer's or surveyor's certificates with seal that survey and plan are correct and comply with all requirements of this Ordinance.
- W. Block for approval by Township Planning Commission.
- X. Block for approval by Municipal Engineer.

- 11.16.02 A special exception for the Mobile Home Park shall be granted by the Zoning Hearing Board before the site development plan for Mobile Home Park may be submitted as part of the application for any necessary zoning permit. Prior to issuing any zoning permit for a Mobile Home Park, the Zoning Officer shall confirm that a special exception has been granted, that all Colerain Township reviews required by this Ordinance have been completed, and that all other applicable legal requirements have been met.

## **11.17 Certificate of Use and Occupancy**

- 11.17.01 Original Issuance. A Certificate of Use and Occupancy for an approved Mobile Home Park shall be issued by the Zoning Officer upon presentation of a Certificate of Registration issued by the Pennsylvania Department of Health and/or Environmental Resources after inspection by the Zoning Officer as provided in Article XI of this Zoning Ordinance. A Certificate of Use and Occupancy shall be issued only for that portion of the Mobile Home Park for which all improvements shown on the approved plan have been installed. Additional Certificates of Use and Occupancy shall be issued for each future portion improved and ready for occupancy.
- 11.17.02 Renewal. The Certificate of Use and Occupancy shall be issued for a period of one (1) year and shall expire concurrently and require renewal at the same time as the Certificate of Registration issued by the Pennsylvania Department of Health. Renewal of Certificate of Use and Occupancy shall be performed in the same manner as described for issuance of the original Certificate of Use and Occupancy.

## **11.18 Inspection**

The Zoning Officer of Colerain Township may inspect a Mobile Home Park at reasonable intervals and at reasonable times to determine compliance with this Zoning Ordinance.

## **ARTICLE XII – BUILDING LINES**

### **12.01 Building Lines Established**

Building lines are hereby established on all existing and proposed public streets within Colerain Township. Except as provided in other sections of this Zoning Ordinance, no buildings or structures shall be placed between the building line and right-of-way line of a public street. In the case of a proposed public street, the building line and the street classification shall be shown on the subdivision plan.

### **12.02 Building Lines on Arterial Streets**

12.02.01 Distance: The building line on all arterial streets shall be established as the greater of:

- A. One hundred (100) feet from the center line of the existing or proposed street; or
- B. Fifty (50) feet from the edge of the existing or proposed right-of-way.

12.02.02 Arterial Streets Named: For purposes of applying the standards in this Zoning Ordinance, the public streets classified as arterial streets shall be governed by the Existing Street Characteristics Map or the Comprehensive Plan Map in the Octorara Region Planning Document whichever imposes the more stringent restrictions.

### **12.03 Building Lines on Major Collector Streets**

12.03.01 Distance: The building line on all major collector streets shall be established as the greater of:

- A. One hundred (100) feet from the center line of the existing or proposed street; or
- B. Fifty (50) feet from the edge of the existing or proposed right-of-way.

12.03.02 Major Collector Streets Named: For the purpose of applying the standards in the Zoning Ordinance, all major collector streets shall be classified and governed by the procedure as outlined in Section 12.02.02.

**12.04 Building Lines on Minor Collector Streets**

12.04.01 Distance: The building line on all minor collector streets shall be established as the greater of:

- A. Sixty (60) feet from the center line of the existing or proposed street; or
- B. Thirty (30) feet from the edge of the existing or proposed right-of-way.

12.04.02 Minor Collector Streets Named: For purposes of applying the standards in this Zoning Ordinance, all minor collector streets shall be classified and governed by the procedure as outlined in Section 12.02.02

**12.05 Building Lines on Local Access Streets**

12.05.01 Distance: The building line on all local access streets shall be established as the minimum front yard required by the district regulation in which the building is located.

12.05.02 Local Access Streets Named: For the purpose of applying the standards in this Zoning Ordinance all private and public streets not specified in Section 12.02, 12.03, and 12.04 shall be considered local access streets.

## **ARTICLE XIII – CONFORMITY AND NON-CONFORMITY REGULATIONS**

### **13.01 Conformity of Proposed Land Uses**

From and after the effective date of this Zoning Ordinance, any existing or proposed structure, building, sign or land shall not be erected, constructed, placed, altered, extended, maintained, used or occupied except in conformity with this Ordinance.

### **13.02 Continuance of Non-Conforming Uses and Structures**

From and after the effective date of this Ordinance, any use and structure existing at the time of the enactment of this Ordinance but not in conformity with the permitted use provisions for the district in which it is located, may be continued subject to the following limitations:

- 13.02.01      Expansion of Non-Conforming Uses. No expansion of a non-conforming structure or use, except a single family dwelling and its accessory buildings, shall hereafter be made unless an appeal has been filed with the Zoning Hearing Board and such expansion has been approved by such Board as a special exception; provided however, that the expansion of the non-conforming use shall be limited to a distance of one hundred fifty (150) feet in any direction from the existing non-conforming use and to an area equal to fifty (50%) percent of the existing total usable floor area of the building.
- 13.02.02      Continuity of Non-Conforming Use. No non-conforming use may be re-established after it has been discontinued for more than twenty-four (24) months. Vacating of premises or building or non-operative status of such premises or building shall be conclusive evidence of discontinued use.
- 13.02.03      Substitution of Non-Conforming Uses. No non-conforming use may be changed to other non-conforming use unless the Zoning Hearing Board shall, in granting a special exception, find that the proposed non-conforming use is not more detrimental to the district than the existing non-conforming use of the property. The Zoning Hearing Board may specify such appropriate conditions and safeguards as may be required in connection with such change and the granting of such special exception.
- 13.02.04      Damage to Non-Conforming Structure. A non-conforming structure which is partially damaged or entirely destroyed may be rebuilt and occupied for the same use as before the damage, provided the reconstructed structure shall not be larger than the damaged structure and that the reconstruction shall start within one (1) year from the time of damage to the structure.

- 13.02.05      Discontinued Non-Conforming Use of Open Land: All nonconforming signs, billboards, junk areas, storage areas and other non-conforming uses of open land, when discontinued for a period of ninety (90) days or damaged or deteriorated to an extent of sixty (60%) percent or more of replacement costs, shall not be continued, repaired or reconstructed.
- 13.02.06      Substitution of a Non-Conforming Use With a Conforming Use. If a non-conforming use is proposed to be eliminated and a conforming use substituted but certain land regulations cannot be met (such as area, yard, etc.), the Zoning Hearing Board, with such appropriate conditions and safeguards as the Board may see fit, may grant a special exception to permit such conforming use.
- 13.02.07      Additions to Non-Conforming Principal Buildings. In developed areas where existing buildings are located closer to the street than is permitted by these regulations, additions may be constructed to the front of the existing building provided the addition does not extend closer to the street than the adjacent buildings. If the adjacent buildings have varying setbacks, the proposed addition shall not be located closer to the street than the average setback distance of the two (2) existing adjacent buildings.
- 13.02.08      Location of Accessory Buildings. In those instances where the existing principal building is located closer to the street than is permitted by these regulations, an accessory building may be located at a setback distance equal to the distance from the street to the front of the existing principal building plus an additional fifteen (15) feet.
- 13.02.09      Expansion of a Single Family Dwelling. Expansion of a single family dwelling which is a non-conforming use, as well as the placement of accessory buildings, is permitted provided that all building setback requirements of the district in which it is located are complied with except as provided for in Section 13.02.07 and 13.02.08 of this Ordinance.

### **13.03    Previously Expanded Non-Conforming Uses and Structures**

Any prior expansion of a non-conforming building, structure, sign or use of land as authorized by a prior zoning regulation or ordinance shall be charged against any such authorized under this Ordinance. All such expansions shall be computed based upon such building, structure, sign or use of land, as of the date of the first zoning regulation or ordinance by this Township.



## **XIV – HOLDING TANKS**

### **14.01 Purpose**

The purpose of this Ordinance is to provide for and regulate the use, maintenance, and removal of holding tanks to protect the residents and inhabitants of the Township from danger and harm due to inadequate or malfunctioning on-site septic systems; to regulate the use and maintenance of holding tanks in conformity with the law, statutes, and regulations of the Commonwealth of Pennsylvania and the Department of Environmental Protection; and to provide a temporary alternative to discontinuing otherwise already existing lawful land use by the inhabitants and residents of the Township.

### **14.02 Definition**

“Holding Tank” shall mean a watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. The term shall include:

- 1) Chemical Toilet – A toilet using chemicals that discharge to a holding tank;
- 2) Retention Tank – A holding tank to which sewage is conveyed by a water carrying system; and
- 3) Privy – A holding tank designed to receive sewage where water under pressure is not available.

“Regulations” shall mean the regulations of the Pennsylvania Department of Environmental Protection, PA Code, Title 25, Subpart C, Chapters 71 and 73, as adapted, and all future regulations of the Department pertaining to holding tanks.

### **14.03 Use of Holding Tanks**

Any retention tanks may only be used subject to the provisions of this Ordinance to serve as temporary sewage disposal from existing structures within the Township or as temporary sewage disposal from existing structures where a malfunction in the presently installed on-site sewage treatment system cannot be suitably repaired or replaced due to unsuitability of soils. Privies and chemical toilets may be used, subject to the provisions of this Ordinance, to serve as temporary sewage disposal from new existing structures within the Township. In the case of chemical toilets, they shall not be used from more than six (6) months. In the case of privies, they may be permanently used, but only where water under pressure is not used or proposed to be used in any respect at the site.

#### **14.04 Application for Permit**

- 14.04.01 Any landowner seeking to use a holding tank for sewage disposal on any lot situated in the Township shall, after receipt of Municipal and Department of Environmental Protection (DEP) Official Sewage Facilities Plan Approval, obtain a permit from the Township Sewage Enforcement Officer (SEO).
- 14.04.02 Permit application shall be made upon a form to be supplied by the SEO to any landowner upon such landowner's request.
- 14.04.03 The landowner shall file the completed and executed application for permit with the SEO and shall pay to the SEO such application fees as the Board of Supervisors may, from time to time, prescribe by resolution.
- 14.04.04 The landowner shall cooperate with the SEO at all stages of the application process.
- 14.04.05 A permit shall be issued to the landowner upon proper application, after the Board of Supervisors has amended its Official Sewage Facilities Plan, and after approval by the DEP.
- 14.04.06 Prior to the grant of the permit, the landowner shall obtain and file with the officer a copy of each of the following documents:
- 1) A completed application;
  - 2) A certified copy of the written contract between the landowner and qualified and responsible holding tank cleaner for the term of the holding tank permit, which contract shall provide for the timely and regular removal of the contents of the holding tank by the holding tank cleaner; and, for the removal of the said contents to an approved disposal site for final disposition;
  - 3) A certified copy of a written contract between the holding tank cleaner and the disposal site providing the holding tank cleaner with the right to dispose of the holding tank contents;
  - 4) Fees as established by Resolution of the Board of Supervisors; and
  - 5) An agreement to reimburse and indemnify the Township from any liability, costs and expenses which shall or may be incurred by the Township in actions to enforce compliance by the landowner or to remove the contents of the holding tank upon default or failure of the landowner to perform or for any fines incurred by the Township by reason of the landowner's failure to comply with this Ordinance, any properly enacted amendment hereto or the laws and regulations of the Commonwealth of

Pennsylvania. The agreement shall be in the form required by the Board of Supervisors.

#### **14.05 Removal of Holding Tank**

- 14.05.01 The Township, at its option, shall have the right to enter upon the premises of a landowner for the purpose of removing or causing the removal of any holding tank which remains in place in violation of this Ordinance. The "Township" as used herein shall mean the Township, its employees or third parties contracted by the Township for the purpose of removing the holding tank. All costs and expenses of removal shall be borne by the landowner.

#### **14.06 Requirements for Holding Tank**

- 14.06.01 Any holding tank installed or maintained pursuant to a permit issued under this Ordinance shall comply, in all respects, to the specification set forth in Regulations of the Department, 25 PA Code Chapter 73, inclusive.
- 14.06.02 The landowner shall cause the holding tank and all lines, pipes or conduits to the same to be maintained in good watertight conditions at all times.
- 14.06.03 All holding tanks shall be installed on a firm and stable soil or subsoil and in such manner as to prevent settlement or movement.
- 14.06.04 No holding tank or lines to the holding tank shall be covered until the SEO shall have first inspected and approved the installation and authorized covering the same. The landowner shall be responsible for furnishing the SEO reasonable notice of installation.
- 14.06.05 The landowner shall cause a holding tank to be cleaned as frequently as may be required to maintain the contents at a level less than 75 percent of the tank capacity.
- 14.06.06 Holding tanks shall be installed at least 50 feet downgrade from any source of water supply.

#### **14.07 Inspections and Certification of Pumping**

- 14.07.01 Any landowner who applies for and receives a permit for holding tanks shall be deemed to have granted his consent for inspections of the holding tank and facilities used in connection with the holding tank by the SEO of the Township. At reasonable times during the hours of 8:00 am and 8:00 pm, the landowner shall grant the SEO access to the premises for the purpose of making such inspections, upon request of the officer verbally or in writing.

- 14.07.02 Any landowner receiving a holding tank permit shall furnish the municipality a true and correct copy of all pumping receipts for cleaning or removing the contents of the holding tanks. Such reports shall be made to the Township Secretary within 10 days after the contents of the holding tank are pumped out, or upon request.

#### **14.08 Appeals**

- 14.08.01 Any landowner aggrieved by denial of permit application shall first appeal to the Board of Supervisors.
- 14.08.02 The procedure for appeal shall in all respects conform to the procedure for appeal from denial of sewage permit by the SEO of the Township, as provided by law.

#### **14.09 Enforcement, Fines and Penalties**

- 14.09.01 In addition to any remedies provided in this Ordinance, any violation of the provisions of Section 14.06 hereof shall constitute a nuisance and may be abated by the Township by either seeking appropriate equitable or legal relief from a court of competent jurisdiction.
- 14.09.02 Any person, firm or corporation violating any of the provisions of this Ordinance, or who fails to act in compliance with this Ordinance shall, upon being found guilty thereof, be sentenced to pay a fine not to exceed \$300.00.
- 14.09.03 Where the violation continues from day to day, and the landowner, after written notice, fails to correct or cease such violation, each day's continuance shall constitute a separate violation, subject to a separate fine with maximum fine not to exceed \$2,500.00.

#### **14.10 Severability and Effective Date**

- 14.10.01 If any sentence, clause, section or part of this Ordinance is 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 Board of Supervisors of the Township, that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not have been included therein.

## **ARTICLE XV –SPECIAL EXCEPTION REGULATIONS**

### **15.01 General Description**

Special exceptions are deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth in this Article and all other applicable requirements of this Ordinance. The Zoning Hearing Board may attach additional conditions to its approval of a Special Exception which are necessary in order more nearly to carry out the objectives and purpose of this Ordinance and the Pennsylvania Municipalities Planning Code, to preserve and protect the character of the particular district in which the proposed use would locate, and to promote, protect and facilitate the public health, safety and general welfare.

### **15.02 Procedures and Plan Requirements**

The application for the Special Exception shall first be submitted to the Zoning Officer. The Zoning Officer shall review the submittal to determine if it is in a form that complies with the terms of this Zoning Ordinance. If the submittal is found by the Zoning Officer within five (5) days of its submittal to be incomplete, it shall be returned to the Applicant, as not having been properly filed. Such submittals shall be considered to be filed as of the date of certification of completeness by the Zoning Officer to the Zoning Hearing Board. Such submittals shall be on forms provided by the Township. Complete submittals shall include the appropriate fee, to be set by resolution of the Board of Supervisors. Failure of Applicant to pay the required filing fee shall cause any application to be deemed incomplete and not being properly or duly filed. Submittals shall also conform to the following:

- 15.02.01      Site Development Plan. The applicant shall submit an eight and one-half inch by eleven inch (8 ½" x 11") or larger plan for site development at a scale of one inch (1") equals not more than one hundred feet (100') showing the location of all new property lines, roads, wells, sewage systems, drainage ditches, creeks, parking areas, existing structures with proposed additions and/or changes and any additional information relevant to determine if there is compliance with all applicable Ordinance Regulations and all other applicable legal regulations.
- 15.02.02      Additional Requirements. Where determined to be necessary by the Zoning Hearing Board in hearing a special exception application for any use involving subdivision or land development, the Applicant may also be required to submit an site development plan at a scale of one inch (1") equals not more than fifty feet (50') which includes all the information required in Section 15.02.01 of this Ordinance, which provides engineering details for all proposed structures and appurtenances, and which notes the methods and measures which will be employed to meet

all/any special criteria or standards which the Zoning Hearing Board may find necessary. Eleven (11) copies of all documents shall be submitted. The application shall refer to each specific applicable section of this Ordinance and show specific compliance therewith. It shall set forth any acceptable conditions. Where required by the Zoning Hearing Board, Site Development Plans shall include, but not be limited to, the following:

- A. The location of all existing floodplains, watercourses, railroads, areas of subsidence, wooded areas (marking all wooded areas to be cleared), bridges, culverts, and other significant natural features on the tract and within a reasonable distance from the tract.
- B. The location of all streets, adjoining tracts, and buildings within a reasonable distance from the tract.
- C. The location of all proposed land uses including residential uses by types.
- D. Size and intensity of use data, including the number of residential or commercial lots, lot sizes, the number and types of dwelling units, and the density per acre of such type of dwelling unit.
- E. The location and arrangement of all open spaces and yards, landscaping, fences and buffer yards, including the methods and materials to be employed for screening.
- F. The location, size arrangement and capacity of all areas to be used for motor vehicles access, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas.
- G. The dimensions, location and methods of illumination for signs and exterior lighting.
- H. The location and dimensions of sidewalks, and all other common areas.
- I. If applicable, a description of any proposed industrial or commercial operation in sufficient detail to indicate the effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion or other safety hazards.
- J. Provisions to be made for the treatment and disposal of sewage and industrial wastes and for water supply. All lot and yard dimensions must be shown on the drawings and a copy of the applicable, approved sewage module must be attached.

- K. Site contours at two feet intervals.
- L. All proposed site grading and drainage provisions and proposals.
- M. Zoning districts and applicable area, bulk, and yard requirements.
- N. Certification by the person who prepared the site plan.
- O. Certification of ownership and acknowledgement of plans signed by owner and developer.

### **15.03 General Standards**

- 15.03.01 Standards for Consideration by the Zoning Hearing Board. In hearing a request to grant a special exception, the Zoning Hearing Board shall, at a minimum, ensure that all applicable provisions of this Ordinance have been met for the proposed use, including the following general standards and criteria which shall apply to all special exceptions:
- A. The specific site must be an appropriate location for such use.
  - B. The use as developed will not adversely affect the district.
  - C. There will be no nuisance or hazard to vehicles or pedestrians.
  - D. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
  - E. The lot requirements, yard requirements, and height limitations are satisfied according to the district regulations. Where no specific regulation appears, the Zoning Hearing Board shall apply reasonable similar regulations considering adjoining uses.
  - F. Off street parking and loading requirements of the district are met.
  - G. Utilities are available to adequately service the proposed use.
  - H. The land which is to be used is not currently in violation of this Zoning Ordinance or any other applicable regulation.
  - I. The plan shows that the Applicant can comply with all other applicable regulations.
  - J. The proposed special exception shall not substantially injure or detract from the use of neighboring property or from the character of the neighborhood and the use of property adjacent to the area

included in the special exception application is adequately safeguarded.

- 15.03.02      Application of Supplemental Standards. The foregoing standards and criteria are in addition to, and may not by way of limitation of, any other standards and criteria that may be found elsewhere in this Zoning Ordinance.
- 15.03.03      Burden of Proof. In any proceedings before the Zoning Hearing Board, whether through its original jurisdiction or by appeal, the Applicant shall bear the burden of proving compliance with the provisions of this Ordinance.
- A.      The applicant shall establish by credible evidence compliance with all conditions of the special exception enumerated in the section which gives the applicant the right to seek the special exception.
  - B.      The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate compliance with all applicable regulations.
  - C.      The applicant shall establish by credible evidence that the proposed special exception shall be properly serviced by all existing public service systems. The peak traffic generated by the subject of the approval shall be accommodated in a safe and efficient manner or improvements made in order to effect the same. Similar responsibilities shall be assumed with respect to other public service systems including but not limited to police protection, fire protection, utilities, parks and recreation.
  - D.      The applicant shall establish by credible evidence that the proposed special exception shall be in and of itself properly designed with regard to internal circulation, parking, buffering, and all other elements of proper design as specified in this Ordinance and any other governing law or regulation.
- 15.03.04      Expiration of Special Exception. Unless otherwise specified by the Board or by law, a special exception shall expire if the applicant fails to obtain a zoning permit within three (3) months from the date of final approval of the project by all governmental agencies OR twelve (12) months after Zoning Hearing Board approval (or by court approval if such special exception has been granted after an appeal), whichever comes first, or fails to complete any erection, construction, reconstruction, alteration or change in use authorized by the special exception approval within one (1) year from the date of authorization thereof by the Board, or by the court if such special exception has been granted after an appeal. For good cause, the



Board may, upon application in writing stating the reasons therefore, extend the deadline for the zoning application either to a six (6) month or twelve (12) month period. Should the appellant or applicant fail to obtain the necessary permits within said six (6) month or twelve (12) month period, or having obtained the permit should he fail to commence work thereunder within such six (6) month period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn or abandoned his appeal or his application, and all provisions, variances and permits granted to him shall be deemed automatically rescinded by the Board.

## ARTICLE XVI – ADMINISTRATION AND ENFORCEMENT

### 16.01 Zoning Officer

- 16.01.01      Zoning Officer. The Regulations of this Zoning Ordinance shall be enforced by the Zoning Officer who shall be appointed by the Board of Township Supervisors and who shall not hold any elected office in the Township. The Zoning Officer shall meet the qualifications as may be established by the Township, and shall demonstrate, to the satisfaction of the Township, a working knowledge of municipal zoning.
- 16.01.02      Compensation. The compensation for the Zoning Officer shall be determined by the Board of Township Supervisors.
- 16.01.03      Duties and Responsibilities. The Zoning Officer shall have all the duties and powers conferred by the Zoning Ordinance in addition to those reasonably implied for that purpose by the Pennsylvania Municipalities Planning Code. The Zoning Officer shall issue a permit only if in full compliance with this Ordinance and other regulations. He shall not issue a permit in connection with any contemplated erection, construction, alteration, repair, extension, replacement and/or use of any building, structure, sign and/or land unless it first conforms with the literal requirements of this Zoning Ordinance, all other Ordinances of the Township, and with the laws of the Commonwealth of Pennsylvania. The duties of the Zoning Officer shall include but not be limited to:
- A.    Receipt of applications, process the same, and issue permits. The Zoning Officer shall receive, examine, and process all applications for zoning permits and/or certificates of use and occupancy for the erection, construction, alteration, repair, extension, replacement, relocation, conversion, use, change of use, and/or occupancy of land, buildings, structures, signs and/or landscaping in the Township.
  - B.    Inspection. The Zoning Officer may, and if requested by the Board of Supervisors or the permit holder, make at least one inspection during the progress of the work for which a zoning permit has been issued. The Zoning Officer may, at his discretion, examine or cause to be examined, all buildings, structures, signs, and/or land or portions thereof, for which an application has been filed. Thereafter, he may make inspections during the completion of work for which a permit has been issued. Upon completion of the building, structure, sign and/or change, a final inspection shall be made and all violations of approved plans or permit shall be noted and the holder of the permit shall be notified of the discrepancies, if any.

- C. The Zoning Officer shall record and file all applications for permits and accompanying plans and comments and keep them for public record. A record of all applications received, all permits and certificates issued, reports of inspections, notices, and orders issued, and the complete recording of all pertinent factors involved shall be filed. He shall file and safely keep copies of all plans, and the same shall form a part of the records of his office and shall be available for the use of the public, the Board of Township Supervisors and other officials of the Township. At least annually, he shall submit to the Board of Township Supervisors a written statement of all permits and certificates of use and occupancy issued, and violations and stop work orders recommended or promulgated.
- D. Nonconforming Uses, Buildings and Lots. Upon request by the Supervisors, the Zoning Officer shall inspect nonconforming uses, buildings and lots, attend to the registration of existing nonconforming uses, buildings, and lots and keep a record of such nonconforming uses, buildings and lots as a public record.
- E. Presentation of Evidence and Testimony. Upon the request of the Board of Supervisors or the Zoning Hearing Board, the Zoning Officer shall present to such bodies facts, records, and similar information on specific requests to assist such bodies in reaching their decisions.
- F. Complaints Regarding Violations. The Zoning Officer may, and when in receipt of a signed written complaint stating fully the cause and basis thereof shall investigate alleged violations of the Zoning Ordinance. If a signed written complaint is received, said investigation shall be completed within fifteen (15) days of receipt of said complaint. A written report of all investigations shall be prepared and properly filed and a copy shall be sent to the Board of Supervisors. If, after investigation, the Zoning Officer determines that a violation has occurred, he shall take action as provided in this Zoning Ordinance.
- G. Enforcement. The Zoning Officer shall enforce the provisions of this Zoning Ordinance in accordance with Section 16.04 herein.

## **16.02 Zoning Permits**

- 16.02.01 Requirements: It shall be unlawful to change any use of land or structures, commence the excavation for or the construction or erection of any building, including an accessory building, or to commence the moving or alteration of any building, including an accessory building, until the Zoning Officer has issued a building permit for such work, provided

however, no permit shall be required for construction or alteration when the fair market value of such construction or alteration as determined by the Zoning Officer is less than one thousand five hundred (\$1,500) dollars and does not change the use. No permit shall be required for repairs to or maintenance of any building, structure or grounds provided such repairs do not change the use or otherwise violate the Regulations of this Ordinance. A permit is required regardless of the cost involved for any accessory building containing floor space of more than one hundred twenty (120) square feet, or which is placed on a permanent foundation. Notwithstanding any other provision of this Section, permits shall be required in the Floodplain District and under Section 7.02 regarding signs where applicable.

- 16.02.02      Form of Application. The application for a permit shall be submitted in such form as the Board of Supervisors may prescribe and shall be accompanied by the required fee as hereinafter prescribed. All information on the application shall be deemed to be provided by the applicant. Application for a permit shall be made by the Owner or Lessee of any building or structure, or the agent of either; provided, however, that if the application is made by a person other than the Owner, it shall be accompanied by a written authorization of the Owner or the qualified person making an application, that the proposed work is authorized by this Owner or Lessee. The full names and addresses of the Owner, Lessee, Applicant, and of the responsible officers, if the Owner or Lessee is a corporate body, shall be stated in the application. The application shall not be complete unless it is accompanied by all applicable fees as established by the Board of Supervisors of Colerain Township.
- 16.02.03      Description of Work. The application shall contain a general description of the proposed work, use, and occupancy of all parts of the building, structure, or sign and such additional information as may be required by the Zoning Officer. All information on the application shall be deemed to be provided by the applicant. The application for the permit shall show compliance with every applicable provision of this Ordinance and all other applicable regulations and shall be accompanied by a plot plan of the proposed building, structure, or sign drawn to scale with sufficient clarity to show the nature and character of the work to be performed, including off-street parking and loading space if required, the location of new and existing construction, and the distances of the same from the existing lot lines.
- 16.02.04      Approval/Disapproval. Upon receipt of the application, the Zoning Officer shall examine the application and supporting information within a reasonable time after filing to determine compliance with this Zoning Ordinance and other applicable Township and County ordinances, statutes and regulations. The Zoning Officer shall determine if subdivision and/or

land development approval has been obtained, if state sanitation inspection requirements have been met, and, in the case of public buildings if the required permits have been issued by the Department of Labor and Industry. No zoning permit shall be issued unless the applicant presents the Zoning Officer with proof that any applicable subdivision and/or land development approval has been granted, a sewage permit has been issued by the Township Sewage Enforcement Officer for the lot, any applicable driveway permits or a Highway Occupancy Permit issued by the Department of Transportation of the Commonwealth of Pennsylvania have been issued in order that access may be gained to the lot and all other required Township approvals and permits have been granted or issued. The Zoning Officer shall mark the application as either approved or disapproved and shall return one (1) copy of the application to the applicant as soon as practical. The other copy shall be retained by the Zoning Officer for the Township files. If disapproved, the Zoning Officer shall attach a statement to the application explaining the reasons for such disapproval and informing the applicant of his right to appeal to the Zoning Hearing Board.

- 16.02.05      Issuance of Permit. If satisfied that the proposed work and/or use conforms to the Regulations of the Zoning Ordinance and all laws and Ordinances applicable thereto, and that the certificate of use and occupancy as required herein has been applied for, he shall issue a permit therefore as soon as practical.
- 16.02.06      Expiration of Permit. Any permit issued for work on a premises shall expire after one (1) year from the date of issuance if such work is not then completed and Certificate of Use and Occupancy granted; provided, however, that the same may be extended by the Zoning Officer every six (6) months for a period not to exceed an additional one (1) year.
- 16.02.07      Revocation of Permits: The Zoning Officer may revoke a permit or approval issued under the Regulations of the Zoning Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance.
- 16.02.08      Posting of Permit. A true copy of the permit shall be kept on the site of operations open to public inspection during the entire time of execution of work or until the completion of the same as defined on the application.
- 16.02.09      Temporary Permit. A temporary permit may be authorized by the Zoning Hearing Board as a special exception for a non-conforming structure or use which it deems necessary to promote the proper development of the community, provided that such temporary non-conforming structure or use shall be completely removed upon expiration of the permit without cost to

the Municipality. Such permits shall be issued for a specified period of not exceeding three (3) years.

- 16.02.10      Payment of Fees. No permit to begin work for the erection, construction, alteration, repair, extension, replacement, and/or use of any building, structure, sign and/or land for construction or use purposes shall be issued until the fees prescribed by the Board of Township Supervisors pursuant to Resolution shall be paid to the Zoning Officer. The payment of fees under this Section shall not relieve the applicant or holder of said permit from payment of other fees that may be required by this Ordinance, or any other Ordinance or law.
- 16.02.11      Compliance with Ordinance. The permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel, or set aside any of the provisions of the Zoning Ordinance, except as stipulated by the Zoning Hearing Board.
- 16.02.12      Compliance with Permit and Plot Plan. All work or uses shall conform to the approved application and plans for which the permit has been issued.

### **16.03    Certificate of Use and Occupancy.**

- 16.03.01      Requirement. It shall be unlawful to use and/or occupy any structure, building, sign, and/or land or portion thereof for which a permit is required herein until a certificate of use and occupancy for such structure, building, sign, and/or land or portion thereof has been issued by the Zoning Officer. The application for issuance of a certificate of use and occupancy shall be made at the same time an application for a permit is filed with the Zoning Officer as required herein.
- 16.03.02      Application. The application for a certificate of use and occupancy shall be in such form as the Zoning Officer may prescribe and may be made on the same application as is required for a permit. The application shall contain the intended use and/or occupancy of any structure, building, sign, and/or land or portion thereof for which a permit is required herein.
- 16.03.03      Inspection and Issuance. The Zoning Officer shall inspect any structure, building, or sign within ten (10) days upon notification that the proposed work that was listed under the permit has been completed and if satisfied that the work is in conformity and compliance with the work listed in the issued permit and other provisions, shall issue a certificate of use and occupancy for the intended use listed in the original application. The certificate of use and occupancy or a true copy thereof shall be kept available for official inspection at all times.

16.03.04 TemporaryCertificateofUseandOccupancy. Upon request of a holder of a permit, the Zoning Officer may issue a temporary certificate of use and occupancy for a structure, building, sign, and/or land, or portion thereof, before the entire work covered by the permit shall have been completed, provided such portion or portions may be used and/or occupied safely prior to full completion of the work without endangering life or public welfare. The Zoning Officer shall also issue a temporary certificate of use and occupancy for such temporary uses as tents, use of land for religious or other public or semi-public purposes, and similar temporary use and/or occupancy. Such temporary certificate shall be for the period of time to be determined by the Zoning Officer, however, in no case for a period exceeding six (6) months. The applicant shall completely remove the structure or use authorized by the temporary certificate of use and occupancy upon expiration of the permit without cost to the Township.

#### **16.04 Enforcement, Penalties, and Remedies**

- 16.04.01 Violations. The following activities are hereby declared to be violations of this Zoning Ordinance without the required permits or certification of use and occupancy:
- A. The construction, erection, replacement, alteration, repair, extension, and/or use of any structure, building, sign, and/or land.
  - B. The change of use, area of use, percentage of use or extension or displacement of the use of any structure, building, sign, and/or land without first obtaining a permit.
  - C. The use of any building, structure, sign, and/or land without receipt of a certificate of use and occupancy.
  - D. The failure to comply with any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board, or a conditional use by the Board of Supervisors, or by a court of competent jurisdiction.
  - E. The failure to comply with any other provisions of this Ordinance.
- 16.04.02 EnforcementNotice. If it appears to the Zoning Officer that a violation of this Zoning Ordinance shall exist, the Zoning Officer shall send an enforcement notice (also known as a “Notice of Violation and Cease and Desist Order”) to the owner of record of the lot on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that lot, to any other person requested in writing by the owner of record, and to any person against whom the

Township may bring an enforcement action. The enforcement notice shall contain the name of the owner of record and any other persons against whom the Township may take action, the location of the property in violation, the specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance, the date before which steps for compliance must be commenced and the date before which the steps must be completed, that the recipients of the enforcement notice have the right to appeal to the Zoning Hearing Board within thirty (30) days, and that a failure to comply with the notice within the time specified, unless extended by an appeal to the Zoning Hearing Board, constitutes a violation with sanctions provided in this Ordinance. However, in no case shall the person so served abandon the premises in such a condition so as to create a hazard or menace to the public safety, health, morals or welfare. Said premises shall be placed in such condition as the Zoning Officer shall direct.

16.04.03      Enforcement Action. If the notice of violation is not complied with within a period of five (5) days, the Zoning Officer may institute, in the name of the Township, any appropriate action or proceeding at law or in equity to prevent, restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the structure, building, sign, and/or land in violation of the provisions of the Zoning Ordinance or of the order or direction made pursuant thereto. The Board of Supervisors may also direct the Zoning Officer or Township Solicitor to institute a civil enforcement proceeding before a district justice.

16.04.04      Penalties. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including the reasonable attorneys' fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. Each day that 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 district justice, and thereafter each day that a violation continues shall constitute a separate violation. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. All judgments, costs and reasonable attorneys' fees collected for the violation of this Ordinance shall be paid over to the Township for the general use of the Township. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity



other than the Township the right to commence any action for enforcement pursuant to this Section.

- 16.04.05      Remedies. The imposition of the penalties herein prescribed shall not preclude the Township Solicitor from instituting appropriate action to prevent unlawful erection, construction, replacement, alteration, repair, extension or to restrain, correct or abate a violation or to prevent illegal use or occupancy of any structure, building, sign, land, and/or premises or to stop an illegal act, conduct, business, use or occupancy of a structure, building, sign, and/or land in or about any premises. In case any building, structure, sign or landscaping is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure, sign or land is used; or any hedge, shrub, tree, or other growth is maintained in violation of this Ordinance or to any of the regulations made pursuant thereto, or any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board or upon the grant of a conditional use by the Board of Supervisors; then in addition to any other remedies provided by law, any appropriate action or proceeding may be instituted or taken to prevent, restrain, or end such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to prevent any illegal act, conduct, business or use in and about such premises.

## **16.05    Zoning Hearing Board**

- 16.05.01      Creation and Membership. There is hereby created a Zoning Hearing Board which shall consist of three (3) residents of the Township who shall be appointed by resolution of the Board of Supervisors. Zoning Hearing Board members shall serve for three (3) year terms which shall be so fixed that the term of office of no more than one (1) member shall expire each year. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies which shall occur, and appointments to fill such vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in the Township. Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors taken after the member has received fifteen (15) days' advance notice of the intent of the Board of Supervisors to take such a vote. A hearing shall be held in connection with the vote if the member shall request such hearing in writing. The Board of Supervisors may, at its discretion, appoint by resolution between one (1) and three (3) alternate members to the Zoning Hearing Board. Such alternate members shall have the right to participate in all hearings of the Zoning Hearing Board but shall be entitled to vote only as provided in Article IX of the Pennsylvania Municipalities Planning Code.

16.05.02

General Procedures.

- A. The Zoning Hearing Board shall be governed by the provisions of the *Pennsylvania Municipalities Planning Code*, Act 247, 1968, as may be amended or revised, and such other Commonwealth of Pennsylvania laws as may be applicable. As used in the Ordinance, unless the context clearly indicated otherwise, the term “Board” shall refer to such Zoning Hearing Board, and “Act 247” shall refer to the “Pennsylvania Municipalities Planning Code” of 1968 as amended.
- B. For the conduct of any hearing and the taking of any action, a quorum shall be not less than two (2) members. If the Board of Supervisors has appointed alternate members to the Zoning Hearing Board, the Chairman of the Zoning Hearing Board may designate alternate members to participate and vote upon designated applications in accordance with the regulations contained in Article IX of the Pennsylvania Municipalities Planning Code. The Board may also appoint a hearing officer from its membership to conduct any hearing on its behalf, and the parties may waive further action by the Board as provided in Section 908 of the Pennsylvania Municipalities Planning Code. The Board may make, alter, and rescind rules and forms for its procedure, consistent with the ordinances of the Township and the laws of the Commonwealth. The Zoning Hearing Board shall keep full public records of its business, which records shall be the property of the Township, and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.
- C. Within the limits of funds appropriated by the governing body, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the governing body, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the governing body. Alternate members of the Board may receive compensation, as may be fixed by the governing body, for the performance of their duties when designated as alternate members pursuant to this Section, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members of the governing body.

16.05.03

Officers. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves.

- 16.05.04      Meetings and Hearings. All meetings and hearings shall be advertised according to the definition of public notice as provided in the Municipalities Planning Code. Meetings shall be held at the call of the Board Chairman and at such other times as the Board may determine. In fulfillment of its duties to interpret this Ordinance, to hear requests for variances, special exceptions, and appeals to determinations of the Zoning Officer, the Board shall hold a public hearing. Hearings will be held and records will be kept in accordance with the Pennsylvania Municipalities Planning Code, as amended.
- 16.05.06      Powers and Duties of the Zoning Hearing Board. The powers of the Zoning Hearing Board shall be in accordance with the Pennsylvania Municipalities Planning Code, as amended. The Zoning Hearing Board shall have the following functions and duties:
- A.      The Board shall hear and render final adjudications concerning substantive challenges to the validity of any land use ordinance in accordance with Article IX of the Pennsylvania Municipalities Planning Code.
  - B.      The Board shall hear and render final adjudications concerning challenges to the validity of any land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said land use ordinance.
  - C.      The Zoning Hearing Board shall hear and render final adjudications concerning appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or the failure to act on the application therefore, the issuance of any notice or violation or cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
  - D.      The Zoning Hearing Board shall hear appeals from a determination by the municipal engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
  - E.      The Zoning Hearing Board shall hear applications for variances from the terms of the zoning ordinance and Flood Hazard Ordinance or such provisions within a land use ordinance, pursuant to section 910.2 of the Municipalities Planning Code.

- F. The Zoning Hearing Board shall hear appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Article V or VII applications of the Municipalities Planning Code.
- G. The Zoning Hearing Board shall hear and render final adjudications in any other matter for which the Zoning Hearing Board shall have been granted jurisdiction by Article IX of the Pennsylvania Municipalities Planning Code.

## **16.06 Applications and Appeals to the Zoning Hearing Board**

- 16.06.01 Burden of Proof. In any proceedings before the Zoning Hearing Board, whether through its original jurisdiction or by appeal, the Applicant shall bear the burden of proving compliance with the provisions of this Ordinance.
- 16.06.02 Application for Appeal. Appeals to the Board may be made by any person or by any Township official or agency aggrieved or affected by any determination of the Zoning Officer.

No person shall be allowed to file any proceeding with the Board later than thirty (30) days after any application for development, preliminary or final, has been approved by an appropriate township officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

An appeal to the Board shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the Board after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life and property. In such a case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of record on application, on notice to the Zoning Officer and for due cause shown.

Such appeal shall be taken within 30 days as provided by the rules of the Board by filing with the Zoning Officer and with the Board a notice of appeal, specifying the grounds thereon. The appeal shall be accompanied with the prescribed fees for the hearing as set by resolution of the Board of

Township Supervisors. An application shall be deemed incomplete and not duly filed of record until the required fees have been paid and information supplied in writing by the applicant. The Zoning Officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. All applications shall state:

- A. The name and address of the applicant.
- B. The name and address of the owner of the real estate.
- C. A brief description and location of the real estate to be affected.
- D. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
- E. A statement of the specifications of this Ordinance under which the relief requested, may be allowed, and reasons why it should be granted.
- F. The applicant shall supply on the application a true and correct list of all owners of land adjoining the applicant's property affected by the proceeding.
- G. All other information, plans, studies, or reports which are required under the applicable provisions of this Ordinance.

16.06.03 Administrative Procedures.

- A. Appeals and applications to the Board will be held and records will be kept in accordance with the Pennsylvania Municipalities Planning Code as amended.
- B. Upon receiving an appeal or application, the Board will fix a time and place for a public hearing thereon and will give the notice thereof in accordance with the Pennsylvania Municipalities Planning Code as amended.

16.06.04 Public Hearing. The Board shall conduct a public hearing on such appeal at which hearing any party may appear in person, or by agent or attorney, and all of said parties so affected shall be given an opportunity to be heard. While not binding on the Zoning Hearing Board, the Board may receive into evidence and consider any comments, recommendations or advice from the Township Planning Commission which is delivered in accordance with the provisions of this Subsection relative to the application. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

- A. The Zoning Hearing Board shall fix a reasonable time and place for the public hearing and shall give notice thereof stating the time and place of the hearing and the particular nature of the matter to be considered as follows:
- 1) By publishing notice thereof once each week for two (2) successive weeks in a newspaper of general circulation in the Township. The first publication shall be not more than thirty (30) days and the second publication shall be not less than seven (7) days from the date of the hearing.
  - 2) By mailing a notice thereof to the applicant.
  - 3) By mailing a notice thereof to the Zoning Officer, the Township Secretary, and to every person or organization who shall have registered with the Zoning Hearing Board of the purposes of receiving such notices.
  - 4) By posting notice conspicuously on the affected tract of land at least one (1) week prior to the hearing.
- B. The hearing shall be held within sixty (60) days, or as required by the Pennsylvania Municipalities Planning Code.
- C. The hearings shall be conducted by the Board or the Board may appoint any member as a Hearing Officer. The decision or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision of findings of the Hearing Officer as final.
- D. The parties to the hearing shall be the Applicant, the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations, permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- E. The chairman or acting chairman of the Zoning Hearing Board or the Hearing Officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and documents requested by the parties.
- F. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence

and argument and cross-examine adverse witnesses on all relevant issues.

- G. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- H. The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or Hearing Officer or shall be paid by the person appealing from the decision of the Board if such appeal is made. In either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
- I. The Zoning Hearing Board or Hearing Officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from its Solicitor, unless the parties are afforded an opportunity to contest the materials so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- J. Decisions of the Board shall be given in accordance with the Pennsylvania Municipalities Planning Code as amended. The Zoning Hearing Board or Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or Hearing Officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provision of this Ordinance or of any act, rule or regulation shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found. If the hearing is conducted by a Hearing Officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be

entered no later than thirty (30) days after the report of the Hearing Officer. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or to render a decision as hereinabove provided, the Zoning Hearing Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner provided in Item A. (1) of this Subsection. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

- K. A copy of the final decision, or where no decision is called for, of the findings shall be delivered to the applicant and all persons granted party status by the Zoning Hearing Board, personally or by mail no later than the day following its date.

16.06.05 Time Limitation for Appeal.

- A. Appeals from the denial of an application by the Zoning Officer or from the issuance of a notice of violation and/or cease and desist order shall be made within thirty (30) days of the denial of said permit or issuance of said violation and/or cease and desist order.
- B. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after any application for development, preliminary or final, has been approved by the Board of Supervisors or later than thirty (30) days after a permit has been issued by the Zoning Officer if such proceeding is designed to secure reversal or limit the approval or the permit in any manner unless such person alleges and proves that he had not notice or knowledge or reason to believe that such approval has been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of this predecessor in interest.
- C. No appeal shall be considered filed with the Board unless any applicable filing fee has been paid.

16.06.06 Appeal of the Decision of the Zoning Hearing Board. Any party aggrieved by a decision of the Board may appeal to the Court of Common Pleas of Lancaster County in the manner provided by the laws of the



Commonwealth of Pennsylvania and the Pennsylvania Municipalities  
Planning Code.

16.06.07 Effect of Board's Decision.

- A. If the variance is granted or the issuance of a permit is approved, or other action by the applicant or appellant is authorized, the necessary permit shall be secured and the authorized action begun within six (6) months after the date when the variance is finally granted or the issuance of a permit is finally approved or the other action by the applicant or appellant is authorized and the building or alteration, as the case may be, shall be completed within twelve (12) months of said date. For good cause the Board may, upon application in writing stating the reasons therefore, extend either the six (6) month or twelve (12) month period
- B. Should the appellant or applicant fail to obtain the necessary permits within such period or having obtained the permit should he fail to commence work there under within such period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his appeal or his application, and all provisions, variances and permits granted to him shall be deemed automatically rescinded by the Board.
- C. Should the appellant or applicant commence construction or alteration within such period, but should he fail to complete such construction or alteration within such period, the Board may upon ten (10) days' notice in writing, rescind or revoke the granted variance, or the issuance of the permit, or permits, or the other action authorized to the appellant or applicant. If the Board finds that a good cause appears for the failure to complete within such period, it may extend the time or if the Board finds that conditions have so altered or changed in the interval since the granting of the variance, or permit or action, the Board may revoke or rescind the action.

**16.07 Applications for Special Exceptions to the Zoning Hearing Board**

- 16.07.01 Applications to the Zoning Hearing Board for Special Exceptions shall be submitted to the Zoning Officer, and shall be accompanied with the prescribed fees for processing the application and for the hearing, as set by resolution of the Board of Supervisors. An application shall be deemed incomplete and not duly filed of record until the required fees have been paid by the applicant. The Zoning Officer shall forthwith transmit to the Board all the materials constituting the record upon which the application is filed.

In addition to the provisions of Article XII, all applications shall state:

- A. The name and address of the applicant.
- B. The name and address of the owner of the real estate.
- C. A brief description and location of the real estate to be affected.
- D. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
- E. A state of the specifications of this Ordinance under which the special exception application is requested, and reasons why it should be granted.
- F. The applicant shall supply on the application a true and correct list of all owners or land adjoining the applicant's property affected by the proceeding.
- G. All other information, plans, studies, or reports which are required under the applicable provisions of this Ordinance.

## **16.08 Variances**

16.08.01 Application. The Board shall hear requests for variances where it is alleged that the provisions of the Ordinance inflict unnecessary hardship upon the applicant. An application for a variance shall state:

- A. The name and address of the applicant.
- B. The name and address of the owner of the real estate to be affected by such proposed exception, or variance.
- C. A brief description and location of the real estate to be affected by such proposed change.
- D. A statement of the section of this Ordinance under which the variance, or exception requested, may be allowed, and reasons why it should be granted.
- E. *[Section E Deleted by Amendment-Ordinance No. 2012-August 6<sup>th</sup>, 2012]*

16.08.02      Consideration by the Board. The Board may grant a variance, provided the following findings are made where relevant in a given case after consideration of the proofs and evidence submitted by the Applicant:

- A.      That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size, or shape, or exceptional topographic or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions generally created by the provisions of this Zoning Ordinance in the neighborhood of 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 Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C.      That such unnecessary hardship has not been created by the applicant.
- D.      That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- E.      That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

16.08.03      Grant of Variance. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance. The Board shall require that adequate on or off-site water and sewage disposal facilities are available for the use intended. A complete record of all variance requests and actions, including justifications for granted variances, shall be maintained by the Board. Whenever a variance is granted, the Board shall notify the applicant in writing that:

- A.      The granting of the variance may result in increased premium rates for flood insurance.
- B.      Such variance may increase the risks to life and property.

- 16.08.04      Expiration of Variance. Unless otherwise specified by the Board or by law, a variance shall expire if the Applicant
- A) fails to obtain a zoning permit within three (3) months from the date of authorization thereof by the Board or by the court if such variance has been granted after an appeal, or
  - B) fails to complete any erection, construction, reconstruction, alteration or change in use authorized by the variance approval within one (1) year from the date of authorization thereof by the Board, or by the court if such variance has been granted after an appeal. The Board, upon written application and for reasonable cause shown may extend the approval for an additional period of up to one (1) year.

## **16.09    Amendments Initiated by the Township**

The Board of Township Supervisors may from time to time, after public notice and hearing as hereinafter prescribed, amend, supplement, change, or repeal this Ordinance including the Zoning Map. Any amendment, supplement, change or repeal may be initiated by the Township Planning Commission, the Board of Supervisors or by a petition to the Board of Township Supervisors. Such amendment, supplement, change or repeal shall be submitted to the Township Planning Commission for its recommendations (unless initiated by the Planning Commission) and shall be specifically found by the Board of Township Supervisors to be in accordance with the spirit and intent of this formally adopted portions of the Comprehensive Plan before such amendatory ordinance shall be adopted by the Supervisors.

- 16.09.01      Amendments Initiated by the Township Planning Commission. When an amendment, supplement, change or repeal is initiated by the Township Planning Commission, the proposal shall be presented to the Board of Township Supervisors, which shall then proceed in the same manner as with a petition to the Board of Township Supervisors which has already been reviewed by the Township Planning Commission. The Township Supervisors shall at least forty-five (45) days prior to the date of the hearing on any proposed amendment submit the amendment to the County Planning Commission for its review and recommendations.
- 16.09.02      Amendment Initiated by the Board of Township Supervisors. When an amendment, supplement, change or repeal is initiated by the Board of Township Supervisors, it shall submit the proposal to the Township Planning Commission and the Lancaster County Planning Commission for review and recommendations at least forty-five (45) days prior to the date fixed for the public hearing to consider the amendment, supplement, change or repeal.

## 16.10 Curative Amendments

The Board of Supervisors shall conduct hearings on curative amendments submitted by landowners, give notice thereof and render decisions thereon, all in accordance with the applicable provisions of the Pennsylvania Municipalities Planning code, as amended.

16.10.01 Curative Amendment Initiated by Landowner. When a landowner desires to challenge on substantive grounds the validity of this Ordinance or the Official Zoning Map, or any provision thereof, said landowner may submit a curative amendment to the Board of Township Supervisors with a written request that this challenge and proposed amendments be heard and decided as provided in Sections 609.1 and 1004 of the Pennsylvania Municipalities Planning Code, as amended. The Supervisors shall commence a hearing thereon within 60 days of the request. The curative amendment and challenge shall be referred to the Township Planning Commission as provided in section 609 of the Pennsylvania Municipalities Planning Code and notice of the hearing thereon shall be given as provided in Section 610 and in Section 916.1 of the Pennsylvania Municipalities Planning Code. The Board of Supervisors may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

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

16.10.02      Procedure for Petition. The petition for amendment, supplement, change or repeal shall contain as fully as possible all the information requested by the Zoning Officer and shall be signed by at least one record owner of the property in question whose signature shall be notarized attesting to the truth and correctness of all the facts and information presented in the petition. The fee established by resolution of the Board of Township Supervisors shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings prescribed herein.

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

16.10.04      Referral to Lancaster County Planning Commission. At least forty-five (45) days prior to the date for the hearing on the proposed amendatory ordinance by the Township, the Board of Township Supervisors shall send a copy of said proposed amendatory ordinance to the Lancaster County Planning Commission for recommendations. A report of said review, together with any recommendations, shall be given to the Board of Township Supervisors in writing prior to the date of the public hearing. If the Lancaster County Planning Commission shall fail to file such a report within the time and manner specified, it shall be conclusively presumed that such Planning Commission has approved the proposed amendment, supplement, change or repeal.

## **16.11      Enactment of Amendments**

16.11.01      Notice of Public Hearing. The Board of Township Supervisors shall fix a time and place for a public hearing at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in one newspaper of general circulation in the Township once each week for two (2) successive weeks. The first notice shall not be more than thirty (30) days or less than seven (7) days before the date of the hearing.

16.11.02      Action by the Board of Township Supervisors. At the time and place specified, the Board of Township Supervisors shall conduct a hearing on any municipal curative amendment, or any petition to amend, supplement,

change or repeal the Zoning Ordinance or Zoning Map of the Township, and shall thereafter within a reasonable time either reject the proposed change or adopt an ordinance implementing the proposed change. The Board of Township Supervisors may adjourn said hearing at its discretion to a time and place certain.

- 16.11.03      Authentication of Official Zoning Map. Whenever there has been a change in the boundary of a Zoning District or a reclassification of the Zoning District adopted in accordance with the above, the change on the official map shall be made, and shall be duly certified by the Township Secretary and shall thereafter be filed as part of the permanent records of the Township, subject to applicable public notice requirements.

## **16.12            Appeals to Court**

All appeals from any decision of the Zoning Hearing Board, Township Supervisors, or Zoning Officer, as allowed, to the Court of Common Pleas of Lancaster County, shall be covered by the applicable provisions of the Pennsylvania Municipalities Code as amended.

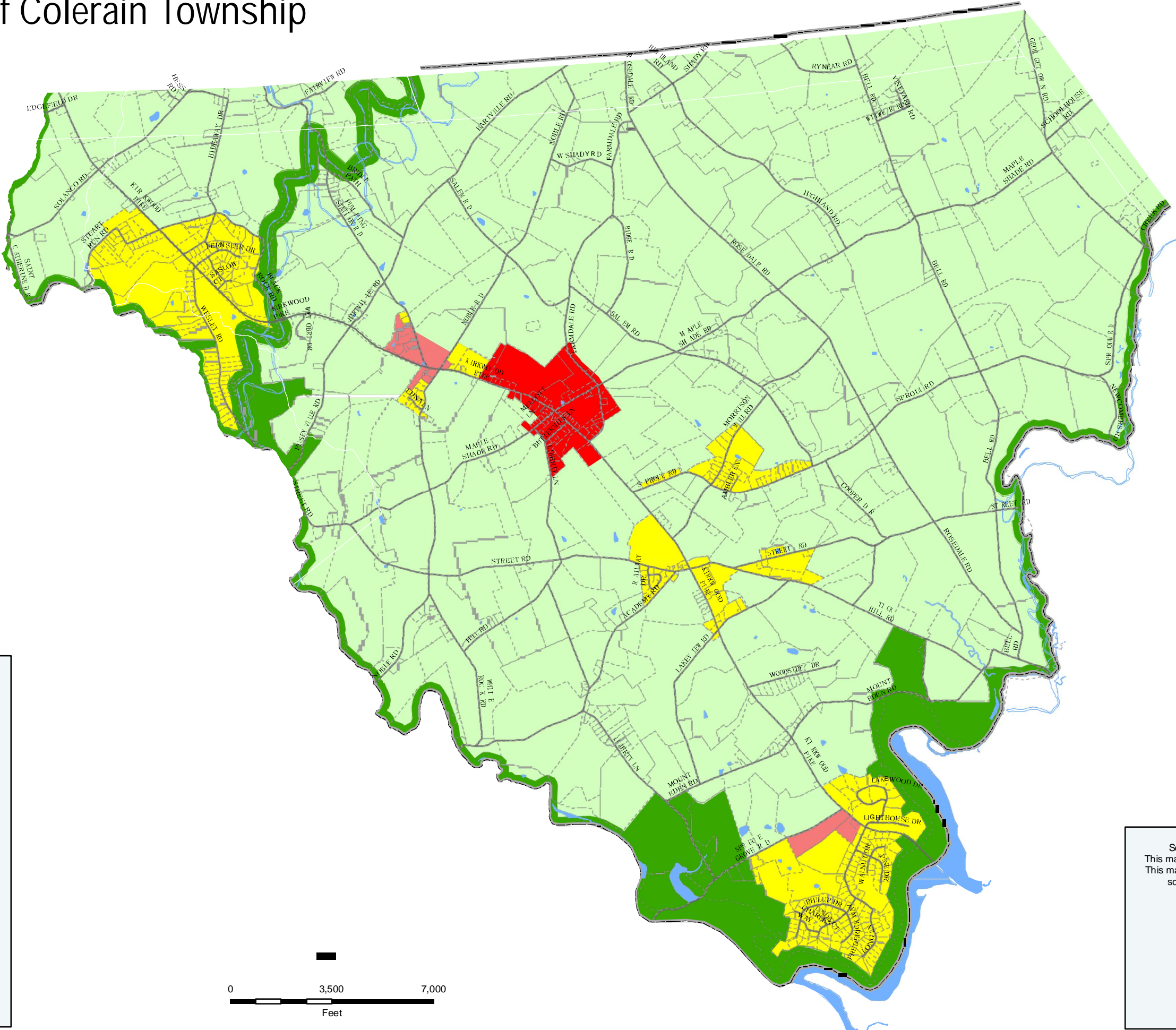
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# Zoning Map of Colerain Township



**Zoning Districts**

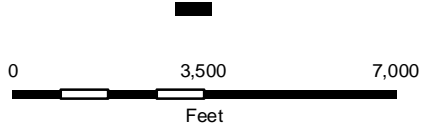
- A - Agricultural
- CN - Conservation
- LB - Light Business
- R - Residential
- VC - Village Center

Water Features

Parcels

Roads

Railroads



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