

Chapter 27

Zoning

Part 1

Short Title, Purpose and Definitions

- §27-101. Short Title
- §27-102. Purpose
- §27-103. Definitions

Part 2

Zone Regulations

- §27-201. Zones and Boundaries
- §27-202. Use Regulations
- §27-203. Residential Zone (R)
- §27-204. Agricultural Zone (A)
- §27-205. Conservation Zone (Cv)
- §27-206. Commercial Zone (C)
- §27-207. Industrial Zone (I)
- §27-208. Residential II Zone (R-II)

Part 3

General Provisions

- §27-301. Accessory Uses and Structures
- §27-302. Outdoor Signs
- §27-303. Storage
- §27-304. Sale of Agricultural Products
- §27-305. Parking
- §27-306. Loading
- §27-307. Driveways
- §27-308. Screens and Buffer
- §27-309. Illumination
- §27-310. Demolition
- §27-311. Drainage
- §27-312. Minimum Habitable Floor Area
- §27-313. Outdoor Swimming Pool Requirements
- §27-314. Yard Regulations
- §27-315. Floodplain Regulations
- §27-316. Environmental Regulations
- §27-317. Supplementary Use Operations
- §27-318. Regulations Regarding Dwellings in the Agricultural and Conservation Zones

Part 4

Modifications and Nonconformities

- §27-401. Setback Modifications
- §27-402. Height Modifications
- §27-403. Buildings under Construction
- §27-404. Division of Built-On Lots
- §27-405. Status of Subdivision or Land Development Plan
- §27-406. Lots of Record
- §27-407. Nonconformities

**Part 5
Zoning Hearing Board**

- §27-501. Powers and Duties–General
- §27-502. Public Hearings
- §27-503. Variances
- §27-504. Special Exceptions

**Part 6
Administration**

- §27-601. Permits
- §27-602. Zoning Officer–Powers and Duties
- §27-603. Appeals
- §27-604. Erroneous Permit
- §27-605. Violations
- §27-606. Penalties
- §27-607. Amendments
- §27-608. Fees

Zoning Map Amendments

Part 1**Short Title, Purpose and Definitions****§27-101. Short Title.**

This Chapter shall be know as the “Hopewell Township Zoning Ordinance.”
(*Ord. 1974-3, 6/20/1974*)

§27-102. Purpose.

1. *Purpose of Chapter.* The regulations in this Chapter have been promulgated with the propose of promoting, protecting and facilitating:

- A. Coordinated and practical community development.
- B. Proper density of population.
- C. Adequate water and sewerage.
- D. Adequate police protection, schools, parks and other public requirements.
- E. Adequate light and air.
- F. Adequate transportation, parking and loading space.
- G. The public health, safety, morals and general welfare.
- H. The preservation of agricultural lands.

2. The regulations are also designed to prevent:

- A. Overcrowding of land.
- B. Blight.
- C. Danger and congestion in travel and transportation.
- D. Injury or loss of health, life, or property from fire, flood, panic or other dangers.

3. *Community Development Objectives.* This Chapter is enacted as part of the overall plan for the orderly growth and development of Hopewell Township. As such this Chapter is an integral part of the Township Comprehensive Plan and is based upon the expressed or implied community development policies and objectives as contained in the Hopewell Township Comprehensive Plan.

(*Ord. 1974-3, 6/20/1974*)

§27-103. Definitions.

1. *General Interpretation.* In this Chapter when not inconsistent with the context:

- A. Words in the present tense imply also the future tense.
- B. The singular includes the plural.
- C. The male gender includes the female gender.
- D. The word “person” includes a partnership or corporation as well as an individual.
- E. The term “shall” or “must” is to be interpreted as mandatory; the word

“may” as directory and complied with unless waived.

2. *Specific Words and Phrases.*

Accessory commercial use—a commercial use designed specifically to provide services to employees of industrial areas including, specifically, industrial parks and uses. [Ord. 2000-2]

Accessory structure—a subordinate structure or a portion of the principal structure on a lot, the use of which is customarily incidental to that of the principal structure. An accessory building is an accessory structure. [Ord. 9/3/1992]

Accessory use—a use customarily incidental and subordinate to the principal use or building and located on the same lot with the principal use or building. Where authorized by this Chapter, a commercial wireless telecommunications service facility may be considered an accessory use. [Ord. 2002-8]

Adult cabaret—a nightclub, bar, restaurant or similar commercial establishment which regularly features persons who appear in a state of nudity; live performances which are characterized by sexual content or sexually explicit nudity; films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of sexual content or sexually explicit nudity. [Ord. 1997-14]

Adult entertainment facility—any structure, building or use which is open to the general public in which 20 percent or more of the occupied sales or display area offers for the sale, for rent, lease, loan or for view upon the premises, pictures, photographs, drawings, prints, images, sculpture, still film, motion picture film, videotape or similar visual representations distinguished or characterized by an emphasis on sexual content or sexually explicit nudity, or books, pamphlets, magazines, printed matter or sound recordings, containing explicit or detailed descriptions or narrative accounts distinguished or characterized by an emphasis on sexual content, or which offers for sale sexual devices. This definition shall also include a building, structure or a portion thereof, or a use open to the general public, used for presenting motion picture film, videotape, live performances or similar visual representation or materials distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity, and shall also include adult motels, adult cabarets and adult theaters. [Ord. 1997-14]

Adult motel—a hotel, motel or similar commercial establishment which:

(1) Offers accommodations to the public for any form of consideration; and provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of sexual content or sexually explicit nudity; and has a sign visible from the public right-of-way which advertises the availability of this adult type of entertainment.

(2) Offers sleeping rooms for rent four or more times in 1 calendar day during 5 or more calendar days in any continuous 30-day period.

[Ord. 2001-7]

Adult theater—a commercial establishment, including a theater, concert hall, auditorium or similar commercial establishment, which regularly features persons who appear in a state of nudity either on film, motion pictures, videocassettes,

slides, similar photographic reproductions, or in live performances, which are characterized by the depiction or description of sexual content or sexually explicit nudity. [Ord. 1997-14]

AEU; animal equivalent unit—1,000 pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit, as calculated in the Pennsylvania Nutrient Management Act, 3 P.S. §1701 *et seq.*, and the regulations promulgated there under, found at 25 Pa.Code, Subchapter D, §83.201 *et seq.* [Ord. 2004-11]

Agrarian commodities—those commodities designed to promote or having the result of promoting agricultural interests or way of life. [Ord. 2000-9]

Agricultural commodity—agricultural, horticultural, viticultural and dairy products, livestock and the products thereof, ranch raised fur-bearing animals and the products thereof, the products of poultry and bee raising, forestry and forestry products, and any and all products raised or produced on farms and intended for human consumption, transported or intended to be transported in commerce.

Agricultural operation—same as “normal agricultural operation.” [Ord. 2004-11]

Agricultural-related outdoor recreational use—a use which is accessory to a normal agricultural operation which utilizes a portion of the agricultural operation for leisure, recreation or promotional events. [Ord. 2006-7]

Agricultural review committee—a committee established by the Board of Supervisors, consisting of one Supervisor, one member of the Township Planning Commission, one Township farmer and the Zoning Officer. The purpose of the Agricultural Review Committee shall be, at the discretion and request of the Board of Supervisors or the Planning Commission in case of a homestead lot, to evaluate the quality of farmland at issue in any subdivision or land development plan that involves subdividing for residential purposes a tract in either the Agricultural or the Conservation Zone, to determine whether or not the conditions set forth in §27-318.4.B *et seq.*, have been met. [Ord. 2013-2]

Agriculture—the use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce and equipment and for housing and feeding the animals and housing the equipment. The use of land as a place for the location of a dwelling is not an agricultural use. [Ord. 3/6/1980B]

Alterations—as applied to a building or structure, any changes or rearrangement in the total floor area, or an enlargement, whether by extending on a side or by increasing in height or the moving from one location or position to another.

Alterations, structural—any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

Animal hospital—a building used primarily for the treatment, by a veterinarian, of small domestic animals such as dogs, cats, rabbits and birds or fowl.

Basement—a story having part but not more than one-half of its height below the average level of the adjoining ground.

Bed and breakfast inn—an owner-occupied dwelling unit in which a room or rooms are rented on a nightly basis for limited periods. Meals may or may not be

provided, but shall be limited to registered guests. [Ord. 2001-4]

Building—any structure or edifice designed or intended for use as an enclosure, a shelter or for protection of persons, animals or property.

Building area—the total area of outside dimensions on a horizontal plane at ground level of the principal building and all accessory buildings.

Building height—the total overall height of a building measured from the basement floor or grade level (if no basement exists) to the highest point of the roof.

Cellar—a story partly underground and having more than one-half of its clear height below the average level of the adjoining ground.

Child day-care center—a facility located in a building other than a residence or dwelling which provides supervised care for remuneration to children who are not relatives of the caregiver. [Ord. 1996-6]

Clear sight triangle—an area of unobstructed vision at street intersections defined by the center lines of the streets and by a line of sight between points on their center lines at a given distance from the intersection of the center lines.

Co-location—the location of two or more transmission antennae or related equipment on one commercial wireless telecommunications service facility. [Ord. 2002-8]

Commercial wireless telecommunications service facility—also known as cell towers. An unmanned facility consisting of antennae, support structure, equipment and an equipment storage shelter used for the reception, switching and/or transmission of wireless telecommunications including, but not limited to, paging, enhanced specialized wireless telecommunications including personal communication services, cellular telephone and similar technologies. A commercial wireless telecommunications service facility may be either freestanding, guy anchored, roof mounted or building mounted. [Ord. 2002-8]

Comprehensive Plan—the plan, or parts thereof, which have been adopted by the Hopewell Township Board of Supervisors, showing its recommendations for such systems as: land uses, parks and recreation facilities, water supply, sewerage and sewage disposal, garbage disposal, transportation, highways, civic centers and other public improvements which affect the development of the Township.

Concentrated animal feeding operation; CAFO—an operation involving the keeping of livestock of the type listed in the table in §27-504.7.BB(2) in excess of the numbers identified in that table confined within a building or other enclosure as set forth in §27-504.7.BB(4)(b) of this Chapter. [Ord. 2004-11]

Conversion, multi-family—a multi-family dwelling constructed by converting an existing building into apartments for more than one family, without substantially altering the exterior of the building.

Cropland—land in tillage rotation or orchards, and undeveloped land formerly in such uses. [Ord. 2005-7]

Domestic livestock use—any activity involving the keeping and/or raising of domestic livestock for hobby/personal use. A domestic livestock use shall be accessory to a dwelling located at the same lot. This definition excludes all commercial animal operations. [Ord. 2013-2]

Domestic livestock—animal generally associated with agriculture, including but not limited to: horses (equine), swine, goats, cattle (bovine), sheep, llamas and alpacas (camelid) which are kept for personal use, rather than for commercial or agricultural production purposes. [Ord. 2013-2]

Domiciliary care unit—a building or structure designed for living quarters for one or more families which in addition to providing living quarters for one or more families, provides 24-hour supervised, protective living arrangements by the families residing therein for not more than three persons 18 years of age and above who are disabled physically, mentally, emotionally or as a result of old age, and are unrelated to the family providing the care. [Ord. 6/1/1978]

Driveway—a minor vehicular surface, other than a street, providing access from a street or a private road to a lot.

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

Dwelling, multi-family—a building containing three or more dwelling units (such as apartment houses, townhouses on a single lot, and garden apartments) or two dwelling units arranged so that one unit is above the other rather than side by side. All dwelling units are located on a single lot and share with other units a common yard area. [Ord. 2005-3]

Dwelling, single-family attached—a portion of a building containing one dwelling unit and having two party walls in common with other dwelling units (such as row houses or townhouses). Each dwelling unit is located on a separate lot. End units which have one party wall in common, are included and are subject to the lot area requirements for other single-family attached units but must meet setback requirements on the open side. [Ord. 2005-3]

Dwelling, single-family detached—a building containing only one dwelling unit and having two side yards, or, in the case of a corner lot, one side yard and two front yards, located on its own separate lot. [Ord. 2005-7]

Dwelling, single-family semi-detached—a portion of a building containing one dwelling unit, having one side yard which meets setback requirements, and one party wall in common with another dwelling unit. Each dwelling unit is located on a single lot. [Ord. 2005-3]

Dwelling lot—a lot on which there is located or proposed to be located a dwelling. [Ord. 3/6/1980B]

Dwelling unit—any structure, or part thereof, designed to be occupied as living quarters as a single housekeeping unit.

Easement—a right-of-way for a limited purpose; a space within which no structure may be built.

Family—a single person occupying a dwelling unit and maintaining a household; two or more persons related by blood, marriage or adoption occupying a dwelling unit, living together and maintaining a common household; or not more than three unrelated persons occupying a dwelling unit, living together and maintaining a common household. In addition, it may include domestic servants,

and gratuitous guests, but not occupants of a club, fraternal lodging, rooming house, boarding house, institutional care facility, personal care facility or in any other arrangement pursuant to which compensation is paid in exchange for the right to reside in such facility, to receive meals, supervision and/or care. [Ord. 4/1/1993]

Family day-care home—a facility located in a residence or dwelling which provides supervised care for remuneration to children who are not relatives of the caregiver. [Ord. 1996-6]

Farm—a tract of land in common ownership which is used in the raising of agricultural crops, livestock, poultry or dairy products, and the necessary accessory uses for packing, treating or storing the produce, and improved with a single-family dwelling, and with barns, sheds and/or other farm buildings or structures normally utilized for housing and feeding farm animals and storing farm equipment. [Ord. 11/3/1983]

Farm market—a commercial enterprise consisting of one or more buildings or structures, either permanent or temporary, designed and used for the purpose of the sale at least in part of agricultural or agrarian commodities, as defined herein, which are located on a tract of land on which the agricultural commodities are grown or raised. See §27-317.2. A farm market as defined herein shall not include structures or portions of structures which are devoted to processing of agricultural products in the normal course of agricultural operations, or where some processing occurs to produce an agricultural product, or where agricultural products are inspected, sorted or sized as a normal or incidental part of the principal farming or agricultural use of the underlying tract, which accessory uses are not intended to be regulated as farm markets. A farm market also shall not include a roadside stand, as defined herein. [Ord. 2000-9]

Floodplain—those areas designated and delineated by the Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) issued by the Federal Emergency Management Agency (FEMA) effective September 25, 2009, or their successors, and regulated by the Hopewell Township Floodplain Management Ordinance of 2009 [Chapter 8] or its successors. [Ord. 2009-4]

Forest and wildlife preserve—a tract of land containing at least 10 acres utilized in its entirety for the production of forest products and/or the maintenance of a sanctuary for wildlife (non-domesticated animals). [Ord. 11/5/1981]

Frontage—the horizontal or curvilinear distance along the street line upon which a lot abuts.

Green area—an area of land associated with and located on the same tract of land as a principal building or group of buildings in relation to which it serves to provide light and air, or scenic, recreational or similar purposes. Green areas may include, but not be limited to, lawns, decorative plantings, sidewalks and walkways, active and passive recreational areas including playgrounds, fountains, swimming pools, wooded areas and watercourses; but shall not include loading areas, parking areas or vehicle surfaces or accessory buildings.

Habitable floor area—the aggregate of the horizontal areas of rooms used for habitation, such as living room, dining room, kitchen, bedrooms and bathrooms, but not including hallways, stairways, cellars, basements, attics, service rooms or

utility rooms, closets, areas intended for the parking of motor vehicles, areas intended for storage of lawn and garden equipment, areas intended for location of heating or ventilation equipment, or other similar spaces, nor unheated areas such as enclosed porches, nor rooms without at least one window or skylight opening onto an outside yard or court. At least one-half of the floor area of every habitable room shall have a ceiling height of not less than 7 feet, and the floor area of that part of any room where the ceiling height is less than 5 feet shall not be considered as part of the habitable floor area. The minimum total window area, measured between stops, shall be 10 percent of the habitable floor area of such room. [Ord. 1995-7]

Home occupation—a special type of accessory use. It is an occupation or profession which:

- (1) Is carried on in a dwelling unit or in a structure accessory to a dwelling unit.
- (2) Is carried on by a member of the family residing in the dwelling unit.
- (3) Is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

[Ord. 2003-3]

Homestead—a portion of a farm, as defined in this Chapter, which contains the principal dwelling of the farm. This term shall include all buildings accessory to the principal dwelling, including farm buildings, except as limited by §27-318.3. [Ord. 2004-10]

Homestead lot—a tract of land in common ownership which was, before its creation, part of a farm, and which contains the homestead, as those terms are defined in this Chapter. The remainder of the farm, after the homestead lot is created, shall be known and referred to as the residual tract. See §27-318.3. [Ord. 2004-10]

Hospital—a licensed institution having an organized medical staff which is primarily engaged in providing to in- or out-patients, by or under the supervision of physicians, diagnostic, treatment and therapeutic services for the care of injuries, disabilities, pregnancy, disease, sickness, illness, whether physical or mental, or rehabilitation services for such persons. The term shall not include solely offices of physicians or other health care providers, but such offices can be an ancillary part of such facility. [Ord. 2000-2]

I-83 corridor—the area bounded by: I-83 on the west; Wolfe Road on the east; State Route 851 on the south; and the northern boundary of the Industrial Zone on the north. [Ord. 2004-2]

Industrial park—an industrial park is an industrial area:

- (1) Organized and laid out in accordance with an overall plan for a community of industries including the servicing of these industries.
- (2) Designed to insure compatibility between the industrial operations in the park and the surrounding area through such devices as landscaping, architectural control, setbacks and use requirements.

[Ord. 2001-7]

Junk—any discarded material or article including, but not limited to, scrap metal, scrapped, abandoned or junked motor vehicles, machinery, equipment, paper, glass, containers and structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal. [Ord. 6/-/1985]

Junkyard—any establishment or place, on public or private property, where a person stores or accumulates wrecked, abandoned or junked motor vehicles, machinery or equipment, scrap metal or materials, for the propose of salvaging parts therefrom for use or resale, or the destruction of the same for resale as scrap. Any such tract of land regardless of ownership, shall be considered a separate “junkyard.”

Kennel—a facility where more than four adult dogs (over 6 months of age) reside or where more than five cats or other non-agricultural animals over 6 months of age reside. Nonagricultural animals exclude cattle, horses, deer, swine, chickens, ducks, geese, turkeys and sheep. [Ord. 2006-5]

Landfill—a tract or parcel of land which has been or is being used as a landfill for purposes of burial or storage of trash or other waste pursuant to permits from the Pennsylvania Department of Environmental Protection and/or the United States Environmental Protection Agency, or other State or Federal departments or agencies. This definition shall include storage of nuclear or toxic or industrial waste or byproducts, as well as the burial of domestic trash, waste or incinerator ash, or any other similar use. [Ord. 1998-7]

Landfill reclamation—the use or reuse of the surface of a landfill after its final closure. [Ord. 1998-7]

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

Loading space—an off-street space suitable for the loading or unloading of goods and having direct usable access to a street or alley.

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

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

Lot width—the width of a lot measured parallel and, in the Residential, Conservation, Commercial, Agricultural and Residential II Zones, 35 feet distant from, and in the Industrial Zone, 50 feet distant from, the right-of-way line of a road or street currently maintained by Hopewell Township, or by the Commonwealth of Pennsylvania, the right-of-way lines of a private road designed and improved in accordance with the provisions of §§22-504 through 22-507, 22-602 and 22-603 of the Township Subdivision and Land Development Ordinance [Chapter 22], or by the right-of-way line of a private road not so improved, excepting that a

tract or lot may not have its lot width measured by reference to such unimproved road or street, if such unimproved road or street is utilized by or provides access to any other lot or tract or to the improvements thereon located. [Ord. 11/5/1981]

Mini-storage facility—a facility providing for the enclosed storage of items such as commercial business stock or equipment, household items, seasonal equipment and/or classic or antique automobiles, where said items are retained for direct use by their owner, who shall have direct access thereto without intermediate handling by the proprietor of the facility. Said facility may be in a single building, or a group of buildings, which shall contain individual storage units which shall be leased or rented to individuals, and each storage unit of which is separated from all other storage units and capable of being secured by the lessee or the renter of each such unit, except for such external storage as may be permitted by §27-303.5 of this Chapter. [Ord. 2001-4]

Mobile home—a transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two 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 without a permanent foundation.

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

Mobile home park—a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use, consisting to two or more mobile home lots.

No-impact home-based business—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. When permitted by this Chapter, such permission shall not supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, bylaw or other document applicable to a common interest ownership community. [Ord. 2003-3]

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

Dimensional nonconformity—a lot or structure which is nonconforming because it is not in compliance with the dimensional regulations of this Chapter.

Nonconforming structure—a structure or part of a structure manifestly not designed to comply with the applicable use provisions in this Chapter or any amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Chapter or amendment or prior to the

application of this Chapter or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming use—a use, whether of land or of a structure, which does not comply with the applicable use provisions in this Chapter or any amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Chapter or amendment, or prior to the application of this Chapter or amendment to its location by reason of annexation.

Normal agricultural operation—the customary and generally accepted activities, practices and procedures that farmers adopt, use or engage in year after year in the production and preparation for market of poultry, livestock and their products, and in the production and harvesting of agricultural, agronomic, horticultural, silvicultural and agricultural crops and commodities, and on land which is not less than 10 contiguous acres in area. This includes commercial equine operations such as boarding, riding and racing stables and commercial horse farms, but does not include horses owned and kept by a property owner for personal use or enjoyment. [Ord. 2006-7]

NPDES permit—National Pollution Discharge Elimination System permit or equivalent document or requirements issued by the Environmental Protection Agency, the Pennsylvania Department of Environmental Protection, or their designees, pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. §1251 *et seq.*, also known as the Clean Water Act, and/or the Pennsylvania Clean Streams Law, as amended, 35 P.S. §691.1 *et seq.* [Ord. 2004-11]

Nudity or state of nudity—the appearance of a human bare buttock, anus, male genitals, female genitals or female breasts. [Ord. 1997-14]

Nursery school—a facility located in a building other than a residence or dwelling designed and operated to provide regular instruction for two or more children under the age of elementary school students. It shall not include a facility in which any child is present for more than 3½ hours in any 1 day. [Ord. 1996-6]

Nursing home or convalescent home—a building or structure in which nursing care and related medical or other health services are provided for a period exceeding 24 hours for two or more individuals who are not relatives of the operator, who are not acutely ill and in need of hospitalization, but who, because of age, illness, disease, disability, injury, convalescence or physical or medical infirmity need such care. Such facility shall be properly licensed by appropriate Federal or State agencies. This definition shall not include hospitals or domiciliary care units. [Ord. 2000-2]

Outdoor recreational establishment—a use of open land for leisure not limited to the following: beach, swimming pool, tennis court, riding stable, golf course or a drive-in theater. [Ord. 1998-7]

Outdoor recreational use, agricultural-related—see agricultural-related outdoor recreational use. [Ord. 2006-7]

Parcel—for purposes of the application of §§27-204.10 and 27-318.2 and 27-318.4, a parcel shall mean all contiguous land in common ownership at the date of the proposed transfer. Land shall be considered contiguous even though separated

by public or private roads and/or by land adversed from the original tract after June 20, 1974. [Ord. 2005-3]

Parking garage—a building where passenger vehicles may be stored for short-term, daily or overnight off-street parking.

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

Parking space—an off-street space available for the parking of one motor vehicle and having direct usable access to a street or alley.

Pasture—land covered with grass or herbage suitable for grazing by livestock. [Ord. 2013-2]

Portable storage unit—a container that is not affixed to the land that is designed for temporary, short-term storage. Also, sometimes known or referred to as “portage on demand” storage units, or PODs. [Ord. 2006-4]

Prime agricultural land—land containing soils in Soil Capability Units classified as Class I, II or III as depicted on maps prepared by the York County Planning Commission for Hopewell Township, which maps are based on the U.S. Department of Agriculture, Natural Resources Conservation Service, Soil Survey of York County, dated 2002.

Principal building—the primary building located on a lot or tract, not an accessory building. If a dwelling is located on a lot or tract, the dwelling is the principal building; otherwise, the most valuable building on the tract or lot is the principal building. [Ord. 10/4/1984]

Principal use—the main or primary use of property or structures, measured in terms of net floor area.

Professional and business offices—offices that include accountants, actuaries, advertising agencies, dental services, opticians, attorneys, lending agents, medical services, including doctor’s offices and ancillary medical services, including, specifically, rehabilitation services (but excluding hospitals, and nursing and convalescent homes) and executive and administrative offices of business firms. [Ord. 2000-2]

Public—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 and the Board of Education).

Public sewer—a Township sanitary sewer system approved and permitted by the Pennsylvania Department of Environmental Protection.

Public water—a Township water supply system or a comparable common water supply system approved and permitted by the Pennsylvania Department of Environmental Protection.

Public well—a well, which will supply water to a Township water supply system or a comparable common water supply system approved and permitted by the Pennsylvania Department of Environmental Protection or the Pennsylvania Public Utilities Commission. [Ord. 2004-9]

Residential land development—(1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land involving (a) a group of two or more

buildings to be occupied as dwelling units, or (b) the division or allocation of land or space for dwelling purposes, between or among two or more existing or prospective occupants; (2) a residential subdivision. In determining the number of dwellings and/or lots in a residential land development all lots which on June 20, 1974, were a part of the same parcel and all dwellings located on such lots shall be included.

(1) *Minor residential land development*—a residential land development consisting of two or fewer existing or proposed dwelling units.

[*Ord. 3/6/1980B*]

Residential 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, transfer of ownership, or building or lot development where one or more of the lots, tracts, parcels or division will be used immediately or in the future as a place for a dwelling unit to be occupied by human beings. In determining the number of lots in a residential subdivision all lots which, on June 20, 1974, were a part of the same parcel shall be included.

Roadside stand—a roadside stand shall be defined as a nonpermanent structure set up temporarily along a roadside at which a person or persons sells only agricultural commodities which that person or persons produced on the tract of land on which the roadside stand is set up, or on land owned by the person or persons who produced the agricultural commodities, if those agricultural commodities are produced on other land. No other types of commodities shall be permitted to be sold, other than those produced on the tract by the person or persons selling those commodities. Such roadside stands are not regulated by this Chapter, except that such stands shall be required to have a place where vehicles can safely pull off of the travel portion of the road without creating a danger to traffic traveling on the travel portion of the roadway. [*Ord. 2000-9*]

Rolloff dumpster—a dumpster container which is delivered by, and rolled off the back of, a truck, the design and purpose of which is for temporary placement at construction, renovation or demolition sites for containing and removing waste, trash or debris. This term does not include dumpsters which are permanently placed for normal household trash, such as at commercial, agricultural and industrial locations or apartment complexes. [*Ord. 2006-4*]

Rooming house—a building containing a single dwelling unit and guest rooms, where lodging is provided, with or without meals, for compensation. [*Ord. 1995-7*]

School, commercial—a school conducted for profit for such special instruction including but not limited to business, art, music, trades, handicraft, dancing or riding.

School, nonpublic—a private place of instruction other than a commercial school.

Screen planting—a vegetative material of sufficient height and density to conceal from the view of property owners in adjoining zones the structures and uses on the premises on which the screen planting is located.

Setback—the required horizontal distance between a setback line and a

property or street line.

(1) *Setback, front*—the distance between the street line and the front setback line projected the full width of the lot.

(2) *Setback, rear*—the distance between the rear lot line and the rear setback line projected the full width of the lot.

(3) *Setback, side*—the distance between the side lot line and the side setback line projected from the front yard to the rear yard.

Setback line—a line within a property and parallel to a property or street line which delineates the required minimum distance that must be provided between a structure or building and an adjacent street line and/or property line.

Sexual content—any of the following:

(1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts.

(2) Sex acts, actual or simulated, including intercourse, oral copulation or sodomy.

(3) Masturbation, actual or simulated.

(4) Excretory functions as part of or in connection with any of the activities set forth in subparagraphs (1) through (3), above.

[*Ord. 2001-7*]

Sexually explicit nudity—the male genitals in a state of sexual arousal and/or the vulva or female genitals, or full exposure of the female breasts. [*Ord. 1997-14*]

Shopping center—a group of stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking provided on the property as an integral part of the unit.

Sign—a device for visual communication that is used to bring the subject to the attention of the public, but not including lettering or symbols that are an integral part of another structure, or flags or other insignia of any government, government agency or of any civic, charitable, religious, fraternal or similar organization. [*Ord. 1995-7*]

(1) *Sign, advertising*—a sign whose major purpose is for directing attention to a business commodity, service or entertainment conducted, sold or offered elsewhere than upon the same lot, such as billboards.

(2) *Sign, attached*—a sign attached, painted or otherwise mounted parallel to the surface of that portion of the building or structure to which it is affixed. [*Ord. 1997-13*]

(3) *Sign, business*—a sign directing attention to or identifying a business or profession or a group of businesses or professions, conducted on the same lot or in the same commercial or industrial park or complex, including, but not limited to, malls, mini-malls, or strip malls, or to products sold on or within the same lot, park or complex. [*Ord. 2003-9*]

(4) *Sign, directional*—a sign which is for directing the public to or designating the location of a community or other place or establishment of a public or quasi-public nature but not including signs pertaining to real estate.

(5) *Sign, free-standing*—a sign supported by uprights or braces placed upon the ground and not attached to a building.

(6) *Sign, I-83 corridor*—A sign located in the I-83 corridor as defined in this Section. [Ord. 2004-2]

(7) *Sign, permanent*—a sign permanently attached or applied to a building or structure or permanently anchored into the ground and which cannot easily be moved. Permanent signs may have either permanent or replaceable lettering. [Ord. 1997-13]

(8) *Sign, portable*—a temporary sign, of any material, with or without changeable type lettering, illuminated or non-illuminated, mounted or transported on a vehicle, trailer or similar structure, with or without wheels, and not permanently attached to the ground, often referred to as a “mobile sign.” [Ord. 1997-13]

(9) *Sign, projecting*—a sign which is attached to a building or other structure and extends beyond the line of a building or structure or beyond the surface of that portion of the building or structure to which it is attached.

(10) *Sign, temporary*—a sign which is anchored to the ground or attached to a building or structure with weights, cables, pins, braces or stakes and which can easily be moved. Temporary signs are displayed for a limited period of time. [Ord. 1997-13]

Single-family dwelling unit—same as “dwelling unit.” [Ord. 1996-4]

Single-family residential unit—a tract of land used solely as a location for a single-family detached dwelling and accessory building such as a garage, yard, garden and other uses commonly accessory to a residence. [Ord. 2005-3]

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

(1) *Story, half*—a story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more that 2 feet above the floor.

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

Street grade—the officially established grade of the street upon which a lot fronts, or in its absence, the established grade of other streets upon which the lot abuts, at the midway of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

Street line—a line defining the edge of a street right-of-way and separating the street from abutting property or lots. Commonly known as the “street right-of way line.”

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

Tract—all contiguous land in common ownership on June 20, 1974. Land shall

be considered contiguous even though separated by public or private roads and/or by land adversed from the original tract after June 20, 1974. [*Ord. 2002-8*]

Use—the specific purpose for which land or a structure is designed, arranged, intended, occupied or maintained.

Variance—a modification of any provision of this Chapter granted by the Zoning Hearing Board.

Yard—the portions of the lot not occupied by a principal building.

(1) *Front yard*—the open unoccupied space on the same lot with the principal building extending the full width of the principal building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the principal building, and for this purpose any porches whether enclosed or unenclosed shall be considered as part of the principal building, and the street line.

(2) *Rear yard*—the open unoccupied space on the same lot with the principal building extending the full width of the principal building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the principal building, and for this purpose any porches whether enclosed or unenclosed shall be considered as part of the principal building, and the rear lot line.

(3) *Side yard*—the open unoccupied space on the same lot with the principal building situated between the principal building and the side lot line and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

[*Ord. 1995-8*]

(*Ord. 1974-3, 6/20/1974; as amended by Ord. 2/3/1977, §§IV, VIII and X; by Ord. 6/1/1978, §I; by Ord. 3/6/1980B, §§II, III, IV and V; by Ord. 11/5/1981, §§III, IV, V and VI; by Ord. 11/3/1983, §§I, II and III; by Ord. 10/4/1984, §XIII; by Ord. 6/1/1985, §XV; by Ord. 9/3/1992, §I; by Ord. 4/1/1993, §2; by Ord. 12/2/1993, §1; by Ord. 1995-7, 9/7/1995, §§1–5; by Ord. 1995-8, 12/7/1995, §§1–4; by Ord. 1996-4, 4/4/1996, §§1 and 2; by Ord. 1996-6, 7/3/1996, §§1–3; by Ord. 1997-13, 10/2/1997, §1; by Ord. 1997-14, 11/6/1997, §§2–8; by Ord. 1998-7, 8/6/1998, §§1 and 2; by Ord. 2000-2, 4/6/2000, §1; by Ord. 2000-9, 11/9/2000, §§1–3; by Ord. 2001-4, 5/3/2001, §§1 and 2; by Ord. 2001-7, 9/6/2001, §2; by Ord. 2002-8, 12/9/2002, §§1–4; by Ord. 2003-3, 5/1/2003, §§1 and 2; by Ord. 2003-9, 11/6/2003, §1; by Ord. 2004-2, 5/6/2004, §§1 and 2; by Ord. 2004-9, 9/2/2004, §2; by Ord. 2004-10, 9/2/2004, §§1 and 2; by Ord. 2004-11, 9/2/2004, §§1–4; by Ord. 2005-3, 2/10/2005, §§1–3; by Ord. 2005-7, 10/6/2005, §§1, 2; by Ord. 2006-4, 5/4/2006, §§2, 3; by Ord. 2006-5, 5/4/2006, §1; by Ord. 2006-7, 9/7/2006, §§1, 2; by Ord. 2009-4, 8/6/2009, §1; and by Ord. 2013-2, 2/7/2013, §§1 and 2)*)

Part 2

Zone Regulations

§27-201. Zones and Boundaries.

1. *Establishment of Zones.* The Township of Hopewell is divided into zones enumerated below and shown on the map entitled “Zoning Map of Hopewell Township,” which map is part of this Chapter.

R	Residential
A	Agricultural
Cv	Conservation
C	Commercial
I	Industrial
RII	Residential

2. *Boundaries of Zones.* Where uncertainty exists as to the boundaries of the zones as shown on the Zoning Map, the following rules shall apply:

A. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.

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

C. Boundaries indicated as approximately following Township limits shall be construed as following Township limits.

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

E. Boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be construed to follow such centerlines.

F. Boundaries indicated as parallel to or extensions of features indicated in paragraphs .A through .E shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map. [Ord. 1995-7]

G. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or in circumstances not covered by paragraphs .A through .F, the Zoning Hearing Board shall interpret the district boundaries. [Ord. 1995-7]

(Ord. 1974-3, 6/20/1974; as amended by Ord. 1995-7, 9/7/1995, §6)

§27-202. Use Regulations.

1. *Uses Permitted.* The uses permitted in the zones established by this Chapter and the permitted extent of these uses, are as shown in the zones following. The uses

shown as permitted in each zone are the only uses permitted in that zone. Unless otherwise noted, the use or dimensional standards are the requirements for each use. However:

- A. Modifications to the use or dimensional requirements are set forth in Part 4.
- B. Special exception use standards are set forth in Part 5.
- C. Additional general provisions are set forth in Part 3.
- D. No more than one dwelling unit and no more than one principal use other than agricultural use may be placed on the same lot without there first being a land development plan approved by the Board of Supervisors. [Ord. 4/1/1993]

2. *All Other Uses.* Any use not specifically allowed elsewhere in this Chapter shall be allowed by special exception in the zone or zones where, and to the extent that, similar uses are permitted or allowed by special exception provided that said use meets the requirements for a special exception and does not constitute a public or private nuisance.

3. *Accessory Uses and Structures.* Accessory uses and structures shall be permitted in conjunction with the principal uses permitted by this Chapter and shall be further subject to the requirements for accessory uses and structures as set forth in §27-301.

4. *Uses with Nuisance Effect.* In no case is a use permitted which by reason of noise, dust, odor, appearance or other objectionable factor creates a nuisance, hazard or other substantial adverse effect upon the property value or reasonable enjoyment of the surrounding property.

5. *Stormwater Management.* A violation of the Hopewell Township Stormwater Management Ordinance [Chapter 23] shall also be a violation of this Chapter, to the extent that such violation impacts or affects other properties, creates a nuisance or constitutes a use with nuisance effect pursuant to subsection .4 of this Section. [Ord. 2011-6]

(Ord. 1974-3, 6/20/1974; as amended by Ord. 4/1/1993, §5; and by Ord. 2011-6, 11/3/2011, §1)

§27-203. Residential Zone (R).

1. *Purpose.* The residential zone is for people to live in. The purpose of this Residential Zone is to provide for the orderly expansion of residential development; to provide for the public health and to prevent the overcrowding of land through the application of maximum housing densities; to provide standards which will encourage the installation of public facilities and the preservation of open space; to exclude any activities not compatible with residential development.

2. *Uses Permitted.*

A. No building or structure may be erected or used and no land may be used or occupied except for the following principal uses:

- (1) Single-family detached dwelling.
- (2) Single-family semi-detached dwelling.
- (3) Multi-family dwelling.

- (4) Single-family attached dwelling (townhouse).
- (5) Parks, open space and other recreation areas of a non-profit nature.
- (6) House of worship.
- (7) Farm–agriculture.
- (8) Crops or pasture.
- (9) Public wells.

[*Ord. 2005-3*]

B. The following accessory uses may be permitted when accessory to a permitted principal use.

- (1) Accessory buildings and structures including, but not limited to private garages, decks and sheds. A deck if put under roof is no longer an accessory structure but is part of the principal building or structure.
- (2) On-lot storage (see §27-303).
- (3) Private swimming pool (see §27-313).
- (4) Sale of agricultural products (see §27-304).
- (5) Off-street parking (see §27-305).
- (6) Domiciliary care unit (see §27-301.4).
- (7) Outdoor sign (see §27-302).
- (8) Home occupation (as limited by §27-301.5).
- (9) Family day-care home (as limited by §27-301.6).
- (10) No-impact home-based business as an accessory use to a residential dwelling (see §27-301.5). [*Ord. 2003-3*]

[*Ord. 2000-9*]

3. *Uses by Special Exception.*

A. The following principal uses shall be permitted as special exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to the criteria established in Part 5 of this Chapter.

Each use approved as a special exception use by the Township Zoning Hearing Board shall be located upon a separate and approved lot whether intended for transfer of title or not, unless the Zoning Hearing Board in granting the special exception finds that the proposed use is in fact accessory to a principal permitted use currently existing on the property. The lot for the use approved by special exception shall meet all the requirements of this Chapter, the Township Subdivision and Land Development Chapter and all requirements of the Pennsylvania Department of Environmental Protection.

- (1) Rooming house, multi-family conversion.
- (2) Mobile home park.
- (3) Convalescent home.
- (4) Hospital.
- (5) School, non-public and non-profit.

- (6) Public utility building.
- (7) Public buildings and facilities.
- (8) Child day-care center (see §27-504.7.W).
- (9) Nursery school (see §27-504.7.X).
- (10) Bed and breakfast inn (See §27-504.7.Z).

[Ord. 2005-3]

B. The following accessory uses shall be permitted as special exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Part 5 of this Chapter.

- (1) Home occupation (see §27-301.5).
- (2) Family day-care home (see §27-301.6). [Ord. 1996-6]
- (3) Any accessory use customarily incidental to any of the principal uses permitted by §27-203.2 or permitted by special exception pursuant to subparagraph .A of this subsection. [Ord. 1996-6]

4. *Lot Area; Width; Density.*

A. *Lot Area and Width.* The lot area and lot width of not less than the following dimensions shall be provided for each principal use other than a dwelling hereafter established in this zone: [Ord. 2005-3]

	Public Water and Public Sewer	Public Water or Public Sewer	No Public Water or Public Sewer
Minimum Lot Area	9,000 sq. feet [Ord. 2010-4]	30,000 sq. feet [Ord. 2005-3]	40,000 sq. feet [Ord. 2/16/1978]
Minimum Lot Width	80 feet [Ord. 2010-4]	80 feet	200 feet [Ord. 2/16/1978]

B. The lot areas and widths of lots for the location of dwellings shall conform to the following minimum lot and area requirements:

(1) Where neither public water service nor public sewer service are provided, lots for single-family detached dwellings shall have a minimum lot area of 40,000 square feet and a minimum lot width of 200 feet. Lots for dwellings other than single-family detached dwellings without either public water service or public sewer service are not permitted.

(2) Where both off-lot water service and public or community sewer service are not provided; provided:

(a) Lots for single-family detached and semi-detached dwellings shall have a minimum lot area of 40,000 square feet and a minimum lot width of 100 feet.

(b) Lots for dwellings other than single-family detached dwellings and single-family semi-detached dwellings without both off-lot water service and public or community sewer service are not permitted.

[Ord. 2010-4]

(3) Where connection to both public water service and connection to public sewer service will be provided, the following minimum requirements shall apply:

(a) *Dimension Requirements.* The minimum lot area, width and setbacks shall be as shown on the following schedule:

Dwelling Unit type	Lot Area Sq. Feet Per Dwelling Unit	Lot Width Feet Per Dwelling Unit	Front Yard	Side Yards	Rear Yard
Single-family detached	9,000	80	35	*	15
Single-family semi-detached	4,500	45	35***	*	15
Single-family attached	2,200	22	35***	*	15
Multi-family	2,200	**	35***	**	15

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

** The lot containing one or more multi-family dwellings must have a lot width of at least 200 feet. In those instances where more than one multi-family dwelling is located on a lot, parallel buildings shall have at least 40 feet between faces of the buildings. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as 10 feet at one end if increased by similar or greater distance at the other end.

*** The front yard may be reduced to 25 feet on lots fronting on all interior streets, whether public or private, in a residential subdivision or development, including any interior street which provides an entrance or exit to the subdivision or development. For purposes of this subsection, "interiors streets" shall be defined as all streets constructed within the development that are intended to serve as access to the dwelling units and all supporting community structures, regardless of whether the street is also a through street or is entirely contained within the subdivision or development.

[Ord. 2010-4]

[Ord. 2005-3]

C. *Single-Family Attached Dwellings.* The maximum number of dwelling units in a row group is eight. [Ord. 2005-3]

D. *Multi-Family Dwellings.* The maximum number of dwelling units in a multi-family dwelling is eight. [Ord. 2005-3]

E. *Ratio of Dwelling Types.* The total number of single-family attached dwelling units and multi-family dwelling units or combination thereof may not exceed 50 percent of the total number of dwelling units. This requirement does not apply if the "parcel" is less than 15 acres in size. [Ord. 2005-3]

F. *Unit Density.* The maximum gross density or number of dwelling units

permitted shall be based upon the total area of the parcel. The owner shall first determine the acreage of the parcel that he wishes to allocate to each type of dwelling unit consistent with the limitations set forth in paragraphs .A through .D above.

(1) The maximum number of single-family detached dwelling units shall be calculated by multiplying the acres of the parcel allocated to that dwelling type by 3.

(2) The maximum number of single-family semi-detached dwelling units shall be calculated by multiplying the acres of the parcel allocated to that dwelling type by 4.5.

(3) The maximum number of single-family attached dwelling units or multi-family dwelling units shall be calculated by multiplying the number of acres of the parcel allocated to that dwelling by 6.

[Ord. 2005-3]

5. *Setbacks.* Each lot shall provide front, side and rear setbacks not less than the following:

A. *Front Setback.*

(1) For a non-agricultural use—35 feet.

(2) For a principal or accessory building—35 feet.

B. *Each Side Setback.*

(1) For a principal building—10 feet. [Ord. 11/7/1991]

(2) For an accessory building—10 feet.

(3) For a non-agricultural use—10 feet.

C. *Rear Setback.*

(1) For a principal building—35 feet.

(2) For an accessory building—10 feet.

(3) For a non-agricultural use—10 feet.

[Ord. 10/4/1984]

6. *Building Height.* The height limit for a main building shall be 2 ½ stories, but not over 35 feet, except that the height limit may be extended to 3 ½ stories but not over 45 feet if each yard is increased in width 1 foot for each additional foot of height over 35 feet. The height limit for accessory buildings shall be two stories, but not over 25 feet. There shall be no height limitation for agricultural buildings. [Ord. 6/4/1992]

7. *Building Coverage.* Not more than 30 percent of the net area of the lot may be covered by buildings or structures including accessory buildings. [Ord. 6/4/1992]

8. *Green Area.* Not less than 60 percent of the net lot area may be devoted to green area as defined in this Chapter. [Ord. 6/4/1992]

9. *Dwelling Location.* Each dwelling constructed or placed in this zone shall be located upon a separate and approved lot whether intended for transfer of title or not and such lot must meet all of the requirements of this Chapter, the Township Subdivision and Land Development Ordinance [Chapter 22], and all requirements of the Pennsylvania Department of Environmental Protection. [Ord. 1995-7]

(*Ord. 1974-3*, 6/20/1974; as amended by *Ord. 2/16/1978*, §I; by *Ord. 10/4/1984*, §VI; by *Ord. 6/1-/1985*, §§V and VI; by *Ord. 2/5/1987*, §I; by *Ord. 11/7/1991*, §3; by *Ord. 6/4/1992*; by *Ord. 9/3/1992*, §II; by *Ord. 4/1/1993*, §7; by *Ord. 12/2/1993*, §2; by *Ord. 1995-7*, 9/7/1995, §§7, 8 and 16; by *Ord. 1996-6*, 7/3/1996, §§4–6; by *Ord. 2000-9*, 11/9/2000, §4; by *Ord. 2001-4*, 5/3/2001, §4; by *Ord. 2001-7*, 9/6/2001, §3; by *Ord. 2003-3*, 5/1/2003, §3; by *Ord. 2004-9*, 9/2/2004, §3; by *Ord. 2005-3*, 2/10/2005, §§4–6; and by *Ord. 2010-4*, 9/2/2010, §§1–3)

§27-204. Agricultural Zone (A).

1. *Purpose.* The purpose of the Agricultural Zone is to preserve for agricultural use the land best suited for that purpose and thereby strengthen the agricultural economy of the Township. This zone is composed of those areas in the Township whose predominant land use is agricultural. The regulations for this zone are designed to protect and stabilize the essential characteristics of these areas, to minimize conflicting land uses detrimental to agricultural enterprises and to maintain agricultural parcels or farms in sizes, which will permit efficient agricultural operations. [*Ord. 11/3/1983*]

2. *Uses Permitted.*

A. No building or structure may be erected or used and no land may be used or occupied except for the following principal uses:

- (1) Farm; agriculture.
- (2) Forest or wildlife preserve.
- (3) Greenhouse, nursery.
- (4) Single-family detached dwelling (see §§27-318.2 and 27-318.4). [*Ord. 2005-3*]

B. The following accessory uses may be permitted when accessory to a permitted principal use:

- (1) Accessory buildings and structures including but not limited to private garages, decks and sheds. A deck if put under roof is no longer an accessory structure but is part of the principal building or structure.
- (2) On-lot storage (see §27-303).
- (3) Private swimming pool (see §27-313).
- (4) Sale of agricultural products (see §27-304).
- (5) Off-street parking (see §27-305).
- (6) Domiciliary care unit (see §27-301.4).
- (7) Outdoor sign (see §27-302).
- (8) Home occupation (as limited by §27-301.5).
- (9) Farm market (see §27-317.2).
- (10) Family day-care home (as limited by §27-301.6). [*Ord. 1996-6*]
- (11) Sewage sludge disposal or agricultural utilization (as regulated by the Land Application of Sewage Sludge Ordinance [Chapter 18, Part 5]). [*Ord. 1999-10*]
- (12) No-impact home-based business as an accessory use to a residential

dwelling (see §27-301.5). [*Ord. 2003-3*]

(13) Agricultural-related outdoor recreational use (See §27-317.4). [*Ord. 2006-7*]

[*Ord. 1995-7*]

3. *Uses by Special Exception.*

A. The following principal uses shall be permitted as special exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to the criteria established in Part 5 of this Chapter providing, however, all of such uses shall be located on land of low quality for agricultural uses as defined in §27-318.4.B of this Chapter. [*Ord. 2005-3*]

Each use approved as a special exception use by the Township Zoning Hearing Board shall be located upon a separate and approved lot whether intended for transfer of title or not, unless the Zoning Hearing Board in granting the special exception finds that the proposed use is in fact accessory to a principal permitted use currently existing on the property. The lot for the use approved by special exception shall meet all the requirements of this Chapter, the Township Subdivision and Land Development Chapter and all requirements of the Pennsylvania Department of Environmental Protection.

(1) House of worship.

(2) Cemetery.

(3) Agricultural society.

(4) Kennel, animal hospital.

(5) Child day-care center (see §27-504.7.W).

(6) Nursery school (see §27-504.7.X).

(7) Bed and breakfast inn (See §27-504.7.Z).

(8) Commercial wireless telecommunications service facility (either as a principal or accessory use) (see §27-504.7.AA). [*Ord. 2002-8*]

(9) Concentrated animal feeding operation (CAFO) (See §27-504.7.BB(2)). [*Ord. 2004-11*]

[*Ord. 2001-7*]

B. The following accessory uses shall be permitted as special exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Part 5 of this Chapter.

(1) Home occupation (see §27-301.5).

(2) Family day-care home (see §27-301.6). [*Ord. 1996-6*]

(3) Any accessory use customarily incidental to any of the principal uses permitted by §27-204.2 or permitted by special exception pursuant to paragraph .A of this subsection. [*Ord. 1996-6*]

4. *Setbacks.* Each lot shall provide front, side and rear setbacks not less than the following:

A. *Front Setback.*

- (1) For a non-agricultural use—35 feet.
- (2) For a principal or accessory building—35 feet.

B. *Each Side Setback.*

- (1) For a principal building—15 feet.
- (2) For an accessory building—10 feet.
- (3) For a non-agricultural use—10 feet.

C. *Rear Setback.*

- (1) For a principal building—35 feet.
- (2) For an accessory building—10 feet.
- (3) For a non-agricultural use—10 feet.

[Ord. 10/4/1984]

5. *Building Height.* The building height limit shall be 50 feet, except in case of agricultural buildings, in which case there shall be no height limitation.

6. *Building Coverage.* Not more than 15 percent of the net area of the lot may be covered by buildings or structures including accessory buildings.

7. *Green Area.* No less than 70 percent of the net lot area shall be devoted to green area as defined in this Chapter.

8. *Lot Area and Lot Width.* For each use permitted by right or by special exception, the following lot area and lot width are applicable:

	Use	Minimum Lot Area	Minimum Lot Width
A.	Farm	100 acres	200 feet
B.	Forest and wildlife preserve	10 acres	200 feet
C.	Single-family dwelling unit:		
	With public sewer and water	20,000 sq. feet	100 feet
	Either public sewer or water	30,000 sq. feet	150 feet
	Neither public sewer or water	40,000 sq. feet	200 feet
D.	All other uses	40,000 sq. feet	200 feet

[Ord. 2001-7]

9. *Plan.* Every property owner proposing a subdivision of his property for one of the uses permitted in this district, or proposing to establish a new and different use on a portion of his property shall, before effecting such division or before establishing such new use, submit to the Board of Supervisors for approval a plan setting forth in a reasonably accurate manner the land owned by such property owner and the portion of such land proposed to be divided for one of the uses permitted in this district, or to be utilized by the new use to be established, whichever is applicable. Such plan shall also contain such information as is necessary to enable the Board of Supervisors to determine whether or not the requirements set forth in this Part and the other Parts of this Chapter will be met. In the event division of property is proposed, such plan shall set forth which of the lot or lots shown on thereon shall have the right to erect or place

any unused quota of dwellings the parcel may have. In the event a subdivision or land development plan is required by the Township Subdivision and Land Development Ordinance [Chapter 22], such plan shall, if the above required data is set forth thereon, meet the requirements of this Section. No lot or parcel may be subdivided or separated from the original tract, nor may any new or additional use be established on such tract without the plan required by this Section having been approved by the Township Board of Supervisors. [*Ord. 1995-7*]

10. *Subdivision.* Except when necessary to permit the location of a single-family residential unit pursuant to §§27-204.2.A(4), and 27-318.2 or 27-318.4.D of this Chapter, no subdivision of land other than land of low quality for agricultural use as defined in §27-318.4.B of this Chapter shall be permitted; provided, however, this shall not prevent a parcel from being divided into or among two or more farms which will, after transfer, each contain at least 100 acres, nor shall it prevent a parcel from transferring land to another parcel which will, after such transfer, contain at least as much cropland as the transferor parcel prior to the transfer. Any new division line being created between two farms shall be agriculturally reasonable and shall not be so as to render the agricultural use of the tracts less efficient; i.e. under normal circumstances fields and contour strips shall not be divided. The tracts transferred to a farm or parcel pursuant to this Section shall not subsequently be separated from such farm or parcel. [*Ord. 2005-7*]

There must be assigned to both the land being separated from the original tract or parcel and the remaining portion of the original tract or parcel at least one of the original tract's permitted allocation of dwelling units unless that land or parcel is being permanently joined to an adjacent tract or parcel which either contains an existing dwelling or has allocated to it the right to construct at least one dwelling. [*Ord. 1/2/1990B*]

The property owner must demonstrate that each lot created, which is not being joined to an adjacent tract or parcel, can be approved as a location for the placement or erection of at least one dwelling. [*Ord. 1995-7*]

(*Ord. 1974-3, 6/20/1974; as amended by Ord. 2/16/1978, §§II and III; by Ord. 3/6/1980B, §I; by Ord. 10/2/1980, §I; by Ord. 11/5/1981, §I; by Ord. 11/3/1983, §IV, V, VI and XIII; by Ord. 10/4/1984, §VII; by Ord. 6/-/1985, §§VII and VIII; by Ord. 1/2/1990B, §§I, II, III and V; by Ord. 9/3/1992, §II; by Ord. 4/1/1993, §7; by Ord. 12/2/1993, §3; by Ord. 1995-7, 9/7/1995, §§9, 10, 11 and 16; by Ord. 1996-4, 4/4/1996, §3; by Ord. 1996-6, 7/3/1996, §§7-9; by Ord. 1999-10, 7/1/1999, §1; by Ord. 2000-9, 11/9/2000, §5; by Ord. 2001-4, 5/3/2001, §4; by Ord. 2001-7, 9/6/2001, §§2 and 3; by Ord. 2002-8, 12/9/2002, §5; by Ord. 2003-3, 5/1/2003, §3; by Ord. 2004-11, 9/2/2004, §5; by Ord. 2005-3, 2/10/2005, §§7 and 8; by Ord. 2005-7, 10/6/2005, §3; and by Ord. 2006-7, 9/7/2006, §3)*

§27-205. Conservation Zone (Cv).

1. *Purpose.* The purpose of this zone is to designate a zoning category for those areas where, because of natural geographic factors and existing land uses it is considered feasible and desirable to conserve open spaces, water supply sources, woodland areas, wildlife and other natural resources. This zone may include extensive steeply sloped areas, stream valleys, floodplains, water supply sources and wooded

areas adjacent thereto.

2. *Uses Permitted.*

A. No building or structure may be erected or used and no land may be used or occupied except for the following principal uses:

- (1) Single-family detached dwelling (see §§27-318.2 and 27-318.4). [*Ord. 2005-3*]
- (2) Greenhouse, nursery.
- (3) Parks, open space and other recreation areas of a non-profit nature.
- (4) Farm; agriculture.
- (5) Forest and wildlife preserve.
- (6) Landfill reclamation as outdoor recreational establishment. [*Ord. 1998-7*]

B. The following accessory uses may be permitted when accessory to a permitted principal use:

- (1) Accessory buildings and structure including, but not limited to private garages, decks and sheds. A deck if put under roof is no longer an accessory structure but is part of the principal building or structure.
- (2) On-lot storage (see §27-303).
- (3) Private swimming pool (see §27-313).
- (4) Sale of agricultural products (see §27-304).
- (5) Off-street parking (see §27-305).
- (6) Domiciliary care unit (see §27-301.4).
- (7) Outdoor sign (see §27-302).
- (8) Home occupation (as limited by §27-301.5).
- (9) Farm market (see §27-317.2).
- (10) Family day-care home (as limited by §27-301.6). [*Ord. 1996-6*]
- (11) Sewage sludge disposal or agricultural utilization (as regulated by Land Application of Sewage Sludge Ordinance [Chapter 18, Part 5]). [*Ord. 1999-10*]
- (12) No-impact home-based business as an accessory use to a residential dwelling (see §27-301.5). [*Ord. 2003-3*]
- (13) Agricultural-related outdoor recreational use (See §27-317.4). [*Ord. 2006-7*]

[*Ord. 1995-7*]

3. *Uses by Special Exception.*

A. The following principal uses shall be permitted as special exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to the criteria established in Part 5 of this Chapter; providing, however, all such uses shall be located on land of low quality for agricultural use as defined in §27-318.4.B of this Chapter. [*Ord. 2005-3*]

Each use approved as a special exception use by the Township Zoning Hearing

Board shall be located upon a separate and approved lot whether intended for transfer of title or not, unless the Zoning Hearing Board in granting the special exception finds that the proposed use is in fact accessory to a principal permitted use currently existing on the property. The lot for the use approved by special exception shall meet all the requirements of this Chapter, the Township Subdivision and Land Development Ordinance [Chapter 22] and all requirements of the Pennsylvania Department of Environmental Protection.

- (1) Kennel. [Ord. 2006-5]
- (2) Trap, skeet, rifle or archery range.
- (3) Public buildings and facilities.
- (4) Outdoor recreational establishment.
- (5) Cemetery.
- (6) Club room, club grounds, meeting hall.
- (7) Child day-care center (see §27-504.7.W).
- (8) Nursery school (see §27-504.7.X).
- (9) Bed and breakfast inn (See §27-504.7.Z).
- (10) Commercial wireless telecommunications service facility (either as a principal or accessory use) (see §27-504.7.AA). [Ord. 2002-8]

[Ord. 2001-7]

B. The following accessory uses shall be permitted as special exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Part 5 of this Chapter.

- (1) Home occupation (see §27-301.5).
 - (2) Family day care home (see §27-301.6). [Ord. 1996-6]
 - (3) Any accessory use customarily incidental to any of the principal uses permitted by §27-205.2 or permitted by special exception pursuant to paragraph .A of this subsection. [Ord. 1996-6]
4. *Lot Area and Width.* The lot area and lot width shall be as set forth in §27-318.4.D of this Chapter. [Ord. 2001-7]
5. *Setbacks.* Each lot shall provide front, side and rear setbacks not less than the following:
- A. *Front Setback.*
 - (1) For a non-agricultural use—35 feet.
 - (2) For a principal or accessory building—35 feet.
 - B. *Each Side Setback.*
 - (1) For a principal building—15 feet.
 - (2) For an accessory building—10 feet.
 - (3) For a non-agricultural use—10 feet.
 - C. *Rear Setback.*
 - (1) For a principal building—35 feet.

- (2) For an accessory building—10 feet.
- (3) For a non-agricultural use—10 feet.

[*Ord. 10/4/1984*]

6. *Building Height.* The building height limit shall be 50 feet, except in case of agricultural buildings, in which case there shall be no height limitation.

7. *Building Coverage.* Not more than 10 percent of the net area of the lot may be covered by buildings or structures including accessory buildings.

8. *Green Area.* Not less than 70 percent of the net lot area shall be devoted to green area as defined in this Chapter.

9. *Dwelling Location.* Each dwelling constructed or placed in this zone shall be located upon a separate and approved lot whether intended for transfer of title or not, and such lot must meet all of the requirements of this Chapter, the Township Subdivision and Land Development Chapter, and all requirements of the Pennsylvania Department of Environmental Protection. [*Ord. 1995-7*]

(*Ord. 1974-3, 6/20/1974; as amended by Ord. 3/6/1980B, §VI; by Ord. 10/2/1980, §II; by Ord. 10/4/1984, §VIII; by Ord. 6/-/1985, §§IX and X; by Ord. 9/3/1992, §II; by Ord. 4/1/1993, §7; by Ord. 1995-7, 9/7/1995, §§12, 13 and 16; by Ord. 1996-4, 4/4/1996, §§4 and 5; by Ord. 1996-6, 7/3/1996, §§10–12; by Ord. 1998-7, 8/6/1998, §3; by Ord. 1999-10, 7/1/1999, §1; by Ord. 2001-4, 5/3/2001, §4; by Ord. 2001-7, 9/6/2001, §3; by Ord. 2002-8, 12/9/2002, §5; by Ord. 2003-3, 5/1/2003, §3; by Ord. 2005-3, 2/10/2005, §§7 and 8; by Ord. 2006-5, 5/4/2006, §2; and by Ord. 2006-7, 9/7/2006, §3*)

§27-206. Commercial Zone (C).

1. *Purpose.* The purpose of this zone is to provide for the day-to-day shopping and service needs of the residents of Hopewell Township. [*Ord. 2006-5*]

2. A. *Uses Permitted.* No building or structure may be erected or used and no land may be used or occupied except for the following principal uses. All uses permitted in this zone, which involves the sale of products and services, must offer their products and services for sale to residents of Hopewell Township. Wholesale warehouses and other facilities involving products and services not available for purchase by residents of Hopewell Township must be located in the Industrial Zone. [*Ord. 2006-5*]

- (1) Public utility building.
- (2) Public buildings and facilities.
- (3) House of worship.
- (4) Public or private parking lot.
- (5) Professional and business offices.
- (6) Medical clinic.
- (7) Financial institution.
- (8) Commercial school.
- (9) Retail stores and personal service shops.
- (10) Eating establishments including drive-in restaurants.

- (11) Motel, hotel, tourist home.
- (12) Research laboratory.
- (13) Laundry and dry cleaning establishments.
- (14) Processing establishments.
- (15) Vehicle sales, service and repair. [*Ord. 1995-7*]
- (16) Warehouse storage services.
- (17) Convalescent home.
- (18) Funeral home.
- (19) Antique sales.
- (20) Commercial greenhouse.
- (21) Indoor recreational establishment.
- (22) Farm; agriculture.
- (23) Clubroom, meeting hall.
- (24) Small scale assembly operations.
- (25) Mini-storage facility (See §27-303.5.A). [*Ord. 2001-4*]
- (26) Shopping Center (See §27-317.5). [*Ord. 2006-7*]

B. The following accessory uses may be permitted when accessory to a permitted principal use:

- (1) Accessory building.
- (2) On lot storage.
- (3) Off street parking.
- (4) Outdoor sign.
- (5) A single apartment in conjunction with a commercial establishment or alternatively a caretaker or watchman dwelling in conjunction with such commercial establishment.

[*Ord. 4/1/1993*]

(6) Sewage sludge disposal or agricultural utilization (as regulated by *Ord. 1999-3* of Hopewell Township). [*Ord. 1999-10*]

(7) Agricultural-Related Outdoor Recreational Use (See §27-317.4). [*Ord. 2006-7*]

3. *Uses by Special Exception.*

A. The following principal uses shall be permitted as special exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Part 5 of this Chapter.

Each use approved as a special exception use by the Township Zoning Hearing Board shall be located upon a separate and approved lot whether intended for transfer of title or not, unless the Zoning Hearing Board in granting the special exception finds that the proposed use is in fact accessory to a principal permitted use currently existing on the property. The lot for the use approved by special exception shall meet all the requirements of this Chapter, the Township Subdivi-

sion and Land Development Chapter and all requirements of the Pennsylvania Department of Environmental Protection.

- (1) Gasoline station.
- (2) Animal hospital, kennel.
- (3) Outdoor recreational establishment.
- (4) Child day care center (see §27-504.7.W).
- (5) Nursery School (see §27-504.7.X).
- (6) Bed and Breakfast Inn (See §27-504.7.Z).
- (7) Commercial wireless telecommunications service facility (either as a principal or accessory use) (See §27-504.7.AA).

[Ord. 2006-7]

B. The following accessory uses shall be permitted as special exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Part 5 of this Chapter.

- (1) Home occupation (see §27-301.5).
- (2) Any accessory use customarily incidental to any of the principal uses permitted by §27-206.2 of this Chapter or by paragraph .A of this subsection.

[Ord. 6/-/1985]

4. *Lot Area and Width.* The lot area and lot width of not less than the following dimensions shall be provided for each principal use hereafter established in this zone:

- A. *Minimum Lot Area*—20,000 square feet.
- B. *Minimum Lot Width*—100 feet.

5. *Setbacks.* Each lot shall provide front, side and rear setbacks not less than the following:

- A. *Front Setback.*
 - (1) For a non-agricultural use—35 feet.
 - (2) For a principal or accessory building—35 feet.
- B. *Each Side Setback.*
 - (1) For a principal building—15 feet
 - (2) For an accessory building—15 feet.
 - (3) For a nonagricultural use—15 feet.
- C. *Rear Setback.*
 - (1) For a principal building—35 feet.
 - (2) *For an accessory building*—20 feet.
 - (3) *For a non-agricultural use*—20 feet.

[Ord. 10/4/1984]

6. *Building Height.* The building height limit shall be three stories but in no case more than 35 feet; however, the maximum height limit may be increased to 50 feet provided that each minimum yard area is increased in size 1 foot for each additional 1

foot of building height over 35 feet. The height limit for an accessory building shall be two stories but not over 25 feet. There shall be no height limitation for agricultural buildings. [Ord. 2001-7]

7. *Building Coverage.* Not more than 60 percent of the net area of the lot may be devoted to buildings and structures including accessory buildings.

8. *Green Area.* Not less than 30 percent of the net area of the lot shall be devoted to green area as defined in this Chapter.

9. *No-Impact Home-Based Business.* A no-impact home-based business shall be permitted as an accessory use to any residential dwelling unit in this zone. [Ord. 2003-3]

(Ord. 1974-3, 6/20/1974; as amended by Ord. 3/4/1982, §I; by Ord. 10/4/1984, §X; by Ord. 6/-/1985, §XIII; by Ord. 10/1/1987, §I; by Ord. 4/1/1993, §1; by Ord. 1995-7, 9/7/1995, §§14 and 16; by Ord. 1996-6, 7/3/1996, §13; by Ord. 1999-10, 7/1/1999, §1; by Ord. 2000-9, 11/9/2000, §6; by Ord. 2001-4, 5/3/2001, §§3 and 4; by Ord. 2001-7, 9/6/2001, §3; by Ord. 2003-3, 5/1/2003, §4; by Ord. 2006-5, 5/4/2006, §§3-5; and by Ord. 2006-7, 9/7/2006, §§3-5)

§27-207. Industrial Zone (I).

1. *Purpose.* The purpose of this zone is to permit industrial development that will be so located and designed as to constitute a harmonious and appropriate development, contribute to the soundness of the economic base of the Township, prohibit any use which would substantially interfere with the development, continuation or expansion of industrial uses in this zone, and control industrial uses to minimize air pollution, noise, glare, heat, vibration and fire and safety hazards.

2. A. *Uses Permitted.* No building or structure may be erected or used and no land be used or occupied except for 1 or more of the following principal uses:

- (1) Public building and facilities.
- (2) Public or private parking lot.
- (3) Caretaker or watchman dwelling.
- (4) Professional and business offices.
- (5) Processing establishments.
- (6) Industrial laundry establishment.
- (7) Heavy storage services (e.g., warehouse, building material yard).
- (8) Motor freight depot, truck terminal or other transportation terminal.
- (9) Research laboratory.
- (10) *Light manufacturing.* These include such uses as:
 - (a) Printing and publishing.
 - (b) Soft drink bottling, packaging products in the form of powder or other dry state.
 - (c) Lace manufacture, sewing apparel.
 - (d) Assembly of electric apparatus.
 - (e) Furniture.

- (11) Farm; Agriculture.
- (12) Hospital, nursing home or convalescent home.
- (13) *Accessory commercial uses*. These include such uses as:
 - (a) Stationery or office supply shop.
 - (b) Secretarial service establishment.
 - (c) Bank, savings and loan association or similar chartered financial institution accepting deposits, including up to one walk-up automated teller facility and up to two drive-through windows.
 - (d) Public restaurant with a gross area which does not exceed 3,000 square feet.
 - (e) Food or convenience store with gross floor area which does not exceed 3,500 square feet, and which does not include gasoline pumps. Such a use, which would include gasoline pumps, would be subject to special exception pursuant to subsection .3.A(4).
- (14) Mini-Storage facility (See §27-303.5.A).

[*Ord. 2001-7*]

B. The following accessory uses may be permitted when accessory to a permitted principal use: [*Ord. 1999-10*]

- (1) Sewage sludge disposal or agricultural utilization (as regulated by *Ord. 1999-3* of Hopewell Township). [*Ord. 1999-10*]
- (2) Recreational facility or health club for the exclusive use of the employees of principal permitted uses located on the parcel or tract. [*Ord. 2000-2*]
- (3) Child day care center (see §27-504.7.W) and/or nursery school (see §27-504.7.X) for the exclusive use of the employees of principal permitted uses located on the parcel or tract. [*Ord. 2000-2*]

3. *Special Exceptions*. The Zoning Hearing Board may authorize the following principal uses as special exceptions in accordance with the provisions of §27-207.9.B).

A. Each use approved as a special exception use by the Township Zoning Hearing Board shall be located upon a separate and approved lot whether intended for transfer of title or not, unless the Zoning Hearing Board in granting the special exception finds that the proposed use is in fact accessory to a principal permitted use currently existing on the property. The lot for the use approved by special exception shall meet all the requirements of this Chapter, the Township Subdivision and Land Development Chapter and all requirements of the Pennsylvania Department of Environmental Protection.

- (1) Industrial park.
- (2) *General manufacturing*. These include such uses as:
 - (a) Textiles, leather, rubber, paper.
 - (b) Fabricated metals, machinery.
 - (c) Stone, clay, glass.
 - (d) Instrument making, tool & die making, cabinet making.

- (e) Electroplating metals, molding plastics.
- (3) Automobile dismantling plant, junkyard, incineration, baling or treatment of junk, scrap, metals, rags, paper.
- (4) Gasoline station.
- (5) Public utility building.
- (6) Landfill.
- (7) Airstrip, airport.
- (8) The tanning or storage of rawhides or skins and fat rendering.
- (9) Tire recapping.
- (10) Child day care center (see §27-504.7.W).
- (11) Nursery School (see §27-504.7.X).
- (12) Adult entertainment facility (see §27-504.7.Y).
- (13) Commercial wireless telecommunications service facility (either as a principal or accessory use) (See §27-504.7.AA). [Ord. 2002-8]
- (14) Kennel. [Ord. 2006-5]

[Ord. 2001-7]

4. *Lot Area and Width.* The lot area and lot width of not less than the following dimensions shall be provided for each principal use hereafter established in this zone:

A. *Minimum Lot Area*—1 acre, except that accessory commercial uses shall have a minimum of ½ acre and a maximum of 1 acre. [Ord. 2000-2]

B. *Minimum Lot Width*—200 feet, except that accessory commercial uses shall have a minimum of 150 feet. [Ord. 2000-2]

5. *Setbacks.* Each lot shall provide front, side and rear setbacks not less than the following:

A. *Front Setback.*

- (1) For a non-agricultural use—50 feet.
- (2) For a principal or accessory building—50 feet.

B. *Each Side Setback.*

- (1) For a principal building—30 feet.
- (2) For an accessory building—10 feet.
- (3) For a non-agricultural use—10 feet.

C. *Rear Setback.*

- (1) For a principal building—40 feet.
- (2) For an accessory building—40 feet.
- (3) For a non-agricultural use—40 feet.

[Ord. 10/4/1984]

6. *Building Height.* The building height limit shall be three stories but not more than 35 feet. The maximum height limit may be increased to 50 feet provided that each minimum yard area is increased in size 1 foot for each additional 1 foot of building height over 35 feet. The height limit for an accessory building shall be two stories but

not over 25 feet. There shall be no height limitation for agricultural buildings.

7. *Building Coverage.* Not more than 50 percent of the net area of the lot may be devoted to buildings and structures including accessory buildings.

8. *Green Area.* Not less than 35 percent of the net area of the lot shall be devoted to green area as defined in this Chapter.

9. *Performance Standards.* Hereafter, all uses of land, buildings and structures for industrial purposes must meet the following conditions:

A. Light Manufacturing and storage uses MUST NOT:

(1) Cause dust, smoke, fumes, gas or offensive odors to be disseminated beyond the boundaries of the lot.

(2) Cause vibration beyond the boundaries of the lot.

(3) Cause noise exceeding that of street traffic at the front lot line.

(4) Cause glare observable from beyond the boundaries of the lot.

B. General Manufacturing and other special exception uses MUST NOT:

(1) Cause dust, smoke, fumes, gas or offensive odors to be disseminated beyond the boundaries of the lot in violation of §27-316.6.

(2) Cause vibration beyond that permitted by §27-316.3 of this Chapter.

(3) Cause noise exceeding that permitted by §27-316.2 of this Chapter.

(4) Cause glare observable from beyond the boundaries of the lot in violation of §27-316.5 of this Chapter.

(5) Cause any pollution, degradation, contamination or discoloration of any underground or surface waters of the Township.

(6) Constitute an unusual fire or explosion hazard.

C. In addition to the above, the applicant for a special exception for a use permitted in this district by special exception must establish to the Zoning Hearing Board the following:

(1) The ground water recharge on the tract in question after development computed during drought conditions (periods when precipitation is 40 percent below normal) will exceed the anticipated water usage figures computed by using the Department of Environmental Protection's figures of three and one-half persons per dwelling unit and average daily usage of 100 gallons per person per day, where residential use is contemplated, and will exceed projected water usage figures where industrial or commercial use is contemplated, and that the installation of the proposed systems will not lower the ground water table in the area so as to endanger or decrease ground water supplies available to other properties in the area of the property proposed for the use permitted by special exception.

(2) That there is suitable access to the site of the proposed use taking into consideration the amount and type of additional traffic movement likely to result from the location of the proposed use on the site proposed and that the use will not substantially increase traffic on residential streets and/or farm roads.

(3) That the buildings to be erected in conjunction with the proposed use

will be suitably designed and landscaped so as to be compatible with surrounding areas.

(4) That the drainage requirements of §27-311 of this Chapter will be complied with.

(5) That adequate fencing shall be provided to prevent children from having access to any dangerous facilities and/or materials.

(6) That the buffer requirements of §27-308 of this Chapter will be complied with.

D. In the event that a special exception for a use permitted in this district by special exception is granted by the Zoning Hearing Board and a permit and use certificate are issued therefore by the Township Zoning Officer and it is established that to the satisfaction of the Board of Supervisors that the use is in fact causing:

(1) Dust, smoke, fumes, gas or offensive odors to be disseminated beyond the boundaries of the lot in violation of §27-316.6 of this Chapter.

(2) Vibration beyond that permitted by §27-316.3 of this Chapter.

(3) Noise exceeding that permitted by §27-316.2 of Chapter.

(4) Glare observable from beyond the boundaries of the lot in violation of §27-316.5 of this Chapter.

(5) Any pollution, degradation, contamination or discoloration of any underground or surface waters of the Township.

(6) An unusual fire or explosion hazard.

(7) An adverse affect upon water supplies utilized by neighboring properties.

That the permit or certificate holder has:

(a) Failed to construct and/or landscape buildings as provided in the proposal.

(b) Has failed to comply with the drainage requirements of §27-311.

(c) Has failed to fence facilities or materials dangerous to children.

(d) Has failed to comply with the buffer requirements of §27-308 of this Chapter.

The permit and use certificate issued with respect to the use shall be revoked and the use shall terminate immediately.

[*Ord. 2001-7*]

10. *No-Impact Home-Based Business.* A no-impact home-based business shall be permitted as an accessory use to any residential dwelling unit in this zone. [*Ord. 2003-3*]

(*Ord. 1974-3, 6/20/1974; as amended by Ord. 10/2/1980, §III; by Ord. 3/4/1982, §II; by Ord. 11/3/1983, §IX; by Ord. 10/4/1984, §§III, IV, V and XI; by Ord. 4/1/1993, §7; by Ord. 1995-7, 9/7/1995, §16; by Ord. 1996-6, 7/3/1996, §14; by Ord. 1997-14, 11/6/1997, §9; by Ord. 1998-7, 8/6/1998, §4; by Ord. 1999-10, 7/1/1999, §2; by Ord. 1999-12, 8/5/1999, §1; by Ord. 2000-2, 4/6/2000, §§2-4; by Ord. 2000-9, 11/9/2000, §6; by Ord. 2001-4, 5/3/2001, §3; by Ord. 2001-7, 9/6/2001, §§2 and 3; by Ord. 2002-8, 12/9/2002, §5; by Ord. 2003-3, 5/1/2003, §4; and by Ord. 2006-5, 5/4/2006, §6*)

§27-208. Residential II Zone (R-II).

1. *Purpose.* The purpose of this zone is to provide for medium density residential development on lands which are unsuitable or very poorly suited for agricultural use and which have public sewer but not public water available to them and to exclude any activities not compatible with such residential development.

2. *Uses Permitted.*

A. No building or structure may be erected or used and no land may be used or occupied except for the following principal uses:

- (1) Single-family detached dwelling.
- (2) Public buildings and facilities.
- (3) Parks, open space and other recreation areas of a non-profit nature.
- (4) Farm; agriculture.
- (5) Greenhouse, nursery.
- (6) Forest or wildlife preserve.

[*Ord. 2013-2*]

B. The following accessory uses may be permitted when accessory to a permitted principal use: [*Ord. 2000-9*]

- (1) Accessory buildings and structures including, but not limited to private garages, decks and sheds. A deck if put under roof is no longer an accessory structure but is part of the principal building or structure.
- (2) On-lot storage (see §27-303).
- (3) Private swimming pool (see §27-313).
- (4) Sale of agricultural products (see §27-304).
- (5) Off-street parking (see §27-305).
- (6) Domiciliary care unit (see §27-301.4).
- (7) Outdoor sign (see §27-302).
- (8) Home occupation (as limited by §27-301.5).
- (9) Family day care home (as limited by §27-301.6).
- (10) No-impact home-based business as an accessory use to a residential dwelling (see §27-301.5). [*Ord. 2003-3*]

[*Ord. 1995-7*]

3. *Uses by Special Exception.*

A. The following principal uses shall be permitted as special exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to the criteria established in Part 5 of this Chapter.

Each use approved as a special exception use by the Township Zoning Hearing Board shall be located upon a separate and approved lot whether intended for transfer of title or not, unless the Zoning Hearing Board in granting the special exception finds that the proposed use is in fact accessory to a principal permitted use currently existing on the property. The lot for the use approved by special

exception shall meet all the requirements of this Chapter, the Township Subdivision and Land Development Chapter and all requirements of the Pennsylvania Department of Environmental Protection.

- (1) Clubroom club grounds, meeting hall.
- (2) Outdoor recreational establishment.
- (3) Animal hospital, commercial kennel.
- (4) Noncommercial kennel.
- (5) Agricultural Society.
- (6) Airport, airstrip.
- (7) Antique sales.
- (8) School, nonpublic and nonprofit.
- (9) Public utility building.
- (10) Outdoor recreational establishment.
- (11) Child day care center (see §27-504.7.W).
- (12) Nursery School (see §27-504.7.X).
- (13) Bed and Breakfast Inn (See §27-504.7.Z).

[*Ord. 2013-2*]

B. The following accessory uses shall be permitted as special exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Part 5 of this Chapter.

- (1) Home occupation (see §27-301.5).
- (2) Family day care home (see §27-301.6). [*Ord. 1996-6*]

(3) Any accessory use customarily incidental to any of the principal uses permitted by §27-203.2 or permitted by special exception pursuant to paragraph .A of this subsection. [*Ord. 1996-6*]

4. *Lots Area and Width.* The lot area and lot width of not less than the following dimensions shall be provided for each principal use hereafter established in this zone:

- A. *Minimum Lot Area*—1 acre (43,560 square feet).
- B. *Minimum Lot Width*—200 feet.

5. *Setbacks.* Each lot shall provide front, side and rear setbacks not less than the following:

- A. *Front Setback.*
 - (1) For a non-agricultural use—35 feet.
 - (2) For a principal or accessory building—35 feet.
- B. *Each Side Setback.*
 - (1) For a principal building—15 feet.
 - (2) For an accessory building—10 feet.
 - (3) For a non-agricultural use—10 feet.
- C. *Rear Setback.*

- (1) For a principal building—35 feet.
- (2) For an accessory building—10 feet.
- (3) For a non-agricultural use—10 feet.

[Ord. 10/4/1984]

6. *Building Height.* The building height limit shall be 50 feet, except in the case of agricultural buildings, in which case there shall be no height limitation.

7. *Building Coverage.* Not more than 15 percent of the net area of the lot may be covered by buildings or structures including accessory buildings.

8. *Dwelling Location.* Each dwelling constructed or placed in this zone shall be located upon a separate and approved lot whether intended for transfer of title or not, and such lot must meet all of the requirements of this Chapter, the Township Subdivision and Land Development Chapter, and all requirements of the Pennsylvania Department of Environmental Protection. [Ord. 1995-7]

(Ord. 1974-3, 6/20/1974 as amended by Ord. 3/31/1976, §I; by Ord. 10/4/1984, §IX; by Ord. 6/-/1985, §§XI and XII; by Ord. 9/3/1992, §II; by Ord. 4/1/1993, §7; by Ord. 1995-7, 9/7/1995, §§15–17; by Ord. 1996-6, 7/3/1996, §§15–17; by Ord. 2000-9, 11/9/2000, §§4 and 7; by Ord. 2001-4, 5/3/2001, §4; by Ord. 2003-3, 5/1/2003, §3; by Ord. 2005-3, 2/10/2005, §7; and by Ord. 2013-2, 2/7/2013, §§4 and 5)

Part 3**General Provisions****§27-301. Accessory Uses and Structures.**

1. *Attached Structures.* A permanent-roofed accessory structure, attached to the principal building, is considered a part of the principal building for all regulatory purposes.

2. *Non-attached Structures.* A permanent-roofed accessory structure, standing apart from the principal structure, is permitted in rear or side yards. For all other requirements, a nonattached structure is considered a part of the principal building. [Ord. 2/3/1977]

3. A. *Fences and Walls.* No fence or wall (except a retaining wall or a wall of a building permitted under the terms of this Chapter) shall be erected to a height of more than 3 feet in a front yard area and more than 6 feet in any other yard area in a residential zone or upon any lot used for residential purposes in any other zone. For all other uses in all C and I zones no fence may exceed 6 feet in height in any yard area.

B. Notwithstanding the provisions of this Section, fences in a front yard shall be permitted in the street right-of-way so long as they meet the following criteria: [Ord. 2003-9]

(1) They are placed at least 3 feet from the edge of the curb, or, if there are sidewalks, at least 2 feet from the inner edge of the sidewalk. If there are no curbs or sidewalks, then they shall be placed at least 6 feet from the edge of the cartway. [Ord. 2003-9]

(2) The Zoning Officer has determined that no sight distances, including sight distances from driveways and/or intersections, will be negatively impacted by any such fence. In evaluating the detriment of such a fence, the Zoning Officer shall take into account the nature and type of the fence, such as a privacy fence, chain link fence, or wire strand fence used in farming, and the impact on the type of fence on sight distance issues.

(3) The height requirements for fences as established in this Section are met.

(4) The applicant signs a statement acknowledging his or her awareness that, within 10 days of notification by the Township or a utility, the applicant will have to relocate the fence in the event that the Township or any such utility requires such removal to exercise its rights pursuant to any established right-of-way.

C. On corner lots, notwithstanding the provisions of §27-401.3, all fences in what would otherwise be the side and rear yards of the lot as defined in §27-103.2 of this Chapter, but which abut a street, shall comply with the requirements of paragraph .B; except that the height of those fences can be the same as fences in side and rear yards. [Ord. 2003-9]

D. Except as modified in paragraphs .B and .C of this subsection, fences in

side and rear yards may be placed up to the property line. [Ord. 2003-9]

(1) The applicant for a fence permit shall be responsible for locating and identifying all property lines along which fences are to be placed, and the Township's Zoning Officer shall be entitled to rely on such representation by the applicant. The issuance of a permit by the Zoning Officer or other Township official is not, and shall not be construed to be, a certification of the accuracy of the location of such lot lines as identified by the applicant, and the applicant shall bear the entire responsibility for such location. The Zoning Officer shall have the right, but not the obligation, to require the applicant to provide proof of the location and accuracy of any such lot lines. [Ord. 2004-10]

[Ord. 2001-7]

4. *Domiciliary Care Unit.* This shall be permitted as accessory to use as a single-family dwelling or to use as a multi-family dwelling subject to the limitations which are applicable in this Chapter with respect to the location of single-family dwellings and multi-family dwellings. [Ord. 1995-7]

5. *Home Occupation; No-Impact Home-Based Business.* Home occupations shall be conducted in accordance with the following requirements:

A. A no-impact home-based business shall be permitted in all zones as an accessory use secondary to the use of a property as a residential dwelling, upon receipt of a use certificate to be issued by the Zoning Officer, so long as all of the following criteria are met:

(1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.

(2) The business shall employ no employees other than family members residing in the dwelling.

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

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

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

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

(7) The business activity shall be conducted only within the dwelling unit and may not occupy more than 25 percent of the habitable floor area.

(8) The business may not involve any illegal activity.

B. A home occupation shall be permitted in all zones as an accessory use secondary to the use of a property as a residential dwelling upon receipt of a use certificate to be issued by the Zoning Officer provided:

(1) The requirements of paragraphs .A(6) and (8) are met.

(2) The home occupation shall be carried on only by a member of the

immediate family of the operator residing on the lot where the home occupation will be located and a maximum of one non-resident employee.

(3) The character or external appearance of the dwelling unit or accessory structure shall be that of a dwelling or structure normally accessory to a dwelling. No display of products may be shown so as to be visible from outside the dwelling or the accessory structure. A name plate not larger than 6 square feet in area shall be permitted. It must be illuminated only by indirect lighting.

(4) Not more than 25 percent of the habitable floor area of a dwelling unit will be devoted to a home occupation.

(5) The use will not involve the sale of any item not made on the premises except as incidental to the home occupation. Beauty shops, insurance agent offices, physician offices, bake shops, handcraft shops, are examples of the type of uses which normally will meet this requirement.

(6) The use will not involve any dimensional alteration to any existing building, use of any building constructed or placed after January 1, 1985, or construction or placement of any new building.

(7) The use will not involve any outside storage.

(8) The use will not be one which tends to create dust, heat, glare, smoke, vibration or odors outside the building in which the use is being conducted, or noise audible outside the building in which the use is being conducted. Motor vehicle repair facility is a use which tends to create noise audible outside the building in which the use is being conducted.

(9) There will be, in addition to the required parking for the dwelling unit, additional parking located in the rear yard as follows:

(a) One space for the home occupation and one space for each employee outside the immediate family.

(b) Three additional spaces for a physician or dentist.

C. The applicant for a use certificate for a no impact home based business or for a home occupation shall include with the application for a use certificate such drawings as will enable the Zoning Officer to have an adequate record of the location and extent of the proposed use. The applicant shall also supply to the Zoning Officer such information as will enable the Zoning Officer to insure that all of the above enumerated requirements for a no-impact home based business or for a home occupation are met. The use certificate once issued shall continue in effect as long as there is no change in the nature or extent of the use and all of the requirements of paragraphs .A and/or .B continue to be met. Copies of these requirements will be attached to the use certificate.

D. In the event the proposed home occupation does not meet all of the requirements of paragraph .B, then the use shall only be permitted following application and approval as a special exception by the Zoning Hearing Board. In such case, that use will be designated as a home occupation, and shall, in addition to the standards in §27-504.6, meet the following criteria:

(1) The criteria of paragraphs .B(1), (2), (3), (4) and (9).

(2) If a new building is to be constructed or placed, an existing accessory building is to be enlarged, or a building constructed or placed after January 1,

1985 is to be utilized to accommodate the proposed use, the building after enlargement or construction shall not have a ground floor area in excess of 50 percent of the ground floor area of the dwelling unit unless the building is at least 500 feet from any neighboring residence.

(3) The character or external appearance of the dwelling unit or accessory structure must be that of a dwelling or structure normally accessory to a dwelling.

(4) There will be no outdoor storage of the following:

(a) Automobiles, buses, vans, recreational vehicles and other vehicles of the type required to be registered for highway operation pursuant to the provisions of Chapter 23 of the Pennsylvania Motor Vehicle Code, but which are not so registered, or which do not display a currently valid inspection sticker issued pursuant to Chapter 47 of the Pennsylvania Motor Vehicle Code.

(b) Discarded motor vehicle parts or accessories.

(c) Other trash or junk as defined in this Chapter.

(5) The use will not involve noise audible to neighboring residents between 6 p.m. and 7 a.m. The Zoning Hearing Board may require as a condition to any special exception that the applicant put in noise insulation and take other action so as to minimize audible noise during the period between 7 a.m. and 6 p.m. If the Zoning Hearing Board determines that the use will involve unreasonable noise, which cannot satisfactorily be reduced by insulation or other action by the applicant, the application shall be denied.

(6) The use shall not create any vibrations, smoke, dust, odor, heat or glare detectable beyond the property of the owner of the use except as permitted within the performance standards of §27-316 of this Chapter.

(7) Unless the use is to be located in a building constructed or placed prior to January 1, 1985, it shall be located on land of low quality for agricultural use as defined in §27-318.4.B.

E. Nothing in this Section is intended to, nor shall be construed to, supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, bylaw, or other document applicable to a common interest ownership community.

[Ord. 2003-3]

6. *Family Day Care Home.* Family day care homes shall be conducted in accordance with the following requirements:

A. This shall be permitted as accessory to use as a single-family dwelling or to use as a multi-family dwelling subject to the limitations which are applicable in this Chapter with respect to the location of single-family dwellings and multi-family dwellings, provided the family day care home provides supervised care to no more than six children at any one time for remuneration with such maximum number six being reduced by one for each family member under the age of 6 not attending elementary school, kindergarten, nursery school, a family day care home or a child day care center outside of the "family day care home" on a full-day basis. Full day shall be interpreted to mean at least 6 hours.

B. If the family day care home would meet the requirements of paragraph .A hereof excepting that it is proposed that care be provided for more children than permitted by the provisions of paragraph .A herein, the same may be permitted as a special exception by the Zoning Hearing Board providing the following additional requirements are met:

(1) There must not be more than 12 children at any one time receiving care with such maximum number 12 being reduced by one for each family member under the age of 6 not attending elementary school, kindergarten, nursery school, a family day care home or child day care center outside of the family day care home on a full-day basis.

(2) A resident of the family day care home must operate the facility at all times and when there are more than six children at the facility, a minimum of two caregivers must be present.

(3) The facility must obtain a certificate license or approval from the Pennsylvania Department of Public Welfare or other State agency having jurisdiction over the supervision of day care facilities and shall provide a copy of such certificate to the Township.

(4) There must be an outdoor play area which must be fenced sufficiently to preclude child from escaping the intended play area. The outdoor play area shall be the size required by State regulations, but in no event shall it be less than 780 square feet in size.

(5) There must be one parking space for each employee of the family day care home and an off-street area where children can be dropped off and picked up.

(6) The dwelling must retain the appearance of a residential dwelling and day care operations must be conducted so as to be clearly incidental and accessory to the primary use of the property as a residential dwelling.

[Ord. 2001-7]

(Ord. 1974-3, 6/20/1974 as amended by Ord. 2/3/1977, §VII; by Ord. 6/1/1978, §II; by Ord. 6/-/1985, §I; by Ord. 7/5/1990A; by Ord. 1995-7, 9/7/1995, §§18–21; by Ord. 1996-6, 7/3/1996, §18; by Ord. 1997-13, 10/2/1997, §4; by Ord. 2000-9, 11/9/2000, §8; by Ord. 2001-7, 9/6/2001, §§2 and 3; by Ord. 2003-3, 5/1/2003, §5; by Ord. 2003-9, 11/6/2003, §§2–5; and by Ord. 2004-10, 9/2/2004, §3)

§27-302. Outdoor Signs.

1. General Regulations Applying to All Signs.

A. *Existing Signs.* Any sign which lawfully existed and was maintained at the effective date of this Ordinance may be continued, provided such sign is constructed of durable materials and is kept in good condition and repair.

B. Determination of Size.

(1) The size of the sign shall refer to the area of the sign facing, including any border framing or decorative attachments. In the case of open signs made up of letters, figures and designs, the space between such letters, figures and designs shall be included. When such sign consists only of letters, designs or figures engraved, painted, projected or in any manner affixed on a wall, the

total area of which such sign consists shall be considered the area of said sign.

(2) Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and at no point more than 3 feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal size. Structural members and supports required by building codes and not bearing advertising matter shall be excluded from the sign area.

(3) The part of a canopy, which does not contain any advertising or promotional material, shall not be included in the area of the sign.

C. *Location / Projection of Signs.*

(1) Signs must be located so that they do not interfere with any clear sight triangle as defined by this Chapter.

(2) For all uses, an advertising sign and a business sign must be at least 60 feet apart, and no sign exceeding 30 square feet in area may be located within 75 feet of a Residential Zone.

(3) No sign may project over a public sidewalk area or over a public highway or street unless specifically authorized by other Township or State regulations.

(4) No sign shall project more than 35 feet above the ground except for an attached sign, which may project 10 feet above the roof of the building.

D. *Illumination of Signs.*

(1) Flashing, rotating, and intermittent lights are not permitted.

(2) Signs permitted in the Residential Zones shall be illuminated only by indirect lighting and shall not be illuminated between the hours of 11 p.m. and 6 a.m.

(3) A sign may be illuminated only if the lighting is so screened that it is not directed or reflected toward any residence within 100 feet or so it does not obstruct the vision of motorists.

(4) Signs which are illuminated in the colors red, green, or amber, either by colored bulbs or tubing, or in high reflection by the use of special preparations such as fluorescent paint or glass, may not be located within a radius of 200 feet of a highway traffic light or similar safety device or from the center of any street intersection.

E. Advertising painted upon, or displayed upon, a barn or other building or structure shall be regarded as an advertising sign board and the regulations pertaining thereto shall apply.

F. Nothing in these regulations shall be construed as prohibiting signs intended for viewing principally from within a building or signs temporarily attached to the inside face of a display window, announcing a sale or similar feature. Such signs shall be permitted in addition to any of the specific sign types designated on the charts to follow.

G. *Buntings and Pennants.* Buntings, pennants and similar objects are permitted only in Commercial and Industrial Zones to announce the opening of a

new business or industry, or in connection with a civic event, and must be removed after 30 days.

H. *Construction and Maintenance.* Signs must be constructed of durable materials, maintained in good condition, and not allowed to become dilapidated.

I. *Termination of Enterprise.* Upon termination or abandonment of a commercial or industrial use, all signs pertaining to the enterprise must be removed.

J. Signs not provided for herein shall be permitted only by special exception and shall be in general conformance with the regulations for the zoning district in which a sign is proposed to be located.

2. *Permitted Permanent Signs.* Only the types of permanent signs listed on Chart 27-302-A, which follows, shall be permitted throughout the Township. Permanent signs must conform to the standards set forth in Chart 27-302-A, as well as satisfy the general regulations of subsection .1. Use certificates (Please see §27-601.2) shall be required for all permanent signs. For existing nonconforming uses the sign regulations shall be the same as if the nonconforming use was conforming.

3. *Permitted Temporary Signs.* Only the types of temporary signs listed on Chart 27-302-B, which follows, are permitted throughout the Township. Temporary signs must conform to the standards set forth in Chart 27-302-B, as well as satisfy the general regulations of subsection .1.

4. *Advertising Signs.* A sign whose major purpose is for directing attention to a business commodity, service or entertainment conducted, sold or offered elsewhere than upon the same lot, such as billboards.

Advertising signs shall be permitted in the Industrial and Commercial Zones subject to the provisions of subsection .1 and the following criteria:

A. Only one advertising sign per lot shall be permitted.

B. No advertising sign shall exceed an overall size of 75 square feet for an industrial use or 150 square feet for a commercial use, nor exceed 35 feet in height, except that, on any property in the Commercial and Industrial Zones which abuts Interstate Route 83, shall be permitted an advertising sign whose placement shall be such that its primary purpose and function is viewing from Interstate Route 83, which shall not exceed 672 square feet, nor exceed 35 feet in height above road grade. [Ord. 1998-1]

C. No advertising sign shall be located within 300 feet of another advertising sign, except that signs permitted pursuant to subparagraph .B along Interstate Route 83 shall not be located within 500 feet of another advertising sign. [Ord. 1998-1]

D. All advertising signs shall be a minimum of 50 feet from all side and rear property lines.

E. All advertising signs shall be set back a minimum of 25 feet from any street right-of-way line.

F. No advertising sign shall obstruct the vision of motorists or adjoining commercial or industrial uses which depend upon visibility for identification.

5. *Portable Signs.* Portable signs shall be permitted in the Commercial and

Industrial Zones subject to the provisions of subsection .1 and the following criteria:

- A. No flashing lights are permitted.
- B. Only one portable sign shall be permitted per street frontage with a minimum setback from the street right-of-way of 10 feet or the building face.
- C. The placement of the sign shall not be located on the lot for more than 30 consecutive days per event. In addition, the placement of the sign may not exceed two events per year.
- D. The maximum height allowed shall be 10 feet and the maximum projection from any building shall be 12 inches, but not beyond the building setback line.
- E. Removal shall occur within 15 days after the event.
- F. The maximum size permitted shall be 32 square feet; such area shall not be included in the computation of maximum surface area for any other type of permitted sign.
- G. The placement of such sign shall not interfere with traffic or with sight distance at street intersections and accesses to the public right-of-way.

CHART 27-302-A PERMITTED PERMANENT SIGNS							
Sign Type	Maximum Number Permitted	Maximum Area Permitted	Minimum Setback From Right-of-Way	Maximum Height Attached	Maximum Height Free-standing	Maximum Projection From Bldg. (Att. Sign)	Zones Permitted
P-1: All signs & signals owned & operated by the Township	No limit	No limit	No limit	No limit	No limit	No limit	No limit
P-2: Identification and information for public & semi-public utilities, clubs, hospitals, libraries, historical, etc.	1 freestanding 1 attached	30 sq. feet per lot	10 feet	10 feet + Height of building	10 feet	12 inches	Where use is permitted
P-3: Nameplates identifying owner or resident of private property (excluding mailbox)	1 per dwelling unit	2 sq. feet per sign	5 feet	10 feet + Height of building	6 feet	12 inches	All
P-4: Nameplates identifying owner of home occupation	1 per dwelling unit	2 sq. feet per sign	5 feet	10 feet + Height of building	6 feet	12 inches	All
P-5: Nameplates for Agricultural Operation	1 per property	20 sq. feet per sign	5 feet	10 feet + Height of building	15 feet	12 inches	All
P-6: Signs indicating the private nature of a road, driveway or other premises and signs controlling the use of private property, such as prohibition of hunting, fishing or trespassing	No limit	2 sq. feet per sign	5 feet	No limit	6 feet	12 inches	All
P-7: On-site directional signs	2 per street frontage used as access	6 sq. feet per sign	2 feet	10 feet + Height of building	6 feet	12 inches	All
P-8: Off-site directional signs	1 per lot	6 sq. feet per sign	2 feet	10 feet + Height of building	3 feet	12 inches	All with permission of landowner on which sign is placed. Not on traffic or utility poles.
P-9: Identification sign for residential subdivision or multi-family development	1 per street entrance	50 sq. feet	10 feet	10 feet + Height of building	10 feet	12 inches	Where use is permitted

CHART 27-302-A PERMITTED PERMANENT SIGNS							
Sign Type	Maximum Number Permitted	Maximum Area Permitted	Minimum Setback From Right-of-Way	Maximum Height Attached	Maximum Height Free-standing	Maximum Projection From Bldg. (Att. Sign)	Zones Permitted
	2/dev)						
P-10: Business signs for the purpose of identification of a permitted use on the property on which the use exists (excludes complexes such as shopping centers, malls, multi-use buildings and industrial parks).							
P-10A: Freestanding business sign, excludes individual stores or businesses in a complex	1 per street frontage	1 sq. foot per lineal foot of lot frontage; not to exceed 300 sq. feet [Ord. 2007-2]	0 feet [Ord. 2007-2]	NA	35 feet [Ord. 2004-2]	NA	Where use is permitted
P-10B: Attached business sign, excludes individual stores or businesses in a complex	4 per street + 4 on one non-frontage wall when a building only has 1 street frontage	6 percent of the total wall area to which the sign is attached; not to exceed 200 sq. feet per wall, for all signs	NA	10 feet + Height of building	NA	12 inches	Where use is permitted
P-11: Business signs for shopping centers, malls, multi-use buildings and industrial parks (complexes).							
P-11A: Freestanding business sign for complex	1 per street frontage	1 sq. foot per lineal foot of lot frontage; not to exceed 300 sq. feet per sign	0 feet [Ord. 2007-2]	NA	35 feet	NA	C, I
P-11B: Freestanding business sign for complex in the I-83 Corridor (I-83 Corridor Sign). [Ord. 2004-2]	1 per street frontage	1 sq. foot per lineal foot of lot frontage; not to exceed 500 sq. feet per sign	0 feet [Ord. 2007-2]	NA	35 feet	NA	C, I

CHART 27-302-A PERMITTED PERMANENT SIGNS							
Sign Type	Maximum Number Permitted	Maximum Area Permitted	Minimum Setback From Right-of-Way	Maximum Height Attached	Maximum Height Free-standing	Maximum Projection From Bldg. (Att. Sign)	Zones Permitted
P-11C: Attached business sign for complex	1 per street frontage of attached principal structure	300 sq. feet per sign [Ord. 2004-2]	NA	10 feet + Height of building	NA	12 inches	C, I
P-11D: Attached business sign for individual stores or businesses within a complex	1 per outside wall	100 sq. feet [Ord. 2004-2]	NA	10 feet + Height of building	NA	12 inches	C, I
P-11E: Freestanding business sign for individual businesses within an industrial park or stores within a mall or commercial complex	1 per street frontage	32 sq. feet per sign [Ord. 2004-2]	0 feet [Ord. 2007-2]	NA	35 feet [Ord. 2004-2]	NA	C, I
P-12: Advertising signs. (See §27-302.4 for additional regulations)	1 per lot	150 sq. feet (commercial use) 75 sq. feet (industrial use) 672 sq. feet (along I-83) [Ord. 1998-1]	25 feet	10 feet + Height of building	35 feet above road grade (along I-83) [Ord. 1998-1]	12 inches	C, I
P-13: Freestanding business sign for individual business in the I-83 Corridor (I-83 Corridor Sign) [Ord. 2004-2]	1 per street frontage	200 sq. feet per sign	0 feet [Ord. 2007-2]	NA	35 feet	NA	C, I

CHART 27-302-B PERMITTED TEMPORARY SIGNS							
Sign Type	Maximum Number Permitted	Maximum Area Permitted	Minimum Setback From Right-of-Way	Maximum Height Attached	Maximum Height Free-standing	Maximum Projection From Bldg. (Att. Sign)	Zones Permitted
T-1: Signs identifying architects, engineers, contractors or others engaged in construction work on the premises where their work is proceeding. <u>SIGN TO BE REMOVED UPON COMPLETION OF WORK OR OCCUPANCY OF THE BUILDING, WHICHEVER COMES FIRST.</u>	1 per each separate firm involved in work on the site	12 sq. feet per sign	10 feet	10 feet + Height of building	10 feet	12 inches	All
T-2: Real estate signs on individual properties that are for sale, rent or lease, or which have been sold, rented or leased. <u>SIGNS TO BE REMOVED WITHIN 15 DAYS OF SALE, RENT OR LEASE AGREEMENT.</u>	1 per street frontage	30 sq. feet per sign	10 feet or building face	10 feet + Height of building	10 feet	12 inches	All
T-3: Signs announcing proposed housing developments, apartment complexes or commercial, industrial or other non-residential development. <u>SIGNS TO BE REMOVED UPON 75 PERCENT OF COMPLETION OF DEVELOPMENT OR WITHIN 2 YEARS OF ERECTION OF THE SIGN, WHICHEVER OCCURS FIRST.</u>	1 per street frontage	32 sq. feet per sign	25 feet or building face	10 feet + Height of building	10 feet	12 inches	Where use is permitted and development approved.
T-4: Signs advertising the TEMPORARY sale of agriculture and horticultural products raise on property from which it is being sold. <u>TO BE DISPLAYED ONLY WHEN PRODUCTS ARE ON SALE. NOT TO EXCEED 15 DAYS AFTER CESSATION OF SALES OPERATIONS.</u>	1 per lot	12 sq. feet per sign	10 feet or building face	10 feet + Height of building	6 feet	12 inches	All
T-5: Temporary Directional Signs. <u>NOT TO EXCEED 1 WEEK OF PLACEMENT.</u>	No limit	2 sq. feet per sign	3 feet	10 feet + Height of building	3 feet	12 inches	All, with permission of landowner on which sign is placed. Not on traffic or utility poles.

CHART 27-302-B PERMITTED TEMPORARY SIGNS							
Sign Type	Maximum Number Permitted	Maximum Area Permitted	Minimum Setback From Right-of-Way	Maximum Height Attached	Maximum Height Free-standing	Maximum Projection From Bldg. (Att. Sign)	Zones Permitted
T-6: Signs announcing grand openings, new ownership, change of use, etc., on the site of the permitted use. <u>SIGNS SHALL BE REMOVED AFTER 7 DAYS.</u>	1 per lot attached or freestanding	20 sq. feet per sign	30 feet or building face	10 feet + Height of building	10 feet	12 inches	Where use is permitted
T-7: Temporary signs announcing special event not normally associated with a location or a location's use. (Does not include yard/garage sales or special business promotion sales)							
T-7A: On the site of the event. <u>NOT TO EXCEED 30 DAYS AND SIGN SHALL BE REMOVED WITHIN 15 DAYS FOLLOWING THE CONCLUSION OF THE EVENT.</u>	1 per frontage	20 sq. feet per sign	10 feet or building	10 feet + Height of building	10 feet	12 inches	All
T-7B: On a location away from the site of the event. <u>NOT TO EXCEED 90 DAYS PLACEMENT AND MUST BE REMOVED IMMEDIATELY FOLLOWING THE EVENT.</u>	No limit	6 sq. feet per sign	10 feet or building face	Height of building	10 feet	12 inches	All, with permission of landowner on which sign is placed. Not on traffic or utility poles.

(Ord. 1974-3, 6/20/1974; as amended by Ord. 12/2/1993, §§4 and 5; by Ord. 1995-7, 9/7/1995, §§22 and 23; by Ord. 1997-13, 10/2/1997, §2; by Ord. 1998-1, 3/5/1998, §§1-3; by Ord. 2003-9, 11/6/2003, §6; by Ord. 2004-2, 5/6/2004, §§3-8; and by Ord. 2007-2, 4/5/2007, §§1, 2)

§27-303. Storage.

1. *Permitted Storage.* Storage is permitted as a principal use in the Commercial Zone and is permitted as an accessory use in all zones, provided that no part of the street right-of-way, no sidewalks or other area intended or designed for pedestrian use, no required parking area and no part of the front yard shall be occupied by outdoor storage or display. The permitted storage of items as an accessory use must involve the storage of items used on the lot or tract where stored in connection with a principal permitted use of such lot or tract of land. See subsection .6 for provisions relating to portable storage units and rolloff dumpsters. [Ord. 2006-4]

2. *Trailers and Trucks.* In a Residential Zone, recreational trailers and trucks over 1 ton shall not be stored for a period in excess of 3 days in the area between the street line and the line formed by the front wall of the principal building extended the full width of the lot.

3. *Outdoor Stockpiling.* Except in the Commercial and Industrial Zones, no outdoor storage or stockpiling of any material is permitted in the front yard area. [Ord. 2001-7]

4. *Outdoor Storage.* The following items may not be stored out of doors in any zone excepting in an approved “junkyard” in the Industrial Zone.

A. Automobiles, busses, vans, recreational vehicles and other vehicles of the type required to be registered for highway operation pursuant to the provisions of Chapter 13 of the Pennsylvania Motor Vehicle Code but not (1) displaying a currently valid registration or (2) displaying a currently valid certificate of inspection and approval issued pursuant to Chapter 47 of the Pennsylvania Motor Vehicle Code.

B. Tire stockpiles.

C. Motor vehicle parts, appliances, appliance parts, pieces of iron, steel cans or other such material.

D. Junk as defined in this Chapter.

[Ord. 10/5/1989]

5. *Mini-storage Facility.* The following regulations shall apply to mini-storage facilities:

A. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be no more than 24 feet wide. Additionally, there shall be one off-street parking space for each 250 square feet, or any part thereof, of office space and two additional spaces if resident manager quarters are provided.

B. Required parking spaces may not be rented as, or used for, vehicular storage. However, additional external storage area may be provided for the storage of privately-owned travel trailers and/or boats, so long as such external storage area is screened from adjoining residentially zoned or used land and adjoining roads, and is located behind the minimum front setback line. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperable vehicles. All motor vehicles as defined by the Pennsylvania Motor Vehicle Code which are stored in the external storage area shall have current registration and inspection stickers.

C. Except for subparagraph .B, above, all storage shall be kept within an

enclosed building, except the storage of flammable, highly combustible, explosive or hazardous chemicals, including, but not limited to, gasoline, diesel fuel, paint, paint remover, and other flammable materials, ammunitions shall be prohibited. Any fuel tanks and/or machinery or other apparatus relying upon such fuel shall be stored only in an external area as described above.

D. The repair, construction or reconstruction of any boat, engine, motor vehicle or furniture, or the use of the unit as a workshop is prohibited.

E. Mini-storage units shall be used solely for the dead storage of property. The following are examples of uses which are expressly prohibited upon the site:

(1) Auctions, commercial, wholesale or retail sales including garage sales. This subsection shall not prohibit the owner or operator of the mini-storage facility from conducting or having conducted auctions for the sole purpose of selling property abandoned by lessees or recovered by the owner or operator from a lessee through legal process, or as the result of the death of a lessee.

(2) The servicing, repair or fabrication of any item.

(3) The operation of power tools or spray painting equipment.

(4) The establishment of a transfer business.

(5) Any use that is in the judgment of the Township Enforcement Officer or the owner of the mini-storage facility noxious because of odors, dust, fumes or vibrations.

[Ord. 2001-7]

F. The owner or operator of the mini-storage facility shall require contracts from all unit users or lessees setting forth all of the above regulations and prohibitions.

G. The paving requirements for parking and driving lanes shall be as set out in the Hopewell Township Construction and Materials Specifications For Subdivision and Land Development Manual. [Ord. 2003-9]

H. All lighting shall be shielded to direct light onto the use as established and away from adjacent property and street rights-of-way.

I. Landscaping and buffer strips and areas shall be in accordance with §27-308. [Ord. 2001-7]

J. The renting of vehicles on the premises shall be prohibited.

K. No habitation will be permitted except for a resident manager. If resident manager quarters are provided, the owner shall submit to the Township plans for those quarters, and a separate use and occupancy permit shall be required for those quarters.

L. Notwithstanding any other provisions of this Chapter, all mini-storage areas, including those permitted by paragraph .B, shall be enclosed by a chain-link or other similar security fence at least 6 feet high, but not to exceed 10 feet overall, which shall be maintained and secured.

[Ord. 2001-4]

6. *Portable Storage Unit, Rolloff Dumpsters.*

A. It shall be a violation of this Section and Chapter for any person,

partnership, corporation or any other entity to place or permit the placement of a portable storage unit or a rolloff dumpster on any property which he, she, it or they own, rent, occupy or control, or anyone acting as their agent or on their behalf to place or permit the placement of a portable storage unit or rolloff dumpster, without first obtaining a permit from the Zoning Officer.

B. There shall be no more than one portable storage unit or rolloff dumpster per lot.

C. A portable storage unit or rolloff dumpster shall be no larger than 8 feet wide, 16 feet long and 8 feet high.

D. No portable storage unit or rolloff dumpster shall remain on any lot for more than 30 consecutive days, or more than 60 days in any calendar year, subject to the provisions of subparagraphs .E, .F and .I of this Section.

E. Notwithstanding the provisions of paragraph .D of this Section, a portable storage unit or rolloff dumpster shall be permitted during construction, reconstruction, alteration, renovation or demolition of a structure and for an additional 3 days before commencement and after completion of such activity. No use certificate as required by ordinance, or occupancy permit as required by the Hopewell Township Building Code or any other ordinances of the Township, shall be issued until all portable storage units and rolloff dumpsters have been removed from the premises.

F. A portable storage unit (but not a rolloff dumpster) may be placed on a lot during an emergency situation when declared by the appropriate Federal, State, county or Township agency. In such event, the portable storage unit may be placed on the property without a permit, but a permit shall be obtained within 7 days after the placement of the unit. The portable storage unit shall be removed from the lot within 7 days after the end of the declaration of emergency.

G. No portable storage unit or rolloff dumpster shall be placed within the travel portion of any public street. For purposes of this Section, the travel portion of the street shall be that portion from the centerline of the street to the white marked sideline of the street, or if none, to the edge of the paved portion of the street. The traveled portion of the street shall not include any berms or shoulders. In the event that there is no clear and observable delineation between a berm or shoulder and the travel portion of the street, then the portable storage unit or rolloff dumpster shall be placed at least 10 feet from the center line of the street.

(1) No portable storage unit or rolloff dumpster shall be placed on or over any curb or sidewalk.

(2) No portable storage unit or rolloff dumpster shall be placed on any portion of the public street, including a shoulder or a berm, without first obtaining a permit from the Zoning Officer, and without making sufficient provisions to assure that no damage will be caused to the public street, including the berm or shoulder, as a result of the placement of the portable storage unit or rolloff dumpster.

(3) The Zoning Officer shall permit the placement of a portable storage unit or rolloff dumpster on the berm or shoulder of a public street only if he or she determines, in his or her sole judgment, that all of the following conditions exist:

(a) A portable storage unit or rolloff dumpster cannot reasonably or safely be placed on the lot off of the public street.

(b) Placement of the portable storage unit or rolloff dumpster will not impede the safe and uninterrupted flow of vehicular traffic on the public street.

(c) Placement of the portable storage unit or rolloff dumpster will not cause damage to any portion of the public street, including the berm or shoulder, and/or that sufficient provisions are made to prevent such damage, or the owner or party placing it provides sufficient security to repair any damage caused by it.

H. Application for a permit shall be made to the Zoning Officer on a form provided by the Township. The Zoning Officer shall determine the most appropriate location for the portable storage unit or rolloff dumpster on the lot, or alternatively, on the public street pursuant to this paragraph.

(1) The permit shall be posted in plain view on the lot, and shall contain at a minimum the following information:

(a) The names, addresses and telephone numbers of all owners of the lot.

(b) The address of the property on which the personal storage unit or rolloff dumpster is to be placed.

(c) The name, address and telephone number of the company placing the personal storage unit or rolloff dumpster.

(d) A drawing or diagram showing the authorized location of the portable storage unit or rolloff dumpster.

(e) The date the permit was issued and the date it expires.

I. The Zoning Officer is hereby authorized to extend any permit issued pursuant to this Section upon written request of the owner of the lot for one additional term equal to the original permit, so long as, at the time of such extension, no violation of this Section or this Chapter or any other ordinances of the Township, exists.

J. All portable storage units or rolloff dumpsters shall be removed upon expiration of the permit, without exception.

K. The Township shall establish fees for permits issued pursuant to this Section from time to time by resolution.

L. Notwithstanding the provisions of this Section, if the Commonwealth of Pennsylvania at any time has or places restrictions on State roads or highways over which it has jurisdiction which are more restrictive than the requirements of this Section, then the more restrictive regulations shall apply. Further, notwithstanding the issuance of a permit pursuant to this Section, if the Commonwealth of Pennsylvania notifies an owner of a lot that the owner is in violation of State standards, then such notification shall take precedence over and supersede any permits issued by the Zoning Officer, and such permits shall be considered automatically rescinded and void in the event of such notification.

M. In addition to the remedies for violations set forth in this Chapter, the

Township shall have the right to pursue any and all other remedies available to it either at law or in equity. Further, in addition to the provisions of violations and penalties in this Chapter, in the event that the Township determines that any violation of this Section creates an obstruction or nuisance to the public streets, or otherwise affects the health, safety or welfare of the traveling or general public, the Township may take such actions as are authorized by the Second Class Township Code and the General Road Law, including the immediate removal of any obstructions or nuisances at the expense of the owners of the lot.

[Ord. 2006-4]

(Ord. 1974-3, 6/20/1974; as amended by Ord. 10/2/1980, §IV; by Ord. 10/5/1989, §IV; by Ord. 2001-4, 5/3/2001, §6; by Ord. 2001-7, 9/6/2001, §§2 and 3; by Ord. 2003-9, 11/6/2003, §7; and by Ord. 2006-4, 5/4/2006, §§4, 5)

§27-304. Sale of Agricultural Products.

The sale at retail of agricultural products is permitted in any zone on the property where they were produced. (See §27-317.2, relating to farm markets).

(Ord. 1974-3, 6/20/1974; as amended by Ord. 12/2/1993, §6)

§27-305. Parking.

1. *Size of Parking Space.* Each parking space must have an area of not less than 200 square feet, exclusive of passageways, and driveways must average 300 square feet per required parking space.

2. *Spaces Required.* Off-street parking spaces must be provided for each building erected or enlarged in accordance with the following schedule:

Type of Use	Minimum of One Parking Space for Each
Residential dwelling	½ dwelling unit (i.e. 2 spaces per dwelling unit)
Rooming house	Bedroom
Hotel, motel, tourist home	Guest sleeping room
Office building	300 sq. feet of gross floor area
Retail store or shop	200 sq. feet of gross floor area [Ord. 1995-7]
Eating establishments	80 sq. feet of gross floor area and ground area (excluding parking) devoted to patron use on the property or 3 seats whichever requirement is greater
Bowling alley	¼ lane (i.e. 4 spaces per lane)
Other recreational establishments	100 sq. feet of gross floor area
Automobile repair, gasoline station	400 sq. feet of gross floor area and ground area devoted to repair and service facilities.
Other commercial buildings	400 sq. feet of gross floor area
Hospital, sanitarium	½ bed (i.e. 2 spaces per bed)
Auditorium, church, theater & other such places of public assembly	4 seats

Type of Use	Minimum of One Parking Space for Each
Industrial & heavy commercial establishments	1 ½ employees on major shift but at least 1 space for each 5,000 sq. feet of gross floor area
Funeral Home	100 sq. feet of gross floor area
Clubs, lodges and other similar places	100 sq. feet of gross floor area
Farm markets [Ord. 12/2/1993]	400 sq. feet of gross floor area, but a minimum of 5 spaces, whichever is greater

3. *Location.* The parking area must be on the same or nearby premises. If on nearby premises:

A. The nearest point of the parking lot shall be not further than the following distances to the nearest point of the property served: 100 feet in the case of a commercial use, 200 feet in the case of a residential use and 300 feet in the case of an industrial use.

B. The parking area must remain under control of the owner or operator of the use to which the parking area is appurtenant. [Ord. 1995-7]

4. *Layout.* Parking areas must be arranged so there will be no need for motorists to back over:

A. Local streets, except in the case of residential uses.

B. Major thoroughfares.

5. *Parking Area Adjacent to Street.* For multi-family and non-residential uses where a parking area or other area open to movement of vehicles abuts the right-of-way line of a public street, a pipe railing, post and chain barricade, raised curbs or equally effective devices satisfactory to the Township must line the public right-of-way except at access points so that parked vehicles will not extend into the street right-of-way.

6. *Paving.* For commercial, industrial and multi-family residential uses, all required parking areas and all access drives shall be paved with concrete or bituminous paving material.

(Ord. 1974-3, 6/20/1974; as amended by Ord. 12/2/1993, §7; and by Ord. 1995-7, 9/7/1995, §§24 and 25)

§27-306. Loading.

1. *Size; Surfacing.* The loading space must be not less than 12 feet wide and 50 feet long. It must be surfaced with a concrete or bituminous material.

2. *Space Required.* Off-street loading spaces must be provided for each building erected or enlarged in accordance with the following schedule:

Type of Use	Number of Loading Spaces
Manufacturing, storage, display or sale of goods, hospitals and sanitararia	1 space for a gross floor area of 5,000 to 25,000 square feet and 1 additional space for each 10,000 square feet of gross floor area in excess of 25,000 square feet.

Type of Use	Number of Loading Spaces
Office, hotels, theaters or similar uses	1 space for a gross floor area of from 20,000 to 100,000 square feet and 1 additional space for each 40,000 square feet of gross floor area in excess of 100,000 square feet.

3. *Layout.* The loading area must be arranged so that there will be no need for motorists to back over public rights-of-way and must not be located in the front yard area.

(Ord. 1974-3, 6/20/1974)

§27-307. Driveways.

1. *Width.* Within 10 feet of the street right-of-way line, access driveways may not exceed 35 feet in width.

2. *Number.* The number of driveways may not exceed two per lot on any one street frontage. The Zoning Hearing Board may grant permission by special exception for additional driveways where required to meet exceptional circumstances and where frontage of unusual length exists. [Ord. 2001-7]

3. *Offsets.* Driveways may not enter a public street:

- A. Within 40 feet of the street right-of-way line of an intersecting street.
- B. Within 5 feet of a fire hydrant.
- C. Within 25 feet of another access drive on the same property.

4. *Sight Distances, Slope; Cuts.* A driveway must be located in safe relationship to sight distance and barriers to vision. The drive may not exceed a slope of 5 percent within 25 feet of the street right-of-way line. Where a drive enters a bank through a cut, unless a retaining wall is used, the shoulders of the cut may not exceed 50 percent in slope within 25 feet of the point at which the drive intersects the street right-of-way. The height of the bank must not exceed 3 feet within 10 feet of the street.

5. *Construction and Materials Specifications.* The standards set forth in this Section are in addition to those set forth in the Construction and Materials Specifications For Subdivision and Land Development Manual adopted by the Board of Supervisors by resolution, as amended from time to time by the Board of Supervisors by resolution, which manual is hereby authorized. To the extent that the standards in this Section are or become inconsistent with the manual, the standards in the manual shall control. To the extent that there is no inconsistency, both the standards in this Section and in the manual shall apply. [Ord. 1998-3]

(Ord. 1974-3, 6/20/1974; as amended by Ord. 1998-3, 6/4/1998, §1; and by Ord. 2001-7, 9/6/2001, §3)

§27-308. Screens and Buffer.

Where a Commercial or Industrial Zone abuts a Residential Zone except for street or alley frontage:

- A. A fence or hedge acceptable to the Township is required to be erected in the Commercial or Industrial Zone to screen from view (in the Residential Zone) any commercial or manufacturing uses. [Ord. 2001-7]

B. The space along the side lot line in the Commercial or Industrial Zone abutting a Residential Zone for 50 feet in depth may not be used for commercial or manufacturing operations. This area must be suitably landscaped and maintained. [Ord. 2001-7]

C. Notwithstanding the requirements of paragraph .B, upon request by the owner or developer of a tract in a Commercial or Industrial Zone abutting a Residential Zone, or upon motion of the Board of Supervisors, the Board of Supervisors may require or permit the owner or developer to substitute a properly designed and planted earthen berm, which design and planting criteria shall be as set forth in the then-current Construction and Materials Specifications for Subdivision and Land Development Manual adopted by the Board of Supervisors. In the event that the Supervisors approve such berm, the buffer zone otherwise required in paragraph .B shall be reduced from 50 feet to 30 feet. Such discretion shall be in the nature of a conditional accessory use, and shall be within the sole province and discretion of the Board of Supervisors, and shall not be within the jurisdiction of the Zoning Hearing Board. [Ord. 2000-2]

(Ord. 1974-3, 6/20/1974; as amended by Ord. 2000-2, 4/6/2000, §5; and by Ord. 2001-7, 9/6/2001, §3)

§27-309. Illumination.

Where a use involves exterior lighting, the lighting must be so located and shielded that no objectionable illumination or glare is cast upon adjoining properties.

(Ord. 1974-3, 6/20/1974)

§27-310. Demolition.

Demolition of any structure must be completed within 9 months of the issuance of a permit. Completion consists of tearing the structure down to grade, filling any resulting cavity to grade and removing all resulting materials from the lot. A structure may be partly demolished only if a building remains and the demolition of the part is complete as aforesaid. All evidence of the structure, which was demolished, must be removed from the exterior surfaces of the remaining building.

(Ord. 1974-3, 6/20/1974; as amended by Ord. 2001-7, 9/6/2001, §3)

§27-311. Drainage.

1. *Adequate Drainage Required.* No principal building may be erected, structurally altered or relocated on land which is not adequately drained at all times.

2. *Building Restricted Adjacent to Drainage Channels and Watercourses.* No building which is permanently attached to the ground may be erected, structurally altered or relocated on land which is subject to flooding as defined by the 50-year floodplain or as delineated by soils subject to flooding as specified in Table 6, Engineering Interpretations, York County Soil Survey prepared by United States Department of Agriculture, Soil Conservation Service.

3. *Drainage Upon Streets.* In order to prevent improper surface water drainage upon streets, each building erected, structurally altered or relocated, and its driveways, must be at a grade in satisfactory relationship:

- A. With the established street grade.
- B. With the existing street grade where none is established.

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

- A. Result in a slope of more than 10 percent within 20 feet of a property line. [Ord. 6/-/1985]
- B. Alter the existing drainage or topography in any way so as to adversely affect adjoining properties.

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

5. *Obstruction to Drainage Prohibited.* The damming, filling or otherwise interfering with the natural flow of a surface watercourse is not permitted without approval of the Township.

6. *Construction and Materials Specifications.* The standards set forth in this Section are in addition to those set forth in the Construction and Materials Specifications For Subdivision and Land Development Manual adopted by the Board of Supervisors by resolution, as amended from time to time by the Board of Supervisors by resolution, which manual is hereby authorized. To the extent that the standards in this Section are or become inconsistent with the manual, the standards in the manual shall control. To the extent that there is no inconsistency, both the standards in this Section and in the manual shall apply. [Ord. 1998-3]

(Ord. 1974-3, 6/20/1974; as amended by Ord. 6/-/1985, §XIV; and by Ord. 1998-3, 6/4/1998, §2)

§27-312. Minimum Habitable Floor Area.

All dwelling units must conform to the minimum habitable floor area following:

- A. *Single-family, Two-family, Townhouse.* Six hundred square feet per dwelling unit.
- B. *Other Multi-family Apartment or Multi-family Conversion.* Four hundred square feet per dwelling unit.

(Ord. 1974-3, 6/20/1974; as amended by Ord. 2001-7, 9/6/2001, §3)

§27-313. Outdoor Swimming Pool Requirements.

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

excluded from the requirements of this Section.

2. The walls of an above-ground pool may be considered as fences or walls for purposes of this Section, provided they, either alone or as supplemented, are 4 feet in height, and the pool has a removable, or lockable folding ladder, which must either be removed or locked at all times when not in use. The 4-foot height requirement of this Section shall be measured from the finished grade, and the grade shall not increase for an additional 4 feet beyond the perimeter of the fence in any direction.

3. All swimming pools must be located in the existing side yard or rear yard area as defined in relation to the principal building. [Ord. 1995-7]

(Ord. 1974-3, 6/20/1974; as amended by Ord. 1995-7, 9/7/1995, §26; and by Ord. 2000-9, 11/9/2000, §9)

§27-314. Yard Regulations.

1. *Expansion of Existing Buildings.* Expansion of buildings existing as of September 1, 1984 shall be permitted without regard to the yard requirements set forth in this Chapter provided such expansion does not project further into the required yard area than does the building before expansion.

2. *New Principal Buildings or Structures.* New principal buildings or structures may be located in the minimum required front setback area only if: [Ord. 2007-2]

A. The alignment of one or more of the existing principal buildings on each side of the lot proposed as the location for a new principal building or structure and within a distance of 200 feet of the proposed building or structure and fronting on the same side of the same road or street is more proximate to the center of the road or street than the required minimum setback line. [Ord. 1995-7]

B. The proposed building or structure will be located so that it is in alignment with the principal buildings on each side of the lot within a distance of 200 feet of the proposed building or structure and fronting on the same side of the same road or street as the proposed building or structure. [Ord. 1995-7]

C. The resulting front setback is not less than 35 feet from the center line of the road or street, or at least 5 feet from the edge of the public road or street right-of-way, whichever is greater. [Ord. 2007-2]

3. *New Accessory Buildings.*

A. New accessory buildings may be located within the minimum front yard areas only if: [Ord. 2007-2]

(1) There is on the property proposed as the location for the accessory building another building within the required front yard area. [Ord. 2007-2]

(2) Such building was in existence on September 1, 1984.

(3) The proposed accessory building will not project further into the required front yard area than the other building existing on September 1, 1984. [Ord. 2007-2]

B. New accessory buildings may be located in the existing front yard area as defined in relation to the principal building only if:

(1) The provisions of paragraph .A, above, are applicable to permit the accessory building to be located within the minimum front yard area. [Ord.

2007-2]

(2) The proposed accessory building will be located in the Agricultural District or Conservation District.

(a) The accessory building will be located at least 500 feet from any dwelling other than one owned by the owner of the accessory building.

(b) The accessory building will be located on a farm containing at least 50 acres.

(3) The accessory building permitted within the existing front yard area by reason of the provisions of subparagraph (2)(a) or (2)(b) may not be located in the required front setback area. [Ord. 2007-2]

(4) *Exclusions.*

(a) In all districts, the setback regulations do not apply to:

1) School bus shelters and cornices, chimneys, steps, canopies and similar extensions, including uncovered porches or patios.

2) Open fireproof fire escapes.

3) Eaves.

4) Hedges, fences or walls less than 6 feet in height above the natural grade except that on a corner lot in any Residential District, no fence, wall, hedge or other structure or planting more than 2 ½ feet in height shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line adjoining said street lines at points which are 25 feet distant from the point of intersection, measured along said street lines.

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

(Ord. 1974-3, 6/20/1974; as amended by Ord. 10/4/1984, §XII; by Ord. 1995-7, 9/7/1995, §§27-29; by Ord. 2001-7, 9/6/2001, §§2 and 3; and by Ord. 2007-2, 4/5/2007, §3)

§27-315. Floodplain Regulations.

1. In addition to the provisions of this Zoning Ordinance, all portions of properties in the Township which are located in a floodplain area as identified in the Federal Emergency Management Agency (FEMA) 2009 Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs), or as defined in the Hopewell Township Floodplain Management Ordinance of 2009 or its successors, shall also be subject to and regulated by the provisions of the Hopewell Township Floodplain Management Ordinance of 2009 or its successors.

2. To the extent the Township's Floodplain Management Ordinance of 2009 or its successors is more restrictive than, or conflicts with, this Zoning Ordinance, the provisions of the Township's Floodplain Management Ordinance of 2009 or its successors shall apply. To the extent that there is no conflict, or the provisions of this Zoning Ordinance are more restrictive, the provisions of this Zoning Ordinance shall

apply.

3. Activities in the floodplain as identified in FEMA’s 2009 Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) are regulated by the Pennsylvania Flood Plain Management Act, 32 P.S. §679.101 *et seq.* (PFPMA), and the Township’s Floodplain Management Ordinance of 2009 or its successors. Pursuant to §204 of the PFPMA, the standards of the National Flood Insurance Program (NFIP) shall be deemed the minimum standards for the management of properties in the floodplain as defined and identified in the FIS, FIRMs, and/or the Township’s Floodplain Management Ordinance of 2009 or its successors, and the power of the Board of Supervisors or any other body to grant waivers, variances or other relief from the provisions of the Floodplain Management Ordinance of 2009 or its successors pursuant to this Zoning Ordinance shall be limited to those minimum requirements of the NFIP, as provided in §204 of the PFPMA, and the Township’s Floodplain Management Ordinance of 2009 [Chapter 8] or its successors.

(*Ord. 1974-3, 6/20/1974; as amended by Ord. 61-1/1985, §II; by Ord. 2001-7, 9/6/2001, §2; and by Ord. 2009-4, 8/6/2009, §2*)

§27-316. Environmental Regulations.

1. *Performance Standards.* In all districts all non-agricultural uses and activities established after the effective date of this Chapter shall comply with the following performance standards; all existing non-agricultural uses and activities in compliance with the following performance standards on the effective date of this Chapter shall continue in compliance; and all existing non-agricultural uses and activities not in compliance with subsections .2 through .6 regarding environmental standards shall, within 2 years following the effective date of this Chapter, bring themselves into compliance.

2. *Noise.* The sound level of any operation shall not exceed the decibel levels of the preferred frequencies cited below or as a modified or exempted. The sound-pressure level shall be measured with an octave bank analyzer calibrated in the preferred frequencies conforming to the specifications published by the American Standards Association (preferred Frequencies for Acoustical Measurement, S I6-1960, American Standards Association, New York, New York).

A. *Standards.* At no point on the district boundary of or at any point within any district shall the sound pressure level resulting from any operation in any district exceed the maximum permitted sound levels set forth below except as waived in subparagraph .B below.

Center Frequency (Cycles per Second)	Maximum Sound Pressure Level Decibels
31.5	65
63	67
125	66
250	59
500	52
1,000	46
2,000	37

(sound pressure level in
decibels equals 0 0002
dynes/cm²)

Center Frequency (Cycles per Second)	Maximum Sound Pressure Level Decibels
4,000	26
8,000	17

B. *Waivers.* The following sources of noise are exempt:

- (1) Transportation vehicles not under the control of an on-site use.
- (2) Occasionally used safety signals, warning devices and emergency pressure-relief valves.
- (3) Temporary construction activity between 7 a.m. and 7 p.m.

[Ord. 2001-7]

3. *Vibration.*

No use shall cause vibrations exceeding the maximum values specified in this Section. The maximum vibration is given as particle velocity which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

$$PV=6.28 F X D \text{ where}$$

PV=Particle velocity, inches per second

F=Vibration frequency, cycles per second

D=Single amplitude displacement of the vibration inches

Particle velocity shall be the vector sum of three individual components measured simultaneously in three mutually perpendicular directions.

Maximum Ground Transmitted Vibration		
Zoning District	Particle Velocity (Inches/Second)	
	Adjacent Lot Line	Residential District
Conservation, Agricultural & Residential	0.05	0.02
Commercial & Industrial	0.10	0.02

Where vibration is produced as discrete impulses and such impulses do not exceed a frequency of 60 per minute, then the values in this table may be multiplied by 2.

4. *Heat.* No heat from any use shall be sensed at any property line to the extent of raising the temperature of air or materials more than 1 degree F.

5. *Glare.* In Commercial and Industrial Zones, any operation or activity producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of 0.5 foot candles when measured in any district other than the Commercial or Industrial Zones. [Ord. 1995-7]

6. *Air Pollution.* A person, partnership, corporation or association may not cause on any land or permit on any land owned by him the emission into the outdoor atmosphere of any malodorous air contaminants or particulate air contaminant from

any source in such a manner that the malodors are detectable outside the property of the person on whose land the source is being operated or the particulates fall outside the property of the person on whose land the source is being operated. For purpose of this Section, malodor is an odor which causes annoyance or discomfort to the public and which the Township determines to be objectionable to the public.

Smoke. For the purpose of grading the density or equivalent opacity of smoke, the Ringelmann chart published by the U.S. Bureau of Mines shall be used.

[Ord. 2001-7]

7. *Application of Performance Standards.*

A. Any use established or changed to and any building, structure or land developed, constructed or used for any use or any accessory use thereto shall comply with all the performance standards herein set forth.

B. If any existing use or building or other structure is extended, enlarged or reconstructed, the performance standards herein set forth shall apply to such extended, enlarged or reconstructed portions of such use, building or other structure.

C. Determinations necessary for administration and enforcement of performance standards set forth herein range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this Chapter that:

(1) Where determinations can be made by the Zoning Officer, or other Township employees using equipment normally available to the Township or obtainable without extraordinary expense, such determinations shall be so made before notice of violation is issued.

(2) Where technical complexity or extraordinary expense makes it unreasonable for the Township to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for causing corrections of apparent violations of performance standards, protecting individuals from arbitrary, capricious and unreasonable administration and enforcement of performance standard regulations and protecting the general public from unnecessary costs for administration and enforcement.

D. If the Zoning Officer finds after making determinations in the manner set forth in this Chapter, that there is a violation of the performance standards set forth herein, he shall take or cause to be taken lawful action to cause correction to within the limits established by such performance standards. Failure to obey lawful orders concerning such corrections shall be punishable under the provisions of §§27-605 and 27-606.

E. If, in the considered judgement of the Zoning Officer, there is probable violation of the performance standards set forth herein, the following procedures shall be followed:

(1) The Zoning Officer shall give written notice, by certified mail, to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the

Zoning Officer believes there is a violation and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Officer within a time limit set by the Zoning Officer. The notice shall state, and it is hereby declared, that failure to reply or correct the alleged violation to the satisfaction of the Zoning Officer within the time set constitutes admission of violation of the terms of this Chapter.

Except in connection with alleged violations of subsection .6 of this Chapter, the notice shall state that, on request of those to whom it is directed, technical determinations shall be made as to the existence of the alleged violation and if a violation is determined to exist, the cost of such determination shall be charged against those responsible for the violation in addition to other penalties as may be appropriate, but that, if it is determined that no violation exists, the cost of the determination will be paid by the Township.

(2) If there is no reply within the time limit set but the alleged violation is corrected to the satisfaction of the Zoning Officer, he shall note "violation corrected" on his copy of the notice and shall retain it among his official records, taking such other action as may be warranted.

(3) If there is no reply within the time limit set and the violation is not corrected to the satisfaction of the Zoning Officer within the time limit set, he shall take or cause to be taken such action as is warranted by continuation of a violation after notice to cease.

(4) If a reply is received within the time limit set indicating that the alleged violation will be corrected to the satisfaction of the Zoning Officer but requesting additional time, the Zoning Officer may grant an extension of time if he deems it warranted in the circumstances of the case and if the extension will not, in his opinion, cause imminent peril to life, health or property.

(5) If a reply is received within the time set requesting technical determination as provided in this Chapter, and if the alleged violation continues, the Zoning Officer may call in properly qualified experts to make the determinations. If such determinations indicate violation of the performance standards, the cost of the determinations shall be assessed against the person or persons responsible for the violation, in addition to such other penalties as may be appropriate under the terms of §§27-605 and 27-606.

If no violation is found, the cost of the determinations shall be paid by the Township without assessment against the person or persons involved.

[*Ord. 2001-7*]

8. *Sewage.*

A. Hereafter no sewage system of any kind shall be erected, constructed, installed, altered or extended within the limits of Hopewell Township except as set forth in §1 of the Hopewell Township Sewage Permit Ordinance, unless a permit to do so shall first be secured in accordance with the provisions of Chapter 18 of this Code, and unless such erection, construction, installation, alteration or extension is in strict accordance with the application submitted pursuant to the Hopewell Township Sewage Permit Ordinance and with the permit issued pursuant thereto and in accordance with the procedures set forth in such ordinance. [*Ord.*

2016-1]

B. No person, firm, association or corporation shall maintain or use any sewage disposal of any kind so that vectors (insects or rodents capable of carrying disease) may have access to the excrementitious matter contained therein or so that the sewage disposal system directly or indirectly drains or discharges over or upon the surface of the ground or into any waters of the Township. It shall also be unlawful for any person, firm, association or corporation to fail to comply with the requirements as set forth in Chapter 18 of this Code. [Ord. 2016-1]

C. All the provisions of the Hopewell Township Sewage Permit Ordinance are incorporated herein by reference. Any violation of any provision of that ordinance shall constitute a violation of this Chapter.

[Ord. 2001-7]

(Ord. 1974-3, 6/20/1974; as amended by Ord. 10/4/1984, §II; by Ord. 11/7/1991, §§1 and 2; by Ord. 4/1/1993, §6; by Ord. 1995-7, 9/7/1995, §30; by Ord. 2001-7, 9/6/2001, §§2 and 3; and by Ord. 2016-1, 1/4/2016)

§27-317. Supplementary Use Operations.

1. *Small Scale Assembly Operations.* Small scale assembly operations permitted in the Commercial Zone involve the assembly of materials transported to the site into a finished product using a building containing no more than 9,600 square feet and involving less than 20 employees on the premises at any one time. In addition, there may be no outdoor storage of materials or waste products except in approved containers designed to facilitate waste disposal such as trash cans or dumpsters. [Ord. 2001-7]

2. *Farm Markets.* Farm markets shall be permitted in the identified Zones as an accessory use to a farm or agricultural use only, and shall be subject to the following requirements:

A. A minimum of 25 percent of the gross square footage of the sales area of the farm market, including interior building space and exterior display areas, shall be devoted in season to agricultural commodities, as defined herein, produced by growth or labor on the tract of land on which the market is located. For purposes of this Section, the tract of land shall be defined as the tract on which the market is located, and all land which is contiguous to that tract and which is held in the same ownership as the tract on which the farm market is located. The principal operator of the farm market shall be limited to a person who lives on, owns or farms the land on which the farm market is located as defined in this subsection, or a parent, sibling or the spouse or lineal descendants of any persons identified in this subsection.

B. The farm market shall be located within the area of existing farm buildings, if feasible.

C. For each tract of land as defined in this Section, the lesser of 25 percent of the total acreage of the tract or 10 acres must be devoted to growing or raising the agricultural commodities, or commodities used to produce products, sold in the farm market by the operator of the farm market. Any tract as defined in this Section on which a farm market is operated shall consist of a minimum of 10 contiguous acres.

D. Under circumstances of crop failure due to reasons beyond the control of the owner/operator of the farm market, on the tract of land on which the market exists, the direct agricultural sale shall be permitted without regard to the 25 percent limitation of production on the land where the market exists, as set forth in paragraph .A, above. This subsection shall not be dependent upon the entire county or Township being declared a disaster area, but shall be based on a determination of the tract in question, as determined by the Township Zoning Officer, in consultation with at least one member of the Agricultural Review Board of the Township. The initial decision shall be that of the Township Zoning Officer, which decision shall be reviewable pursuant to Parts 5 and 6 of this Chapter.

E. Each farm market may have a maximum of two signs on the property, which shall comply with §27-302 of this Chapter, and which shall be in compliance with sight distance requirements in §27-401.2 of this Chapter.

F. The entire area devoted to the farm market, including the space allocated for display, buildings, and parking, shall be a maximum of 4,000 square feet per acre of the tract as defined in this Section, up to a maximum of 150,000 square feet. The maximum size of all buildings devoted to the farm market shall be 400 square feet per acre, up to a maximum of 15,000 square feet. This subsection is separate and distinct from any provisions of any statutes regulating the tax status of agricultural tracts, and is not intended to replace those statutes. It shall be the responsibility of the applicant to determine the tax effect of the farm market on the property of the applicant.

G. Parking shall be provided pursuant to §27-305, except that the parking area need not be paved with concrete or bituminous paving material, as otherwise required in §27-305.6, but must be, and be maintained as, mud-free.

H. All dimensional and setback requirements of this Chapter shall be met.

I. *Promotional Events.*

(1) The owner/operator of a farm market may conduct a temporary event, activity or display the sole purpose of which is to generate interest in or advertisement for the farm market. Multiple events on a single day shall be considered as 1 day, not 1 day for each separate event, so long as they occur on the same day.

(2) In order to conduct promotional events, the owner/operator of a farm market shall obtain a permit from the Township, under the following terms and conditions:

(a) The permit application shall be made to, and the permit shall be issued by, the Township's Zoning Officer.

(b) One permit may be issued on an annual basis for all events proposed by the owner/operator of a farm market during the calendar year, up to 20 days.

(c) The owner/operator of a farm market may apply for additional permits for up to 20 days each up to the maximum of 60 days of promotional events per calendar year.

(d) Any such additional permits shall be issued by the Zoning Officer upon request of the owner/operator unless the Zoning Officer has received

written, signed complaints concerning the operation of previous promotional events by the owner/operator, or unless the Zoning Officer determines that the promotional events applied for cannot in his or her judgment conform to other provisions of this Chapter, or other Township ordinances. In the event that the Zoning Officer denies a permit renewal pursuant to this subsection, then any renewal shall be submitted to the Township Board of Supervisors as a conditional use as set forth in §603(c)(2) of the Pennsylvania Municipalities Planning Code, subject to the following requirements:

1) A public hearing shall be held, and all the requirements for public hearing and public notice set forth in §27-502.1 shall apply, except that notices shall also be sent to any and all persons who have lodged signed and written complaints with the Zoning Officer objecting to or complaining about the promotional events.

2) The applicant shall submit the request for such hearing within 20 days of the denial of the additional permit by the Zoning Officer, which application shall be on a form approved by the Township, or if none, by letter from the applicant setting forth the applicant's request for a hearing and brief statement of why the applicant believes he or she is entitled to a permit renewal.

3) Prior to such hearing, the Township shall submit the request to the Township Planning Commission for its review and comments.

4) The applicant shall pay the same fee as required by the Township for a special exception application to the Zoning Hearing Board, unless another fee is specifically adopted for conditional uses by the Township.

5) In the event the applicant is successful in having his or her permit renewed, then the applicant shall receive a refund of $\frac{1}{2}$ of the fee paid, unless a different refund policy is adopted by the Township Board of Supervisors by resolution.

6) The burden of proof, and of persuasion, shall be on and remain with the applicant, and the applicant shall meet the same standards as those required for special exceptions pursuant to §27-504.6.

7) If, after hearing all of the testimony and considering all of the evidence, the Board of Supervisors determines to grant the additional permit, then the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter.

8) Upon the filing of an application for conditional use by an applicant pursuant to this subsection and within the time required by this subsection, the Zoning Officer shall issue a temporary permit to the applicant to allow the applicant to continue with promotional events pending disposition of this matter by the Board of Supervisors. However, in the event that the Board of Supervisors denies applicant's application for an additional permit for promotional events, then the

temporary permit issued by the Zoning Officer pursuant to this subsection shall terminate unless extended by court pursuant to Article X-A and §1003-A of the MPC.

(e) In the event that an owner/operator desires to have more than 60 days of promotional events in any calendar year, then the owner/operator shall be required to apply to the Hopewell Township Zoning Hearing Board for a special exception for any additional promotional events beyond the 60 days permitted by this Section. The Zoning Hearing Board in ruling on the owner/operator's application shall be governed by the general standards for a special exception as found in §27-504.6 of this Chapter, and by the environmental regulations in §27-316, which shall be applicable only to the farm market promotional event portion of the agricultural operation, consistent with §27-316.1 of this Chapter.

(f) Permits for promotional events shall be effective only for the calendar year in which they were issued, and any promotional events in any subsequent calendar year shall require a new permit and shall be subject to the application procedure set forth in this Section.

(g) In addition to the provisions provided in this subsection, the Zoning Officer shall have the power to deny an initial permit for promotional events applied for in any calendar year if a permit or an additional permit has been denied to the owner/operator in either of the preceding 2 calendar years. In the event that the Zoning Officer denies such initial permit application, then the same procedures outlined in clause (d), above, shall apply.

(3) The application for such permit shall include the following information:

(a) The nature and approximate dates of each proposed promotional event.

(b) Identification of the area of the tract which will be involved in the promotional event.

(c) An estimate of the expected number of visitors to the promotional event each day of the event. It is recognized and understood that such information is an estimate only.

(d) Satisfactory evidence that sufficient off-street parking will be provided for each promotional event, which parking for the promotional event may be outside of and exceed the area devoted to the farm market, as set forth in paragraph .2.F.

(e) That adequate traffic and sign controls will be maintained and utilized during the promotional events.

(f) That adequate restroom facilities will be provided for each promotional event.

(4) All promotional events shall occur only between the hours of 8 a.m. and 11 p.m.

(5) Because of the anticipated general nature of permit requests which are made on an annual basis, at least 7 days prior to any actual promotional

event, the owner/operator shall notify the Township of the specific dates and hours of each promotional event for which a permit had been previously issued. In the event that promotional events are planned for which a permit has not previously been issued, then at least 7 days prior to such additional promotional event, the owner/operator of the farm market shall so notify the Township and update their permit with the Township, providing all of the information required in this Section.

(6) A fee shall be charged for each initial application for promotional events equal to the fee charged and in effect for the issuance of a use and occupancy certificate in the Township. No additional fee shall be charged for additional permit applications authorized by paragraph .I(2)(c) of this Section, but the fee for a special exception before the Zoning Hearing Board pursuant to paragraph .I(2)(e) of this Section shall be accompanied by the same fee as required for any special exception before the Zoning Hearing Board.

(7) Instructional events or demonstrations involving 50 people or less and related to agricultural use shall be excluded from the definition of promotional events in this paragraph .I, and shall not be regulated by this Chapter.

(8) The requirements of paragraph .F of this Section (relating to maximum square footage devoted to the farm market use) shall not apply to promotional events. The area devoted to promotional events may exceed and be outside of the area devoted to the farm market, and shall not be limited by the area limitations of paragraph .F.

(9) A condition of any permit issued pursuant to this paragraph .I shall be that parking and exit routes from the property shall be controlled sufficiently to prevent the tracking of mud from the property onto any public streets. Failure to do so shall constitute a violation of the permit conditions. The Township Zoning Officer shall notify the owner/operator of any violation of this condition, and, after a second violation, may result in the revocation of the permit until such time as the owner/operator satisfies the Township Zoning Officer that it has implemented a plan to meet this condition. Prior violations of this condition shall be considered in determining whether to grant a new permit or renew an existing permit for promotional events for the property.
[Ord. 2006-7]

J. It shall be the responsibility of the farm market owner to maintain such records as are necessary to establish compliance with this Section.

[Ord. 2001-7]

3. *Public Wells.*

A. Public wells are specifically excluded from the definitions of public utilities, and public buildings and facilities, as those terms are used in this Chapter.

B. Each public well shall be located on its own separate individually deeded and subdivided lot, and shall be limited to one public well per lot.

C. Each such lot shall meet all of the requirements of the zone in which it is located.

[Ord. 2004-9]

4. *Agricultural-Related Outdoor Recreational Use.* All of the following criteria shall apply to agricultural-related outdoor recreational uses:

A. The requirements for promotional events found at subsections .2.I.1 through .7 and .9, and .2.J, shall apply to all agricultural-related outdoor recreational uses.

B. All parking for such uses, including promotional events, shall be on the property for which the use is located, and no parking shall be permitted on or within the right-of-way of any public street.

[Ord. 2006-7]

5. *Shopping Centers.* Shopping Centers in the C Zone shall be subject to all of the requirements of that zone and all other applicable requirements of this Chapter in addition to or except as modified as follows:

A. *Lot area*—3 acres minimum.

B. *Lot width*—300 feet minimum.

C. All buildings must be set back at least 35 feet from any property line and 50 feet from a street line.

D. Parking shall meet the requirements for retail stores and shops in §27-305.

E. Access must be on an arterial street or collector street as designated in the Township Comprehensive Plan.

F. In addition to the parking requirements in §27-308, a buffer yard 150 feet wide must be provided on the site in all instances where the site adjoins an R or A Zone. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage purposes.

G. The provisions of §§27-306 (Loading), 27-307 (Driveways), 27-309 (Illumination), 27-310 (Demolition) and 27-311 (Drainage), as well as all other applicable requirements of this Chapter, shall also apply to Shopping Centers.

[Ord. 2006-7]

6. *Keeping of Domestic Livestock.*

A. *Applicability.* The requirements of this Section shall only apply in the Residential Zone (R) and Residential II Zone (R-II). Domestic livestock may be kept in any other zone without being subject to the requirements of this Section.

B. *Density.* Domestic livestock may be kept in accordance with the following table:

Animal	Acres Required for the First Animal	Additional Acres Required for Each Additional Animal
Horse	3.0	1.0
Cattle	3.0	1.0
Swine	3.0	1.0
Sheep/Goats	3.0	1.0
Llamas/Alpacas	3.0	1.0

Animal	Acres Required for the First Animal	Additional Acres Required for Each Additional Animal
Roosters	NOT ALLOWED ON RESIDENTIAL LOTS	
Other domestic livestock (Excluding chickens)	3.0	1.0

C. *Calculation of Area.* Fifty 50 percent of the area required for the first animal must be open grazing pasture. One-hundred percent of the area required each additional area must be open grazing pasture.

D. *Setback Requirements.* All buildings and structures housing domestic livestock, and any buildings or structures used to store feed or other materials used for domestic livestock use shall be located a minimum of 50 feet from all property lines, or the setback required by the zone in which the use is located, whichever is greater. A minimum of 100 feet shall be provided between any storage area or structure used for the storage of domestic livestock wastes and all property lines, existing street right-of-way lines, wetland and water courses.

E. *Fencing Requirements.* Domestic livestock shall be kept within a fenced enclosure at all times when said animals are not leashed, haltered or bridled and under the direct control of the owner or authorized agent of the animal. Any damage done by domestic livestock kept in accordance with this Section, regardless how minor, is the joint and several responsibility of the landowner and animal owner, if different.

F. *Height Restrictions.* In all zones the highest restrictions of that zone shall apply to all buildings and structures.

G. *Accessory Buildings and Structures.* All accessory buildings and structures shall comply with the building coverage, open space and impervious surface restrictions for the zone in which the lot is located.

H. *Wetlands and Waterways.* Domestic livestock shall not have direct access to wetland, watercourses, spring or well. However, a stabilized stream crossing may be permitted with Township approval. All pasture shall be managed to assure dense vegetation throughout the growing season. Dense vegetation means the pasture is managed to minimize bare spots and to maintain an average vegetation height across the pasture during the growing season at least 3 inches high.

I. *No Nuisance.* Domestic livestock use meeting the requirements of this Section shall not constitute a nuisance with regards to noise, odor, vectors, dust, vibration or other nuisance effects beyond the property lines of the parcel upon which the use is located.

[Ord. 2013-2]

(Ord. 1974-3, 6/20/1974; as amended by Ord. 10/4/1984, §XIV; by Ord. 10/1/1987, §II and III; by Ord. 12/2/1993, §8; by Ord. 1995-7, 9/7/1995, §31; by Ord. 1999-2, 1/4/1999, §1; by Ord. 2000-9, 11/9/2000, §§10–23; by Ord. 2001-7, 9/6/2001, §§2 and 3; by Ord. 2004-9, 9/2/2004, §4; and by Ord. 2006-7, 9/7/2006, §§3, 6, 7; by Ord. 2010-4, 9/2/2010, §4; and by Ord. 2013-2, 2/7/2013, §3)

§27-318. Regulations Regarding Dwellings in the Agricultural and

Conservation Zones.

1. *Approvals.* All applications for approval of a dwelling in the Agricultural or Conservation Zones shall be referred to the Township Planning Commission, and in the discretion of the Board of Supervisors, the Agricultural Review Committee, for recommendation.

2. *Dwelling Units in the Agricultural and Conservation Zone.* Number of dwelling units permitted upon each tract of land as it existed on June 20, 1974: There shall be permitted the following number of dwelling units, including those existing on June 20, 1974, whether located on a farm or farms or on a single-family residential unit or otherwise, provided all the requirements and limitations hereinafter set forth are complied with. [Ord. 2002-8]

A. *Dwelling Units Permitted in the Agricultural Zone.*

Size of Tract as of June 20, 1974 [Ord. 2002-8]	Number of Dwelling Units Permitted
0-6	2
6-15	3
15-30	4
30-80	5
80-130	6
130-180	7
180-230	8
230-280	9
280-330	10
330-380	11
380-430	12
430-480	13
480-530	14
530-580	15
580-630	16
630-680	17
680-730	18
730-780	19
780-830	20
830 acres and over	21

B. *Dwelling Units Permitted in the Conservation Zone.* There shall be permitted in the Conservation Zone, in addition to a dwelling unit existing on the tract or parcel of land on April 4, 1996, one additional dwelling unit for each 25 acres of a tract or a portion on thereof, subject to the requirements of subsection .4. [Ord. 1996-4]

C. *Other Limitations On The Number Of Dwelling Units Permitted.* In the event that the rights of nonagricultural development have been sold or assigned to any entity pursuant to an agricultural easement or other easement program (but not including “Clean and Green”), including county, State or Federal agricultural preservation programs, then the tract of land shall:

- (1) Not have any allocation of dwelling unit rights in excess of dwelling

units currently existing on the parcel pursuant to paragraphs .A or .B, and subsection .5.A, unless the deed creating the easement specifically reserves to the parcel such dwelling rights, or the property owner has entered into an agreement with the Township prior to the granting of such easement allocating dwelling unit rights between the portion of the parcel which will be subject to the easement and the portion which will not be subject to the easement. In no event shall the permitted allocation exceed the number which otherwise would have been permitted by paragraphs .A or .B.

[Ord. 2005-7]

3. *Homestead Lots.* Notwithstanding the provisions of subsection .2, homestead lots, as defined in this Chapter, shall be permitted in all zones, subject to the following:

A. A homestead lot shall consist of only the homestead as defined in this Chapter and contiguous portions of the tract of land which are land of low quality for agricultural use as defined in subsection .4.B. No portion of the homestead lot may consist of land which is not of low quality for agricultural use as defined, or which is not contiguous to the homestead, except as authorized by paragraph .F. For purposes of this Section, lands which are separated only by a street or road, whether public or private, which would otherwise be contiguous, shall be considered contiguous. Any plan creating a homestead lot shall show the joinder of such tracts separated by streets or roads by the use of a lightning strike or other similar mark, and/or appropriate notation, which clearly indicates that the two portions of the tract are joined together.

B. Before any plan creating a homestead lot is approved by the Township's Board of Supervisors, the Township's Agricultural Review Committee and the Township's Planning Commission, or such other groups as are designated by the Board of Supervisors, shall review the plan, and, in the case of the Agricultural Review Committee, shall conduct a site view of the property, to determine whether or not the proposed homestead lot is entirely on land of low quality for agricultural use as defined in subsection .4.B, and, if not, what portions are not, and shall report their findings and recommendations to the Board of Supervisors within 45 days after the request is forwarded to them.

C. Homestead lots shall be bound by all of the requirements of the zone in which the tract is located, except that maximum lot areas, and all provisions relating to maximum lot areas, shall not apply.

D. Subject to approval by the Board of Supervisors in their sole discretion, the owner of the property creating the homestead lot may separate from the homestead lot outbuildings or accessory structures, so long as those accessory structures either will be accessory to other structures on the residual tract, or meet all of the setback requirements for principal buildings on the residual tract, and the use of those buildings is compatible with the current use of the residual tract or of a permitted use in the zone in which the residual tract is located.

E. One dwelling unit shall be allocated to the homestead lot, and at least one additional dwelling unit must be available and allocated to the residual tract. In the Agricultural or Conservation Zones, all additional dwelling units available pursuant to subsection .2 and all bonus rights, if any, available pursuant to subsection .5, shall be allocated to the residual tract.

F. In the event an Owner of a tract seeks to include lands not of low quality for agricultural use as defined subsection .4.B, the owner shall forfeit one dwelling unit right for each 1 acre, or part of an acre, of the homestead lot which is not land of low quality for agricultural use as defined.

G. Homestead lots created in the Agricultural and Conservation Zones, once created, cannot be further subdivided under any circumstances or for any purposes.

H. Each tract existing as of September 7, 2004, shall be entitled to only one homestead lot. Once a homestead lot is created, then no further ones shall be permitted on the residual tract, and the owner shall be responsible for noting the existence of such lot together with the date and other relevant information on any subsequent subdivision or land development plan.

[Ord. 2004-10]

4. *Single-family Residential Units.*

A. Single-family residential units permitted after the date of the enactment of this Chapter shall consist in their entirety of land of low quality for agricultural use as defined in paragraph .B, unless such location is not feasible, in which case the single-family residential unit and the dwelling unit erected thereon together with the driveway providing access thereto, the sewage disposal system, and all accessory structures and uses, shall be located so as to utilize the least agriculturally productive land feasible and to minimize interference with agricultural production. If a new dwelling is to be located on a residual tract which currently is not improved with a dwelling, that dwelling, together with its driveway, sewage disposal system, and accessory structures and uses, must be located on the least agriculturally productive land feasible and so as to minimize interference with agricultural production. [Ord. 2005-7]

B. Land shall be considered of low quality for agricultural use if:

(1) The land is not “prime agricultural land” as defined in this Chapter.

(2) The land cannot feasibly be farmed:

(a) Due to the existing features of the site such as rock outcroppings, rock too close to the surface to permit plowing, swamps or the fact that the slope of the area exceeds 15 percent.

(b) Due to the fact that the size or shape of the area suitable for farming is insufficient to permit efficient use of farm machinery. (For purposes of the application of this subsection, the lot shall be considered as a part of the original parcel).

(3) The area is heavily wooded, subject to the conditions of paragraph .H. Heavily wooded land shall be considered of low quality for agricultural use only for the purposes of placement of single-family residential units as regulated in subsections .1 through .5, and only if the criteria in paragraph .H have been met. Heavily wooded land shall include all land within a perimeter of trees at least 30 feet in height and with at least 60 percent of the land within such perimeter being under a canopy of a tree or trees at least 30 feet in height. [Ord. 2005-7]

C. The single-family residential unit in the Agricultural Zone shall contain an area of at least 40,000 square feet and shall have a minimum lot width of 200

feet. It shall not contain more than 1 acre unless: [*Ord. 1996-4*]

(1) The physical characteristics of the land itself require a lot size in excess of 1 acre in order to accommodate the proposed dwelling, the proposed sewage disposal system, the proposed well, a driveway and a sewage reserve area because much of the lot area is wetland, slopes in excess of 20 percent or consists of other physical limitations not created by the owner; provided, however, the lot shall be no larger than necessary to accommodate the proposed dwelling, the proposed sewage disposal system, the proposed well, a driveway and sewage reserve area, and if such single-family residential unit exceeds 2 acres in size, a dwelling right as allocated by subsection .2.A or by subsection .5.A must be forfeited for each acre or part thereof by which the single-family residential unit exceeds 2 acres in size.

(2) A dwelling right as allocated by subsection .2.A or by subsection .5.A is forfeited for each acre or part thereof by which the single-family residential unit exceeds 1 acre in size.

[*Ord. 2003-3*]

D. The single-family residential unit in the Conservation Zone shall consist of a minimum of 2 acres, if on land of low quality for agricultural use as determined pursuant to paragraph .B. In the event that a single-family residential unit shall be proposed on land other than that considered low quality for agricultural use then the tract on which the dwelling is proposed shall be a minimum 1 acre and a maximum of 2 acres. In either event, the minimum lot width shall be 200 feet. [*Ord. 1996-4*]

E. Each dwelling constructed or placed in the Conservation or Agricultural Zones must be on an approved single-family residential unit whether intended for transfer of title or not, and such single-family residential unit must meet all of the requirements of this Chapter, the Township Subdivision and Land Development Chapter, and all of the requirements of the Pennsylvania Department of Environmental Protection. [*Ord. 1996-4*]

F. The applicant shall have the burden of proving that the land he seeks to subdivide into single-family residential units meets the criteria set forth in this Section.

G. Any landowner who disagrees with the classification of his farm or any part of it by the Soil Survey of York County, Pennsylvania, Series 1959, No. 23, issued May, 1963, may submit an engineering analysis of the soils on the portion of the farm which he seeks to have reclassified, and if the Board of Township Supervisors finds his study correct, it shall alter the Township Soil Map to reflect the results of such analysis.

H. Heavily wooded areas of a tract as defined in subsection .4.B(3) shall be approved for the placement of single-family residential units or as additions to single-family residential units in the Agricultural or Conservation Zones only if all of the following criteria are met:

(1) Such heavily wooded areas shall remain perpetually heavily wooded, and no owner shall remove the woods to the extent that the character of the lot taken as a whole could no longer be reasonably considered to be heavily wooded. Nothing in this subsection will prevent the removal of whatever trees

are necessary for improvements on the lot or for construction of those improvements, including, but not limited to, buildings, swimming pools, driveways, on-site septic systems and other such improvements. In no event shall the cleared area exceed 20,000 square feet.

(a) Notwithstanding the provisions of this subparagraph (1), the applicant, or the developer or builder of the improvements on the lot, shall mark all trees, which are to be removed for the purposes of placing improvements on the lot, and such removal of those trees shall be approved by the Township prior to their removal. The applicant, developer or builder shall provide the Township with at least 3 working days' notice prior to the intended removal of such trees. This subsection is intended to be interpreted in conjunction and consistent with §22-402.3.L of the Hopewell Township Subdivision and Land Development Ordinance [Chapter 22].

[*Ord. 2005-7*]

(2) Nothing in this paragraph .H is intended to prohibit or prevent the land owner from removing dead or dying trees or from, under the direction of a commercial forester, thinning trees or the commercial harvesting of trees so long as no more than $\frac{1}{4}$ of the total existing mature trees, which shall be defined as trees with a diameter of 6 inches or greater measured at a point 4 feet above the ground, on the lot are removed, and such removal shall be in a pattern and location that would result in a canopy of tree branches and leaves over every area of the lot during the summer. This tree removal limitation is separate and apart from, and does not apply to, the removal of trees for the placement of improvements as set forth in subparagraph (1), above.

(3) By requesting the placement of lots within heavily wooded areas, the applicant understands and agrees that the Township is granting that right in consideration of and in exchange for the applicant's agreement to abide by the conditions of this paragraph .H.

(4) The applicant agrees that, in order to ensure compliance with this subsection, the Township's Codes Enforcement Officer, or other person authorized by the township, shall be permitted to enter onto the property during daylight hours, upon 24 hours' prior notice to the applicant or the lot owner; except that, in the event that the Codes Enforcement Officer in the exercise of good faith, believes or has a reason to believe that trees are being removed in violation of this subsection, or §22-402.3.L of the Hopewell Township Subdivision Ordinance [Chapter 22], then the Codes Enforcement Officer may enter the property without prior notice for the purpose of determining compliance or noncompliance with those Sections.

[*Ord. 2003-3*]

(5) The landowner shall enter into a recordable written agreement with the Township, at or before the final approval of any subdivision plan, incorporating the provisions of this subsection and a notation of such agreement shall be placed on any subdivision plan subdividing lots to permit the placement of such single-family residential units. In addition, if any restrictions or protective covenants are placed on such lots, the provisions of

this subsection shall be included in such restrictions or protective covenants.
 [Ord. 2005-7]

5. *Additional Single-Family Dwelling Units; Bonus Rights In The Agricultural Zone.*

A. In the Agricultural Zone only, and not in the Conservation Zone, in addition to the dwelling units provided pursuant to subsection .2.A, the following additional single-family dwelling units (also referred to and known as “bonus rights”) shall be permitted on each tract of land as it existed on June 20, 1974 based on the following chart:

Size of Tract of Land as of June 20, 1974	Number of additional single-family Residential units permitted
2-11 acres	1
11-22	2
22-55	3
55-105	4
105-155	5
155-205	6
205-255	7
255-305	8
305-355	9
355-405	10
405-455	11
455-505	12
505-555	13
555-605	14
605-655	15
655-705	16
705-755	17
755-805	18
805-855	19

B. Such bonus rights shall be permitted only if all dwelling units, including those provided by subsection .2.A and paragraph .A of this Section, are or will be used on lots which consist in their entirety of lands which are of low quality for agricultural use as defined in subsection .4.B. If this condition cannot be met in its entirety, then the tract of land shall be entitled to no bonus rights.

[Ord. 2008-6]

6. *Transfer of Dwelling Rights In The Agricultural and Conservation Zones.*

A. *Agricultural Zone.*

(1) Upon request by the owners of a tract of land in the Agricultural Zone, the Board of Supervisors may approve the transfer of the right to erect or construct dwelling units allocated by subsection .2.A to another tract or parcel in the Agricultural Zone, whether or not owned by the same owners, only so long as all of the following conditions are met:

(a) The conditions on the transferor tract are such that the transferor tract is unable to locate the dwelling units proposed for the transfer within the transferor tract on land of low quality for agricultural use as defined in subsection .4.B. If the transferor tract has no land physically suited for the placement of dwellings, then no transfer is permitted.

(b) All of the dwelling units to be transferred shall be utilized on the transferee tract entirely on land which is of low quality for agricultural use as defined in subsection .4.B.

(c) The transferor parcel must either contain an existing dwelling or have retained the right for at least one dwelling unit, unless it is being permanently joined to or merged with an adjacent tract or parcel which either contains an existing dwelling, or has at least one available dwelling unit.

(2) Notwithstanding the provisions of paragraph .A.1(b), the Board of Supervisors may authorize the transfer of the right to erect or construct dwelling units from one parcel to another parcel owned by the same owner or owners, provided the requirements of paragraphs .A.1(a) and (c) are met, and the dwelling units proposed to be located on the transferee parcel cannot feasibly be located consistent with the requirements of paragraph .A.1(b), and such dwelling units will be located so that they are contiguous to other residential lots (lots less than 1½ acres in size, improved with a dwelling or approved for the placement of a dwelling).

B. Conservation Zone.

(1) Upon request by the owners of a tract of land in the Conservation Zone, the Board of Supervisors may approve the transfer of the right to erect or construct dwelling units allocated by subsection .2.B to another tract or parcel in the Conservation Zone, whether or not owned by the same owners, only so long as all of the following conditions are met:

(a) The soils on the transferor tract are such that the transferor tract is unable to locate the dwelling units proposed for the transfer within the transferor tract on land of low quality for agricultural use as defined in subsection .4.B. If the transferor tract has no land physically suited for the placement of dwellings, then no transfer is permitted.

(b) All of the dwelling units to be transferred shall be utilized on the transferee tract entirely on land which is of low quality for agricultural use as defined in subsection .4.B.

(c) All of the dwelling units to be transferred shall be utilized on the transferee tract in such manner that the location of the dwelling, accessory structures, sewage disposal system and driveway will not cause erosion into a stream or off the tract, or damage wetlands.

(d) The transferor parcel must either contain an existing dwelling or have retained the right for at least one dwelling unit, unless it is being permanently joined to or merged with an adjacent tract or parcel which either contains an existing dwelling, or has at least one available dwelling unit.

(2) Notwithstanding the provisions of paragraph .B.1(b), the Board of Supervisors may authorize the transfer of the right to erect or construct dwelling units from one parcel to another parcel owned by the same owner or owners, provided the requirements of paragraphs .B.1(a), (c) and (d) are met, and the dwelling units proposed to be located on the transferee parcel cannot feasibly be located consistent with the requirements of paragraph .B.1(b), and such dwelling units will be located so that they are contiguous to other residential lots (lots less than 1 ½ acres in size, improved with a dwelling or approved for the placement of a dwelling).

C. In the event that the rights of nonagricultural development have been sold or assigned to any entity pursuant to an agricultural easement or other easement program (but not including “Clean and Green”), including county, State or Federal agricultural preservation programs, then subsection .2.C shall apply.

D. No tract of land transferring or selling dwelling units pursuant to this Section or subsection .2.C shall be entitled to any bonus rights to which it would otherwise be entitled pursuant to subsection .5, and bonus rights are not transferable.

E. Before any transfer is approved by the Board of Supervisors, all title owners, whether equitable or legal, of both the transferor tract and the transferee tract must enter into a recordable agreement with the Township in a form approved by the Township Solicitor evidencing the transfer of dwelling rights, and identifying the number of dwelling rights which remain with the transferor tract. Alternatively, at the discretion of the Board of Supervisors, the owners of the transferor tract can have an approved and recorded subdivision plan for the transferor tract which clearly states that dwelling rights have been transferred to the transferee parcel, and which will show the number of dwelling rights which have been transferred, and the number of dwelling rights which will remain with the transferor parcel. If no dwelling rights are retained by the transfer or parcel, then the subdivision plan shall clearly identify the location of an existing dwelling on the transferor tract.

[*Ord. 2005-7*]

(*Ord. 1974-3, 6/20/1974; as amended by Ord. 11/5/1981, §II; by Ord. 11/3/1983, §§XIV, XV, XVI and XVII; by Ord. 1/2/1990B, §§IV and VI; by Ord. 4/1/1993, §4; by Ord. 1995-7, 9/7/1995, §§40–42; by Ord. 1996-4, 4/4/1996, §§6–11; by Ord. 1997-12, 10/2/1997, §§1–3; by Ord. 2002-8, 12/9/2002, §13; by Ord. 2003-3, 5/1/2003, §§8–14; by Ord. 2004-2, 5/6/2004, §11; by Ord. 2004-10, 9/2/2004, §4; by Ord. 2005-7, 10/6/2005, §§4–12; and by Ord. 2008-6, 6/5/2008, §1*)

Part 4

Modifications and Nonconformities

§27-401. Setback Modifications.

1. *Front Setbacks from Major Thoroughfares.* For the purpose of protecting residential use from adverse influences of traffic and for the purpose of protecting major thoroughfares for their traffic functions, buildings (including residential and nonresidential buildings) along these thoroughfares must be set back at least 50 feet from the right-of-way line of the thoroughfare. Major thoroughfares are or will be any arterial streets and collector streets specified in the Township Comprehensive Plan and as designated by the Township Planning Commission. [Ord. 2001-7]

2. *Sight Distance.* Proper sight lines must be maintained at all street intersections. Measured along the centerline of the street, there must be a clear sight triangle with sides as follows:

<u>Street</u>	<u>Clear Sight Triangle Side</u>
Major Thoroughfares	150 feet
Minor Streets	75 feet

No building or construction is permitted in this area except as follows:

- A. Obstructions or plantings less than 3 feet in height.
- B. If not obstructing the view of traffic, post columns and trees not exceeding 1 foot in diameter.

3. *Corner Lots.* In the case of corner lots, two front yards shall be provided. When a private road intersects a public road resulting in three roads fronting a lot, the private road shall not count as a front yard in locating non-attached accessory structures, as defined in §27-301.2. However, the front setback shall be met in each yard fronting a street. [Ord. 2008-14]

4. *Accessory or Appurtenant Structures.* The setback regulations do not apply to: [Ord. 2001-7]

- A. School bus shelters, telephone booths, cornices, eaves, chimneys, steps, canopies and similar extensions including unenclosed and uncovered porches and unenclosed and uncovered patios.
- B. Open fire escapes.
- C. Minor utility structures or articles of ornamentation or decoration.
- D. Fences, retaining walls.

(Ord. 1974-3, 6/20/1974; as amended by Ord. 2001-7, 9/6/2001, §3; and by Ord. 2008-14, 12/4/2008, §1)

§27-402. Height Modifications.

The height regulations do not apply to:

- A. Structures such as chimneys, standpipes, flagpoles, television antennas or

radio towers.

B. Structures on buildings such as clock towers, cupolas, water tanks and other mechanical appurtenances, if such structures, at any level, do not cover more than 25 percent of the roof on which they are located.

C. Parapet walls or cornices used solely for ornamental purposes if not in excess of 5 feet.

(*Ord. 1974-3, 6/20/1974*)

§27-403. Buildings under Construction.

If the construction is completed by 1 year after effective date, a building, the foundation of which was completed before the effective date, may be constructed without being bound by the requirements of this Chapter. In like manner, a building, the foundation of which was completed before an amendment, may be constructed if the construction is completed within 1 year after the amendment.

(*Ord. 1974-3, 6/20/1974*)

§27-404. Division of Built-On Lots.

No lot may be formed from part of a lot occupied by a building unless each newly-created lot will meet all the applicable provisions of this Chapter, and each or all of the newly created lots or tracts is designed so that average depth is not more than 2 ½ times the lot width as defined in this Chapter, nor more than 2 ½ times the width of the tract or lot measured at the narrowest point of the lot or tract.

(*Ord. 1974-3, 6/20/1974; as amended by Ord. 11/5/1981, §VII; and by Ord. 2001-7, 9/6/2001, §3*)

§27-405. Status of Subdivision or Land Development Plan.

From the time an application or approval of a subdivision or land development plan whether preliminary or final, is duly filed as provided in the Subdivision and Land Development Ordinance, and while such application is pending approval or disapproval, no enactment or amendment of the Zoning Ordinance shall affect the decision of such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the Zoning Ordinance as it stood at the time the application was duly filed. In addition when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in the Zoning Ordinance. When a preliminary or final subdivision or land development plan has been approved or approved subject to conditions acceptable to the applicant, no subsequent enactment or amendment in the Zoning Ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within 5 years from such approval. Where final approval is preceded by preliminary approval, the 5 year period shall be counted from the date of the preliminary approval.

(*Ord. 1974-3, 6/20/1974*)

§27-406. Lots of Record.

On a lot held in single and separate ownership on the effective date of this Ordinance or any amendment thereto, which does not fulfill the regulations for the minimum lot area and/or lot width for the zone in which it is located, a building may be erected, altered and used and the lot may be used for a conforming (permitted) use providing the setback requirements are not less than the minimum specified herein for the residential zone.

(*Ord. 1974-3, 6/20/1974; as amended by Ord. 2/3/1977, §I*)

§27-407. Nonconformities.1. *Continuance.*

A. Except as otherwise provided in this Section, the lawful use of land or building existing at the date of the adoption of this Chapter may be continued, although such use of land or building does not conform to the use regulations specified by this Chapter for the zone in which such land or building is located.

B. Except as otherwise provided in this Section, any dimensional nonconformities existing at the date of the adoption of this Chapter may be continued.

[*Ord. 2001-7*]

2. *Expansion and Alteration.*

A. Upon application for a special exception and in accordance with the provisions of §27-504, the Zoning Hearing Board may approve the expansion or alteration of a use of land or buildings, which is not in conformance with the provision of this Chapter.

B. A dimensional nonconformity may be altered or expanded only if such alteration or expansion is in conformance with the provisions of this Chapter; however, upon issuance of a special exception, in accordance with the provisions of §27-504, the Zoning Hearing Board may authorize additions or improvements to dimensional nonconformities.

3. *Replacement.*

A. A nonconforming use may be replaced only by a conforming use.

B. A dimensional nonconformity may be replaced only in conformance with the provisions of this Chapter.

4. *Restoration.* If any nonconformity is destroyed by reason of windstorm, fire, explosion or other act of God or a public enemy to an extent of more than 75 percent of the market value as appraised for the tax assessment purposes, then such destruction shall be deemed complete destruction and the nonconformity may not be rebuilt, restored or repaired except upon issuance of a variance in accordance with §27-503 of this Chapter. Nothing in this Chapter shall prevent the strengthening or restoring to a safe condition any wall, floor or roof which has been declared unsafe. [*Ord. 2001-7*]

5. *Abandonment.* A nonconforming use shall be adjudged as abandoned when there occurs a cessation of any such use or activity by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of 1 year from the date of cessation or discontinuance. Such use shall not thereafter be reinstated and the structure shall not be reoccupied except in conformance with this Chapter. [*Ord.*

1995-7]

6. *Reversion.* No nonconformity shall, if once changed to conform to the regulations of this Chapter, be changed back again to a nonconformity.

7. *Zone Changes.* Whenever the boundaries of a zone shall be changed so as to transfer an area from one zone to another zone of a different classification, the foregoing provisions shall also apply to any nonconforming uses or dimensional nonconformities existing therein or created thereby.

8. *Identification and Registration.* Nonconforming uses and nonconforming structures shall be identified and registered by the Zoning Officer.

(*Ord. 1974-3*, 6/20/1974; as amended by *Ord. 1995-7*, 9/7/1995, §32; and by *Ord. 2001-7*, 9/6/2001, §3)

Part 5**Zoning Hearing Board****§27-501. Powers and Duties-General.**

1. *Membership of Board.* The membership of the Board shall consist of three residents of the Township appointed by the Board of Supervisors. Their terms of office shall be 3 years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Township Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township.

A. Additionally, the Board of Supervisors may appoint by resolution up to three residents of the Township to serve as alternate members of the Board. Their terms of office shall be 3 years. If, by reason of absence or disqualification of a member of the Board, a quorum is not reached, or, if the Chairman desires to seat a full Board for a hearing, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum, or in the Chairman's discretion, a full Board. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this subsection shall be made on a case-by-case basis in rotation according to declining seniority among all alternates. When properly seated, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Chapter, the Pennsylvania Municipalities Planning Code, and the law. Alternates shall hold no other office in the Township, including membership on the Township Planning Commission or Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board, but shall not be entitled to vote or to be compensated as a member of the Board unless designated the voting alternate by the Chairman pursuant to this subsection. [*Ord. 2002-8*]

2. *Organization of Board.* The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board, but where two members are disqualified to act in a particular matter, the remaining member may act for the Board. The Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in §27-502. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the Board of Supervisors once a year.

3. *Powers.* The Zoning Hearing Board has the following powers:

A. *Interpretation.* To interpret any provision of this Chapter including zone

boundaries.

B. *Special Exceptions.* To hear and decide special exceptions upon which the Board is required to pass under this Chapter as per §27-504 following.

C. *Appeals.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Officer in enforcement or interpretation of this Chapter.

D. *Variances.* To authorize, upon application, in specific cases a variance from the terms of this Chapter as per §27-503 following.

E. *Rehearings.* To grant the rehearing of a case if it appears there has been a substantial change in the facts or evidence of the case as presented at the initial hearing.

F. *Challenge to the Validity to the Ordinance or Map.* The Board shall hear challenges to the validity of the Zoning Ordinance or map except as indicated in the Pennsylvania Municipalities Planning Code §§609.1, 909.1(b), and 916.1(a)(2). In all such challenges the Board shall take evidence and make a record thereon as provided in §27-502. At the conclusion of the hearing the Board shall decide all contested questions and shall make findings on all relevant issues of fact, which shall become part of the record on appeal to the court. [Ord. 2002-8]

G. *Unified Appeals.* Where the Board has jurisdiction over a zoning matter, the Board shall also hear all appeals which an applicant may elect to bring before it with respect to any Township ordinance or requirements pertaining to the same development plan or development. In any such case the Board shall have no power to pass upon the non-zoning issues, but shall take evidence and make a record thereon as provided in §27-502. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact, which shall become part of the record on appeal to court.

In exercising the powers above, the Board, in conformity with the provisions of this Chapter, may reverse, affirm or modify the order, requirement, decision or determination appealed from or requested, and may make any order, requirement, decision or determination as ought to be made.

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

5. *Hearing Forms.* All applications, appeals, challenges or any other hearing requests before the Board shall be on forms approved by the Township. [Ord. 2010-5]

6. *Place for Filing Hearing Requests.* All applications, appeals, challenges or any other hearing requests before the Board shall be filed with the Township's Zoning Officer or such other person as may from time to time be authorized by the Township. [Ord. 2010-5]

7. *Fees.* The payment of fees for hearings before the Board shall be as set out in §27-608 of this Chapter. [Ord. 2010-5]

(Ord. 1974-3, 6/20/1974; as amended by Ord. 2002-8, 12/9/2002, §§6 and 7; and by Ord.

2010-5, 10/7/2010, §1)

§27-502. Public Hearings.

1. *Notice: Conduct of Meeting.* Notice shall be given of a Zoning Hearing Board meeting in the following manner and the hearing shall be subject to the following:

A. The Board shall conduct hearings on any request for interpretation, variance, special exception, appeal from an enforcement notice, challenge or other matter requiring the Board's decision or other official action.

B. Such hearing shall be held within 60 days from the date of the applicant's request and the payment of all applicable fees, unless the applicant has agreed in writing to an extension of time.

C. Upon the filing with the Township of a request or application for hearing before the Board, or for any action which requires a hearing by the Board, the Township shall give the following notices:

(1) *Public notice.* The Township shall advertise such hearing in a newspaper of general circulation for 2 consecutive weeks, the first notice being not more than 30 days and the second notice being no less than 7 days prior to the date of the hearing. The first notice shall be at least 7 days prior to the second notice.

(2) Post in a conspicuous place or places on the affected property written notice of the hearing at least 7 days prior to the hearing.

(3) Give written notice to the applicant and the Zoning Officer of the time and date of the hearing.

(4) Give written notice to adjoining property owners, including owners of properties across public streets from the property in question, and to such other persons as the Zoning Officer shall determine under the particular circumstances are appropriate, including any person who has made a request for such notice prior to the date on which notices shall be sent out.

(5) Notices required in subsections .3, and .4, shall be mailed by both certified mail, return receipt requested and by first class mail postage prepaid, at least 14 days prior to the scheduled date of the hearing, except that notice to the Zoning Officer need only be by first class mail.

[*Ord. 2001-7*]

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

E. The hearings shall be conducted by the Board, or the Board may appoint any member as a Hearing Officer. The decision, or, where no decision is called for, the findings, shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final. [*Ord. 2001-7*]

F. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

G. The Board or the hearing officer shall not communicate, directly or

indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings with any party or his representative unless all parties are given an opportunity to be present.

[*Ord. 2000-9*]

H. Hearings shall be further conducted pursuant to the requirements of §908 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10908, which are in effect at the time of the hearing, including the length, timing and order of such hearings. [*Ord. 2003-3*]

2. *Representation; Statements.* Parties to the hearing shall be 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 the 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.

The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

Statements are to be made in the following order or as the Chairman may direct:

- A. Applicant or appellant.
- B. Zoning Officer and other officials.
- C. Any private citizen.

The applicant or appellant must be given an opportunity for rebuttal.

3. *Witnesses.* The Chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

4. *Decision Procedure.* The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or Hearing Officer. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of the MPC or of any ordinance, rule or regulation, shall contain a reference to the provision relied on 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 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 45 days after the decision of the Hearing Officer. Where the Board has power to render a decision and the Board or the Hearing Officer, as the case may be, fails to render the same within the period required by this subsection, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time.

A copy of the final decision or, where no decision is called for, of the findings, shall be delivered to the applicant personally or mailed to him no later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of decision or findings and a statement of the place at which the full decision or findings may be examined.

Whenever the Board imposes a condition or conditions with respect to the granting of an application or appeal, this condition must be stated in the order of the Board and in the permit issued pursuant to the order by the Zoning Officer. This permit remains valid only as long as the condition or conditions upon which it was granted or the conditions imposed by this Chapter are adhered to.

[*Ord. 2001-7*]

5. *Records.* The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings, and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.

(*Ord. 1974-3, 6/20/1974; as amended by Ord. 2000-9, 11/9/2000, §24; by Ord. 2001-7, 9/6/2001, §§2 and 3; and by Ord. 2003-3, 5/1/2003, §6*)

§27-503. Variances.

1. *Filing of Variance.* An application may be made to the Zoning Hearing Board for a variance where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The application must be on a form provided for that purpose by the Zoning Officer. It must be filed within the Board and copies given to the Zoning Officer and Township Planning Commission. The applicant must provide all the information requested on the form, together with any other information and data that may be required to advise the Board on the variance, whether such information is called for by the official form or not.

Unless otherwise specified or extended by the Board, a variance authorized by it expires if the applicant fails to obtain a building permit or use certificate within 6 months from the date of authorization of the variance. [*Ord. 2001-7*]

2. *Referral to Planning Commission.* All applications for a type-of-use variance shall be referred to the Planning Commission for a report.

3. *Standards for Variances.* Where there is unnecessary hardship, the Board may grant a variance in the application of the provisions of this Chapter provided that the following findings are made where relevant in a given case:

A. There are unique physical circumstances or conditions including (1) irregularity, narrowness, or shallowness of lot size or shape, or (2) exceptional topographical or other physical conditions peculiar to the particular property, and are not due to circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or zone in which the property is located.

B. Because of these physical circumstances or conditions, the property cannot reasonably be used in strict conformity with the provisions of the Zoning Chapter.

C. The unnecessary hardship has not been created by the appellant. [*Ord. 2002-8*]

D. The variance, if authorized, will not alter the essential character of the neighborhood or zone 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. 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.

4. *Conditions.* In granting any variance, the Board may attach such reasonable conditions and safeguards as it considers necessary to implement the purposes of this Zoning Chapter.

(*Ord. 1974-3, 6/20/1974; as amended by Ord. 2001-7, 9/6/2001, §3; and by Ord. 2002-8, 12/9/2002, §8*)

§27-504. Special Exceptions.

1. *Filing of Special Exception.*

A. For any use permitted by special exception, a special exception must be obtained from the Zoning Hearing Board. In addition to the information required on the use certificate application, the special exception application must show: [*Ord. 2002-8*]

- (1) Ground floor plans and elevations of proposed structures.
- (2) Names and addresses of adjoining owners.

B. Unless otherwise specified or extended by the Zoning Hearing Board, a special exception authorized by the Board expires if the applicant fails to obtain, where required to do so, a building permit or use certificate within 6 months of the date of the authorization of the special exception or fails to complete the work in the 6 months next following the issuing of the building permit, excepting that in cases where the granting of a building permit or use certificate must be preceded by Township approval of a subdivision or land development plan, the special exception authorized by the Board expires, if:

- (1) The applicant fails to file with the Township a preliminary subdivision or land development plan meeting applicable subdivision and zoning requirements within 6 months of the date of the authorization of the special exception.
- (2) Fails to file with the Township a final subdivision or land development plan meeting applicable subdivision and zoning requirements within 6 months of the date of the approval by the Township of the preliminary plan.
- (3) Fails to obtain a building permit or use certificate within 6 months of the date of the approval by the Township of the final plan.
- (4) Fails to complete the work within 1 year of the issuing of the building permit.

[*Ord. 11/5/1981*]

2. *Temporary Special Exceptions.* A temporary special exception must be obtained from the Zoning Hearing Board for any nonconformity which is or will be seasonal or is or will be in the public interest. The Zoning Hearing Board may grant a temporary

special exception for a nonconforming use or structure, existing or new, which:

- A. Is beneficial to the public health or general welfare.
- B. Is necessary to promote the proper development of the community.
- C. Is seasonal in nature.

The temporary special exception may be issued for a period not exceeding 1 year, and may be renewed for an aggregate period not exceeding 3 years. The nonconforming structure or use must be completely removed upon the expiration of the special exception without cost to the Township.

3. *Referral to Planning Commission.* All applications for a special exception shall be referred to the Township Planning Commission for a recommendation. [Ord. 2002-8]

4. *Conditions.* The Zoning Hearing Board, in passing upon special exception applications, may attach conditions considered necessary to protect the public welfare and the Comprehensive Plan, including conditions which are more restrictive than those established for other uses in the same zone.

5. *Application of Extent-of-Use Regulations.* The extent-of-use regulations as set forth in this Chapter must be followed by the Zoning Hearing Board. Where no extent-of-use regulations are set forth for the particular use, the Board may impose extent-of-use requirements as necessary to protect the public welfare and the Comprehensive Plan. [Ord. 2002-8]

6. *General Standards.* A special exception may be granted when the Zoning Hearing Board finds by a preponderance of the evidence produced at the hearing:

A. That the proposed use, including its nature, intensity and location, is in harmony with the orderly and appropriate development of the zone.

B. The specific requirements elsewhere in this Chapter with respect to the proposed use and/or its location will be met. [Ord. 2001-7]

C. The use of adjacent land and buildings will not be discouraged and the value of adjacent land and buildings will not be impaired by the location, nature and height of buildings, walls and fences.

D. The use will have proper location with respect to existing or future streets giving access to it, and will not create traffic congestion or cause industrial or commercial traffic to use the residential streets.

E. The specific standards set forth for each particular use for which a special exception may be granted have been met.

F. If connection to an existing public water supply system is proposed, the applicant must submit an agreement committing the public water supply system to provide such water as will be utilized by the proposed special exception use for such period of time and under such terms and conditions as the public water supply system provides water service elsewhere in its service area. If the water supply system proposed involves the utilization of water obtained from the tract proposed for the location of the special exception use or from a nearby tract, the applicant must establish that the groundwater recharge on the tract where the water supply system is located, after development, computed during drought conditions (periods when the precipitation is 40 percent below normal) will exceed projected water usage. The Zoning Hearing Board may require as a condition of approval that the

applicant execute an agreement with the Township committing the proposed special exception use not to utilize more groundwater on a daily basis than the groundwater recharge computed during drought conditions and to establish procedures pursuant to which usage can be verified. [Ord. 6/-/1985]

G. The applicant must establish that the drainage requirement of §27-311 of this Chapter will be complied with.

H. The applicant must establish that adequate provision can and will be made to dispose of the sewerage created by the proposed use consistent with the requirements set forth in the regulations promulgated by the Pennsylvania Department of Environment Protection and with the requirements of the Township Sewage Permit Ordinance.

The applicant for a special exception shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Zoning Hearing Board.

7. *Specific Standards.* In addition to the general standards for all special exceptions as contained in §27-504.6, the following specific standards for particular uses must be met prior to the granting of a special exception:

A. *Agricultural Society.* In an A Zone and subject to the requirements of that zone except as herein modified and provided:

- (1) *Lot area*—40,000 square feet minimum. [Ord. 11/3/1983]
- (2) *Lot width*—200 feet minimum. [Ord. 11/3/1983]
- (3) *Setbacks*—50 feet minimum for each setback (front, side, rear).
- (4) Access must be on an arterial street or collector street as designated in the Township Comprehensive Plan.

B. *Airstrip, Airport.* In an I Zone and subject to the requirements of that zone except as herein modified and provided: [Ord. 11/3/1983]

- (1) *Lot area*—10 acres minimum.
- (2) The approach zone to any of the proposed runways or landing strips shall be in accordance with the regulations of applicable Federal and/or State agencies.
- (3) There shall be no existing flight obstructions such as towers, chimneys or other tall structures or natural obstructions outside of the airport and located within the proposed approach zones.
- (4) Any building, hanger or structure shall be located a sufficient distance away from the landing strip in accordance with the recommendations of applicable Federal and/or State agencies.

(5) Building heights in airport approach zones shall be limited to provide a clear glide path from the end of the useable landing strip. The glide path shall be a plane surface laid out in accordance with the operating characteristics of the aircraft for which the airport is designed. The first 500 feet of the glide path shall be wholly within the airport property.

C. *Animal Hospital or Commercial Kennel.* In A and C Zones subject to the requirements of the zone in which located except as herein modified and provided:

(1) *Lot area*—40,000 square feet minimum. [Ord. 11/3/1983]

(2) No part of any building used for such purposes shall be located within 200 feet of any street or property line.

D. *Antique Sales*. In an A Zone and subject to the requirements of that zone except as herein modified and provided:

(1) Any outdoor display of articles for sale shall be at least 30 feet from any property line and 50 feet from any street line.

(2) Must have access on an arterial street or collector street as designated in the Township Comprehensive Plan.

[Ord. 2001-7]

E. *Automobile Dismantling Plant, Junkyard*. In an I Zone subject to the requirements of the zone in which located except as herein modified and provided:

(1) *Lot area*—5 acres minimum.

(2) *Lot width*—300 feet minimum.

(3) *Setbacks*—any area used for this purpose must be at least 75 feet from any property line and 100 feet from any street line.

(4) The area to be used must be completely enclosed with a 6-foot high fence so constructed as not to have openings greater than 6 inches in any direction. [Ord. 2001-7]

(5) Must comply with the Township Junkyard Ordinance [Chapter 13, Part 2] and all other applicable State regulations. [Ord. 1995-7]

(6) Must have access on an arterial street or collector street as designated in the Township Comprehensive Plan.

F. *Cemetery*. In an A or Cv Zone subject to the requirements of the zone in which located except as herein modified and provided: [Ord. 3/6/1980B]

(1) All burial plots or facilities shall be located at least 150 feet from all existing dwellings.

G. *Club Room, Meeting Hall*. In a Cv Zone and subject to the requirements of that zone except as herein modified and provided: [Ord. 3/6/1980B]

(1) *Lot area*—3 acres minimum.

(2) *Lot width*—250 feet minimum.

(3) *Setbacks*—50 feet minimum for each setback (front, side, rear).

(4) Access must be on an arterial street or collector street as designated in the Township Comprehensive Plan.

H. *Convalescent Home*. In an R Zone and subject to the requirements of the zone in which located except as herein modified and provided:

(1) *Lot area*—30,000 square feet.

(2) *Maximum density*—one bed per 1,500 square feet of lot area.

(3) *Lot width*—150 feet.

(4) *Side setback*—30 feet.

(5) Suitable screen planting may be required by the Zoning Hearing

Board in order to screen the use from view from adjoining properties.

(6) *Building coverage*—15 percent maximum.

(7) Access must be on an arterial street or collector street as designated in the Township Comprehensive Plan.

I. *Expansion of a Nonconformity*. In any zone and subject to the requirements of that zone except as herein modified and provided:

(1) The expansion of the nonconformity shall be confined to the lot on which it is located on the effective date of this Chapter or any amendment thereto creating the nonconformity.

(2) The total of all such expansions or alterations of use shall not exceed an additional 35 percent of the area of those buildings or structures devoted to the nonconforming use as they existed on the date on which such buildings or structures first became nonconformities.

(3) Provision for access drives, off-street parking and off-street loading shall be consistent with standards required by this Chapter.

(4) Provision for yards, building height and building area shall be consistent with standards required for permitted uses in the zone in which the nonconformity in question is located.

(5) Appearance should be harmonious with surrounding properties. This feature includes but is not limited to, landscaping, enclosure of principal and accessory uses, height control, sign control, architectural control and maintenance in good condition of all improvements and open spaces.

(6) Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to, fences, walls, plantings and open spaces. [Ord. 1995-7]

(7) The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities.

J. *Gasoline Station*. In C and I Zones and subject to the requirements of the zone in which located except as herein modified and provided:

(1) Buildings must be set back as least 40 feet from the street line.

(2) Pumps must be set back at least 15 feet from the street line.

(3) Access drives must be located as follows:

(a) *Minimum offset from intersection of street right of-way lines*—40 feet.

(b) *Side lot line offset*—10 feet.

(c) *Minimum width*—12 feet.

(d) *Maximum width*—35 feet.

(e) *Minimum separation of drives on same lot*—25 feet.

(4) Except along access drives, a concrete curb 8 inches in height must be placed along all street right-of-way lines.

(5) All lights shall be diverted toward the gasoline station or downward on the lot.

(6) No outdoor stockpiling of tires or outdoor storage of trash is permitted. An area enclosed by a wall or fence, screened from view of adjoining properties, shall be provided whenever outdoor storage is required. No materials may be stored so as to create a fire hazard.

(7) At least 10 percent of the lot on which the gasoline station is situated must be devoted to landscaping.

K. *General Manufacturing*. In an I Zone and subject to the requirements of that zone except as herein modified and provided:

(1) *Lot area*—3 acres minimum.

(2) *Lot width*—250 feet minimum. [Ord. 2001-7]

(3) *Setbacks*—all buildings must be set back as least 50 feet from any property line and 100 feet from a street line.

(4) Access must be on an arterial street or collector street. Traffic entrances and exits shall be far enough from residential dwellings so that truck noise and vibration will be minimized.

(5) A buffer yard 150 feet wide must be located on the site in all instances where the site adjoins an R or A Zone. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking loading or storage.

L. *Hospital*. In an R Zone and subject to the requirements of the zone in which located except as herein modified and provided:

(1) *Lot area*—4 acres.

(2) *Lot Width*—300 feet.

(3) *Setbacks*—no portion of a building shall be within 50 feet of a lot line or street line.

(4) The required parking shall not be permitted in the front yard area.

(5) The required green area shall be located so as to maximize landscaping features, screening for residents of neighboring areas and to achieve a general effect of openness.

(6) Access must be on an arterial street or collector street as designated in the Township Comprehensive Plan.

M. *Industrial Park*. In an I Zone and subject to the requirements of that zone except as herein modified and provided:

(1) *Lot area*—10 acres minimum.

(2) *Lot width*—300 feet minimum.

(3) All buildings must be set back at least 50 feet from any property line and 100 feet from a street line.

(4) Access must be on an arterial street or collector street. Traffic routes and exits shall be far enough from houses so that truck noise and vibration will be minimized.

(5) A buffer yard 150 feet wide must be provided on the site in all instances where the site adjoins an R or A Zone. The buffer yard shall be naturally landscaped, have no imperious cover and shall not be used for

building, parking, loading or storage purposes.

(6) Appearance should be harmonious with adjoining properties. This feature includes but is not limited to, landscaping, enclosure of principal and accessory uses, height control, sign control, building coverage and architectural controls.

N. *Kennel*. Where permitted, this use is subject to the following:

(1) A minimum lot area of 5 acres must be provided.

(2) Unless in the Industrial Zone, no kennel may house more than 15 animals over 6 months of age.

(3) The kennel must be located at least 1,000 feet from any dwelling owned by someone other than the owner of the kennel.

(4) The kennel must be located at least 1,000 feet from any area that could consistent with the provisions of this Chapter be approved as a location for a dwelling on property owned by someone other than the applicant.

(5) Adequate disposal of animal waste must be provided in a manner that will not create a public health hazard or a nuisance.

(6) If the kennel involves animals belonging to others being boarded, such animals must be either domestic canines or domestic felines.

(7) The operation of a kennel must be in accordance with Pennsylvania law governing the same, to wit, Title VII, Pa.Code, §21, *et seq.* Prior to the granting of any special exception or use certificate the applicant shall provide the Zoning Hearing Board with proof of compliance with such regulations.

(8) The kennel shall have enclosed fencing of 8 feet (or 6 feet inverted) of all areas used for animal exercise, training or any activity during kenneling with potential of the animal being loose or getting free from kennel personnel restraint.

(9) The environmental regulations of §27-316.

(10) Fence or hedge screen planting as required by the Zoning Hearing Board, if appropriate.

[*Ord. 2006-5*]

O. *Mobile Home Park*. In an R Zone and subject to the requirements of that zone as herein modified and provided:

(1) The minimum tract area shall be 10 acres.

(2) Public sewer and public water approved by the Pennsylvania Department of Environmental Protection must be utilized, and each lot must be not less than 7,500 square feet in area and not less than 50 feet wide at the building setback line.

(3) Regardless of lot size, the side yard distances measured from outside each mobile home to the lot line shall not be less than 30 feet in total and no one side yard distance less than 12 feet. Front yards shall not be less than 20 feet and rear yards shall not be less than 10 feet and in no case shall the distance between any two mobile homes be less than 30 feet.

(4) The Zoning Hearing Board may require suitable screen planting, or

may restrict the proximity of mobile homes or other improvements to adjoining properties, or may attach such other conditions or safeguards to the use of land for a mobile home park as the Board may deem necessary to protect the general welfare.

(5) A mobile home park and extension thereof shall also comply with all applicable State and/or municipal regulations now in effect or hereafter enacted.

P. *Outdoor Recreational Establishment.* In Cv and C Zones subject to the requirements of the zone in which located except as herein modified and provided: [Ord. 3/6/1980B]

(1) *Lot area*—as stated in the applicable zone but in no case less than 1 acre.

(2) *Lot width*—as stated in the applicable zone but in no case less than 200 feet.

(3) *Setbacks*—in a Cv Zone the area to be used for recreational purposes must be set back at least 50 feet from any property or street line.

(4) In the Cv Zone the use must have access on an arterial street or collector street as designated in the Township Comprehensive Plan. [Ord. 3/6/1980B]

(5) Where an outdoor recreational use, other than a golf course, adjoins a Residential Zone, trees or shrubs must be planted on the site of this use so as to form an effective visual barrier between the outdoor recreational use and adjoining residential properties.

Q. *Public Buildings and Facilities.* In R and Cv Zones and subject to the requirements of the zone in which located except as herein modified and provided:

(1) *Setbacks*—as specified in the zone in which located, provided, however, that no setback (front, side, or rear) is less than 35 feet.

(2) Consideration shall be given to traffic problems. If the nature of the public building or facility is such that it will generate a high volume of vehicular traffic, then access should be via an arterial or collector street as designated in the Township Comprehensive Plan.

R. *Public Utility Building.* In R and I Zones and subject to the requirements of the zone in which located except as herein modified and provided:

(1) *Side setback*—as stated in the applicable zone but in no case less than 30 feet.

(2) Unhoused equipment shall be enclosed with fence or wall not less than 6 feet in height, which shall be so constructed as not to have openings holes or gaps larger than 6 inches in any dimension.

(3) *Housed equipment*—when the equipment is totally enclosed within a building, no fence or screen planting shall be required and the yard shall be maintained in conformity with the district in which the facility is located.

(4) *Screen planting in R Zone*—the required fence for unhoused equipment shall be surrounded by evergreen plantings.

(5) In residential zones, the permitted public facilities shall not include

the storage of vehicles or equipment used in the maintenance of any utility and no equipment causing unreasonable noise, vibration, smoke, odor or hazardous effect shall be installed. [Ord. 1995-7]

[Ord. 3/6/1980B]

S. *Rooming House, Multi-Family Conversion*. In an R Zone and subject to the requirements of that zone except as herein modified and provided:

(1) *Lot area*—there shall be at least 5,000 square feet of lot area for each dwelling unit or guest room. There shall be a minimum lot area of at least 30,000 square feet.

(2) *Lot width*—there shall be a minimum lot width of at least 150 feet.

T. *School; Non-Public and Non-Profit*. In R Zones subject to the requirements of the zone in which located except as herein modified and provided: [Ord. 3/6/1980B]

(1) *Lot area*—2 acres.

(2) *Lot width*—250 feet minimum.

(3) *Side setbacks*—30 feet minimum.

(4) The maximum attendance (number of students physically present) at any one time may not exceed one student per 1,000 square feet of the lot area devoted to the use.

U. *Solid Waste Disposal Facility*. In an I Zone and subject to the requirements of that zone except as herein modified and provided:

(1) *Lot area*—20 acres minimum.

(2) *Lot width*—300 feet.

(3) No refuse shall be deposited and no building or structure shall be located within 200 feet of the nearest property line.

(4) The area being used must be completely surrounded by a 6-foot high fence so constructed that no opening will be greater than 6 inches in any dimension.

(5) Must comply with applicable requirements of the Pennsylvania Department of Environmental Protection. [Ord. 1995-7]

V. *Trap, Skeet, Rifle or Archery Range*. In a Cv Zone and subject to the requirements of that zone except as herein modified and provided:

(1) *Lot area*—5 acres minimum.

(2) *Lot width*—300 feet minimum.

(3) Adjacent areas must be predominantly undeveloped and the range area must be at least 200 feet from any property line or street line.

(4) Must be located at least 1,000 feet from an existing residential dwelling.

W. *Child Day Care Center*. In passing upon a special exception application for a child day care center, the Zoning Hearing Board must require the following:

(1) The facility shall obtain a certificate of license or approval from the Pennsylvania Department of Public Welfare or other State agency having

jurisdiction over the supervision of day care facilities and shall provide a copy of such certificate to the Township.

(2) There must be at least one caregiver present at the child day care center at all times for each four children at the facility under 1 year of age, one caregiver present at the child day care center at all times for each five children 1 year to 2 years in age, one caregiver present at the child day care center at all times for each six children between the ages of 2 and 3 and there must one caregiver present at the child day care center at all times for each 10 children over 3 years of age.

(3) There must be an outdoor play area which must be fenced sufficiently to preclude children from escaping the intended play area. Such outdoor play area must not be less than 65 square feet for each enrolled child over the age of 2.

(4) No portion of a residence may be used as a child day care center and no portion of a child day care center may be used as a residence.

(5) There must be one (1) parking space for each employee of the child day care center and an off-street area where children can be dropped off and picked up.

(6) The location of the child day care center must meet all of the requirements of this Chapter regarding the location of buildings.

(7) If the child day care center is to be located in any zone other than the Commercial Zone or the Industrial Zone, it must be located in a building which was in existence on January 1, 1995 or in a building which either:

(a) Is an accessory building which does not have a ground floor area in excess of 50 percent of the ground floor area of the principal building. [Ord. 2001-7]

(b) Is at least 500 feet from any dwelling other than one owned by the owner of the child day care center.

(8) In the event the child day care center is to be located in the Agricultural Zone, it must be located on land of low quality for agricultural use as defined in §27-318.4.B of this Chapter unless it is located in a building which was in existence on January 1, 1995. [Ord. 2001-7]

[Ord. 1996-6]

X. *Nursery School.* In passing upon a special exception application for a nursery school, the Zoning Hearing Board must require the following:

(1) That the location of the nursery school meets all of the requirements of this Chapter regarding the location of buildings.

(2) That in the event the facility requires certification and/or licenses from Federal or State agencies to permit its operation, the applicant must establish he has secured or will be able to secure such certifications and licenses. [Ord. 2001-7]

(3) No portion of a residence may be used as a nursery school and no portion of a nursery school may be used as a residence.

(4) If the facility is to be located in the Industrial Zone or the Commercial

Zone, there must be a fenced play area.

(5) If the nursery school is to be located in any zone other than the Commercial Zone or the Industrial Zone, it must be located in a building which was in existence on January 1, 1995 or in a building which either:

(a) Is an accessory building which does not have a ground floor area in excess of 50 percent of the ground floor area of the principal building.

(b) Is at least 500 feet from any dwelling other than one owned by the owner of the nursery school.

[Ord. 2001-7]

(6) In the event the nursery school is to be located in the Agricultural Zone, it must be located on land of low quality for agricultural use as defined in §27-318.4.B of this Chapter unless it is located in a building which was in existence on January 1, 1995. [Ord. 2001-7]

[Ord. 1996-6]

Y. Adult Entertainment Facilities.

(1) In passing upon a special exception application for an adult entertainment facility, the Zoning Hearing Board shall require the following:

(a) Adult entertainment facilities shall be permitted only in the Industrial (I) Zone.

(b) Adult entertainment facilities shall not be permitted to be located within 1,000 feet of either other adult entertainment facilities or of any public or private school, child day-care center, nursery school, public recreation facility or any church or other house of worship.

(c) No materials, merchandise, film, videotape or any other item offered for sale, rent, lease, loan or view upon the premises, or advertising same, shall be exhibited, displayed or visible outside of the building or structure.

(d) Any building or structure used or occupied as an adult entertainment facility shall be windowless or have an opaque covering over all windows or doors, or any area in which materials, merchandise, film or persons could otherwise be visible from outside the building or structure.

(e) No sign shall be erected or placed upon the premises depicting or giving a visual representation of the type of materials, merchandise, film, videotape or entertainment offered therein.

(f) Each entrance to the premises shall be posted with a notice of at least 4 square feet specifying that the structure is an adult entertainment facility, and that persons under the age of 18 years are not permitted to enter therein, and warning all other persons that the building contains sexually explicit material.

(g) The applicant, if an individual, must be at least 18 years of age. If the applicant is other than an individual, the applicant must provide the names and addresses of all partners, corporate officers, or any individual who has an interest of 10 percent or greater in the business.

(h) The applicant must provide a sketch or diagram showing the floor

plan of the premises, including the total floor space, and the location of the building on the lot.

(i) The adult entertainment facility shall comply with all other Township ordinances, or Federal, State or county requirements.

(2) Once a special exception has been granted by the Zoning Hearing Board, an applicant shall apply to the Zoning Officer for a permit.

(a) Any person who operates an adult entertainment facility without a valid permit issued by the Township is in violation of the Zoning Ordinance.

(b) The application shall be on a form provided by the Zoning Officer, and shall be accompanied by a sketch or diagram as required in paragraph (1)(h), above.

(c) The applicant shall provide the same information to the Zoning Officer as required in paragraph (1), above.

(3) *Issuance of Permit.* The Zoning Officer shall approve the issuance of a permit to an applicant within 30 days after receipt of an application which complies with paragraph (2), above, unless he or she finds one or more of the following:

(a) An applicant is under the age of 18 years of age.

(b) An applicant or his or her spouse is overdue in their payment to the Township of taxes, fees, fines or penalties assessed against him or her in relation to an adult entertainment facility, or the property on which it is or is to be located.

(c) An applicant has failed to provide information reasonably necessary for the issuance of the permit, or has falsely answered a question or request for information on the application form.

(d) An applicant is residing with or married to a person who has been denied a permit by the Township to operate an adult entertainment facility within the preceding 12 months, or is residing with a person whose licensed to operate an adult entertainment facility has been revoked within the preceding 12 months.

(e) The premises to be used for the adult entertainment facility are not in compliance with this Zoning Ordinance or any other ordinance of the Township.

(f) The permit fee required by this Zoning Ordinance has not been paid.

(g) An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of the Zoning Ordinance.

(h) An individual applicant or any individual holding a direct or indirect interest of more than 10 percent of a corporate applicant, or any of the officers or directors of a corporate applicant, or any of the partners, including limited partners of a partnership, or the manager or other person in charge of the operation of the business, has or have been convicted of an offense involving sexual misconduct within the Common-

wealth of Pennsylvania, including, but not limited to, prostitution, obscenity and possession of child pornography, or has or have been convicted of any offense in any jurisdiction other than the Commonwealth of Pennsylvania that would have constituted an offense involving sexual misconduct if committed within the Commonwealth of Pennsylvania, within 2 years of the date of the application in the event of a misdemeanor, and within 5 years of the date of an application in the event of a felony.

(i) The proposed activities violate any Federal or State law regarding sexual conduct, sexually explicit nudity, obscenity or pornography.

(j) If the Zoning Officer or Codes Enforcement Officer denies a license, or denies the renewal of a license, the applicant shall not be issued a permit for 1 year from the date of denial, except that the applicant can reapply after he or she has corrected or cured the defects which caused the denial.

(4) A permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the adult entertainment facility. The permit shall be posted in a conspicuous place at or near the entrance to the adult entertainment facility so that it may easily be read at any time.

(5) Each permit shall be for a period of 1 year, and shall be renewable on an annual basis, and shall be renewable only upon application by the applicant, and must at the time of application comply with all of the conditions of this Section.

(6) The applicant shall pay an annual fee for the adult entertainment facility in the amount as established, from time to time, by resolution of the Board of Supervisors. [*Ord. 2016-1*]

(7) *Inspection.* An applicant or permittee shall permit representatives of the Township, including the Zoning Officer, Codes Enforcement Officer, or other designated Township officials, and representatives of the police department serving the Township, to inspect the premises of an adult entertainment facility for the purpose of ensuring compliance with this Zoning Ordinance and the law at any time that the adult entertainment facility is occupied and open for business. A failure or refusal to permit such inspection shall be the basis for revocation or suspension of the permit, and shall constitute a violation of this Chapter.

(8) Suspension or revocation of permit.

(a) The Zoning Officer shall suspend a permit for a period not to exceed 30 days if he determines that a permittee or an employee of a permittee has:

1) Violated or is not in compliance with any section of the Zoning Ordinance.

2) Engaged in excessive use of alcoholic beverages while on the adult entertainment facility's premises.

3) Refused to allow an inspection of the adult entertainment facility premises as permitted by this Section.

4) Knowingly permitted gambling by any person on the adult entertainment facility premises.

(b) *Revocation of permits.* The Zoning Officer shall revoke a permit if he or she determines that a permittee or an employee of a permittee has:

1) Been arrested for or charged with violating any law of the Commonwealth of Pennsylvania relating to sexual conduct, sexually explicit nudity, obscene material or pornography, or the Liquor Code, or the Pennsylvania Crimes Code relating to gambling, on the premises of the adult entertainment facility.

2) Such revocation shall be rescinded and the permit shall be reinstated in the event that the permittee or employee of a permittee is adjudicated or adjudged not guilty of such offense or is placed in the accelerated rehabilitative disposition program.

3) A permit shall be revoked if a cause for suspension occurs, and the permit has been suspended or revoked within the preceding 12 months.

4) An applicant has provided false or misleading information or incomplete information in the permitting process as set forth in subparagraphs (1), (2) or (3) of this subsection.

5) A revocation shall continue for 1 year, and the permittee shall not be issued an adult entertainment facility permit for 1 year from the date revocation became effective, except in the case of a revocation for conviction of a misdemeanor as described in subparagraph (3)(h), in which case the revocation shall be effective for 2 years, or a felony, as set out in subparagraph (3)(h), in which case the revocation shall be for 5 years.

(8) *Remedies.* In addition to remedies for violation of this Zoning Ordinance, a person who operates or causes to be operated an adult entertainment facility without a valid permit, or in violation of this Zoning Ordinance, may be subject to an action in equity or a suit for injunction, or such other actions as shall be permitted by law, at the discretion of the Township.

[Ord. 2001-7]

Z. *Bed and Breakfast Inn.*

(1) The bed and breakfast inn shall be operated only by members of the immediate family of the owner residing in the dwelling unit where the bed and breakfast inn will be located and a maximum of one non-resident employee.

(2) Only short-term overnight lodging shall be permitted. Maximum guest stay shall be limited to 14 consecutive days and to 14 days in each calendar month.

(3) The character or external appearance of the dwelling unit must be that of a dwelling.

(4) The bed and breakfast inn may not involve any dimensional alterations to an existing building, use of any building constructed or placed after May 3, 2001, or construction or placement of any new building, except that such alteration, enlargement or construction shall be permitted if such

building after alteration, enlargement or construction does not have a ground floor area in excess of 2,000 square feet and is not more than three stories high. This limitation shall not apply if the building is at least 500 feet from any neighboring residence.

(5) In addition to the required parking for the dwelling unit, the following parking is required:

(a) One space for the bed and breakfast inn, one space for each guest room available for rent and one space for each employee not residing in the dwelling unit.

(6) All signs shall be consistent with §27-302.

[Ord. 2001-4]

AA. *Commercial Wireless Telecommunications Service Facility.*

(1) *Purpose.* The purpose of this subsection is to regulate the placement, construction and modification of commercial wireless telecommunications service facilities in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace within the Township.

(2) *Applications.* In addition to any other requirements prescribed by this Chapter and/or the Hopewell Township Subdivision and Land Development Ordinance, applications for the establishment of a commercial wireless telecommunications service facility shall include, at a minimum, the following information:

(a) The name, address and telephone number of the owner and lessee of the parcel of land upon which the facility is to be situated. If the applicant is not the owner of the property, written documentation that the owner of the property has agreed to grant use of the property for the proposed facility shall be included.

(b) The name, address and telephone number of all owners, and location of other such facilities within the service area of the proposed facility, including Township owned property.

(c) Documentation, signed by an engineer licensed in the State of Pennsylvania, that the facility is designed in accordance with all applicable building codes, in addition to all other State and Federal laws and regulations applicable thereto.

(d) A written agreement between the property owner and the applicant confirming that when a commercial wireless telecommunications service facility becomes abandoned, obsolescent, ceases to be used for 6 consecutive months, or upon expiration of its lease, it shall be taken down and removed from the premises within 6 months of its abandonment, obsolescence or cessation of use.

(e) A visual impact analysis shall be required in accordance with subparagraph (3).

(3) *Visual Impact Analysis.* The applicant shall provide a visual impact analysis for any proposed commercial wireless telecommunications service

facility or for any proposed modification to an existing commercial wireless telecommunications service facility that causes a change in height in excess of 30 feet from its original permitted height. The analysis shall consist of a written report assessing the cumulative impacts of the proposed facility, and shall identify all feasible mitigation measures necessary to eliminate or minimize any perceived visual impact by the proposed structure. Mitigation measures shall be consistent with the technological requirements and capabilities of the applicant. The Zoning Hearing Board shall review and consider all information presented in the report. The report shall include, but not be limited to, the following:

(a) A photograph simulation of pre-development versus post-development views from key viewpoints, as established by the Township Zoning Officer, and may include areas both inside and outside the Township.

(b) An analysis of alternative tower structure design (including height variations) and color schemes.

(c) An analysis of the visual impact of the facility base, accessory buildings, tower, antennae and overhead utility lines from abutting properties and streets.

(4) *Co-location*. In keeping with the purposes of this subsection, the Township encourages co-location of providers on a single tower to both maximize the availability of telecommunications services, and to minimize the aesthetic and other impacts on the citizens of the Township. Therefore, the applicant shall with the application provide an affidavit from a qualified and authorized representative of the applicant attesting to the fact that the applicant has made diligent, but unsuccessful, efforts to receive permission to install or co-locate the proposed facility on another service provider's service facility within the service area, and that the proposed site is, therefore, of practical necessity for the applicant. Such written affidavit shall detail the facts supporting the conclusion, the efforts made by or on behalf of the applicant, and the reasons why such efforts were unsuccessful.

(5) *Land development*. In addition to the requirements of this Zoning Chapter, prior to the issuance of any land use or building permits required by this or any other Township ordinance, and prior to commencement of construction, the applicant shall file a land development plan with the Township, if the applicant is leasing a portion of a larger tract. If the applicant is seeking to obtain ownership, including a lease with an option to purchase, a portion of a tract less than the whole tract, he shall in addition file a subdivision and land development plan. All such plans shall comply with the Hopewell Township Subdivision and Land Development Ordinance.

(6) *Size and ownership of site*.

(a) If the proposed commercial wireless telecommunications service facility site is to be leased only for the time period in which the facility is in operation, then the minimum site area shall be only as large as is necessary to meet the required setback, off-street parking areas and other applicable provisions of this subsection.

(b) If the proposed commercial wireless telecommunications service facility site is to be subdivided as a separate lot, then the minimum lot area and dimensions shall be of sufficient size that, in the event of discontinuance of said use, the subdivided lot will meet all minimum requirements for permitted uses in the Zoning District in which it is located, including but not limited to all required street frontage, area and dimensional requirements, whether public or private.

(7) *Use of Existing Structures.* The use of existing non-residential structures, including water towers, public utility structures, recreational light fixtures and buildings, shall be encouraged where possible. Any applicant proposing to locate antennae on such a structure shall provide the Township with a written agreement from the property owner allowing the use. No zoning or land development approval shall be required where the antenna(e) extends no more than 30 feet above the existing structure; however all other applicable requirements, except subparagraphs (8)(b), (c), (g), shall apply.

(8) *General Requirements.*

(a) No commercial wireless telecommunications service facility shall be established or used within the Township until all necessary local, State and Federal approvals and permits have been secured. Copies of these approvals and permits shall be provided to the Township.

(b) No commercial wireless telecommunications service facility shall be located within any required building setback, nor shall a freestanding or guy anchored facility be located within 50 feet of any property line. Furthermore, a freestanding or guy anchored facility shall be set back from any residential, church or school structure a distance at least equivalent to its height, but not less than 100 feet. All guy wires shall be located on the same site as the commercial wireless telecommunications service facility. Distances shall be measured from the center of the base of the facility to the property line.

(c) Measurement of a commercial wireless telecommunications service facility's height shall be measured from the finished grade and shall include the structure itself, the base pad, and any other appurtenances. The maximum height of a commercial wireless telecommunications service facility shall be 150 feet except in the Conservation and Agricultural Zones, where the maximum height shall be 199 feet. In any event, the applicant must demonstrate that the requested height is not higher than the minimum height required to function satisfactorily in a manner consistent with this subsection.

(d) When located on a site as an accessory use, freestanding or guy anchored commercial wireless telecommunications service facilities and their related accessory structures shall be located behind the rear of the structure housing the principal use. Vehicle access to the tower and related accessory structures shall not interfere with the parking or vehicular circulation provided for the principal use.

(e) Commercial wireless telecommunications service facilities shall be designed to accommodate three or more wireless communications

providers in order to facilitate the co-location of other service providers' facilities.

(f) Where a specific color pattern is not required by the Federal Aviation Administration (FAA), commercial wireless telecommunications service facilities shall be painted to blend or match with the surrounding environment. The facility shall be painted green or brown from the base of the tower to the average height of surrounding vegetation. The facility shall be painted light blue or light gray from the average height of surrounding vegetation to the top of the tower. Paints used shall have a flat, matte, non-gloss, non-fluorescent finish. Alternate color schemes may be proposed; however the color scheme for the facility shall be subject to the approval of the Board of Supervisors as part of the land development plan review process.

(g) A fence or wall of 8 feet in height shall be required to encompass a freestanding or guy anchored commercial wireless telecommunications service facility, including any associated accessory building or structure. Access to the facility shall be through a locked gate. Except for entrances, all fences and walls shall be screened with acceptable landscaping and screening techniques, so that no more than $\frac{1}{2}$ of the surface of the fence or wall is visible from a public street or any adjoining property within 3 years after erection of the facility. All required landscaping shall be of the evergreen variety and shall be properly maintained to ensure continuous health and vitality. Existing vegetation shall be preserved to the maximum extent possible and may be credited, when appropriate, towards the required screening. The applicant shall have an ongoing obligation to maintain at least the minimum screening required in this subsection, including, as soon as seasonally practicable, the removal and replacement of any screening which dies.

(h) No advertising, logos or corporate symbols shall be permitted on any commercial wireless telecommunications service facility or any building or structure accessory thereto, except the minimum necessary to identify to employees servicing the facility the ownership of any equipment or equipment structure.

(i) Commercial wireless telecommunications service facilities shall be fully automated. No employee of the communications provider shall be stationed at the site, except for periodic maintenance and inspection. No business office, storage yard or storage building shall be constructed or used on the site. No structures shall be permitted on the site for any purpose other than the storage of equipment, and there shall be no outside storage of spare parts or equipment, vehicles or any other items.

(j) Equipment storage shelters associated with the commercial wireless telecommunications service facility shall not exceed a height of 15 feet, nor exceed a size of 450 square feet.

(k) No signals or lights or other means of illumination shall be permitted on any commercial wireless telecommunications service facility unless required by the Federal Communications Commission (FCC) or the

Federal Aviation Administration (FAA).

(l) Commercial wireless telecommunications service facilities shall be separated from each other by a minimum of 1,500 feet.

(m) No commercial wireless telecommunications service facility shall be established as an accessory use on a property without or prior to the establishment of a principal use.

(n) No commercial wireless telecommunications service facility shall disturb or diminish the radio or television or similar reception for any adjoining property.

(o) The equivalent of a minimum of two off-street parking spaces shall be provided for each commercial wireless telecommunications service facility, which spaces shall be located on the leased premises.

(p) Commercial wireless telecommunications service facilities shall be designed and constructed to ensure that the structural failure or collapse of the tower will not create a safety hazard to adjoining properties.

(q) In the Agricultural and Conservation Zones, all commercial wireless telecommunications service facilities, including the entire area leased to them, as well as all access drives, shall be located on land of low quality for agricultural use as defined in §27-318.4.B.

(r) Notwithstanding the provisions of clause (q), any access drive or lane may be combined with an existing farm lane, regardless of the quality of the land on which the existing farm lane is located. Such lane may be improved, but not increased in size, to provide adequate access to the site.

(s) Both the land development plan and the lease or other agreement between the applicant and the owner shall identify, as an easement or right-of-way, the access drive or lane from a public road to the facility, and that such right-of-way shall continue in existence for the full term of the underlying lease, together with any extensions. If the site is to be subdivided off of a larger tract, then the subdivider shall comply with all access and road frontage requirements (including any relating to private roads) of this Chapter or the Township's Subdivision and Land Development Ordinance.

(t) If practicable from a design purpose, and consistent with clauses (c) and (e), the applicant shall provide for one public user, such as the Township, a fire or police department or emergency communications.

(u) The facility shall be located on the site in such a manner that the facility as designed and manufactured shall not fall off of the site, and so that no falling ice or other debris shall fall outside of the fenced area. All support structures shall be fitted with anti-climbing devices, as approved by the structure's engineer or manufacturer. The Township may, in its sole discretion, retain a registered professional engineer to review the structural design of the proposed antenna and support structure, and testify on behalf of the Township if the Zoning Officer requests such testimony, or if the Township Board of Supervisors deems it appropriate.

The applicant shall pay the reasonable engineering costs for such review, in an amount to be set by the Zoning Officer at the time of the application. Any additional cost will be billed to the applicant prior to the issuance of any permits by the Township, and any overpayment shall be refunded by the Township to the applicant.

(v) The applicant must be licensed by the FCC, or alternatively a condition of approval of the special exception shall be that the applicant will not provide space to any entity, which is not licensed by the FCC.

1) *Existing Structures.* All commercial wireless telecommunications service facilities existing on the effective date of this Chapter shall be allowed to continue as they presently exist. Routine maintenance, including modifications to accommodate the co-location of an additional user or users, shall be permitted. New construction, other than routine maintenance or modifications to accommodate co-location, shall comply with all requirements of this subsection.

[Ord. 2002-8]

BB. Concentrated Animal Feeding Operation (CAFO).

(1) CAFOs are permitted in the A Zone by special exception, and are subject to the requirements of this Section, in addition to the general standards for special exceptions in §27-504.6.

(2) An operation shall be considered a CAFO and subject to the regulations of this subsection if it involves the keeping of livestock of the type listed in the table below in excess of the numbers identified in that table, confined within a building or other enclosure as set forth in subparagraph (4)(b) of this subsection:

Threshold Table for Concentrated Animal Feeding Operation

Sector	More than ___ in number
Cattle or cow/calf pairs	300
Mature dairy cattle	200
Veal calves	300
Swine (weighting 55 pounds or over when shipped off farm)	750
Swine (weighting less than 55 pounds when shipped off farm)	3,000
Horses	150
Sheep or lambs or goats	3,000
Turkeys	16,500
Laying hens or broilers (liquid manure handling system)	9,000
Chickens other than laying hens (other than a liquid manure handling system)	37,500
Laying hens (other than liquid manure handling system)	25,000

Sector	More than ___ in number
Ducks (other than a liquid manure handling system)	10,000
Ducks (liquid manure handling system)	1,500

(3) A CAFO shall be designed and operated to minimize the negative impacts on the natural environment, neighboring residents and uses, and on Township facilities, such as public streets.

(4) Notwithstanding the setback requirements in §27-204, the following setbacks shall apply to all CAFOs:

(a) All manure storage facilities, as defined in the Nutrient Management Act, shall be located at a minimum.

1) One hundred feet of a perennial stream, river, spring, lake, pond or reservoir.

2) One hundred feet of a private water well or open sinkhole.

3) One hundred feet of an active public drinking water well, unless other State or Federal laws or regulations require a greater isolation distance.

4) One hundred feet of an active public drinking water source surface intake, unless other State or Federal laws or regulations require a greater isolation distance.

5) Two hundred feet from any property line, unless the landowners within that distance from the facility otherwise agree and execute a waiver in a form acceptable to the State or county regulating agencies.

6) Two hundred feet of a perennial stream, river, spring, lake, pond, reservoir or any water well where these facilities (except permanent stacking and composting facilities) are located on slopes exceed 8 percent or have the capacity of 1.5 million gallons or greater.

7) Three hundred feet from any property lines where any of the facilities (except permanent stacking and compost facilities) are located on slopes exceeding 8 percent, where the slope is toward the property line, or have the capacity of 1.5 million gallons or greater, unless the landowners within that distance from the facility otherwise agree and execute a waiver in a form acceptable to the State or county regulating agencies.

8) The strictest applicable setback requirement in this subsection shall apply for manure storage facilities.

(b) All buildings and open areas in which animals are kept (whether or not combined with a manure storage facility), including, but not limited to, animal confinement areas of poultry houses, horse stalls, free stall barns or bedded pack animal housing systems or similar structures (all of which shall be collectively referred to in this Section as animal housing buildings), excluding manure storage facilities regulated by the Nutrient Management Act and clause (a), shall be located at a minimum:

- 1) Two hundred feet from any property line.
- 2) Three hundred feet from any property lines where any of the facilities are located on slopes exceeding 8 percent, where the slope is toward the property line, or have the capacity of 1.5 million gallons or greater.
- 3) Three hundred feet from any well, whether public or private, or water source surface intake used for human consumption in any manner.
- 4) Five hundred feet from any property line of land which is in the R, R-II or C Zones, or from any dwelling or dwelling unit not on the property which is the subject of the application for a CAFO.
- 5) Two hundred feet from any public street line or right-of-way.
- 6) Three hundred feet from a park, wildlife refuge, natural resource management area or wild land area.
- 7) All setbacks addressed in subparagraph (4)(a) which are not specifically addressed in this clause (b) shall also apply to this subsection.

(c) The most stringent applicable setback requirement in this subparagraph (4) shall apply.

(d) If the CAFO equals or exceeds three AEUs per acre on an annualized basis, then the setbacks required in clause (b) shall be increased by 100 feet for the third AEU per acre, and an additional 100 feet for every AEU or portion thereof per acre above 3.

(5) *Design and Location of Facilities.*

(a) Animal housing buildings shall be designed and located in relationship to other uses on and off the property, prevailing winds and topography.

(b) There shall be an adequate year-round supply of water, as calculated in this subsection. If connection to an existing public water supply system is proposed, the applicant must submit an agreement committing the public water supply system to provide such water as will be utilized by the proposed special exception use for such period of time and under such terms and conditions as the public water supply system provides water service elsewhere in its service area. If the water supply system proposed involves the utilization of water obtained from the tract proposed for the location of the special exception use or from a nearby tract, the applicant must:

- 1) Establish that the groundwater recharge on the tract where the water supply system is located, after development, computed during drought conditions (periods when the precipitation is 40 percent below normal) will exceed projected water usage, as certified by a hydrologist or hydrogeologist properly licensed as such by the Commonwealth of Pennsylvania.
- 2) Provide calculations showing the amount of water needed, and a determination of the sufficiency of the amount available at the

site as certified by a hydrologist or hydrogeologist properly licensed as such by the Commonwealth of Pennsylvania. Such determination shall include an on-site evaluation consisting of at least a determination of the flow and a draw-down test of the well which will serve the CAFO and monitoring of another well, either on or off the site, during such testing.

The Zoning Hearing Board may require as a condition of approval that the applicant execute an agreement with the Township committing the proposed special exception use not to utilize more groundwater on a daily basis than the groundwater recharge computed during drought conditions and to establish procedures pursuant to which usage can be verified.

(6) *Access; Travel Routes.*

(a) Vehicular access from the public street shall be adequate to support the volume, weight, and type of vehicular traffic to the facility, and there shall be paved areas at or approximate to the animal housing buildings adequate to park the types, weights and sizes of vehicles necessary to transport the animals to and from the use. For purposes of this subsection, paving shall be adequate if it is stone of a base and size sufficient to meet the particular requirements of the use, and the weights, sizes and types of vehicles necessary to carry on the use, including transporting the animals, as certified to by an engineer, licensed by the Commonwealth of Pennsylvania, and as approved by the Township Engineer.

(b) Additionally the applicant shall make such improvements to the public roads abutting the property as shall be necessary as determined by the Township Engineer to support the vehicular traffic anticipated for the use, including necessary turning radiuses into the property.

(c) The applicant shall also set out, as part of the application, the route which shall be used by transport vehicles for feed and delivery and pickup of the animals. Such route shall, to extent possible, use State roads. The Zoning Hearing Board shall set a travel route as a condition of approval, consistent with the requirements of this subsection).

(7) *Pollution Controls.*

(a) Proper manure management is required. This shall include facilities to remove, store, transport, treat and/or dispose of all animal or poultry wastes in a manner that will not be harmful to the natural environment and so as to control odor off of the property which is the subject of the application. Calculations of the amount of manure to be produced, the amount of land needed for its disposal and proof that the applicant owns or has guarantee of the use of land needed for disposal shall be submitted, verified and approved by the Township. Compliance with the Nutrient Management Act and the regulations as evidenced by approval of the plan and issuance of a permit by the Pennsylvania Department of Environmental Protection or its designee shall constitute compliance with this subsection, provided that a copy of such plan and

permit, and any subsequent amendments to the plan or permits, are filed with the Township.

(b) Runoff, especially from open feed lots and manure storage areas, shall be controlled to prevent water pollution. An NPDES permit for a CAFO approved pursuant to 25 Pa.Code, Chapter 102, shall constitute compliance with this subsection, provided that a copy of such permit, and any subsequent amendments to the permit, are filed with the Township. [Ord. 2016-1]

(c) Adequate manure storage facilities are required so that the operator can store manure during the winter, rather than applying it to frozen ground, or, alternatively, dispose of manure in an otherwise acceptable manner, such as by a daily haul. Compliance with the Nutrient Management Act and the regulations shall constitute compliance with this subsection, provided that a copy of such plan, and any subsequent amendments to the plan, are filed with the Township, and provided that the plan addresses manure storage during the winter, and prohibits application to frozen ground.

(d) Where applicable, documentation that the location of facilities and manure storage facilities near floodplains complies with the Pennsylvania Floodplain Management Act and the Hopewell Township Zoning and Subdivision and Land Development Ordinances.

(e) The applicant shall submit with his application for a special exception a fly control plan proposing the use of the best available practice or procedure for fly control both at the location of the operation and at the ultimate disposal site for the animal waste if within or adjacent to Hopewell Township. The applicant shall also submit with the application for special exception a plan proposing the use of the best available practice and procedure for preventing or minimizing odors at the ultimate disposal site of the animal waste if within or adjacent to Hopewell Township.

(f) The applicant shall make provisions for the removal from the property or sanitary disposal of dead animals within 24 hours of their death, consistent with the stricter of all State or Federal regulations, and shall provide the Township with evidence of such compliance.

(g) In all other respects, the environmental regulations of §27-316 shall apply, except that, between those and these regulations, the more stringent regulations shall apply.

(8) *Plans Required.* Detailed plans and drawings of the animal housing buildings and manure storage facilities prepared by a registered engineer or architect and operating procedures shall be submitted. Where calculations are required, the source of the information on which they are based shall be included. Such plans and drawings for consideration by the Zoning Hearing Board shall be in sufficient detail to provide the Zoning Hearing Board with sufficient information to act on the special exception application. Additionally, prior to obtaining any zoning permits pursuant to this Chapter, or any other permits required by any other Federal, State, county, or Township statutes, rules, regulations or ordinances, a land development plan in accordance with

the requirements of the Hopewell Township Subdivision and Land Development Ordinance, and a stormwater management plan meeting the requirements of the Hopewell Township Stormwater Management Ordinance and any other applicable ordinances of the Township, must be submitted and approved by the Township Board of Supervisors.

(9) *Review.* The applicant shall be required to present written documentation that:

(a) The York County Agricultural Extension Service or appropriate Extension Specialists at the Pennsylvania State University, or other similar consulting agency, have reviewed and approved the design of facilities for housing the animals and the proposed management procedures.

(b) The York County Conservation District or other designated agency has reviewed and approved the nutrient management plan, including the storage and disposal of manure and contaminated run-off.

(10) The applicant shall provide written evidence that:

(a) The proposed operation meets all the requirements of the Pennsylvania Clean Streams Law and any other applicable State laws, and that any required permits have been obtained from the Pennsylvania Department of Environmental Protection, or its designee.

(b) An NPDES permit has been obtained from the U.S. Environmental Protection Agency or its designee, or that such a permit is not required for the operation; and that the requirements of any other applicable Federal and State laws and regulations have been met.

[*Ord. 2004-11*]

(*Ord. 1974-3, 6/20/1974; as amended by Ord. 3/6/1980B, §§VII–XII; by Ord. 11/5/1981, §VIII; by Ord. 11/3/1983, §§VII, VIII, X, XI and XII; by Ord. 6/–/1985, §§III and IV; by Ord. 7/7/1988; by Ord. 1995-7, 9/7/1995, §§33–39; by Ord. 1996-6, 7/3/1996, §19; by Ord. 1997-13, 10/2/1997, §§4, 5; by Ord. 1997-14, 11/6/1997, §10; by Ord. 2000-9, 11/9/2000, §25; by Ord. 2001-4, 5/3/2001, §5; by Ord. 2001-7, 9/6/2001, §§2–4; by Ord. 2002-8, 12/9/2002, §§10–12; by Ord. 2004-11, 9/2/2004, §6; by Ord. 2006-5, 5/4/2006, §7; and by Ord. 2016-1, 1/4/2016*)

Part 6**Administration****§27-601. Permits.**

1. *Building Permits.* It shall be a violation of this Chapter to erect, move, place, construct or enlarge any building or structure within Hopewell Township except in strict compliance with the provisions of the Building Permit Ordinance of Hopewell Township [Chapter 5, Part 1] all of which provisions are incorporated herein by reference including the requirement that a building permit be obtained from the Township Zoning Officer prior to erecting, moving, placing, constructing or enlarging any building or structure within Hopewell Township, and the requirement that such erection, movement, placement, construction or enlargement be accomplished in strict accordance with the permit issued pursuant thereto and in accordance with the procedure set forth in such ordinance. [Ord. 10/5/1989]

2. *Use Certificates.* A use certificate, certifying compliance with this Chapter must be obtained from the Zoning Officer for any new structure as below or for any change of use of a structure or land as set forth below before such new structure or use or change of use is occupied or established:

- A. Use of a structure erected, structurally altered or extended, or moved after the effective date.
- B. Use of vacant land except for agricultural purposes.
- C. Any change in a conforming use of a structure or land.
- D. Any change from a nonconforming use of a structure or land to a conforming use.
- E. Any change in the use of a structure or land from that permitted by any variance of the Zoning Hearing Board.

The application for a use certificate must include a statement of the intended use and any existing use of the structure or land. The certificate continues in effect as long as the use of the structure or land for which it is granted conforms with this Chapter.

At the time of application for a use certificate, the applicant shall pay a fee in such amounts as shall be set by the Hopewell Township Board of Supervisors from time to time by resolution. [Ord. 1994-3]

3. *Hardship Permit.* The Zoning Officer may grant a hardship permit to place a mobile home or other residential unit on a lot where the same would otherwise not be permitted by the terms of this Chapter to house a member of the family of the owner of the tract on which the mobile home or other residential unit is to be placed, family to include only ancestors and direct descendants of the owner, and provided further, that on the tract of land where the mobile home or other residential unit is proposed to be located, all residential units are occupied by either the property owner or a member of his family and provided further, that no rent or consideration is received for the use of the mobile home or other residential unit, or the space which the same occupies; such hardship permit to be issued for such period of time as the conditions warranting the

permit continue. Such permit shall be issued only upon the finding that there is a genuine hardship involved which requires that the occupant of the mobile home or other residential unit for which the permit is issued, live in close proximity with the owner of the tract of land on which the mobile home or other residential unit is to be placed and that there is no reasonable way in which the requirements of the ordinance can be satisfied, unless the proposed occupant is a parent of the applicant and is at least 62 years of age.

A mobile home shall be removed from the site within 90 days following the date it ceases to serve as a residence of the occupant for whom the permit was granted.

[*Ord. 2004-2*]

(*Ord. 1974-3, 6/20/1974; as amended by Ord. 2/3/1977, §§II and III; by Ord. 10/4/1984, §I; by Ord. 10/5/1989, §III; by Ord. 12/6/1990; by Ord. 1994-3, 6/2/1994, §1; and by Ord. 2004-2, 5/6/2004, §10*)

§27-602. Zoning Officer; Powers and Duties.

1. *Appointment and Powers.* For the administration of this Chapter, a Zoning Officer, who may not hold any elective office in the Township, shall be appointed by the Township Supervisors. The Zoning Officer shall administer this Chapter in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter. The Zoning Officer is the enforcement officer for this Chapter. He issues all building permits, use certificates and at the direction of the Zoning Hearing Board, special exceptions and variances. The Zoning Officer shall identify and register nonconforming uses and nonconforming structures. [*Ord. 2001-7*]

2. *Forms.* The Zoning Officer must provide a form or forms prepared by the Township Solicitor for:

- A. Building permits.
- B. Special exceptions.
- C. Use certificates.
- D. Appeals.
- E. Variances.
- F. Registration of nonconforming uses and nonconforming structures.

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

4. *Action on Building Permits.* Within 90 days, except for holidays, after receipt of an application for a building permit, the Zoning Officer must grant or refuse the permit. If the application conforms to the applicable requirements of the building permit ordinance and this Chapter, the Zoning Officer must grant a permit. If the permit is not granted, he must state in writing the grounds for his refusal. [*Ord. 1995-7*]

5. *Action on Use Certificates.* Within 90 days, except for holidays, after receipt of an application for a use certificate, the Zoning Officer must grant or refuse the certificate. If the specifications and intended use conform in all respects with the

provisions of this Chapter, he must issue a certificate to that effect. Otherwise, he must state in writing the grounds for his refusal. [*Ord. 1995-7*]

6. *Records.* The Zoning Officer must keep a record of:

A. All applications for building permits, use certificates, special exceptions and variances and all actions taken on them, together with any conditions imposed by the Zoning Hearing Board.

B. All complaints of violations of provisions of this Chapter and the action taken on them.

C. All plans submitted.

D. Nonconforming uses and nonconforming structures.

All such records and plans shall be available for public inspection.

7. *Reports.* At intervals of not greater than 6 months, the Zoning Officer must report to the Township Supervisors:

A. The number of building permits and use certificates issued.

B. The number of complaints of violations received and the action taken on these complaints.

(*Ord. 1974-3, 6/20/1974; as amended by Ord. 2/3/1977, §§V and VI; by Ord. 1995-7, 9/7/1995, §§43 and 44; and by Ord. 2001-7, 9/6/2001, §3*)

§27-603. Appeals.

Any person aggrieved or affected by any provision of this Chapter or decision of the Zoning Officer, may appeal in the manner set forth in Article X of the Pennsylvania Municipalities Planning Code, Act 247, 53 P.S. §11001 *et seq.*, as amended.

(*Ord. 1974-3, 6/20/1974*)

§27-604. Erroneous Permit.

A building permit or other permit or authorization issued or approved in violation of the provisions of this Chapter is void without the necessity of any proceedings for revocation. Any work undertaken or use established pursuant to such a permit or other authorization is unlawful. No action may be taken by a board, agency or employee of the Township purporting to validate such a violation.

(*Ord. 1974-3, 6/20/1974; as amended by Ord. 2001-7, 9/6/2001, §3*)

§27-605. Violations.

In case any building, structure, landscaping or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter, the Township Board of Supervisors or with the approval of the Township Board of Supervisors, an officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping, or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least 30 days prior to the

time the action is begun by serving a copy of the complaint on the Township Board of Supervisors. No such action shall be maintained until such notice has been given.

(*Ord. 1974-3, 6/20/1974; as amended by Ord. 10/5/1989, §I*)

§27-606. Penalties.

Any person, partnership or corporation who or which has violated or permitted the violation of any provision of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the magisterial district judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the Township.

(*Ord. 1974-3, 6/20/1974; as amended by Ord. 10/5/1989, §II; by Ord. 2001-7, 9/6/2001, §3; and by Ord. 2016-1, 1/4/2016*)

§27-607. Amendments.

1. The Township Supervisors may from time to time amend, supplement or repeal any of the regulations and provisions of this Chapter.

2. Before voting on the enactment of an amendment, the Township Supervisors shall hold a public hearing thereon, pursuant to public notice. In the case of an amendment other than that prepared by the Planning Commission, the Township Supervisors shall submit each such amendment to the Planning Commission at least 30 days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations. If, after any public hearing held upon an amendment, the proposed amendment is revised, or further revised, to include land previously not affected by it, the Township Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment. At least 30 days prior to the hearing on the amendment by the Township Supervisors, the Township shall submit the proposed amendment to the County Planning Commission for recommendations. [*Ord. 2002-8*]

A. In addition to the requirement that notice be posted, where the proposed amendment involves a Zoning Map change, notice of the public hearing shall be mailed by the Township at least 30 days prior to the date of the hearing by first class mail to the addressees to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Township. The notice shall include the location, date and time

of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this subsection. This requirement of written notice shall not apply when the rezoning constitutes a comprehensive rezoning. [*Ord. 2003-3*]

3. *Curative Amendments.* A landowner who desires to challenge on substantive grounds the validity of this Chapter or map or any provisions thereof, which prohibits or restricts the use of development of land in which he has an interest may submit a curative amendment to the Township Supervisors with a written request that his challenge and a proposed amendment be heard and decided as provided in §1004 of the Pennsylvania Municipalities Planning Code, Act 247. 53 P.S. §11004, as amended.

(*Ord. 1974-3, 6/20/1974; as amended by Ord. 1995-7, 9/7/1995, §45; by Ord. 2001-7, 9/6/2001, §3; by Ord. 2002-8, 12/9/2002, §15; and by Ord. 2003-3, 5/1/2003, §15*)

§27-608. Fees.

1. A fee in an amount established by the Board of Supervisors from time to time by resolution shall be paid at the time of making an appeal or application to the Zoning Hearing Board or to the Board of Supervisors for any of the following: a special exception, an interpretation, an appeal from an enforcement notice, a variance or a validity variance, an amendment, a curative amendment, conditional use, or a challenge to the validity of any provision of the Zoning Ordinance. Such fee shall remain in full force and effect unless and until changed by the Board of Supervisors by subsequent resolution. [*Ord. 2008-10*]

A. No such appeal or application shall be complete or perfected until all fees required by this subsection have been paid in full. [*Ord. 2010-5*]

2. Upon completion of the hearing or if the hearing lasts more than 1 day, periodically during the course of the hearing, the appellant or applicant shall be billed for the reasonable expenses incurred by the Township in connection with the hearing (for advertising the hearing, stenographic charges, engineering or planning services, compensation to the members of the Zoning Hearing Board or Board of Supervisors which hears the action) in excess of the initial deposit and shall promptly pay such excess amount.

3. Upon completion of the hearing, the applicant shall be reimbursed for any part of the initial deposit not expended.

4. The payment of fees and costs set forth above shall be a prerequisite to the validity of any permit, variance, ruling or doctrine issued in favor of an applicant pursuant to any proceeding initiated before the Zoning Hearing Board or the Board of Supervisors.

(*Ord. 1974-3, 6/20/1974; as amended by Ord. 2/1/1979C, §I; by Ord. 4/2/1981; by Ord. 3/3/1988; by Ord. 1995-4, 3/2/1995, §§1 and 2; by Ord. 2002-4, 4/4/2002, §1; by Ord. 2008-10, 8/7/2008, §1; and by Ord. 2010-5, 10/7/2010, §2*)

Zoning Map Amendments

Ord. /Res.	Date	Subject
Ord. 3/31/1976	3/31/1976	Amending to delete from the Agricultural Zone and add to the Residential II Zone all that tract of land described in a deed from L. Clay Ebaugh, et al to Robert E. Hill, Doloris Hill, George W. Davis and Elva H. Davis.
Ord. 2/3/1977	2/3/1977	Amending to delete from the Agricultural Zone and to add to the Commercial Zone a described tract of land.
Ord. 9/1/1977	9/1/1977	Amending to delete from the Agricultural Zone and to establish the same as a Commercial Zone a described tract of land.
Ord. 5/1/1986	5/1/1986	Amending to delete from the Agricultural Zone and to add to the Commercial Zone a described tract of land.
Ord. 7/8/1991	7/8/1991	Amending the Zoning Map to delete from the Industrial Zone and add to the Commercial Zone a described tract of land.
Ord. 1995-1	1/3/1995	Moving the existing boundary between the Industrial Zone and the Commercial Zone from its existing location, which would move the said boundary line from the Southern Boundary of lots 1 and 5 Northward through lots 1 and 5.
Ord. 1998-5	6/4/1998	Moving the existing boundary between the Industrial Zone and the Commercial Zone from its existing location along Wolfe Road in the Stonebridge Business Park.
Ord. 1998-6	8/6/1998	Changing the zoning of the property commonly known as the York County Solid Waste and Refuse Authority Landfill, from Agricultural to Conservation.
Ord. 2008-11	8/7/2008	Properties owned by Stewartstown Baptist Church, known as Lot #2, UPI # 32-000-BK-0088.N0-00000, and Lot #3, UPI # 32-000-BK-0088.L0-00000, consisting of 4.582 acres, more or less, combined, along Iron Bridge Road, T-552, with a portion of Lot #3 also along Bridgeview Road, SR 851, shall be rezoned from their present Commercial zoning to Agricultural zoning.
Ord. 2008-15	12/4/2008	Clarifying the location of a zoning boundary line between the Residential and Agricultural Zones on a portion of the property owned by the Evelyn R. McElwain Estate, UPI No. 32-000-CK-0051.00-00000, located at 17560 Barrens Road North in the Township.

