ZONING ORDINANCE

THE TOWNSHIP OF MILLCREEK
LEBANON CO., PA

1977

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Prepared by: Lebanon County Planning Department
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>ARTICLE</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preamble</td>
<td>1</td>
</tr>
<tr>
<td>Definitions</td>
<td>2</td>
</tr>
<tr>
<td>Provisions for Official Zoning Map</td>
<td>15</td>
</tr>
<tr>
<td>Rules for Interpretation of District Boundaries</td>
<td>16</td>
</tr>
<tr>
<td>Application of District Regulations</td>
<td>17</td>
</tr>
<tr>
<td>Use Districts</td>
<td>18</td>
</tr>
<tr>
<td>A Agriculture Industry Districts</td>
<td>19</td>
</tr>
<tr>
<td>R-1 Residential Suburban Districts</td>
<td>32</td>
</tr>
<tr>
<td>R-2 Residential Urban Districts</td>
<td>34</td>
</tr>
<tr>
<td>C-1 Retail Business Districts</td>
<td>37</td>
</tr>
<tr>
<td>C-2 Residential Convenience Commercial Districts</td>
<td>40</td>
</tr>
<tr>
<td>I-1 Heavy Industrial Districts</td>
<td>42</td>
</tr>
<tr>
<td>I-2 Light Industrial Districts</td>
<td>46</td>
</tr>
<tr>
<td>E-1 Ecologically Sensitive Districts</td>
<td>49</td>
</tr>
<tr>
<td>GFP General Flood Plain Districts</td>
<td>52</td>
</tr>
<tr>
<td>Nonconforming Lots, Uses and Structures</td>
<td>61</td>
</tr>
<tr>
<td>Supplementary District Regulations</td>
<td>65</td>
</tr>
<tr>
<td>Off-Street Parking</td>
<td>71</td>
</tr>
<tr>
<td>Signs and Advertising Structures</td>
<td>76</td>
</tr>
<tr>
<td>Administration and Enforcement</td>
<td>80</td>
</tr>
<tr>
<td>Zoning Hearing Board: Establishment and Procedure</td>
<td>83</td>
</tr>
<tr>
<td>Zoning Hearing Board: Powers and Duties</td>
<td>84</td>
</tr>
<tr>
<td>Appeals from the Zoning Hearing Board</td>
<td>90</td>
</tr>
<tr>
<td>Duties of Administrative Official</td>
<td>90</td>
</tr>
<tr>
<td>Schedule of Fees, Charges, and Expenses</td>
<td>90</td>
</tr>
<tr>
<td>Amendments</td>
<td>91</td>
</tr>
<tr>
<td>Declared to be Minimum Requirements</td>
<td>91</td>
</tr>
<tr>
<td>Complaints Regarding Violations</td>
<td>91</td>
</tr>
<tr>
<td>Penalties for Violation</td>
<td>92</td>
</tr>
<tr>
<td>Separability Clause</td>
<td>92</td>
</tr>
<tr>
<td>Repeal of Conflicting Ordinances and Effective Date</td>
<td>93</td>
</tr>
</tbody>
</table>
MILLCREEK TOWNSHIP
ORDINANCE NO. 4-13-77
AMENDING ORDINANCE 4-14-71 "THE ZONING ORDINANCE"

An Ordinance, Amending Ordinance 4-14-71, establishing comprehensive zoning regulations for the Township of Millcreek, and providing for the administration, enforcement, and amendment thereof, in accordance with the provisions of the Pennsylvania Municipalities Planning Code, and for the repeal of all ordinances in conflict herewith.

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

WHEREAS, the Township of Millcreek adopted such an ordinance on April 14, 1971, effective immediately, and

WHEREAS, the Township Supervisors deem it necessary for the purpose of promoting the health, safety, and general welfare of the Township to amend said Ordinance No. 4-14-71, and

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

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

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

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

WHEREAS, the Planning Commission has made recommendations to the Township Supervisors on the proposed amendments, and

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

WHEREAS, all requirements of ACT 247 State Statutes, with regard to the preparation of the recommendation of the Planning Commission and subsequent action of the Township Supervisors, have been met;

NOW THEREFORE, BE IT ORDAINED BY THE SUPERVISORS OF THE TOWNSHIP OF MILLCREEK, LEBANON COUNTY, PENNSYLVANIA:
ARTICLE 1
DEFINITIONS

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

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

The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as individual.

The word “lot” includes the word “plot” or “parcel”.

The term “shall” is always mandatory, the word “may” is permissive.

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

ACCESSORY BUILDING:
A building detached from and subordinate to the main building on the same lot and used for purposes customarily incidental to the main building, but not construed to include vehicles, mobile homes, travel trailers or any parts thereof.

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

AGRICULTURE:
The cultivation of the soil for food products or other useful or valuable growths of the field or garden, nursery stock and non-commercial greenhouses, but does not include dairying, raising of livestock, breeding or keeping of bees, animals, fowl or birds where the same is carried on as a business or gainful occupation.

* AGRICULTURAL ADVISORY COMMITTEE:
Consists of three active farmers, one Township Supervisor, one Planning Commission member, and the Lebanon County Agricultural agent or the Lebanon County Soil Conservation District agent appointed by the Township Supervisors to serve as an advisory board in interpreting the facts and conditions as apply to the Agricultural Industry District (Article 6). The committee shall meet upon request of the Zoning Hearing Board and/or Zoning Officer and provide a written report of their findings as an aid to decisions concerning the Agricultural Industry District.

** AGRICULTURAL LAND COMPLETELY ABSORBED:
Prime Agricultural land subdivided to include less than fifty (50) acres shall be included within the legal description of the deed of the primary agricultural property.

AIRPORT:
An airstrip/landing strip where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, accommodations for passengers, freight, etc.
AIRSTRIPLANDING STRIP:
An area adapted with minimal improvements for use as a temporary runway for aircraft.

ALTERATIONS:
As applied to a building or structure, any change or rearrangement of the total floor area, or an enlargement, whether by extending on a side or by increasing in height, or moving from one (1) location or position to another.

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

** ANIMAL HUSBANDRY:
The breeding, care, and production of farm animals and livestock including bees, fowl, or birds as a business or gainful occupation.

** ANIMAL HUSBANDRY, INTENSIVE, AND LIVESTOCK ACTIVITIES:
A concentrated density of animals of a magnitude exceeding that which can easily be cared for by hand. This shall include feedlots, poultry, and swine houses, and other buildings, structures, corrals, or pens in which animals are confined in close quarters.

APARTMENT BUILDING:
A building occupied by three (3) or more dwelling units.

# AQUACULTURE:
The development and management of water resources for the biological production of aquatic animals and plants as marketable products.

AREA LOT:
The total area within the lot lines, excluding right-of-way areas.

BASEMENT:
A story partly below the finished grade, but having more than one-half (1/2) of its height (measured from finished floor to finished ceiling) above the average level of the finished grade where such grade abuts the exterior walls of the building. A basement shall be considered as one (1) story in determining the permissible number of stories.

BUILDING:
Any structure having a roof supported by columns, piers or walls and intended for the shelter, housing or enclosure of human beings, animals, or chattel, including covered porches, bay windows, and chimneys, or for use and occupation for some purpose of trade or manufacture.

BUILDING, DETACHED:
A building surrounded by open space on the same lot as the principal building.

BUILDING, PRINCIPAL:
A nonaccessory building in which the principal use of the lot is conducted.
BUILDING, SEMI-DETACHED:
A building which has one (1) wall in common with an adjacent building.

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

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

BUILDING LINE:
A line parallel to the front, side or rear lot line or public right-of-way set so as to provide the required yard setback.

CARPORT:
See Garage, Private.

CELLAR:
A story partly below the finished grade having more than one-half (1/2)of its height (measured from finished floor to finished ceiling) below the average level of the adjoining finished grade where such grade abuts the exterior wall of the building. A cellar shall not be considered a story in determining the permissible number of stories.

CERTIFICATION OF COMPLIANCE:
A certificate issued and enforced by the Zoning Officer upon the completion of the construction of a new building or upon a change or conversion of a structure or use of a building which certifies that the applicant has complied with any and all requirements and regulations as provided herein and all other applicable requirements.

COLLECTOR ROAD:
A route serving to gather traffic from roads and carry it to and from arterial highways, and local traffic generators (i.e. business centers, schools, public buildings, industrial area, etc.).

COMMUNICATIONS ANTENNA:
Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service, or any other wireless communications signals, including, without limitation, omnidirectional or whip antennas and directional or panel antennas, owned and operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including, without limitation, ham or citizen band radio antennas.
### COMMUNICATIONS EQUIPMENT BUILDING:
An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 250 square feet.

### COMMUNICATIONS TOWER:
A structure other than a building, such as a monopole, self-supporting, designed and used to support communications antennas.

### DOG KENNEL:
Any premises, except where accessory to an agricultural use, where three (3) or more dogs, ten (10) weeks in age or older, are kept or boarded.

### DRIVE-IN RESTAURANT:
A commercial establishment where food or beverage is sold for consumption on the premises but not necessarily within a building.

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

### DWELLING, APARTMENT:
A dwelling unit for rent or lease within multi-family or group buildings providing separate, independent living and sanitary facilities for one (1) family, including provisions for cooking and sleeping. An apartment dwelling may include an efficiency unit where no specific bedroom is provided or a unit containing one (1) or more bedrooms.

### DWELLING, GROUP
A group of two (2) or more single family, two-family, or multi-family dwellings occupying a lot in one (1) ownership.

### DWELLING, MULTI-FAMILY:
A building designed for or occupied exclusively by three (3) or more families living independently of each other and doing their own cooking, including apartment houses.

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

### DWELLING, SINGLE FAMILY:
A detached building designed for or occupied exclusively by one (1) family, but shall not be construed to include single unit mobile homes.

### DWELLING, TWO-FAMILY:
A detached or semi-detached, residential building containing two (2) dwelling units designed for occupancy by not more than two (2) families.
### ESSENTIAL SERVICES:
The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communications towers and communications antennas, as defined herein.

### FAMILY:
One (1) or more persons occupying a dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five (5) persons, but provided further that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

### FARM:
An area not less than fifty (50) acres, unless an existing small parcel which sustains an economically feasible operation by producing through biological and botanical processes agricultural commodities saleable as marketable products which provide the primary income and support of the enterprises.

No Subdivision of prime agricultural land shall be permitted except that which would have the effect of increasing the size of another farm, providing that no farm is to be reduced to less than fifty (50) contiguous acres unless it is completely absorbed by one or more adjacent farms.

### FARM DWELLING:
A dwelling unit located on a farm and used for habitation by the proprietor of a farm or persons necessary for the operations of the farm, in same ownership as the farm on which the dwelling is constructed.

### FEEDLOT:
A feedlot shall be determined to be any of the following facilities: (1) any tract of land or structure wherein any type of fowl or the by-products thereof are raised for sale at wholesale, or retail; (2) any structure, pen or corral for the purpose of fattening such livestock for final shipment to market; (3) the raising of swine under any condition.

### FLOOR AREA, LIVABLE:
The sum of the horizontal areas of all rooms used for habitation, such as living rooms, dining rooms, kitchen, or bedroom but not including hallways, stairways, cellars, attics, garages, enclosed porches and roofed terraces, nor unheated areas such as enclosed porches. In no case shall the livable floor area be less than seven hundred (700) square feet for a single family dwelling used for permanent occupancy. At least one-half (1/2) of the floor area of every habitable room shall have a ceiling height of not less than seven (7) feet, and the floor area of the part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the livable floor area.

### GARAGE, PRIVATE:
A building or space used as an accessory to the main building which provides for the storage of motor vehicles of the families residing upon the premises and in which no occupation, business or service for profit is carried on.
GARAGE, PUBLIC:
Any garage other than a private garage, which is used for storage, repair, rental, servicing, or supplying of gasoline or oil to motor vehicles.

GASOLINE SERVICE STATIONS:
A structure, building or area of land or any portion thereof that is used primarily for the sale of gasoline or other motor fuel which may or may not include facilities for lubricating, washing, selling of accessories, and other-wise servicing motor vehicles, including minor repairs, but not including body or paint shops. Any business or industry dispensing gasoline solely for its own use and vehicles will not be deemed to be a gasoline service station.

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

*** GREENHOUSE, COMMERCIAL:
A noncommercial greenhouse with the additional characteristics of retailing at the premises, and sales of related accessory products.

*** GREENHOUSE, NONCOMMERCIAL:
A building with mainly transparent or translucent walls and roof used for the cultivation and protection of plants, including, but not limited to, ornamental shrubbery, nursery stock, or out of season plants or trees, for the purpose of (1) wholesale distribution or (2) retailing at another location except for roadside stands.

GROUP CARE FACILITY:
A facility which provides resident services to two (2) or more individuals who are unrelated. It is a facility where individuals who are handicapped, aged, disabled, or undergoing rehabilitation are provided services to meet their needs. This type of use includes uses licensed or supervised by any, Federal, State or County health/welfare agency, such as group homes, halfway houses, resident schools, resident facilities and boarding homes.

HEIGHT OF BUILDING:
The vertical distance measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest point of the roof, but not including chimneys, spires, towers, elevator pent houses, tanks and similar projections.

## HEIGHT OF A COMMUNICATIONS TOWER:
The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

HOME OCCUPATIONS:
Any lawful, gainful service oriented occupation or profession operated by a member of the immediate family residing on the premises, and where the occupation or profession is conducted wholly within the dwelling. The conducting of a clinic, hospital, tea room, tourist room, animal hospital, kennel, automotive services or any similar use shall not be deemed to be a home occupation. (See Supplementary District Regulations for further stipulations.)
HOSPITAL:
A place for the diagnosis, treatment, or other care of humans and having facilities for inpatient care including such establishments as a sanitarium, sanatorium, and preventorium.

HOTEL OR LODGING HOUSE:
A building used as the more or less temporary abiding place of three (3) or more individuals who are, for compensation, lodged with or without meals, and in which no provision is made for cooking in any individual room or suite.

JUNK YARD:
A lot, land or structure, or part thereof, used primarily for the collecting, storage, and/or sale of waste paper, rags, scrap metal, or discarded materials, of for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof.

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

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

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

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

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

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

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

LOT COVERAGE:
The percent of the lot area covered by the total building area of all structures located on the property.
LOT DEPTH:
A mean horizontal distance between the front and rear lot lines measured in the general direction of its side lot lines.

LOT LINE:
Any line dividing one (1) from another lot, street, or parcel.

LOT WIDTH:
The horizontal distance between the side lot lines. Required lot width shall be measured at the required setback line; however, the mean lot width shall not be less than the required lot width.

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

MOBILE HOME COURT OR PARK:
Any site, lot, or tract of land upon which two (2) or more authorized mobile homes are parked permanently or temporarily, either free of charge or for revenue purposes, and shall include any appurtenant facilities used or designed as part of the equipment of such mobile home court or park.

MOBILE HOME SUBDIVISION:
An area planned, designed and improved exclusively for three (3) or more mobile home dwelling units where said lots are sold rather than rented.

MODULAR HOME:
A sectional, single family dwelling intended for permanent occupancy, contained in two (2) or more units designed to be permanently joined into one (1) integral unit, which arrives at a site complete and ready for occupancy except for assembly operations and construction of the necessary permanent foundation.

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

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

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

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

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

**NURSING OR CONVALESCENT HOME:**
A building with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

**OFFICE BUILDING:**
A building designed for or used as the offices of professional, commercial, industrial, religious, public or semi-public organizations.

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

**PARKING SPACE:**
The space within a building or on a lot or parking lot, for the parking or storage of one (1) automobile. The minimum size of said space shall be two hundred (200) square feet or dimensions of ten (10) feet by twenty (20) feet, exclusive of passage ways and driveways and not an integral portion of the street.

**PREMISES:**
Any lot or tract of land and any building or buildings constructed thereon.

**PRINCIPAL BUILDING:**
A building or buildings in which is conducted the main or principal use of the lot on which said building is situated.

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

### PUBLIC UTILITY TRANSMISSION TOWER:
A structure, owned operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

**ROW HOUSE (TOWNHOUSE OR ATTACHED DWELLINGS):**
Three (3) or more single family dwellings in a group, one or more of which have two (2) walls in common with adjoining dwellings.

**SANITARIUM, SANATORIUM:**
A private hospital, whether or not such facility is operated for profit.
SCREEN, PLANTING:
A vegetative material of sufficient height and density to screen the view, from adjoining districts, of the structures and uses on the premises upon which the screen planting is located.

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

SHOPPING CENTER:
A group of stores, six (6) or more in number, planned and designed as an integrated unit with off-street parking provided on the property as an integral part of the unit. It shall also mean a single store or a group of stores less than six (6) in number where the total gross floor area of the stores exceeds 10,000 square feet.

SIGN:
The word "sign" includes any writing (including letter, word or numeral); pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); or any other device or similar character which (1) is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure; (2) used to announce, direct attention to, or advertise, and (3) is visible from the outside of a building, but not including any flag, badge, or insignia of any public, quasi-public, civic, charitable, or religious group.

SIGN, ADVERTISING:
Any sign which is owned or operated by any person, firm or corporation engaged in the business of outdoor advertising for direct profit gained from the rental of such signs or any sign advertising a commodity not sold or produced on the premises. This shall include “billboards” and off-premise signs indicating the direction to a particular place.

SIGN AREA:
The area defined by the frame or edge of a sign. Where there is no frame or edge to the sign, the area shall be defined by a projected, enclosed four-sided (straight sides) geometric shape which most closely outlines the said sign.

SITE PLAN:
A plan of a lot or subdivision on which is shown topography; location of all buildings, structures, roads, right-of-ways, boundaries; all essential dimensions and bearings; and any other information deemed necessary by the Township in unusual or special cases.

SOIL CONSERVATION SERVICE:
All references in this Ordinance to the Soil Conservation Service shall include the Lebanon County Soil Conservation District.

SOLAR COLLECTOR:
A device, or combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply.

SOLAR ENERGY:
Radiant energy (direct, diffuse, and reflected) received from the sun.
** SOLAR ENERGY SYSTEM:**
A complete design or assembly consisting of a solar energy collector, and energy storage facility (where used), and components for the distribution of transformed energy (to the extent they cannot be used jointly with conventional energy system). Passive solar energy systems are included in this definition but not to the extent that they fulfill other functions such as structural and recreational.

** SOLAR ENERGY SYSTEM, ACTIVE:**
A solar energy system that requires external mechanical power to move the collected heat.

** SOLAR ENERGY SYSTEM, PASSIVE:**
A solar energy system that uses natural and architectural components to collect and store solar energy without using any external mechanical power.

** SOLAR SKYSPACE:**
The space between a solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes its cost-effective operation.

** SOLAR SKYSPACE EASEMENT:**
A right, expressed as an easement, covenant, condition, or other property interest in any deed or other instrument executed by or on behalf of any landowner, which protects the solar skyspace of an actual, proposed, or designated solar energy collector at a described location by forbidding or limiting activities or land uses that interfere with access to solar energy. The solar skyspace must be described as the three-dimensional space in which obstruction is prohibited or limited, or at the times of day during which direct sunlight to the solar collector may not be obstructed, or as a combination of the two methods.

** SPECIAL EXCEPTION **
A use specified in district regulations which is permitted only if the Zoning Hearing Board grants a special use permit pursuant to the provisions of this Ordinance.

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

** STREET:**
A public thoroughfare, right-of-way (or private road, right-of-way) which affords primary vehicular access to abutting properties.

** STREET LINE:**
The line determining the limit of the street or public right-of-way, either existing or contemplated. Also referred to as the street lot line or road right-of-way line. Where a definite right-of-way width has not been established, the street line shall be determined as a line twenty-five (25) feet from the centerline of the existing street.
## STRUCTURE:
Any thing built, constructed, or erected that requires location on the ground or attachment to something located on the ground.

## SUBDIVISION:
The division or redivision of a lot, or parcel or land by any means into two (2) or more lots, parcels, or other division 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; provided, however, that the division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.

* **TRAVEL TRAILER**
A recreational vehicle, camping trailer, fifth wheel trailer, motor home, travel trailer, and truck camper as these terms are defined in the ANSI A119.2/NFPA 501C standard on recreational vehicles.

**TRAVEL TRAILER CAMP OR PARK:**
Any site, lot or tract of land upon which provisions are made to accommodate any travel trailer and/or similar temporary dwelling for travel or recreational purposes for short-term occupancy, either free of charge or for revenue purposes, and shall include any appurtenant facilities used or designed as part of the equipment of such travel trailer camp or park.

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

* Amended 7/8/98

**VARIANCE:**
A modification of the regulations of this Ordinance granted by the Zoning Hearing Board to the applicant on grounds of practical difficulties or an unnecessary hardship, not self-imposed, pursuant to the provisions of this Ordinance and Act 247, “Pennsylvania Municipalities Planning Code”.

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

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

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

ZONING OFFICER (ZONING ADMINISTRATIVE OFFICIAL):
The agent (s) or official (s) designated by the Township Supervisors to enforce the Official Zoning Ordinance of the Township.

ZONING PERMIT:
A permit stating that the purpose for which a building, structure, signs, or land is to be used is in conformity with the uses permitted and all other requirements of this Ordinance for the zone in which it is located or to be located.

*Amended June 14, 1978
**Amended August 11, 1982
***Amended February 8, 1984
# Amended June 29, 1993
## Amended December, 19, 2001
ARTICLE 2

ESTABLISHMENT OF DISTRICTS:

PROVISIONS FOR OFFICIAL ZONING MAP

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

The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Supervisors, attested by the Secretary and bearing the seal of the Township under the following words: “This is to certify that this is the Official Zoning Map referred to in ARTICLE 2, Section 2.01 of Ordinance Number 4-13-77 of the Township of Millcreek, Lebanon County, Pennsylvania, together with the date of adoption of this Ordinance.”

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

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under ARTICLE 28.

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

SECTION 2.02 REPLACEMENT OF THE OFFICIAL ZONING MAP In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Township Supervisors may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Chairman of Supervisors, attested by the Township Secretary and bearing the seal of the Township under the following words: “This is to certify that this is the Official Zoning Map, adopted as part of Ordinance No. of the Township of Millcreek, Lebanon County, Pennsylvania.”

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof, remaining shall be preserved together with all available records pertaining to its adoption or amendment.
ARTICLE 3

RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

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

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

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 such Township lines;

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

E. Boundaries indicated as parallel to, or extensions of, features indicated in Subsection A through D above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;

F. Where physical or cultural features existing on the ground are at variance with those shown on the Official Map, or in the other circumstances not covered by Subsections A through E above, the Zoning Hearing Board shall interpret the district boundaries.

G. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Zoning Hearing Board may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.
ARTICLE 4

APPLICATION OF DISTRICT REGULATIONS

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

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

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

A. to exceed the height or bulk;

B. to accommodate or house a greater number of families;

C. to occupy a greater percentage of lot area;

D. To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Ordinance.

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

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

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

SECTION 4.06 All territory which may hereafter be annexed to the Township shall be considered to be in the Agricultural (A) District until otherwise classified.
ARTICLE 5

* USE DISTRICTS

SECTION 5.01 For the purpose of regulating and restricting the location of trades, industries, multiple family houses, single family houses, and other uses of property, the number of square feet of lot area per family house, the width of lots, the location and size of yards, and the size and height of the buildings, the Township is divided into nine (9) classes of use districts termed respectively:

CLASS A
CLASS R-1
CLASS R-2
CLASS C-1
CLASS C-2
CLASS I-1
CLASS I-2
CLASS E-1
CLASS OSC

OR AGRICULTURAL INDUSTRY DISTRICT
OR RESIDENTIAL SUBURBAN DISTRICT
OR RESIDENTIAL URBAN DISTRICT
OR RETAIL BUSINESS DISTRICT
OR RESIDENTIAL CONVENIENCE COMMERCIAL DISTRICT
OR HEAVY INDUSTRIAL DISTRICT
OR LIGHT INDUSTRIAL DISTRICT
OR ECOLOGICALLY SENSITIVE DISTRICT
OR OPEN SPACE AND CONSERVATION DISTRICT

* Amended June 14, 1978
ARTICLE 6

A - AGRICULTURAL INDUSTRY DISTRICT

SECTION 6.01 INTENT The Agriculture Industry District is comprised primarily of existing agricultural areas of the Township and those areas where environmental conditions are most conducive to agricultural pursuits. Agriculture shall be viewed as a specialized form of industry with unique needs such as large land area. It is a land use characterized by the production through biological and botanical processes of saleable commodities as a result of the conjunction of raw materials (soils, seeds, plants, water fertilizer), manpower (labor and machinery), and energy (solar and other), to produce marketable products the sale of which supports the enterprise and supplies a social and economic need in a diversified local economy of the Township. It is the purpose of this district to protect and stabilize this economic activity by preserving prime farm land, a prime resource not readily reclaimed, to maintain and protect the recharging and quality of ground water vulnerable to pollution because of subsurface limestone formations, and to provide aesthetic relief from urban development and open space for the recreation and refreshment of the citizens.

SECTION 6.02 DESIGNATION OF PRIME AGRICULTURAL LAND

A. The following shall be considered Prime Agricultural land within the A-District.

1. All land which is included in the Agricultural Industry District shall be considered prime agricultural land unless otherwise indicated on the official map in accordance with Section 6.02 B-1 of this ordinance.

2. All land containing soils which have been classified as having either a corn, oats, wheat, barley, potato or hay productivity rating equal to or greater than 80% of standard under improved management as provided by Soil Survey of Lebanon County, Pennsylvania.

3. Lebanon County Productivity Chart of December 1, 1975 (attached).

B. All areas of the Township within the A - District shall be considered Prime Agricultural land and shall be indicated on a soils map maintained by the Township and zoning officer.

1. Any person whose land is designated Prime Agricultural land and who claims that the land should not be designated Prime Agricultural land because the soils mapping is inaccurate with regard to his property may appeal to the Zoning Hearing Board as provided in this ordinance. After receipt of an appeal, an Agricultural Advisory Committee consisting of three active farmers, one Supervisor, one Planning Commission member and the Lebanon County Agricultural or the Lebanon County Soil Conservation District Agent shall present a report on its findings prior to the Zoning Hearing Board decision. The burden of proof shall be upon the appellant. If the Zoning Hearing Board determines that the soils mapping is inaccurate with regard to the land in question and that the land should not be considered Prime Agricultural land, the controls applicable to Prime Agricultural land shall not be applied and the land no longer designated Prime Agricultural land in the map maintained by the Township and zoning officer.

* Amended June 14, 1978
2. Any person whose land is designated Prime Agricultural land and who claims that the land cannot feasibly be used for agriculture may appeal the classification of Prime Agricultural land to the Zoning Hearing Board as provided for in this ordinance. After receipt of an appeal, an Agricultural Advisory Committee consisting of three active farmers, one Supervisor, one Planning Commission member and the Lebanon County Agricultural or the Lebanon County Soil Conservation District Agent shall present a report on its findings prior to the Zoning Hearing Board decision. The burden of proof shall be on the person appealing to the Zoning Hearing Board. The appellant shall demonstrate that the land which he claims should not be classified as Prime Agricultural land cannot be farmed:

(a) Because the site could not be economically reclaimed for agricultural use due to the existing features of the site.

(b) Because of the topography and natural features of the site farm machinery could not be used efficiently.

(c) Because of the size or shape of the parcel of land, the land could not be economically farmed and farm machinery could not be efficiently used.

(d) Because similar conditions of the site make it unfeasible to use the parcel of land for agriculture.

The appellant shall demonstrate that the land which he claims should not be classified as Prime Agricultural land cannot feasibly be farmed by himself and, in addition, could not feasibly be farmed as part of any other farm operation within the Agricultural Preservation District.

C. An impact evaluation shall be required of all proposed works projects that would threaten continuation of normal farming operations and practices in the A – District.

SECTION 6.03 PERMITTED USES ON PRIME AGRICULTURAL LAND

*** A. All forms of agriculture, aquaculture, tree farming, pasturing, truck gardening, horticulture, nurseries, vineyards, aviaries, apiaries, noncommercial greenhouses, hatcheries, and similar enterprises.

** B. Farm dwellings, subject to:

1. Farm dwellings shall be limited to a single family detached dwelling on a designated farm unit only as part of a profitable agricultural enterprise.

2. Subsequent to the construction of a new farm dwelling, the farm dwelling shall remain in the same ownership as the farm on which it was constructed.

** Amended August 11, 1984

*** Amended February 8, 1984 & June 29, 1993
3. The farm dwelling shall be constructed to house people necessary to the operation of the farm on which it was constructed.

4. A maximum of three farm dwellings, new and/or existing, shall be permitted on a farm. These dwellings shall not be subdivided from the farm. Separate residential dwelling units are not a permitted use.

5. The minimum habitable floor area of any new dwelling unit hereafter erected, altered, or designed shall be 700 square feet.

C. General agricultural uses and farms, dairy farming, breeding of horses, etc. including customary accessory uses which are clearly incidental to these uses such as the non-intensive raising, keeping, and breeding of poultry and livestock.

D. Intensive raising and/or keeping of poultry and livestock, including feedlots, poultry houses, etc., for gainful purposes provided the following conditions are met:

1. Feedlots, poultry houses, and other buildings, structures, corrals, or pens in which poultry or livestock are kept shall be no closer than one hundred (100) feet to any adjoining lot line or road right-of-way or two hundred (200) feet to any residentially zoned property.

2. No storage of manure or odor or dust producing substances or materials shall be permitted within one hundred (100) feet of any adjoining lot line or road right-of-way line or within two hundred (200) feet of any residentially zoned property.

3. Minimum lot area of ten (10) acres.

E. Public conservation areas and structures for the conservation of open space, water, soil, forest and wildlife resources.

F. Necessary public utility structures and buildings.

G. Customary accessory uses and buildings incidental to any of the above permitted uses, including the following:

1. Road side stands for the sale of "home-grown" or "home-made" products when located not less than twenty (20) feet from the road right-of-way line.

2. Signs, as provided for in Article 18 of this Ordinance.

3. Home occupations as provided for in Section 16.17 of this Ordinance.

4. Accessory uses as provided for in Article 16 of this Ordinance.

Amended August 11, 1982
H. Conversion or expansion of existing single family dwelling to a dwelling for two (2) families subject to:

1. The dwelling must be located on a farm as established at the time of enactment.
2. The sewage disposal officer must certify as to the adequacy of the sewage disposal facilities for the dwelling.
3. Conversion shall be for the purpose of providing housing for people employed on the farm on which the dwelling unit is located.
4. The minimum habitable floor area shall be 700 square feet per unit.

I. Farm-related business necessary to the conduct of agricultural activities, such as the sale of seed and fertilizer and the repair of farm machinery, subject to:

1. The business shall be conducted on a farm.
2. The business shall be conducted only by the proprietor of the farm on which the business if located or by a person employed on that farm for the purpose of participating in the conduct of agricultural operations.
3. The conduct of the business on a farm shall be secondary to the use of the farm for agricultural activities.

J. Solar energy devices for use in the agricultural enterprise.

** K. Collection of naturally occurring surface water for wholesale commercial purposes subject to the Delaware River Basin Commission, Susquehanna River Basin Commission, Pennsylvania Department of Environmental Protection, and the Pennsylvania Fish Commission approval and regulation, as applicable, for removal of water resources, including structures necessary for the collection, storage, and removal of the naturally occurring surface water. The term “collection” shall not include extraction, by bore hole or any other method.

## L. Communications Antennas mounted on an existing Public Utility Transmission Tower, building, or other structure, including existing Communications Towers, and Communications Equipment Buildings, subject to the standards set forth in Article 16, Section 16.22.

* SECTION 6.04 The following special exceptions upon approval by the Zoning Hearing Board on land designated Prime Agricultural Land:

A. Accessory use not located on the same lot with a permitted principal use to which it is accessory.

* Amended 8/11/82
** Amended 12/10/97
## Amended 12/19/01
B. Building height greater than 2 ½ stories or 35 feet which is not exempted by other provisions of this Ordinance.

C. Feedlots, poultry houses, and any other building, structure, corral, or pen in which poultry or livestock are kept which are less than 100 feet but not less than 50 feet from any lot line or street right-of-way providing that, as applicable:

1. The same farm land on both sides of a street;
2. The result of the proposal will be the preservation of Prime Agricultural Land;
3. Such structures or use shall be 200 feet from any dwelling unit.

D. Communication Towers subject to the standards set forth in Article 21, Section 21.02F.

E. Churches and associated cemeteries, provided that:

1. any cemetery must be located on the same tract of land as the church with which it is associated;
2. the minimum lot area shall be three (3) acres notwithstanding anything to the contrary set forth in Section 6.07 hereof;
3. the applicant complies with all other provisions of this ordinance.

SECTION 6.05 PERMITTED USES ON LAND NOT DESIGNATED PRIME AGRICULTURAL LAND

A. Permitted uses as designated under Section 6.03 of this Article.

B. Single family detached dwellings.

C. Customary accessory uses and buildings provided such are clearly incidental to the principal use and do not include any activity commonly conducted as a business and are located on the same lot with the permitted principal use.

D. Public elementary and high schools and institutions of higher education.

E. Municipal buildings.

F. Communications Antennas mounted on an existing Public Utility Transmission Tower, building, or other structure, including existing Communications Towers, and Communications Equipment Buildings, subject to the standards set fourth in Article 16, Section 16.22.

* Amended 2/10/99
## Amended 12/19/01
SECTION 6.06 The following special exception upon approval by the Zoning Hearing Board on land NOT designated Prime Agricultural Land.

A. Churches, similar places of worship, and housing for religious personnel.

B. Cemeteries.

C. Accessory uses not located on same lot with the permitted principal use.

D. Private nurseries, elementary, high schools, and institutions of higher learning.

E. Convalescent homes, hospitals, clinics, animal hospitals and sanitariums.

F. Semi-public or private uses such as recreation areas, game and wildlife hunting, gun clubs, camps and structures operated by membership clubs for the benefit of their members and not for gain.

G. Riding academies and stables.

H. Golf courses and country clubs.

I. Communications Towers subject to the standards set forth in Article 21, Section 21.02F.

J. Kennels.

K. Carnivals, outdoor circuses and migratory amusement enterprises.

L. Commercial amusement or recreation establishment such as outdoor theaters, miniature golf courses, race tracks, and other similar recreational uses requiring large segregated land areas, providing that any of these uses shall not be located nearer than fifty (50) feet from road right-of-way.

M. Commercial recreation areas involving campgrounds, travel trailer campgrounds, and similar uses provided that the following conditions are met:

1. Minimum lot area of fifty (50) acres.

2. All permanent structures and accessory structures shall be located no closer than two hundred (200) feet to any adjoining lot line or road right-of-way so as to provide a buffer area for the adjacent property owners.

3. All buffer yards shall be appropriately landscaped and well maintained. Side and rear yards may be developed for campground related recreation activities (e.g. hiking trails, bicycle paths, passive recreation areas, campsites, travel trailer storage, etc.) to within fifty (50) feet of any adjoining lot line or road right-of-way.

* Amended 11/11/98

** Amended 12/19/01
4. Detailed development plans showing the campsites, parking, recreation areas, utilities, sewage disposal facilities, etc., shall be submitted to the Township Planning Commission for approval thirty (30) days prior to the hearing.

5. No less than eight (8) percent of the gross site area shall be devoted to recreational facilities such as adult recreation areas, child play areas, swimming pools, etc.

6. There shall be no permanent structures or additions constructed and attached to any travel trailer, tent or other recreational dwelling unit which is located on an approved campsite.

7. Campsite areas shall contain no less than three thousand (3,000) square feet and shall be so designed that any travel trailer, tent or other camping structure shall be located no closer than ten (10) feet to the designated campsite lot lines.

8. Any campsite shall be rented by the day or week only, and the occupant(s) of said space shall remain in the same campground not more than thirty (30) days. This does not imply that camper vehicles cannot be stored on the site.

9. No part of any campground shall be used for non-residential purposes, except such uses as are required for the direct servicing and well being of camp residents and for the management and maintenance of the campgrounds.

N. Saw mills and other establishments associated with forestry.

O. Agriculturally oriented commercial establishments as follows:

**

1. Commercial establishments shall bear relationship to the agricultural district and uses permitted therein (i.e. farm implement dealer, feed mill, commercial greenhouse, etc.).

2. On-premises butchering operations, as an accessory use, provided that the following conditions are met:

   a) Butchering operations shall be conducted only by an immediate member of the family, owning and residing on the property.

   b) Butchering operations shall be limited to the employ of not more than one (1) assistant.

   c) Any building or structures which involve this use or in which this use is conducted shall be located at least one hundred (100) feet from any adjoining property line.

** Amended 02/08/84
d) Any remains, entrails, carcasses, etc., resulting from this use shall be stored on the property only on a temporary basis and such storage shall be located at least one hundred (100) feet from any adjoining property line.

e) No objectionable noise, fumes, odors, dust or electrical interference shall be created through this use.

P. Group Care Facilities provided that:

1. Plans for the facilities are approved by the appropriate local and state agencies: i.e. Department of Labor and Industry and Department of Public Welfare, etc.

2. The group homes do no cluster in large numbers in the municipality, that is, no more than 3% of the population (according to the most recent U.S. Census) of the municipality can be residents of group homes.

3. There shall be no more than thirteen (13) aged, handicapped, or disabled or mentally ill residents and no more than eight (8) mentally retarded residents in any one (1) group care facility unless the applicable state standards are changed, then the new standards shall apply.

4. Factors that are to be considered by the Zoning Hearing Board when reviewing Special Exceptions for group care facilities are the following:

a) Appropriate off-street parking should be provided as required in Section 17.04 of this Ordinance for homes for the aging or nursing homes.

b) A plan showing the layout of the home and the facilities should be presented to the Board for approval.

c) The applicant should meet all safety requirements for such homes as required by any Federal, State or Local Laws.

d) The Zoning Hearing Board shall attach any other reasonable special conditions to their decision that would be necessary to protect residents in the surrounding neighborhood as well as the residents of the group care facility.

e) In reviewing the applications for a Special Exception, the Zoning Hearing Board shall also consider all relevant factors specified in other sections of this Ordinance.
SECTION 6.07 LOT AREA, BUILDING HEIGHT AND YARD REQUIREMENTS

A. Requirements for land designated Prime Agricultural land.

Building Height: farm structures – none; farm dwellings 2 ½ stories (35 ft.) maximum unless by Special Exception.

Lot Coverage: 15% maximum

Building Setback Minimum:
- front: 50 feet
- rear: 50 feet
- side, one: 20 feet
- side, total: 40 feet

Lot Area: no subdivisions of prime agricultural land shall be permitted except that which would have the effect of increasing the size of another farm nor reducing an existing farm to less than fifty (50) contiguous acres unless completely absorbed by one or more adjacent farms.

B. Requirements for land not designated Prime Agricultural land.

Building Height: farm structures – none. All other buildings – 2 ½ stories (35 ft.) maximum unless by Special Exception.

Lot Coverage: 15% maximum

Lot Area: one (1) acre minimum

Lot Width: 200 feet minimum

Building Setback Minimum:
- front: 50 feet
- rear: 50 feet
- side, one: 20 feet
- side, total: 40 feet

SECTION 6.08 MINIMUM OFF-STREET PARKING REQUIREMENTS

Off-street parking shall be provided for in accordance with Article 17 of this Ordinance.
# The Productivity Value of the Soils of Lebanon County

Expressed as Percent of the Best Soil

*1 Dec 1975*

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<td>Prod. Class</td>
<td>Phase</td>
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</table>

**Notes:**
- The table details the productivity and % of best soil types for different regions.
- The columns indicate various farming and soil-related factors such as cleared acres, productivity, and phase types.
- The rows list specific locations, with columns detailing the % of best for various farming and soil-related factors.
- The table is used to analyze and compare different soil types and their agricultural productivity across the listed regions.
ARTICLE 7
R-1 - RESIDENTIAL SUBURBAN DISTRICTS

SECTION 7.01 INTENT The regulations for these districts are designed to accommodate and encourage harmonious and compatible residential development consistent with the characteristics of the prevailing open environment of the Township. For this purpose, development is restricted to conventional, low density, single family, detached dwellings and related land uses.

SECTION 7.02 PERMITTED USES

A. Single family dwellings, not including single unit mobile homes.

B. Churches and similar places of worship.

C. Public nurseries, kindergartens, elementary and high schools, municipal buildings, public parks and playgrounds.

D. Necessary public utility structures and buildings.

E. Customary agricultural operations such as gardening, truck farming, flower and tree nurseries, and noncommercial greenhouses, but not including the raising, keeping, and breeding of poultry, bees, or livestock. In no case shall manure, fertilizer or other odor or dust producing substances be stored anywhere within two hundred (200) feet of any adjoining lot line.

F. Non-intensive raising, breeding or keeping of poultry, bees, or livestock, which shall not be construed to include feedlots, poultry houses, etc., provided that the following conditions are met:

1. The minimum lot size shall be ten (10) acres.

2. No building in which livestock, poultry, or bees, other than customary household pets are kept shall be closer than two hundred (200) feet to any adjoining lot line or road right-of-way line.

3. No storage of manure or odor or dust producing substances shall be permitted within two hundred (200) feet of any adjoining lot line or road right-of-way line.

G. Customary accessory uses and buildings incidental to any of the above permitted uses, including:

1. Home occupations as defined in Section 16.17 of this Ordinance.

2. Signs as provided for in Article 18 of this Ordinance.

3. Accessory uses as provided for in Article 16 of this Ordinance.

*** Amended February 8, 1984
Communications Antennas mounted on an existing Public Utility Transmission Tower, Building, or other structure, and Communications Equipment Buildings, subject to the standards set forth in Article 16, Section 16.22.

The following Special Exception uses, upon approval by the Zoning Hearing Board as provided for in Article 21 of this Ordinance.

1. Private nurseries, elementary and high schools and institutions of higher education.
2. Recreation areas and structures operated by membership clubs for the benefit of their members and not for gain.
3. Cemeteries, hospitals, clinics, and convalescent homes provided that they do not have an adverse effect on the area.
4. Golf courses and country clubs.
5. Commercial swimming pools.
6. Group Care Facilities as provided under Section 6.06 (P) of this Ordinance.

SECTION 7.03 LOT AREA, BUILDING HEIGHT AND YARD REQUIREMENTS

A lot width, lot area and yard setback requirements of not less than the dimensions shown in the following table shall be provided for every dwelling unit and/or principal nonresidential building hereafter erected or altered for any use permitted in this district.

<table>
<thead>
<tr>
<th>PUBLIC UTILITIES</th>
<th>LOT REQUIREMENTS</th>
<th>YARD REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>MIN. LOT AREA (SQ. FT.)</td>
<td>MIN. LOT WIDTH</td>
</tr>
<tr>
<td>None</td>
<td>1 acre</td>
<td>*150'</td>
</tr>
<tr>
<td>Public Water or Sewer</td>
<td>15,000</td>
<td>*100'</td>
</tr>
<tr>
<td>Public water and Sewer</td>
<td>10,000</td>
<td>* 75'</td>
</tr>
</tbody>
</table>

* The minimum lot width of any lot abutting a collector road in this district shall be one hundred fifty (150) feet. Those roads presently classified as collector roads by the Township Comprehensive Plan are Route 419 and North Sheridan Road (LR 38011/38014).

No building shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height unless authorized as a Special Exception.

SECTION 7.04 MINIMUM OFF-STREET PARKING REQUIREMENTS

Off-street parking shall be provided for in accordance with Article 17 of this Ordinance.

Amended 12/19/01
SECTION 7.05 HABITABLE FLOOR AREA  The minimum habitable floor area of any new dwelling unit hereafter erected, altered, or designed shall be seven hundred (700) square feet.
SECTION 8.01 INTENT The regulations for these districts are designed to protect and stabilize the characteristics of the older, existing, built-up portions of the Township, to encourage a suitable and safe environment for family life and to provide a minimum of the necessary commercial uses to serve such an area.

SECTION 8.02 PERMITTED USES

A. All uses permitted in the R-1 Residential District subject to the regulations of the R-2 Residential District.

B. Two-family residential structures (duplexes).

C. Multiple family and conversion apartment dwellings.

D. Customary accessory uses and buildings incidental to any of the above, permitted uses.

E. Home occupations as defined in Section 16.17.

F. Communications Antennas mounted on an existing Public Utility Transmission Tower, building, or other structure, and Communications Equipment Buildings, subject to the standards set forth in Article 16, Section 16.22.

G. The following uses are permitted as Special Exceptions, upon approval by the Zoning Hearing Board, provided that the proposes use is not found to have an adverse effect on the welfare of the area due to noise, odor, dust, glare, lighting, traffic circulation, or design.

1. Special Exceptions as specified in the R-1 Residential District.

2. Grocery stores.

3. Drug stores.

4. Personal service shops.

5. Mobile home parks and subdivisions, providing that each mobile home park and extension thereof shall conform to the following requirements:

   (a) A mobile home park shall contain a minimum of eight (8) acres.

   (b) Maximum density in a mobile home park or subdivision shall be eight (8) units per acre.

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Amended 12/19/01
(c) In no case shall the distance between any two (2) mobile homes be less than twenty-five (25) feet at the closest distance.

(d) All roads in a mobile home park or subdivision shall be paved with an all weather surface approved by the Township Board of Supervisors.

(e) Each mobile home in a mobile home park or subdivision must have at least two (2) paved parking spaces sufficient in size for at least two (2) automobiles provided on the individual mobile home lots.

(f) Each parking space in a mobile home park or subdivision shall abut in a park driveway, with access to such driveway. Access to all parking spaces shall be from the driveways and not from public streets or highways.

(g) All mobile home parks shall be provided with a buffer yard at least thirty (30) feet in width around the park perimeter. Such yards shall be well landscaped and maintained and planted with shrubbery approved by the Zoning Hearing Board and Township Supervisors.

(h) All mobile home parks shall be served by public water and sanitary sewer facilities.

(i) Recreation and open spaces shall be provided at the rate of one (1) acre of recreation area for every forty (40) mobile home spaces.

6. Group Care Facilities as provided under Section 6.06(P) of this Ordinance.

SECTION 8.03 LOT AREA, BUILDING HEIGHT AND YARD REQUIREMENTS. A lot width, lot area and yard setback requirements of not less than the dimensions shown in the following table shall be provided for every dwelling unit and/or principal nonresidential building hereafter erected or altered for any use permitted in this district.

**DISTRICT REQUIREMENTS**

<table>
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<tr>
<th>ANY UNIT</th>
<th>LOT REQUIREMENTS</th>
<th>YARD REQUIREMENTS</th>
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<tr>
<td></td>
<td>MIN. LOT AREA (SQ. FT)</td>
<td>MIN. LOT WIDTH</td>
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<td>SINGLE FAMILY DWELLING:</td>
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<tr>
<td>No Utilities</td>
<td>20,000</td>
<td>90'</td>
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<tr>
<td>Water or sewer</td>
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<td>75'</td>
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<tr>
<td>Water and sewer</td>
<td>8,000</td>
<td>75'</td>
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<td>SEMI-DETACHED:</td>
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<tr>
<td>Water and sewer</td>
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<td><em>ROW HOUSE:</em></td>
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<tr>
<td>8 units per gross acre (maximum)</td>
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<td>40%</td>
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APARTMENTS:

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<th>3,000 Sq. ft.</th>
<th>40%</th>
<th>30'</th>
<th>20'</th>
<th>40'</th>
<th>30'</th>
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</table>

* No group of row houses shall consist of more than six (6) units, with no more than three (3) continuous row houses with the same front setback, each variation of the setback being at least four (4) feet.

No building shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height unless authorized as a Special Exception.

SECTION 8.04 MINIMUM OFF-STREET PARKING REQUIREMENTS Off-street parking shall be provided for in accordance with Article 17 of this Ordinance.

SECTION 8.05 HABITABLE FLOOR AREA The minimum habitable floor area of any new dwelling unit hereafter erected, altered or designed shall be seven hundred (700) square feet. Mobile homes located in approved mobile home parks shall be exempt from this requirement.
ARTICLE 9

C-1 - RETAIL BUSINESS DISTRICTS

SECTIN 9.01 INTENT These districts are intended solely for the convenience shopping of persons residing in adjacent residential areas and are designed to permit only such uses as are necessary to satisfy those limited basic shopping and/or service needs.

SECTION 9.02 PERMITTED USES

A. Stores and shops for the conducting of any generally recognized retail business.

B. Personal service shops.

C. Medical and dental clinics.

D. Restaurants and other business establishments serving foods and beverages, but not including the “drive-in” type of establishment.

E. Business and professional offices and banks.

F. Indoor theaters, auditoriums, bowling alleys and similar activities.

G. Offices and workshops of a plumber, electrician or similar trade and banking, printing, laundry, cabinet making and similar establishments.

H. Other uses similar to the above and subject to the following regulations:

1. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.

2. All business, servicing or processing, except for off-street parking and loading, shall be conducted within completely enclosed buildings.

I. Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations with service yards, but without storage facilities.

J. Public libraries and municipal buildings and uses.

K. Customary accessory uses and buildings incidental to any of the above permitted uses, including the following:

1. Advertising signs customarily incidental to any of the permitted uses pertaining only to the products or services offered for sale on the premises and subject to the provisions of Article 18 of this Ordinance.
L. Residential uses as specified in the R-2 Residential Urban District subject to the yard and area regulations contained therein.

M. Communications Antennas mounted on an existing Public utility Transmission Tower, building, or other structure, and Communications Equipment Buildings, subject to the standards set forth in Article 16, Section 16.22.

N. The following Special Exception uses, upon approval by the Zoning Hearing Board as provided for in Article 21 of this Ordinance:

1. Automobile service facilities, provided that the following standards and conditions are complied with:

   a. A set of plans, specifications and plot plans are submitted to the Zoning Hearing Board showing all structures, pumps, storage tanks, parking areas and driveways for ingress and egress.

   b. All pumps shall be located outside of buildings, on private property and in no case within twenty (20) feet of any street right-of-way line, subject to such conditions and safeguards as the Zoning Hearing Board may impose with respect to, among other matters, the location and adequacy of entrances and exists.

   c. All automobile parts, dismantled vehicles and similar articles shall be stored within a building; all fuel, oil, or other similar substances shall be stored at least thirty-five (35) feet from any street right-of-way or lot line, and all volatile fuel containers in excess of one hundred (100) gallons shall be located underground.

   d. In no event shall a permit be granted for such a use located within five hundred (500) feet of a school, hospital, infirmary, church, museum, club, or place of public assembly having a capacity of over one hundred (100) persons; a vehicle service facility shall not be deemed nonconforming through the subsequent erection of the above use.

2. Motels and hotels.

3. Restaurants and other business establishments serving foods and beverages of the "drive-in" type.

4. Group Care Facilities as provided under Section 6.06(P) of this Ordinance.

SECTION 9.03 LOT AREA, BUILDING HEIGHT AND YARD REQUIREMENTS. A lot area, lot width and yard setback requirements of not less than the dimensions shown in the following shall be provided for every principal building hereafter erected or altered for any use permitted in this district.

A. Lot area – same as high density residential districts.

## Amended 12/19/01
B. Building height – no less than one (1) story nor greater than thirty-five (35) feet.

C. Front yard – thirty (30) feet.

D. Side yard, not less than ten (10) feet in width on each side of the principal building. However, in a case where two (2) or more commercial buildings could compatibly abut each other, no side yard is required between them, provided that a written agreement is made between the affected property owners.

E. Rear yard depth – twenty-five (25) feet.

F. Coverage – sixty (60) percent maximum.

SECTION 9.04 MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS

A. Off-street parking shall be provided for in accordance with Article 17 of this Ordinance.

B. Each business us shall provide one (1) off-street loading and unloading space at the side or rear of the building for each four thousand (4,000) square feet of floor area or fraction thereof in each building. Such space or spaces shall not be less than six-hundred sixty (660) square feet in area, with a dimension of twelve by fifty-five (12 x 55) feet per space, which shall be located exclusive of any public right-of-way, and a minimum height clearance of fifteen (15) feet.

SECTION 9.05 LIMITATIONS OF SIGNS Only those signs referring or relating to the uses conducted on the premises or to the materials or products made, sold or displayed on the premises shall be permitted and further provided that all signs and advertising structures shall be maintained in accordance with Article 18 of this Ordinance.
ARTICLE 10

C-2 - RESIDENTIAL CONVENIENCE COMMERCIAL DISTRICT

SECTION 10.01 INTENT. Within any residential concentration there exists a need for certain commercial convenience facilities, such as minor automobile service and filling stations, food, drugs and pharmaceutical products, to fulfill the immediate needs of persons living therein. These needs are thus provided for by the establishment of various C-2 Districts throughout the township to serve surrounding residential districts.

SECTION 10.02 PERMITTED USES

A. Shops for the retailing of food, drugs, and pharmaceutical products.

B. Automobile service and filling stations subject to the following conditions:
   1. Repair work shall be restricted to that of a minor nature only (i.e. general maintenance and repairs for Pennsylvania State inspection, not including body work or major engine overhauling), and it shall be performed within an enclosed building.
   2. All gasoline pumps shall be located outside of the building on private property and in no case within thirty-five (35) feet of any property line.
   3. All automobile parts, dismantled and derelict vehicles and similar articles shall be stored within an enclosed building.
   4. All fuel, oil, or similar substances shall be stored at least thirty-five (35) feet from any road right-of-way line or lot line.
   5. The building itself shall be constructed so as to blend harmoniously residential districts.

C. Communications Antennas mounted on an existing Public Utility Transmission Tower, building or other structure, and Communications Equipment Buildings, subject to the standards set forth in Article 16, Section 16.22.

D. The following Special Exception use, upon approval by the Zoning Hearing Board as provided for in Article 21 of this Ordinance.
   1. Group Care Facilities as provided under Section 6.06(P) of this Ordinance.

SECTION 10.03 LOT AREA, BUILDING HEIGHT, AND YARD REQUIREMENTS

A. A lot width, lot area and lot depth of not less than the dimensions shown in the following table shall be provided for every principal building hereafter erected or altered for any use permitted in this district.

## Amended 12/19/01
DISTRICT REQUIREMENTS

<table>
<thead>
<tr>
<th>LOT REQUIREMENTS</th>
<th>YARD REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>MIN. LOT AREA (SQ. FT.)</td>
<td>MIN. LOT WIDTH</td>
</tr>
<tr>
<td>30,000</td>
<td>150’</td>
</tr>
</tbody>
</table>

B. Parking areas may be included in 50% of the required yards of the C-2 Commercial District except where they adjoin a residential district. All yards or portions of yards not used for parking shall be appropriately landscaped and maintained.

C. Where side or rear yards adjoin a residential district, they shall be no less than fifty (50) feet, shall not be used for parking and shall be appropriately landscaped and maintained.

D. No building shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height unless authorized as a Special Exception by the Zoning Hearing Board.

SECTION 10.04 MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS

A. Off-street parking shall be provided in accordance with Article 17, Section 10.03, and any other applicable sections of this Ordinance.

B. Each business use established or expanded after the date of adoption of this Ordinance shall provide one (1) off-street loading and unloading space at the side or rear of the building for each 40,000 square feet of floor area in each building. Such space or spaces shall not be less than six hundred sixty (660) square feet in area with a dimension of twelve feet by fifty-five feet (12 x 55) per space with a clearance of not less than fifteen (15) feet in height. Required spaces shall be located exclusive of any public right-of-way.

SECTION 10.05 LIMITATIONS OF SIGNS Only those signs relating to the principal uses conducted on the premises or the principal materials or products made, sold, or displayed on the premises shall be permitted, and provided further that all signs and advertising structures shall be maintained in accordance with Article 18 of this Ordinance.
ARTICLE 11

I-1 - HEAVY INDUSTRIAL DISTRICTS

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

SECTION 11.02 PERMITTED USES

A. Any use not otherwise prohibited by law of a manufacturing, fabricating, processing, packaging, compounding, or treatment nature which, in the opinion of the Zoning Officer, would be non-objectionable in terms of smoke or dust emission, odors, noise, or glare, and will not otherwise be injurious to the public health, safety, and welfare and will not have an adverse effect on adjacent areas. Should the Zoning Officer feel there is any likelihood of the aforementioned dangers or nuisances, the applicant must prove the contrary to the Zoning Hearing Board before a permit is issued. In such a case, the Township Planning Commission shall be notified of the hearing in order to provide the Zoning Hearing Board with a recommendation.

B. Warehousing and wholesale establishments and storage yards not including junk yards.

C. Railroad, trucking, busing, and other transit facilities including storage, repair, and transfer operations.

D. Private air fields, strips, or landing facilities and buildings accessory thereto provided that the following conditions are met:

1. Minimum lot area of ten (10) acres.

2. Applicant shall submit a plot plan of the lot indicating the runway and approach area and existing residences located within a five hundred (500) foot radius of the runway.

3. Runway shall be no closer than one hundred (100) feet to any residential district, and no closer than fifty (50) feet to any adjoining property line or road right-of-way line.

4. A description of equipment and facilities to be utilized, and a description of overall development plans for the lot shall be made available to the Zoning Hearing Board.

5. The airport approach area shall be defined as a three hundred (300) foot wide area lying within and below an inclined plane extending outward horizontally one thousand (1,000) feet at a ratio of one (1) foot of height for each twenty (20) feet from each end of the runway. No building, structure or airport hazard shall exceed one (1) foot in height, for each twenty (20) feet of length of an established airport runway, with no structure or airport hazard to exceed thirty-five (35) feet in height anywhere within the lot.

6. Any pulsating or flashing lighting is prohibited.
7. Flood lights, spot lights and other lighting devices shall be arranged or shielded so as to illuminate parallel to the ground and not in an upward direction.

8. Any radio or electronic device shall be permitted only with approval and license by the Federal Communications Commission.

9. All facilities of this nature shall conform and operate under the standards set by the FAA and the Pennsylvania Aeronautical Commission.

E. Customary accessory use and buildings incidental to any of the above permitted uses.

F. Communications Antennas mounted on an existing Public Utility Transmission Tower, building, or other structure, and Communications Equipment Buildings, subject to the standards set forth in Article 16, Section 16.22.

G. The following uses are permitted, as Special Exceptions, upon approval by the Zoning Hearing board as provided for in Article 21 of this Ordinance.

1. Junk yards used for storage, wrecking, and converting used or discarded materials, provided that such use is no less than one hundred fifty (150) feet from any roadway and no less than five hundred (500) feet from any use district other than industrial. In addition, such use must be completely enclosed by an evergreen screen planting to be planted and maintained at a height of not less than eight (8) feet and backed by a solid fence not less than six (6) feet in height.

2. Sandpits, gravel pits, removal of topsoil and landfill and the excavation, extraction or removal of any natural resource from the land or ground for any purpose, are permitted subject to the following conditions.

   a) Removal of forests or timber is prohibited without prior approval of the Zoning Hearing board.

   b) The proposed operation shall not adversely affect soil fertility, drainage, and lateral support of abutting land or other properties, nor shall it contribute to soil erosion by water or wind.

   c) Where any open excavation will have a depth of ten (10) feet or more and a slope of more than thirty (30) percent, there shall be a substantial fence, approved by the Zoning Hearing Board, with suitable gates where necessary, effectively blocking access to the area in which extraction is located. Such fence shall be located no less than fifty (50) feet from the edge of the excavation. All operations shall be screened from nearby residential uses as required by the Zoning Hearing board.

   d) That portion of access roads located within one hundred (100) feet of any lot in residential use or lot zoned residentially shall be provided with a dustless surface. Access roads shall connect to collector or major road networks avoiding undue movement through residential areas.

## Amended 12/19/01
At all stages of operations, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.

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

SECTION 11.03 LOT AREA, BUILDING HEIGHT, AND YARD REQUIREMENTS

A lot width, lot area, and yard depths of not less than the dimensions shown in the following list shall be provided for every principal building hereafter erected or altered for any use permitted in this district.

A. Area Regulations The width of a lot in any industrial district shall not be less than one hundred and fifty (150) feet and not more than fifty (50) percent of the lot area shall be covered with buildings.

B. Yard Regulations For every main building or use in an industrial district, the minimum yard regulations are as follows:

1. Front yard measured from the road right-of-way line to the building line shall be as follows:
   (a) Not less than one hundred (100) feet measured from road right-of-way line.
   (b) Not less than one hundred and fifty (150) feet if opposite a residential district.
   (c) Off-street parking and loading shall not be permitted in the required front yard.

2. Side yards shall be provided in the industrial districts as follows:
   (a) Not less than fifty (50) feet measured from side property lines.
   (b) Where a side yard adjoins a road, the side yard shall be no less than one hundred (100) feet measured from road right-of-way line.

3. Rear yards of fifty (50) feet shall be provided measured from property line.

4. No building or structure permitted in the industrial district shall be located less than one hundred (100) feet from any residentially zoned district.
5. Parking may be provided in any required side or rear yard that does not adjoin a public roadway or a residential district. In cases where the yard adjoins a public roadway, the required yard cannot be utilized for parking.

6. All front yards shall be appropriately landscaped and well maintained. Side and rear yards shall be well maintained and may be developed for recreational purposes, to within fifty (50) feet of the property line.

7. For every accessory building or use in an industrial district, the minimum yard requirements shall be as follows:

   (a) Front Yard  Not less than the required front yard for any main or principal building or use.

   (b) Side Yard  Not less than twenty (20) feet from side property lines unless opposite a residential district, then a fifty (50) foot side yard shall be required.

   (c) Rear Yard  No less than twenty (20) feet from property line unless opposite a residential district then a fifty (50) foot rear yard shall be required.

C. Height Regulations  The height of any main or accessory building shall not exceed seventy-five (75) feet, except that chimneys, flagpoles, towers, water tanks, and other mechanical appurtenances may be built to a height not exceeding one hundred twenty-five (125) feet above the finished grade when erected upon or as in integral part of the building.

SECTION 11.04  MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS

A. Off-street parking shall be provided for in accordance with Article 17 of this Ordinance.

B. On the same premises with every building or structure or part thereof involving the receipt or distribution of materials or products, there shall be provided adequate space for standing, loading, or unloading. All such spaces shall conform to a dimension of not less than twelve feet by fifty-five (12x55) feet or six hundred sixty (660) square feet in height. Spaces required shall be determined by the table below and located exclusive of any public right-of-way or required parking area.

<table>
<thead>
<tr>
<th>GROSS FLOOR AREA (SQ. FT.)</th>
<th>SPACE REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 2,000</td>
<td>None</td>
</tr>
<tr>
<td>2,001 to 10,000</td>
<td>One (1) space</td>
</tr>
<tr>
<td>10,001 to 50,000</td>
<td>One (1) space plus one (1) additional space for each 20,000 square feet or fraction thereof in excess of 10,000 square feet.</td>
</tr>
<tr>
<td>50,001 and over</td>
<td>Three (3) spaces plus one (1) additional space for each 40,000 square feet or fraction thereof in excess of 50,000 feet.</td>
</tr>
</tbody>
</table>
ARTICLE 12

I-2 – LIGHT INDUSTRIAL DISTRICT

SECTION 12.01 INTENT These districts are designed to accommodate and promote light industrial activities and commercial wholesale uses whose adverse physical effects on adjacent residential development are minimal and whose location would provide a buffer zone between heavier industrial uses surrounding residential activity. Additionally, such operations would have access to necessary municipal utilities and transport facilities.

SECTION 12.02 PERMITTED USES

A. Any use otherwise prohibited by law of a light manufacturing and commercial wholesale nature (including storage, distribution, assembling, fabrication, converting, altering, finishing, or other handling of products) which, in the opinion of the Zoning Officer, would be non-objectionable or not otherwise injurious to the public health, safety and welfare, will not have an adverse effect on adjacent areas, and will not result in more than normal:

1. Dissemination of dust, observable gas or fumes, odor, noise, glare, or vibration in which such use is conducted; or

2. Hazard of fire or explosion or other physical hazard to any adjacent building; or

3. Harmful discharge of waste materials.

Should the Zoning Officer feel there is any likelihood if the aforementioned dangers or nuisances, the applicant must prove the contrary to the Zoning Hearing Board before a permit is issued.

B. Railroad express, freight, or passenger stations and bus stations.

C. Private air fields, strips, or landing facilities and buildings accessory thereto as provided under Section 11.02 D of this Ordinance.

D. Customary accessory uses and buildings incidental to any of the above permitted uses, including:

1. Signs when erected and maintained in accordance with provisions of Article 18 of this Ordinance.

E. Communications Antennas mounted on an existing Public Utility Transmission Tower, building, or other structure, and Communications Equipment Buildings, subject to the standards set forth in Article 16, Section 16.22.

SECTION 12.03 PROHIBITED USES A building may be erected, altered, or used for any trade, industry or business that is not obnoxious or offensive by reason of odor, dust, or hazard to public health, safety and welfare. The uses specifically prohibited as a trade or business are as follows:

## Amended 12/19/01
A. Junk or automobile wrecking yards.

B. Subsurface and strip mining.

C. Quarrying, the operation of stone crushers, kilns, and other processing operations incidental to quarrying.

D. The incineration, reduction, storage or dumping of garbage, offal, animals, fish, or refuse except when operated by or under supervision of the Board of Township Supervisors.

E. Tanning or storage of raw hides or skins and fat rendering.

F. Abattoir, slaughterhouse or stockyards.

G. The manufacture or storage of gunpowder, fireworks, or other explosives.

H. Storage lots where new or used motor vehicles are offered for sale or hire unless such lots are an accessory use to and incidental to a public garage.

SECTION 12.04 LOT AREA, BUILDING HEIGHT, AND YARD REQUIREMENTS A lot width, lot area, and yard depths of not less than the dimensions shown in the following list shall be provided for every principal building hereafter erected or altered for any use permitted in this district.

A. **Area regulations** The width of a lot in any industrial district shall not be less than one hundred fifty (150) feet and not more than fifty (50) percent of the lot area shall be covered with buildings.

B. **Yard regulations** For every main or accessory building or use in an industrial district, the minimum yard regulations are as follows:

1. Front yard measured from the right-of-way line to the building line shall be as follows:
   
   (a) Not less than one hundred (100) feet measured from road right-of-way line.
   
   (b) Not less than one hundred fifty (150) feet if opposite a residential district.
   
   (c) Off-street parking and loading shall not be permitted in the front yard.

2. Side yards shall be provided in the industrial districts as follows:
   
   (a) Not less than fifty (50) feet measured from side property lines.
   
   (b) Where a side yard adjoins a road, the side yard shall be no less than one hundred (100) feet measured from road right-of-way.

3. Rear yards of fifty (50) feet shall be provided measured from property line.
4. No building or structure permitted in the industrial district shall be located less than one hundred (100) feet from any residentially zoned property.

5. Parking may be provided in any required side or rear yard does not adjoin a public roadway or residential district. In cases where the yard adjoins a public roadway, the required yard cannot be utilized for parking.

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

SECTION 12.05 MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS

A. Off-street parking shall be provided for in accordance with Section 17 of this Ordinance.

B. On the same premises with every building or structure or part thereof involving the receipt or distribution of materials or products, there shall be provided adequate space for standing, loading, or unloading. All such spaces shall conform to a dimension of not less than twelve feet by fifty-five (12 x 55) or six hundred sixty (660) square feet in area, with a clearance of not less than fifteen (15) feet in height. Spaces required shall be determined by the table below and located exclusive of any public right-of-way or required parking area.

<table>
<thead>
<tr>
<th>GROSS FLOOR AREA (SQ. FT.)</th>
<th>SPACE REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 2,000</td>
<td>None</td>
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<tr>
<td>2,001 to 10,000</td>
<td>One (1) space</td>
</tr>
<tr>
<td>10,001 to 50,000</td>
<td>One (1) space plus (1) additional space for each 20,000 sq. ft. or fraction thereof in excess of 10,000 sq. ft.</td>
</tr>
<tr>
<td>50,001 and over</td>
<td>Three (3) spaces plus one (1) additional space for each 40,000 sq. ft. or fraction thereof in excess of 50,000 sq. ft.</td>
</tr>
</tbody>
</table>
ARTICLE 13

E-1 – ECOLOGICALLY SENSITIVE DISTRICTS

SECTION 13.01 INTENT The purpose of the Ecologically Sensitive District is to restrict development only to those uses which will not cause any detrimental effect upon the general welfare of township residents through the pollution of any naturally occurring source of water for the communities of Richland, Newmanstown, Sheridan, Robesonia, Wernersville, and Womelsdorf. The establishment of this district is consistent with the aims of the Zoning Ordinance including the promotion and protection of water to residents of the Township. Uses permitted by the district by the district are designed to be compatible with the status of land chosen for the district to allow for the long term use of the area as a watershed for the public water supply.

SECTION 13.02 DELINEATION OF DISTRICT The determination of this district is based on the use of the U.S. Geological Survey Topographic Map, the Geologic Map of the Womelsdorf Quadrangle, Pennsylvania, and information provided by the Department of Environmental Resources, Bureau of Topographic and Geologic Survey. The land area chosen for this district reflects the minimum area necessary to protect the public water supply for several area communities. District delineation results from compilation of information indicating the existence of a formation of quartzitic sandstone and basal conglomerate (Hardyston Formation) which forms the high ridges on the north and west borders of South Mountain. Furthermore, the South Mountain itself is underlain primarily by a series of Precambrian gneisses, granite gneiss being the most abundant. As a result of this geologic formation, ground water storage is limited since ground water occurs shall in only fractures in the rock; these fractures are few in number and extremely small in cross section. Additionally, the very slow weathering of the granites and quartzites has left only a very thin soil cover and steep slopes. Therefore, extensive development would place critical limitations on ground water availability and on-lot sewage disposal in this district, and without proper controls, could create potential problems for those communities dependent upon water yields from the South Mountain.

SECTION 13.03 PERMITTED USES

*A. All forms of agriculture, tree farming, pasturing, truck gardening, horticulture, nurseries, vineyards, aviaries, apiaries, non-commercial greenhouses, hatcheries, and similar enterprises. General agricultural uses and farms, dairy farming, breeding of horses, etc., including customary accessory uses which are clearly incidental to these uses such as the non-intensive raising, keeping and breeding of poultry and livestock.

B. Single family dwellings.

C. Public and private recreational use involving minimal on-lot sewage disposal (such as parks, picnic groves, golf courses, shooting preserves, fish hatcheries, nature preserves of shooting ranges.

D. Public conservation areas for the conservation of open space, water soil, forest, and wildlife resources.

• Amended March 8, 1989-B
E. Any structure or customary accessory uses necessary for the operation and storage of the above mentioned uses.

## F. Communications Antennas mounted on an existing Public Utility Transmission Tower, building, or other structure, including existing Communications Towers, and Communications Equipment Buildings, subject to the standards set forth in Article 16, Section 16.22.

G. Uses and structures allowed by Special Exceptions:

1. Communications Towers subject to the standards set forth in Article 21, Section 21.02 F.

2. Commercial recreation areas involving campgrounds, travel trailers campgrounds, and similar uses as regulated by Section 6.06L of this Ordinance.

**SECTION 13.04 LOT AREA, BUILDING HEIGHT, AND YARD REQUIREMENTS** A lot width, lot area, and yard depths of not less than the dimensions shown in the following table shall be provided for every dwelling unit and/or principal non-residential building hereafter erected or altered for any use permitted in this district.

### DISTRICT REQUIREMENTS

<table>
<thead>
<tr>
<th>LOT REQUIREMENTS</th>
<th>YARD REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>MIN. LOT. AREA</td>
<td>MIN. LOT. WIDTH</td>
</tr>
<tr>
<td>2 acres</td>
<td>200’</td>
</tr>
</tbody>
</table>

Applicable to this district, the percent of maximum lot coverage shall include any impermeable surface covering the lot.

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

**SECTION 13.05 MINIMUM OFF-STREET PARKING REQUIREMENTS** Off-street parking shall be provided in accordance with Article 17 of this Ordinance.

**SECTION 13.06 ECOLOGICAL SAFEGUARDS** Applications for development shall be accompanied by a soil and erosion control plan approved and/or prepared by the Soil Conservation Service. Additionally, all properties shall be limited to the removal of no more than ten (10) percent of the vegetative cover.

** Amended 7/8/81
## Amended 12/19/01
In areas of the Ecologically Sensitive District where natural slope exceeds fifteen (15) percent as determined by the Soil Conservation Service, no structure or use shall be erected or established which disturbs the existing grade, natural soil condition and water run off. The Zoning Officer shall receive, prior to issuance of a Building and Zoning Permit, a written statement from a Registered Architect, Landscape Architect or Engineer certifying that building methods utilized for construction of said tract will overcome foundation problems, maintain and preserve the natural integrity of the watershed, prevent soil erosion, or prevent any adverse effect on the natural resources of the township.

SECTION 13.07 ADDITIONAL SAFEGUARDS

A. No materials of a toxic or poisonous nature to humans, animals or vegetation shall be stored or used in this district, and no activity shall be permitted which may endanger or contaminate the surrounding natural resources, or adversely effect the general health, safety and welfare.
ARTICLE 14

GFP – GENERAL FLOOD PLAIN DISTRICT
(Also known as Open Space and Conservation District)

SECTION 14.01 INTENT To prohibit or restrict construction of any permanent building or structure, or uses and activities in the General Flood Plain District, in order to prevent unnecessary loss of life or property from possible natural catastrophe, as well as to protect stream valleys from ecologically detrimental development that may contribute to a water pollution problem, create erosion in and around the water courses, and induce flooding conditions. In addition, these provisions are intended to prevent the creation of health and safety hazards, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and to minimize future flood damage.

SECTION 14.02 DEFINITIONS OF TERMS UTILIZED IN THE GFP DISTRICT

A. Alluvial Soils Maps – Soils maps prepared by the United States Department of Agriculture, Soil Conservation Service, which indicate the location of soil types. Alluvial soils on these maps are soils of flood plains that are sediment deposits washed from upland areas. The presence of an alluvial soil indicates that the land has been flooded at some previous point in time.

B. Construction – The term “construction” shall include the building, reconstruction, extension, expansion, alteration, substantial improvement, erection or relocation of a building or structure, including mobile homes. For flood plain purposes, “construction” includes structures for which the “start of construction” commenced on or after the effective date of a flood plain management regulation adopted by the municipality.

C. Development – Any man-made change to improved or unimproved real estate including but not limited to buildings, mobile homes, or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

D. Flood Plain – (1) Relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation of water; (2) an area subject to the unusual and rapid accumulation of runoff of surface water from any source. For the purposes of this Ordinance, the flood plain shall be considered to be the One Hundred (100) Year Flood Plain which is a flood plain subject to the above conditions on an average of once every one hundred (100) years.

E. General Flood Plain District – The General Flood Plain District shall be that flood plain area for which no specific flood profiles have been provided. Where the specific one hundred (100) year flood elevation cannot be determined for this area using other sources of data such as the U.S. Army Corps of Engineers, Flood Plain Information Reports, U.S. Geological Survey Flood Prone Quadrangles, etc., the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Consideration shall be given to the methods specified by the U.S. Water Resource Council’s Technical Bulletin No. 17. This elevation information shall be subject to review by the municipality and other agencies that it shall be subject to review by
the municipality and other agencies that it shall designate such as the Corps of Engineers, the Department of Environmental Resources, a River Basin Commission, etc.

F. One Hundred (100) Year Flood (Regulatory Flood) – A flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one (1) percent chance of occurring each year, although the flood may occur in any year).

G. Regulatory Flood – The flood which has been selected to serve as the basis upon which the flood management provisions of this and other ordinances which have been prepared; for the purposes of this Ordinance, the one hundred (100) year flood.

H. Regulatory Flood Elevation - The one hundred (100) year flood elevation.

I. Start of Construction – The first placement of permanent construction of a structure (other than a mobile home) on a site, such as pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparations, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or without a basement or poured footings, the “start of construction” includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes within mobile home subdivision, “start of construction”, means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, “start of construction” is the date on which construction of facilities for servicing the site on which the mobile home is to be affixed (including at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

J. Substantial Improvement – Any reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damages, and is being restored, before the damage occurred. For the purposes of this Ordinance, “substantial improvement” is considered to have occurred when the first alteration of any wall, ceiling, floor, or other structural part of the building commences whether or not that alteration affects the external dimensions of the structure.

This term does not, however, include either (1) any project for improvement of a structure to comply with the existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

K. Toxic Materials – The following materials and substances which are listed in Section 38.7 of the Department of Community Affairs Flood plain Management Act (Act 1978 –166) have been determined to be dangerous to human life:
1. Acetone  
2. Ammonia  
3. Benzene  
4. Calcium carbide  
5. Carbon disulfide  
6. Celluloid  
7. Chlorine  
8. Hydrochloric acid  
9. Hydrocyanic acid  
10. Magnesium  
11. Nitric acid and oxides of nitrogen  
12. Petroleum product (gasoline, Fuel, oil, etc.)  
13. Phosphorous  
14. Potassium  
15. Pesticides (including insecticides, fungicides, and rodenticides)  
16. Sodium  
17. Sulphur and sulphur products  
18. Radioactive substances, insofar as such substances are not otherwise regulated.

SECTION 14.03 DELINEATION OF DISTRICTS The general Flood Plain District shall include all areas of this municipality subject to inundation by flood waters of the Regulatory Flood. The basis for the delineation of the General Flood Plain District shall be the Official Flood Hazard Boundary map issued by the Federal Insurance Administrator and dated February 4, 1977.

The actual elevation and extent of the district is to be determined by the Regulatory Flood Elevation. In order to determine the Regulatory Flood Elevation, the following variety of sources of data shall be used:

A. Alluvial Soils Maps prepared by the U.S. Soil Conservation Service.
B. Local data from the 1972 flood.
C. Official Flood Hazard Boundary Map as issued by the Federal Insurance Administrator.
D. Army Corps of Engineers – Flood Plain Information Reports.
E. U.S. Geological Survey – Flood Plain Quadrangles, and
F. Other available sources of Flood Plain Information.

In lieu of the above, the municipality shall require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analysis shall be undertaken only by professional engineers or others of demonstrated qualifications who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analysis, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality or a qualified agent thereof.

The delineation of the General Flood Plain Districts may be revised by the municipal governing body where natural or man-made changes have occurred and/or more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers, River Basin Commission, or other qualified agencies or individuals. However, prior to when the district bounds are to be changed, approval shall be obtained from the Federal Insurance Administrator.
Initial interpretations of the boundaries of the General Flood Plain District shall be made by
the Zoning Administrator. Where interpretation is needed concerning the exact location of any
boundary of the GFP District, the Zoning Hearing board shall make the necessary determination
after hearing all evidence presented by the person or persons contesting the location of district
boundaries. The burden of proof shall be the responsibility of the appellant, and he shall provide any
and all technical information to support his case.

SECTION 14.04 DISTRICT PROVISIONS All uses, activities, construction, including mobile
homes, and other development occurring within the General Flood Plain District shall be undertaken
only in strict compliance with the provisions of this Ordinance and all other applicable codes,
including but not limited to the Lebanon County Floodproofing Building Code, and the Lebanon
County Subdivision and Land Development Ordinances.

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

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

All permitted use shall be regulated by the provisions of the nearest zoning district as shown
on the Official Zoning Map. Where there happen to be no conflicts between the provisions or
requirements of the General Flood Plain District and the nearest zoning district, the more restrictive
provisions shall apply. In the event that any portion of the General Flood Plain District shall be
declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the
nearest zoning district shall be deemed to be the district in which the General Flood Plain District
properties are located.

A. PERMITTED USES – In the General Flood Plain District, the following uses and activities
are permitted provided that they are in compliance with the provisions of the nearest zoning
district, will not result in any increase in the level of the Regulatory Flood anywhere, are not
prohibited by any other ordinance, and provided that they do not require structures, mobile
homes, fill, vehicles, or parts thereof; storage of materials and equipment, substantial
improvements or other development.

1. Agricultural uses such as general farming, horticulture, truck gardening, nurseries,
pasturing, grazing, forestry, sod farming and wild crop harvesting.

2. Public and private recreational uses and activities such as parks; picnic grounds; areas
for short-term camping; golf courses; boat launching and swimming areas; hiking,
bicycling and horseback riding trails, wildlife and nature preserves; game farms; fish
hatcheries; shooting preserves and shooting ranges; and hunting and fishing areas.
Open structures such as picnic pavilions consisting of a slab, open structures such as
posts and pillars, and a roof, shall be permitted only if constructed in compliance with
the Lebanon County Floodproofing Building Code.
3. All customary accessory uses to permitted uses in the nearest adjoining district such as yard areas, gardens, play areas, parking and loading areas, and airport landing strips.

B. The following uses and activities are permitted as SPECIAL EXCEPTIONS upon approval by the Zoning Hearing Board, provided that they are in strict compliance with the provisions of the nearest zoning district, with the provisions of the Lebanon County Floodproofing Building Code, and will not elevate the level of the Regulatory Flood at all, are not prohibited by any other ordinance, and the applicant therefore has completed as approval soil erosion and sedimentation plan has obtained a Grading and Excavation permit where necessary.

1. Structures one or more walls accessory to the aforementioned permitted uses and activities, but not including mobile homes, vehicles, or parts thereof.

2. Utilities, public facilities and improvements such as railroads, streets, bridges, transmission lines, pipelines, water and sewage treatment plants, and other similar or related uses.

3. Water-related uses and activities such as marinas, docks, wharves, piers, etc.

4. Extraction of sand gravel, and other materials.

5. Storage of materials and equipment so that they are not buoyant; toxic to humans, animals, or vegetation; flammable or explosive; and are not subject to major damage by flooding; or provided that such material and equipment are firmly anchored to prevent floatation or movement; and/or can be removed readily from the area within the time available after flood warning.

6. Other similar uses and activities provided they cause no increase in flood height and/or velocities. All uses, activities, and structural developments, shall be undertaken in strict compliance with the floodproofing provisions contained in the Lebanon County Floodproofing Building Code, and all applicable codes and ordinances.

C. **PROHIBITED USES** – In the General Flood Plain District the following uses and activities are strictly prohibited.

1. Hospitals, sanitariums, sanatoriums, clinics, etc. whether public or private.

2. Public or private nursing homes.

3. Jails or prisons.

4. Public or private schools or higher education.

5. New mobile home parks and mobile home subdivisions and substantial improvements to existing mobile home parks.
6. A new or substantially improved structure which will be used for the production or storage of any materials which are toxic, flammable or explosive or which will be used for any activity requiring the maintenance of a supply of more than 550 gallons of such materials or any amount of radioactive substance.

7. Any other use, activity, or development not specifically permitted under the terms of this Article.

SECTION 14.05 ADDITIONAL SAFEGUARDS

A. No part of any private sewage disposal system shall be constructed within the General Flood Plain District.

B. The municipality will endeavor to coordinate its flood plain management program with neighboring municipalities, particularly when the property (ies) in question is located near a municipality boundary.

C. Prior to any stream or watercourse alteration, a permit shall be obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management. Also, adjacent communities, the Department of Community Affairs, and the Flood Insurance Administrator must be notified. Additionally, the municipality must be assured that the flood carrying capacity of an altered or relocated watercourse is maintained.

D. Use of fill is prohibited unless the property owner or applicant provides a document, acceptable by the Zoning Administrator, certified by a registered professional engineer, stating that the cumulative effect of the proposed fill, in conjunction with other anticipated development, will not result in an increase in the water surface elevation of the Regulatory Flood at any point. Use of fill is permitted only when in compliance with the Lebanon County Floodproofing Building Code and any other applicable ordinances.

E. A Grading and Excavation Permit must be obtained from the township whenever topography or vegetation are to be disturbed.

SECTION 14.06 FACTORS TO BE CONSIDERED BY THE ZONING HEARING BOARD WHEN REVIEWING SPECIAL EXCEPTIONS AND VARIANCES In reviewing applications for Special Exceptions and Variances, the Zoning Hearing Board shall consider and shall apply all relevant factors specified in this Ordinance, in the Pennsylvania Municipalities Planning Code, (Act 247 as amended), and other ordinances and shall apply all of the following factors:

A. The danger to life and property due to increased flood heights or velocities caused by encroachments.

B. The danger that materials may be swept onto other lands or downstreams to the injury of others.

C. The proposed water supply and sanitation system and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
D. The susceptibility of the proposed structure or use and its contents to flood damage and the effect of such damage on the individual owners.

E. The importance of the services provided by the proposed facility to the community.

F. The requirements of the facility for a waterfront location.

G. The availability of alternative locations not subject to flooding for the proposed use.

H. The compatibility of the proposed use or structure with existing development and development anticipated in the foreseeable future.

I. The relationship of the proposed use or structure to the Comprehensive Plan and flood plain management program of the area.

J. The safety of access to the property in time of flood by ordinary and emergency vehicles.

K. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.

L. No variance shall be granted to allow either in whole or in part any prohibited use listed in Section 14.04C of this Ordinance.

M. Where appropriate, Variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places and the State Inventory of Historic Places.

N. The granting of a variance provides relief only from the terms of flood plain regulations not from the insurance premium.

O. Variances shall be granted only when and where the applicant demonstrates compliance with the provisions of the Pennsylvania Municipalities Planning Code (Act 247 as amended).

P. Other factors which are relevant to the purpose of this Ordinance.

Q. Variances shall be granted only when they are shown to be the minimum relief necessary, considering the flood hazard.

R. When variances are granted, written notification, signed by the appropriate local official, shall be given to the applicant indicating that:

1. The granting of a Variance may result in increased premium rates for flood insurance.

2. Construction occurring below the one hundred (100) year flood level will increase risks to life and property.

S. Other factors which are relevant to the purpose of this Ordinance.
SECTION 14.07 NONCONFORMITIES  A structure or use of a structure or land which lawfully
existed before the enactment of these provisions, but which is not in conformity with these
provisions, but which is not in conformity with these provisions may be continued subject to the
following conditions:

A. Existing nonconforming structures or uses located in the General Flood Plain District shall
not be expanded, but may be moved, modified, altered, or repaired to incorporate
floodproofing measures as per the Lebanon County Floodproofing Building Code, provided
that such measures and elevation techniques do not raise the level of the Regulatory Flood.

B. In any nonconforming structure or use located in the General Flood Plain District is
destroyed by any means including floods, to an extent of fifty (50) percent or more of the
structure or use, it shall not be reconstructed or continued except in conformity with the
provisions of this Ordinance, the Lebanon County Floodproofing Building Code, and any
other applicable ordinances.

SECTION 14.08 LOT AREA, YARD AND SIGN REQUIREMENTS  The lot area, yard, sign and
other district requirements of the land in question shall be the same as the district requirements of the
nearest zoning district.

SECTION 14.09 ADDITIONAL ADMINISTRATIVE REQUIREMENTS

A. To insure that all construction and development within identified flood plain area(s) will be
conducted employing adequate flood damage controls, the Zoning Administrator shall
require the following specific information to be included as part of an application for a
permit.

1. A plan which accurately locates the proposed construction and/or development with
respect to the flood plain area boundaries, stream channel, existing flood plain
development and all proposed subdivision and land development to assure than:

   (a) All such proposals are consistent with the need to minimize flood damage.

   (b) All public utilities and facilities, such as sewer, gas, electrical, and water
   systems are located, elevated and constructed to minimize or eliminate flood
damage.

   (c) Adequate drainage is provided to reduce exposure to flood hazard.

2. Such plan shall also include existing and proposed contours and elevation of the
grounds, regulatory flood elevations, structure elevations, size of structure, location
and elevations of streets, water supply, sanitary sewage facilities, soil types and
floodproofing measures.

3. A document certified by a registered professional engineer or architect that adequate
precautions against flood damage have been taken with respect to the design of any
building or structure, and that the plans for the development of the site adhere to the
restrictions cited in this Ordinance, the Lebanon County Floodproofing Building
Code, and other applicable ordinances.
B. Review of Applications by County Conservation District  A copy of all plans and applications for construction and development in the identified flood plain areas to be considered for approval shall be submitted by the applicant to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Zoning Administrator for possible incorporation into the proposed plan.

C. Review of Application by Others  A copy of all plans and applications for construction in the identified flood plain areas to be considered for approval may be submitted by the applicant at the discretion of the Zoning Administrator to any appropriate agencies and/or individuals (e.g.) prior to the issuance of a building permit.

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

SECTION 14.10 CONFLICTING ORDINANCES  Ordinances or parts of ordinance in conflict with this article, or inconsistent with this article, or inconsistent with the provision of this article are hereby repealed to the extent necessary to give the General Flood Plain District full force and effect.

SECTION 14.11 STATEMENT OF DISCLAIMER  The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study; however, larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. The Ordinance does not imply that areas outside the General Flood Plain District or that land use permitted within such district will be free from flood damages. This Ordinance shall not create liability on the part if this municipality or any officer or employee thereof for any flood damage that results from reliance on this Ordinance or any administrative decision made thereunder.

SECTION 14.12 BUILDING PERMITS REQUIRED  Building permits shall be required before any proposed construction, substantial improvement, or development us undertaken within any identified flood prone area of the municipality. Prior to issuance of any building permit, the applicant shall submit to the Zoning Administrator copies of all other required Local, State and Federal Permits.
ARTICLE 15

NONCONFORMING LOTS

NONCONFORMING USES OR LOTS

NONCONFORMING STRUCTURES

NONCONFORMING USES OF STRUCTURES AND PREMISES

AND

NONCONFORMING CHARACTERISTICS OF USE

SECTION 15.01 INTENT Within the district established by this Ordinance or amendment that may later be adopted there exists;

A. Lots,
B. Structures,
C. Uses of land and structures, and
D. Characteristics of use

which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricts under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed. It is further the intent of this Ordinance that nonconformities shall not be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavations or demolition or removal of an existing building has been carried on diligently.

SECTION 15.02 NONCONFORMING LOTS OF RECORD In any district a permitted building and customary accessory buildings may be erected on any single lot on record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. Such lot must be in separate ownership. This provision shall apply even though
such lot fails to meet the requirements for area or width, or both, that are generally applicable in this
district, provided that yard dimensions and requirements other than those applying to area or width,
or both, of the lot shall conform to the regulations for the district in which such lot is located.
Variance of yard requirements shall be obtained only through action of the Zoning Hearing Board.

If one or more lots are on record in the Office of the Recorder of Deeds of Lebanon County and have
been duly approved by the Township Supervisors, they may be developed according to the recorded
plan even though said lots may not conform with the requirements for area or width or both that are
generally applicable in the district. However, no portion of said lots or parcels shall be used or sold
in manner which further diminishes compliance with lot width and area requirements as established
by this Ordinance.

SECTION 15.03 NONCONFORMING USES OF LAND (OR LAND WITH MINOR
STRUCTURES ONLY) Where at the time of passage of this Ordinance lawful use of land exists
which would not be permitted by the regulations imposed by this Ordinance, and where such use
involves no individual structure with a replacement cost exceeding $1,000, the use may be continued
so long as it remains lawful, provided:

A. If any nonconforming use of land ceases or is abandoned for any reason for a period of more
   than ninety (90) days, any subsequent use of such land shall conform to the regulations
   specified by this Ordinance for the district in which such land is located.

B. No additional structure not conforming to the requirements of this Ordinance shall be erected
   in connection with such nonconforming use of land.

SECTION 15.04 NONCONFORMING STRUCTURES Where a lawful structure exists at the
effective date of adoption or amendment of this Ordinance that could not be built under the terms of
this Ordinance by reason of restriction on area, lot coverage, height, yards, its location on the lot, or
other requirements, concerning the structure; such structure may be continued so long as it remains
otherwise lawful subject to the following provisions:

A. Any alterations, improvements or enlargement of a nonconforming structure shall conform to
   any and all districts requirements (i.e. lot area, coverage, building height, and yard
   requirements) of the district in which it is located.

* A nonconforming single family dwelling, or portion thereof, may be extended along
   established, existing building lines provided:

1. The extension meets all other applicable yard, lot coverage and height regulations,
   and;

2. Extension or enlargement along the nonconforming setback shall be limited to a
   maximum a one hundred (100) percent increase of the area of the land covered by the
   portion of the structure that is in a nonconforming status. Extension or enlargement
   in a conforming manner shall not be subject to the one hundred (100) percent
   limitations. Any extension or enlargement shall be regulated by other applicable
   yard, lot coverage, and height restrictions.

* Amended 7/8/98
B. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means, it shall not be reconstructed in a manner which increases its nonconformity.

C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

SECTION 15.05 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION If lawful use involving individual structures with a replacement cost of $1,000 or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged or extended except on contiguous property owned at the time of adoption of this Ordinance.

B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance.

C. Any nonconforming use of a structure, or structure and premises, may as a Special Exception be changed to another nonconforming use provided that the Zoning Hearing Board, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Hearing Board may require appropriate conditions and safeguards in accordance with the provisions of this Ordinance.

D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

E. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than ninety (90) percent of the replacement cost at the time of destruction.

F. If any nonconforming uses of buildings or of buildings and premises in combination should cease for any reason for period of more than two (2) years, any subsequent use of the building or of the building and premises in combination shall conform to the regulations specified by this Ordinance for the district in which the building or buildings and premises are located.

G. All nonconforming signs, billboards, junk storage areas, storage areas and similar nonconforming uses of open land, when discounted for a period of thirty (30) days or damaged to an extent of sixty (60) percent or more of the replacement cost, shall not be continued, repaired or reconstructed.

SECTION 15.06 REPAIRS AND MAINTENANCE Nothing in this Ordinance shall be deemed to prevent any repairs or maintenance of a nonconforming building or structure.
SECTION 15.07 USES UNDER SPECIAL EXCEPTION PROVISIONS NOT NONCONFORMING USES. Any use which is permitted as a Special Exception in a district under the terms of this Ordinance (other than a change through Zoning Hearing Board action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

SECTION 15.08 NONCONFORMING SIGNS Any sign erected, constructed, or placed before the effective date of this Ordinance may remain and continue to be used and maintained notwithstanding that it does not conform to the applicable provisions of Article 18 of this Ordinance; provided that not such sign shall be altered or relocated unless the same shall either conform or be made to conform in all respects with the applicable provisions if Article 18 of this Ordinance and provided further that every such sign which does not so conform shall within five (5) years of the date of enactment of this Ordinance, be either removed or made to conform as stated in Article 18 of this Ordinance.
SECTION 16.01 VISIBILITY AT INTERSECTIONS On a corner lot in any district a clear sight triangle shall be provided at all street and alley intersections. Within such triangles, no vision obstructing object other than utility poles shall be permitted which obscures vision above the height if thirty (30) inches and below ten (10) feet measured from the centerline grade of intersecting streets. Such triangle shall be established from a distance of:

A. Seventy-five (75) feet from the point of intersection of the centerline of the intersecting streets, except that;

B. Clear sight triangles of one hundred (100) feet shall be provided for all intersections with arterial and major streets as designated in the Township Comprehensive Plan.

SECTION 16.02 FENCES, WALLS AND HEDGES IN RESIDENTIAL DISTRICTS Notwithstanding other provisions of this Ordinance, fences, walls, and hedges in residential districts shall not exceed six (6) feet in height unless that portion above six (6) feet shall remain fifty (50) percent open.

SECTION 16.03 ACCESSORY BUILDINGS An accessory building attached to a principal building shall comply in all respects with yard requirements of this Ordinance for principal buildings. No separate building or structure shall be permitted in any required front yard. In rear yards in the R-2, Residential Urban District, accessory buildings shall not be permitted within three (3) feet of any lot line, except where the entrance to a garage abuts a public alley, in such case, the garage shall be no less than ten (10) feet from the right-of-way of said alley. In all other districts, they shall be no closer than five (5) feet from any lot line, except where the entrance to a garage abuts a public alley, in such case, the garage shall be no less than fifteen (15) feet from the right-of-way of said street or alley.

SECTION 16.04 ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT In any district, more than one (1) structure or building housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure or building as though it were on an individual lot.

SECTION 16.05 EXCEPTIONS TO HEIGHT REGULATIONS The height limitations of this Ordinance shall not apply to any Communications Antennas, Communications Towers, church spires, farm structures when permitted by other provisions of this Ordinance (i.e. silos, barn, etc.), belfries, cupolas, penthouses, and dome not used for human occupancy nor to chimneys ventilators, skylights, water tanks, bulkheads, and similar features, utility poles and standards and necessary mechanical appurtenances usually carried above the roof level. Such features however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve and then only in accordance with any other government regulations.

*SECTION 16.06 STRUCTURES TO HAVE ACCESS Every building hereafter erected or moved

* Amended 3/8/89
### Amended 12/19/01
shall be on a lot adjacent to a public street, or with access to a private street approved pursuant to
Millcreek Township Ordinance No. March 8, 1989-A, its amendments and supplements, and all
structures shall be so located on lots as to provide safe and convenient access for servicing, fire
protection, and required off-street parking.

SECTION 16.07 TEMPORARY STRUCTURES FOR DWELLING PURPOSES No cabin, mobile
home, garage, basement or other temporary structures, whether fixed or mobile in nature, may
hereafter be erected or established for any dwelling purposes for any length of time unless approval
for temporary use is granted by the Zoning Hearing Board.

SECTION 16.08 WATER SUPPLY AND SEWERAGE FACILITIES REQUIRED In the interest of
protecting the public health, safety and welfare, every building or structure hereafter erected, altered
or moved upon any premise and used in whole or in part for dwelling, commercial or recreational
business or industrial purpose shall be provided with both a safe and sanitary water supply and a safe
and sanitary means of collection and disposal or residential, commercial or industrial sewage. Such
facilities shall conform to the minimum requirements set fourth by the Department of Environmental
Resources.

SECTION 16.09 PARKING, STORAGE, OR USE OF MAJOR RECREATIONAL EQUIPMENT
For purposes of these regulations, major recreational equipment is defined as including boats and
boat trailers, travel trailers, motorized dwellings, tent trailers, and the like, and cases or boxes used
for transporting recreational equipment or not. No major recreational equipment shall be parked or
stored on any street or lot in a residential or agricultural district except in a carport or enclosed
building or in a rear yard; provided, however, that such equipment may be parked anywhere on
residential premises or along public streets for a period of time not to exceed twenty-four (24) hours
during loading and unloading. No such equipment shall be used for living, sleeping, or house-
keeping purposes when parked or stored on a residential lot, or in any location not approved for such
use. Furthermore, no such equipment shall be parked or stored in any manner which creates a
visibility restriction and thereby endangers the safety of passerby.

SECTION 16.10 PARKING AND STORAGE OF CERTAIN VEHICLES Automotive vehicles or
trailers of any kind without current license plates and/or state inspection shall not be parked or stored
on any residentially zoned property other than in completely enclosed structures.

SECTION 16.11 CORNER LOT RESTRICTION On every corner lot, there shall be provided on
the side street, a side yard equal in depth to the required front yard of all other properties along said
side street, unless such lot is bounded by a public thoroughfare or private road which is less than
twenty (20) feet in width (right-of-way). Then those requirements indicated for interior lots shall
apply. In all districts, corner lots have no rear yards, but have two (2) front yards and two side yards.

SECTION 16.12 LOT AREA AND LOT WIDTH FOR LOTS NOT SERVED WITH PUBLIC
WATER AND/OR SANITARY SEWERS Where a lot is not served by a public water supply and/or
sanitary systems and the County Subdivision Ordinance or State or other local laws or ordinances in
force require higher standard for lot area or lot width than this Ordinance, the more restrictive
regulations of such ordinance or laws shall apply.

SECTION 16.13 PROJECTIONS INTO YARDS The following projections shall be permitted into
required yards and shall not be considered in the determination of yard size or lot coverage:
A. Projecting architectural features – bay windows, cornices, eaves, fireplaces, chimneys, windows sills, or other architectural features, provided they do not extend more than five (5) feet into any required yard nor closer than five (5) feet to any adjacent property line.

B. Uncovered stairs and landings.

C. Open balconies or fire escapes provided such balconies or fire escapes are not supported on the ground and do not project more than five (5) feet into any required yard not closer than five (5) feet to any adjacent property line.

SECTION 16.14 ACCESSORY USES

A. Privates, non-commercial swimming pools which are designed to contain a water depth of twenty-four (24) inches or more must be located in a rear or side yards only. Such pools shall not be less than ten (10) feet from side and rear property lines with continuous fence not less than four (4) feet in height above the ground level.

B. Private tennis courts shall be permitted within side or rear yards provided that such facility shall not be less than ten (10) feet from side or rear property lines.

C. Patios, paved terraces, or open porches shall be permitted in all yards provided that no impermeable surface shall be within five (5) feet of any property lines.

D. Nothing in this section shall be construed to limit other uses not mentioned so long as they are clearly accessory to the principal permitted use of the land and do not create a threat to the public health, safety, and/or welfare of the community.

SECTION 16.15 MUNICIPAL USES

A. In any district a building may be erected, altered, or extended and land may be developed that is arranged, intended, or designed for municipal recreation uses.

B. In any district on any land owned by this Township or the Newmanstown Volunteer Fire Company the following shall be permitted uses:

1. Communications Antennas mounted on an existing Public Utility Transmission Tower, building or other structure, including existing Communications Towers, and Communications Equipment Buildings, subject to the standards set forth in Article 16, Section 16.22.

2. Communications Towers subject to the standards set forth in Article 21, Section 21.02F.

SECTION 16.16 PUBLIC UTILITIES EXEMPT The regulations of this Ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a Public Utility Corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall,

## Amended 12/19/01

67
after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. Township Supervisors and Planning Commission members shall receive proper notification of request prior to public hearing before the Public Utility Corporation.

SECTION 16.17 HOME OCCUPATION REGULATIONS In any district, any gainful occupation conducted by a member of the immediate family owning and residing on the premises may use parts of a dwelling for a home occupation provided that the following conditions are met and a permit is issued by the Zoning Officer:

A. Such occupation shall be clearly incidental or secondary to the use of the property as a residence and the use of the dwelling shall not change the character thereof or show any exterior evidence of such secondary use other than one (1) small name plate in accordance with Article 18 of this Ordinance.

B. Home occupation shall be limited to the employment of not more than one (1) assistant.

C. The home occupation shall be conducted wholly within the dwelling and shall not occupy more than twenty-five (25) percent of the area of the first floor of the dwelling nor more than five hundred (500) square feet.

D. All parking shall be off-street and two (2) off-street spaces shall be provided in addition to that required of the residence unit.

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

SECTION 16.18 GASOLINE PUMPS AND ALL OTHER EQUIPMENT Gasoline pumps and all other service equipment shall be setback not less than twenty-five (25) feet from any lot line and/or road right-of-way and located such that vehicles stopped for service will not extend over the property line.

SECTION 16.19 FOUNDATIONS All dwelling units hereafter erected or altered shall have a permanent stand consisting of a footer and permanent continuous foundation. The footer shall be installed to a minimum depth of twenty-four (24) inches below ground level.

SECTION 16.20 DANGEROUS STRUCTURES Upon notification and request by the Zoning Officer, any building or structure which has deteriorated to the state where it is dangerous and/or unsafe for human occupancy, constitutes a fire hazard, endangers surroundings buildings, shelter rats or vermin, or endangers the safety of children playing thereabouts, shall be repaired, altered or removed to eliminate the dangerous conditions. Such action shall commence within ninety (90) days of notification by Zoning Officer.

*SECTION 16.21 SOLAR ENERGY SYSTEMS The use of solar, wind and alternate energy systems is encouraged within these regulations and permitted within any zoning district. Although installation of such systems is not mandatory, where they are utilized, the following standards shall apply:
A. Solar energy systems, including solar energy collectors and related equipment, shall be permitted as attachments to a principal or accessory structure or freestanding, provided:

1. The solar energy systems are installed and sited in the most aesthetic and architecturally compatible method possible; and
2. The solar energy systems attached to principal structures project no more than five (5) feet into any required yard setback; and
3. The solar energy systems attached to accessory structures or freestanding shall be a minimum of five (5) feet from any lot line.
4. The maximum lot coverage of solar collectors and support structures shall not exceed 25% of the area of the ground floor of the principal structure.

B. Residential wind energy systems shall be permitted, provided:

1. There is no adverse affect upon the character of the neighborhood; and
2. Climbing access to the tower is restricted to prevent unauthorized access; and
3. The system does not cause television interference or violate Township Noise Ordinances; and
4. Setback from property lines for the support shall be based upon wind rotor diameter, as per the following:
   
   (a) Wind rotor diameters of less than 20 feet shall require a tower setback of 275 feet minus 11 feet for each foot of rotor diameter less than 20 feet; and
   
   (b) Wind rotor diameter of 20 feet or more shall require a tower setback of 275 feet plus 6 feet for each foot of rotor diameter in excess of 20 feet.

C. Protection of energy systems where a solar or wind energy system has been installed. It shall be the responsibility of the property owner to secure any easements or restrictive covenants necessary to protect the skyspace affecting the solar wind system. Such an agreement shall be negotiated between owners of affected properties, but is not a requirement for approval of a Building and Zoning Permit for the solar or wind energy system.

D. Variances – the following factors shall be considered, in addition to those within Article 21, when reviewing petitions for variances:

1. Variances for energy systems shall allow for effective placement energy systems, provided the skyspace of adjoining property owners is not restricted; and
2. Variances shall be granted only for minimum relief and not for purely financial reasons.
SECTION 16.22 REGULATIONS GOVERNING COMMUNICATIONS ANTENNAS AND COMMUNICATIONS EQUIPMENT BUILDINGS

A. Building mounted Communications Antennas shall not be located on any single family dwelling or two family dwelling.

B. Irrespective of anything contained in Section 16.05 to the contrary, building mounted Communications Antennas shall be permitted to exceed the height limitations of the applicable Zoning District by no more than twenty (20) feet.

C. Omnidirectional or whip Communications Antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.

D. Directional or panel communications Antennas shall not exceed five (5) feet in height and three (3) feet in width.

E. Any applicant proposing Communications Antennas to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads, associated with the antennas location.

F. Any applicant proposing Communications Antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by the Township for compliance with applicable codes and laws.

G. Any applicant proposing Communications Antennas to be mounted on a building or other structure shall submit evidence of agreements or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and Communications Equipment Building can be accomplished.

H. Communications Antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

I. Communications Antennas shall not cause radio frequency interference with other communications facilities located in Millcreek Township, Lebanon County.

J. A Communications Equipment Building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory structure.

K. The owner or operator of Communications Antennas shall be licensed by the Federal Communications Commission to operate such antennas.

### Amended 12/19/01
ARTICLE 17
OFF-STREET PARKING

SECTION 17.01 OFF-STREET PARKING FACILITIES, WHEN REQUIRED Accessory off-street parking facilities, including access driveways, shall be required in accordance with the provisions of this article as a condition precedent to the occupancy of such building or use. Facilities shall be provided for the entire building or use:

A. Whenever a building is constructed or a new use established;

B. Whenever the use of an existing building is changed to a use requiring more parking facilities.

C. Whenever an existing building is altered or enlarged so as to increase the amount of parking spaces required under this Chapter.

SECTION 17.02 CONTINUATION OF PARKING FACILITIES All off-street parking facilities, or those required as accessory to a use of proposed or altered building, shall continue unobstructed in operation, shall not be used for commercial automobile service or repair and shall not be reduced below the required size as long as the main use remains, unless and equivalent number of spaces is provided for such use in another approved location.

In order to insure the continued use for parking purposes of any areas established therefore by persons who are not the owners thereof, the Township Supervisors may require, before approval, evidence in writing that the owner or owners of the land to be included in such parking areas have by covenant agreed to allow the use of such land for the required off-street parking; such as covenant to be filed for record with the Recorder of Deeds of Lebanon County.

SECTION 17.03 STANDARDS AND DEFINITIONS For purposes of determining accessory off-street parking requirements, definitions and standards shall be as follows;

A. “Accessory parking space” means an open or enclosed area accessible from a street for parking of motor vehicles or owners, occupants, employees, customers, or tenants of the main building or use. Each parking space shall be not less then ten (10) feet wide and not less than twenty (20) feet long exclusive of all drives, curbs, and turning space. The number of spaces shall be determined from an accurate plan of the area.

B. “Floor Area” means the total area of all the floors measured form the exterior faces of the building (except the floor area used for storage or packaging of merchandise may be excluded), or, where set fourth in the schedule in Section 17.04 only the floor area used by a specific use.

C. “Seat” means the number of seating units installed or indicated, or each twenty-four (24) linear inches of benches, pews, or space for loose chairs or similar seating facilities; spacing of rows shall be thirty (30) inches on center.

D. “Required minimum parking spaces” means the minimum number of spaces required by applying the schedule in Section 17.04 to a specific building or group of buildings.
**SECTION 17.04 SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES**

<table>
<thead>
<tr>
<th>Building or Use</th>
<th>Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Institutional</strong></td>
<td></td>
</tr>
<tr>
<td>A. Civic and educational; Primary and secondary school; library places for public assembly</td>
<td>1 Space for each employee plus 1 space for each six (6) seats in assembly rooms.</td>
</tr>
<tr>
<td>B. Governmental; municipal building Used for administrative functions</td>
<td>1 space for each two hundred (200) square feet of office floor area plus 1 space for each four (4) seats in assembly room.</td>
</tr>
<tr>
<td>C. Place of worship</td>
<td>1 space for each four (4) seats in principal assembly rooms.</td>
</tr>
<tr>
<td>D. Welfare: Hospital</td>
<td>1 space per three (3) beds plus 1 space for each employee on the largest shift.</td>
</tr>
<tr>
<td></td>
<td>Health Center</td>
</tr>
<tr>
<td></td>
<td>1 space per one hundred fifty (150) square feet floor area.</td>
</tr>
<tr>
<td></td>
<td>Home for the aging; Nursing Home</td>
</tr>
<tr>
<td><strong>Residential</strong></td>
<td></td>
</tr>
<tr>
<td>E. One, two and multi-family</td>
<td>2 spaces per dwelling unit</td>
</tr>
<tr>
<td><strong>Office Building</strong></td>
<td></td>
</tr>
<tr>
<td>F. Medical and dental office and Clinics</td>
<td>1 space per two hundred (200) square feet of floor area plus 1 space for each doctor or dentist</td>
</tr>
<tr>
<td>G. Other Offices</td>
<td>1 space per four hundred (400) square feet of ground floor area; 1 space per five hundred (500) square feet of floor area of upper floors.</td>
</tr>
<tr>
<td>H. Motel, Hotel</td>
<td>1 space per guest room or unit.</td>
</tr>
<tr>
<td>I. Mortuary</td>
<td>1 space per thirty (30) square feet of assembly rooms, or 1 space for each four (4) seats, whichever requires the greater number, but in no case less than twenty (20) spaces</td>
</tr>
</tbody>
</table>
Retail Business

J. Retail stores, banks, service establishments
   1 space per three hundred (300) square feet of ground floor area; 1 space per five hundred (500) square feet of floor area of upper floors.

K. Eating places, bars, taverns
   1 space per two hundred (200) square feet of floor area, or 1 space per two (2) seats, whichever requires the greater number of spaces.

L. Club, lodge, or other assembly hall
   1 space per four (4) seats in building

Commercial Business

M. Indoor Theater
   1 space per four (4) seats in building

N. Dance hall, skating rink, swimming pool
   1 space per fifty (50) square feet of area used for dancing, skating, or swimming

O. Bowling alley
   four (4) spaces per bowling lane.

P. Service and storage
   1 space for every two (2) employees on the combined employment on the two (2) largest successive shifts

Q. Executive offices, sales
   1 space per two hundred (200) square feet of executive and sales office floor area or one and one-half (1 ½) spaces per employee, whichever is larger.

R. Service and storage establishments, laboratories, manufacturing plants, and other permitted uses in the manufacturing district
   1 space for every two (2) employees on the largest working shift

Other Buildings, or Uses

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

SECTION 17.05 SEPARATE OR COMBINED USE OF FACILITIES A building containing one (1) use shall provide the off-street parking spaces as required for the specific use. A building or group of buildings containing two (2) or more uses, operating normally during the same hours, and which have different off-street parking requirements, shall provide spaces for not less than the sum of spaces required for each use.
SECTION 17.06 PARKING AND GARAGE FACILITIES AND RESIDENCES  Accessory parking facilities shall be located on the same lot as the dwelling served. Each single family, duplex, two-family and multi-family dwelling shall have on its premises a private parking space sufficient in capacity for the storage at one time of at least two (2) passenger automobiles for each dwelling on the premises.

SECTION 17.07 ACCESS DRIVES TO PARKING AREAS  The location and width of entrance and exit driveways to parking facilities shall be planned to interfere as little as possible with the use of nearby property and with pedestrian and vehicular traffic on the nearest streets.

A. The centerline of the access driveways on the frontage street shall be at least thirty-five (35) feet from the right-of-way line of the nearest intersecting street.

B. Where there is more than one (1) driveway to a parking area, the driveway whenever possible, shall be limited to one-way travel either as an entrance to or exit from the parking area and shall be clearly marked.

C. In no case shall there be more than two (2) driveways for each one hundred (100) feet of frontage on and street. The two (2) driveways shall not be closer than twelve (12) feet.

D. No roadway shall be closer than twelve (12) feet to the point of intersection of two (2) property lines at any corner of the property as measured along the property line, and no roadway shall extend across such extended property line.

E. The width of such roadways shall be measured at right angles to the centerline of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the abutting right-of-way.

F. In all cases where there is an existing curb and gutter or sidewalk on the street, the applicant for a permit shall provide a safety island along the entire frontage of the property, except for the permitted roadways. On the two (2) ends and the street side of each island, there shall be a concrete curb – the height, location and structural specifications of which shall be approved by the Township Engineer.

G. Entrances and exits shall be limited to three (3) lanes. The width of such entrances and exits, measured at the street property line, shall conform with the following schedule:

<table>
<thead>
<tr>
<th>WIDTH (FEET)</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>One lane</td>
<td>12</td>
<td>14</td>
</tr>
<tr>
<td>Two lanes</td>
<td>20</td>
<td>28</td>
</tr>
<tr>
<td>Three lanes</td>
<td>30</td>
<td>40</td>
</tr>
</tbody>
</table>

In all cases, radius of the edge of the driveway apron shall be at least fifteen (15) feet so that a car entering or leaving may not obstruct vehicles in other traffic lanes in the driveway or street.
SECTION 17.08 IMPROVEMENTS TO PARKING AND LOADING AREAS  All parking areas, loading areas, and access driveways, except for one and two-family dwellings, shall have an asphalt, concrete or other similar hard surface, approved by the Township Supervisors. Surface water, in excess of that which was in evidence prior to improvements, shall not be permitted to discharge onto public sidewalks, roadways, or other premises. Such improvements and the disposal of water runoff created therefrom shall be approved in writing by the Soil Conservation Service and/or Department of Environmental Resources prior to issuance of the Building and Zoning Permit. The Township Supervisors may require implementation of Soil Conservation Service recommendations. The maximum grade of the parking area shall not exceed two (2) percent. Appropriate bumper guards or curbs shall be provided in order to define parking spaces or limit of paved areas and to prevent vehicles from projecting into required yards. The Township Supervisors may require landscape features or a fence between a parking or loading area and a side or rear lot of a residential use or district. All curbs and bumper guards shall be constructed in accordance with standards established by the Township Supervisors.

SECTION 17.09 ILLUMINATION OF PARKING AND LOADING AREAS  Parking and loading areas shall be illuminated whenever necessary to protect the public safety. Such illumination shall be so designed and located that the light sources are shielded from adjoining residences and residential streets, and shall not be of excessive brightness or cause a glare hazardous to pedestrians and drivers.

SECTION 17.10 APPROVAL OF PARKING AND LOADING AREAS  Detailed drawings of off-street parking and loading areas (except for one and two family dwellings) shall be submitted to the Zoning Officer for approval prior to their construction. The drawing shall show each space, dimensions of driveways, aisles and other features required under the provisions of this Article. In instances when the drawings do not show full compliance with the requirements of the Article, the Zoning Officer shall reject the plans. The decision of the Zoning Officer may be appealed to the Zoning Hearing board who may, in specific cases, when the size, shape, or location of the parking or loading area is such that it is impractical to meet the strict requirements of this Article, upon proper showing, vary the strict terms hereof in accordance with the powers granted in this Ordinance.
ARTICLE 18

SIGNS AND ADVERTISING STRUCTURES

Signs may be erected and maintained only when in compliance with the provisions of this Ordinance and any and all ordinances and regulations relating to the erection, alteration or maintenance of signs and similar devices.

SECTION 18.01 AREA OF SIGN The area of a sign shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which is incidental to the display itself. Where the sign consists of individual letters or symbols attached to or printed on a surface, the area shall be considered to be the smallest rectangle which can be drawn to encompass all of the letters and symbols.

Double face signs shall be considered as one (1) sign.

SECTION 18.02 GENERAL REGUALTIONS All signs and/or advertising structures where permitted in the Zoning Ordinance, are subject to the following:

A. No sign shall be erected, enlarged or relocated until a permit for so doing has been issued by the Zoning Officer, except that no permit shall be required for historical or geographical identification signs, real estate signs or temporary signs as specified in the Ordinance.

B. Every sign shall be kept in a state of good repair from the standpoint of safety, fire protection and appearance. The Zoning Officer shall require such maintenance and, in the event of failure of a sign owner to correct unsafe conditions or dilapidated appearance within fifteen (15) days, the Zoning Officer shall order the removal of the sign by the Township at the owner’s expense. All signs not owned by the person, firm, or organization advertising thereon shall carry a clearly legible imprint showing the owner’s name.

C. Construction and wiring of all electric signs shall comply with the requirements of all present National Electrical Code and operating permits will not be issued therefore until the label of the Underwriters Laboratories has been affixed. No sign shall be so illuminated as to permit spot or flood lights to shine into or have a blinding effect upon vehicular traffic. No sign shall be so illuminated so as to constitute a nuisance by spilling light into any adjacent residential property.

D. No sign shall contain moving parts or flashing or intermittent illumination. The source of light shall be steady and stationary.

E. No sign shall be higher than thirty-five (35) feet from the ground to the highest part of the sign.

F. No sign shall be so erected as to obstruct entrance to or exit from a required door, window, fire escape or other required exitway.
G. Temporary signs not exceeding a total of sixteen (16) square feet in area of painters, mechanics, contractors and the like are permissible in all districts, provided such signs are removed as soon as work has been completed on the premises.

H. Temporary signs and banners of a non-commercial nature across a public right-of-way are permitted provided permission is obtained from the Township Supervisors, provided it is erected in a location in which it will cause a traffic hazard, provided it meets safety standards and is maintained, and provided it is removed when its temporary use is completed.

I. Bulletin or announcement boards or identification signs for schools, churches, hospitals, recreation areas, and similar uses or buildings, provided that the area of any such sign shall not exceed twelve (12) square feet in area and not more than one (1) such sign shall be placed on property held in single and separate ownership unless such property fronts on more than one (1) street, in which case one (1) such sign may be erected on each street frontage.

J. Temporary signs announcing a campaign, drive, or event of a civic, philanthropic, educational or religious organization. Such signs shall not exceed twelve (12) square feet in area and shall be removed within twenty-four (24) hours after completion of the campaign, drive, or event.

*K. Off-premises signs as follows:

1. Off-premises signs which are used for directing patrons, members or audience to service clubs, churches or commercial or other organization may be erected subject following requirements.

a. A sign shall indicate only name of the organization, the directions to the facility, and the distance.

b. Only one (1) such sign shall be erected at each intersection turning movement necessary to reach such facility.

c. The number of signs, placement, and erection shall be at the discretion and approval of the Township manager and zoning officers as directed by the Township supervisors.

d. The number of signs permitted shall not exceed the number of major intersections on the most direct route to the facility from the nearest collector road.

e. All signs shall be of uniform specifications including size not to exceed two (2) square feet, color, and lettering as approved by the Township manager to be the most aesthetically congruent with existing condition. No moving parts, flashing lights, or illumination shall be permitted.
f. Application for off-premises signs shall include a map of placement requests, location of facility, name to be placed on sign, distances from facility of each sign, distances from facility of each sign. Permits may be obtained from the Zoning Officer after notification to the Township Manager.

*Amended June 14, 1978

2. Signs directing patrons, members, or audience to temporary exhibits, shows, or events and signs erected in conjunction with a political election subject to the following requirements.

a. No such sign shall exceed twelve (12) square feet in area.

b. Signs shall be removed within twenty-four (24) hours after the date of the exhibit, show, event or election.

c. No such sign shall be posted earlier than two (2) weeks before the occurrence of the event to which it relates with the exception of political signs shall be posted not earlier than one (1) month prior to an election.

3. Official traffic signs and other official federal, state, county or Township government signs.

SECTION 18.03 SIGNS IN RESIDENTIAL AND AGRICULTURAL DISTRICTS The following types of signs may be permitted in residential and agricultural districts unless otherwise provided.

A. One (1) name plate for a home occupation, provided it does not exceed four (4) square feet and identifies only the name and title of the occupant. It shall not extend beyond a vertical plane two (2) feet inside the road right-of-way line. If lighted, it will be illuminated without objectionable glare. No displays or change in façade shall indicate from the exterior that the building is being used in whole or part for any purpose other than that of a dwelling.

B. One (1) real estate sign, which may be lighted, provided it is not closer to a road right-of-way than one-half (1/2) the depth of the existing front yard, does not exceed six (6) square feet in area and pertains to the lease, rental or sale of the premises on which it is maintained.

C. One (1) institutional sign, provided it does not exceed sixteen (16) square feet in area and is not closer to a road right-of-way than half (½) the depth of the existing front yard. If lighted, it shall be illuminated without objectionable glare.

D. Signs up to two (2) square feet in area on each side which are necessary for the identification, protection and operation of public utility facilities.

SECTION 18.04 SIGNS IN INDUSTRIAL AND COMMERCIAL DISTRICTS Each permitted use may have one (1) sign for each road frontage provided the sign is a wall, projecting, or freestanding sign erected in compliance with the following standards:

A. One (1) wall sign to property, provided it is attached to the wall of a building and projects horizontally not more than twelve (12) inches therefrom, is not less than ten (10) feet above the sidewalk and occupies not more than twenty (20) percent of the total area of the front of
the principal building. It shall not project more than three (3) feet above the roof line or parapet wall.

B. One (1) projecting sign, provided it shall not project beyond a vertical plane two (2) feet inside the road right-of-way line and does not exceed twenty (20) square feet in area.

C. One (1) free-standing sign not to exceed eighty (80) square feet in area. It shall not extend beyond a vertical plane two (2) feet inside the lot from the road right-of-way line and shall not exceed a height of thirty-five (35) feet. Said sign shall provide a minimum of ten (10) feet between the ground and base of the sign.

D. General shopping district identification signs, provided they are separate and not attached to any building. Maximum of two (2) such signs for any one (1) general shopping district. The height of signs shall be a maximum of thirty-five (35) feet measured from the ground, and the maximum size of the sign portion itself shall not exceed one hundred (100) square feet.

SECTION 18.05 PROHIBITED SIGNS No signs shall be erected, relocated or enlarged which, in the opinion of the Zoning Officer, shall:

A. Create a traffic hazard as a result of screening traffic signals or signs of which may cause confusion by utilizing red, green or amber lights or reflectorized materials which creates a flashing action and is so located as to resemble or render ineffective any traffic sign or signal which uses the words "Stop", "Slow" or "Danger" or any other official traffic device.

B. Which is painted, pasted, or otherwise affixed to any tree, rock, utility pole, hydrant, bridge, sidewalk, curb, or street except when authorized by and under permit from an authorized public agency or required by law.

SECTION 18.06 NONCONFORMING SIGNS Nonconforming signs, once removed shall thereafter be replaced only in conformance with the requirements of this Ordinance. Nonconforming signs may be repainted or repaired but shall not be enlarged thereby to exceed the dimensions of the existing sign.
ARTICLE 19

ADMINISTRATION AND ENFORCEMENT

BUILDING PERMITS AND CERTIFICATE OF ZONING COMPLIANCE

SECTION 19.01 ADMINISTRATION AND ENFORCEMENT  An administrative official designated by the Township Supervisors shall administer and enforce this Ordinance. He may be provided with the assistance of such other persons as the Township Supervisors may direct.

If this administrative official shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person(s) responsible for such violation, indicating the nature of the violations and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures or of illegal addition, alteration, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

SECTION 19.02 BUILDING PERMITS REQUIRED  No building or other structure shall be erected, moved, added to, altered, reconstructed or the use therein changed without a permit therefore issued by the administrative official. No building permit shall be issued by the administrative official except in conformity with the provisions of this Ordinance, unless he receives a written order from the Zoning Hearing board in the form of an Administrative Review, Special Exception, or Variance as provided by this Ordinance.

*SECTION 19.03 APPLICATION FOR BUILDING PERMIT  All applications for building permits shall be accompanied by plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon, the exact size and locations on the lot of buildings already for existing, if any; and the location and dimensions of the proposed building or alterations. The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed building or alteration; existing or proposed uses of the building and land, the number of families, housekeeping units, or rental units the building is designed to accommodate, conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provided for the enforcement of this Ordinance. In some cases, architectural sketches may also be necessary.

The original plans shall be returned to the applicant by the Administrative Officials, after he shall have marked such original either as approved or disapproved and attested to same by his signature on such original. Two (2) copies of the plans, similarly marked, shall be retained by the administrative official. A copy of any permits or written approval required by other agencies, bureaus, etc. in conjunction with work authorized by an approved Building and Zoning Permit must be placed on file at the Township Office for future reference.

In addition to the Building and Zoning Permit, the Zoning Officer shall issue a placard which shall be displayed on the premises during the entire construction period. This placard shall show the permit number, the date of issuance and be signed by the Zoning Officer.

*Amended June 14, 1978
The Building and Zoning Permit shall be prominently displayed at the entrance to the property within twenty-five (25) feet of the public right-of-way for a minimum of ten (10) days or until construction is completed and a Certificate of Compliance has been approved.

Further, the Zoning Officer shall issue no Zoning Permits for the construction of dwelling units or other structures requiring septic systems until the applicant has produced a valid sewage permit showing approval of the proposed system by the Sewage Enforcement Officer and has secured a road occupancy permit or has produced evidence to verify that such permit is not required.

SECTION 19.04 CERTIFICATES OF ZONING COMPLIANCE FOR NEW, ALTERED, OR NONCONFORMING USE It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, if erected, changed, converted, or wholly or partly altered or enlarged in its use of structure until a Certificate of Zoning Compliance has been issued by the administrative official stating that the proposed use of the building or land conforms to this Ordinance.

No nonconforming structure or use shall be maintained, renewed, changed, or extended until a Certificate of Zoning Compliance shall have been issued by the administrative officer. The certificate of Zoning Compliance shall state specifically wherein the nonconforming use differs from the provisions of this Ordinance. Upon enactment or amendment of this Ordinance, owners or occupants of nonconforming uses or structures shall apply for Certificate of Zoning Compliance.

No permit for erection, alteration, moving, or repair of any building shall be issued until an application has been made for a Certificate of Zoning Compliance and the certificate shall be issued in conformity with the provisions of this Ordinance upon completion of the work.

A temporary Certificate of Zoning Compliance may be issued by the administrative official for a period not to exceed six (6) months during alterations or partial occupancy of a building pending its completion. Such temporary certificates may include such conditions and safeguards as will protect the safety of the occupants and public.

The administrative official shall maintain a record of all Certificates of Zoning Compliance and a copy shall be furnished upon request of any person.

Failure to obtain a Certificate of Zoning Compliance shall be a violation of this ordinance and punishable under Article 28 of this Ordinance.

SECTION 19.05 TEMPORARY USE PERMITS It is recognized that it may be in accordance with the purpose of this Ordinance to permit temporary activities for a limited period of time, which activities may be prohibited by other provisions of this Ordinance. If such uses are of such a nature and are so located that, at the time of petition of Special Exception, they will:

A. In no way exert a detrimental effect upon the uses of land and activities normally permitted in the zone, or

B. Contribute materially to the welfare of the Township, particularly in a state of emergency, under conditions peculiar to the time and place involved,
Then the Zoning Hearing Board may, subject to all regulations for the issuance of Special Exception elsewhere specified, direct the Zoning Officer to issue a permit for a period of time not to exceed six (6) months, as designated by the Zoning Hearing Board. In no case shall the temporary use be permitted to be extended beyond one (1) additional six (6) month period as designated by the Zoning Hearing Board.

SECTION 19.06 EXPIRATION OF BUILDING PERMIT  If the work described in any building permit has not begun within ninety (90) days from the issuance thereof; said permit shall expire; it shall be canceled by the administrative official; and written notice thereof shall be given to the persons affected.

If the work described in any building permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be canceled by the administrative official, and written notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.

SECTION 19.07 CONSTRUCTION AND USE TO BE PROVIDED IN APPLICATION, PLANS, PERMITS AND CERTIFICATES OF ZONING COMPLIANCE  Building permits, or Certificates of Zoning Compliance issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement, and construction at variance with that authorized shall be deemed violation of this Ordinance, and punishable as provided by Article 28 hereof.
ARTICLE 20

ZONING HEARING BOARD: ESTABLISHMENTS AND PROCEDURE

A Zoning Hearing Board is hereby established, which shall consist of three (3) members of the municipality to be appointed by the Township Supervisors for a term of three (3) years and shall be so established that one (1) term of office shall expire each year. Members of the Zoning Hearing board may be removed from office by the Township Supervisors for cause upon written charges and after public hearing. Vacancies shall be filled by resolution of the Township Supervisors for the unexpired term of the member affected. Members of the Zoning Hearing Board shall hold no other office in the municipality except that no more than one (1) member of the Board may also be a member of the Township Planning Commission.

SECTION 20.01 PROCEEDING TO THE ZONING HEARING BOARD The Zoning Hearing board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meeting shall be open to the public.

The Zoning Hearing Board shall follow all procedures as established by Article IX of Act 247 (Pennsylvania Municipalities Planning Code, or its amendments).

SECTION 20.02 HEARINGS, APPEALS, NOTICE Appeals of the Zoning Hearing Board concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer or bureau of the governing body of the Township affected by any decision of the administrative official. Such appeals shall be taken within a reasonable time not to exceed sixty (60) days or such lessor period as may be provided by the rules of the Board, by filing with the administrative official and with the Zoning Hearing board a notice of appeal specifying the grounds thereof. The administrative official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

The Zoning Hearing Board shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within forty-five (45) days after the hearing. At the hearing, any party may appear in person or by agent or attorney.

SECTION 20.03 STAY OF PROCEEDING An appeal stays all proceedings in furtherance of the action appealed from unless the administrative official from whom the appeal is taken certified to the Zoning Hearing Board after notice of appeal us filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by restricting order which may be granted by the Zoning Hearing Board or by a court of record application, or notice to the administrative official from whom the appeal is taken and due cause shown.
ARTICLE 21

ZONING HEARING BOARD: POWERS AND DUTIES

The Zoning Hearing Board shall have the following powers and duties:

SECTION 21.01 ADMINISTRATIVE REVIEW To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the administrative official in the enforcement of this Ordinance.

SECTION 21.02 SPECIAL EXCEPTIONS: CONDITIONS GOVERNING APPLICATIONS: PROCEDURES: To hear and decide only such Special Exceptions as the Zoning Hearing board is specifically authorized to pass on by the terms of this Ordinance; to decide such questions as are involved in determining whether Special Exceptions should be granted; and to grant Special Exceptions with such conditions and safeguards as are appropriate under this Ordinance or to deny Special Exceptions when not in harmony with the purpose and intent of this Ordinance. A Special Exception shall not be granted by the Zoning Hearing Board unless and until:

A. A written application for a Special Exception is submitted indicating the section of this Ordinance under which the Special Exception is sought and stating the grounds on which it is requested.

B. First notice shall be given at least fourteen (14) days, and no more than thirty (30) days, in advance of public hearing. The owner of the property for which Special Exception is sought and the Lebanon County Planning Department shall be notified by mail. Notice of such hearing shall be posted at the Township meeting place, and in one (1) newspaper of general circulation in the Township. The news article shall be published once a week for at least two (2) successive weeks. In addition a notice of said hearing shall be conspicuously posted on the affected tract of land.

C. The public hearing shall be held. Any party may appear in person, or be agent or attorney.

D. The Zoning Hearing Board shall make a finding that it is empowered under the section of this Ordinance described in the application to grant the Special Exception, and that the granting of the Special Exception will not adversely affect the public interest.

E. Before any Special Exception shall be issued, the Board shall make written findings certifying compliance with the specific rules governing individual Special Exceptions and that satisfactory provisions and arrangements have been made concerning the following, where applicable:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and the access in case of fire and catastrophe.

2. Off-street parking and loading areas where required, with particular attention to the items in number one above and the economic, noise, glare, or odor effects of the Special Exception on adjoining properties generally in the district.
3. Refuse and service areas, with particular reference to the items in number one and two above.

4. Utilities with reference to locations, availability, and compatibility.

5. Screening and buffering with reference to type, dimensions, and character.

6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.

7. Required yards and other open space.

8. General compatibility with adjacent properties and other properties in the district.

### F.

Before any special exception concerning Communications Towers shall be issued the Board shall also require compliance with the following standards:

1. The applicant shall demonstrate that it licensed by the Federal Communications Commission to operate a Communications Tower, if applicable, and Communications Antennas.

2. The applicant shall demonstrate that the proposed Communications Tower and Communications Antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

3. Communications Towers shall comply with all applicable Federal Aviation Administration and Commonwealth Bureau of Aviation regulations.

4. Any applicant proposing construction of a new Communications Towers shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennas on an existing building, structure, or Communications Tower. A good faith effort shall require that all owners of potentially suitable structures within a one-half (1/2) mile radius of the proposed Communications Tower site by contacted and that one (1) or more of the following reasons for not selecting such structure apply:

   (a) The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.

   (b) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.

   (c) Such existing structures do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.

### Amended 12/19/01
(d) Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

(e) A commercially reasonable agreement could not be reached with the owners of such structures.

5. Access shall be provided to the Communications Tower and Communications Equipment Building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with at least a durable and dustless gravel surface.

6. A Communications Tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for Zoning District.

7. The applicant shall comply with the Land Development and Subdivision Regulations of the County of Lebanon, Pennsylvania to the extent the same are applicable.

8. The applicant shall demonstrate that the proposed height of the Communications Tower is the minimum height necessary to perform its function.

9. Every Communications Tower shall be set back one (1) foot for each one (1) foot of height of the Communications Tower from adjoining property lines (not lease lines).

10. Irrespective of anything contained in Section 16.05 to the contrary, the maximum height of any Communications Tower with Communications Antenna attached shall be one hundred fifty (150) feet; provided, however, that such height may be increased to no more than two hundred (200) feet, provided the required setbacks from adjoining property lines (not lease lines) are increased by one (1) foot for each one (1) foot of height in excess of one hundred fifty (150) feet.

11. The foundation and base of any Communications Tower shall setback from a property line (not lease line) at least fifty (50) feet.

12. The communications Equipment Building shall comply with the required yards and height requirements of the applicable Zoning District for an accessory structure.

13. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed Communications Tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and the requirements of any applicable Building Code.

14. The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the Communications Tower; and a Certificate of Insurance evidencing general liability.
coverage in the minimum amount of $1,000,000 per occurrence covering the Communications Tower and Communications Antennas.

15. Guyed Communications Towers shall be prohibited.

16. The site of a Communications Tower shall be secured by a fence and gate of design approved by the Township Engineer. Such fence and gate shall be not less than eight (8) feet in height, including barbed wire at the top, and shall completely enclose the Communications Tower. This fencing shall be designed to be compatible with surrounding land uses. The gate shall be kept locked to preclude access by general public.

17. No signs or lights shall be mounted on a Communications Tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency that has jurisdiction.

18. Communications Towers shall be protected and maintained in accordance with the requirements of any applicable Building Code.

19. If a Communications Tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the Communications Tower within six (6) months of the expiration of such twelve (12) month period. Financial security shall be deposited with the Township in an amount equal to 110% of the cost estimated for the dismantling and removal. Such financial security shall be in the form of Federal or Commonwealth chartered lending institution irrevocable letters of credit or restrictive or escrow accounts in such lending institutions. The cost estimate for the dismantling and removal shall be prepared and presented to the Township by a Professional Engineer, licensed to practice in the Commonwealth of Pennsylvania and shall bear his or her certification that the cost estimate is fair and reasonable. The applicant shall bear the cost of obtaining this estimate. The amount of the financial security may be increased by the Township by an additional 10% for each one-year period beyond the first anniversary date from the posting of financial security.

20. One off street parking space shall be provided within the fenced area.

SECTION 21.03 VARIANCE, CONDITIONS GOVERNING APPLICATIONS, PROCEDURES
To authorize upon appeal in specific cases such Variance from the terms of this Ordinance as will not be contrary to the public interest where, owning to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. A Variance from the terms of this Ordinance shall not be granted by the Zoning Hearing Board unless and until:

A. A written application for a Variance is submitted demonstrating:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.

3. That the special conditions and circumstances do not result from the action of the applicant.

4. That granting the Variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings, in the same district.

No nonconforming use of the neighboring lands, structures, or buildings in other districts shall be considered grounds for the issuance of a Variance.

B. Notice of public hearing shall be given as in Article 21, Section 21.02 (B) above.

C. The public hearing shall be held. Any party may appear in person, or by agent, or by attorney.

D. The Zoning Hearing Board shall make findings that the requirements of Article 21, Section 21.03 (A) have been met by the applicant for a Variance.

E. The Zoning Hearing Board shall further make a finding that the reasons set forth in the application justify the granting of the Variance that will make possible the reasonable use of land, building, or structure.

F. The Zoning Hearing Board shall further make a finding that the granting of a Variance will be in harmony with the general purpose, and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting a Variance, the Zoning Hearing Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance.

Violation of such conditions and safeguards, when made a part of the terms under which Variance is granted, shall be deemed a violation of this Ordinance and punishable under Article 28 of this Ordinance.

SECTION 21.04 BOARD HAS POWERS OF ADMINISTRATIVE OFFICIAL ON APPEALS: REVERSING DECISION OF ADMINISTRATIVE OFFICIAL: In exercising the abovementioned powers, the Zoning Hearing Board may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination as ought to be made, and to that and shall have the powers of administrative official from whom appeal is taken.

The concurring vote of two (2) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the administrative official, or to decide in favor of the applicant on any matter which it is required to pass under this Ordinance, or to effect any variation on the application of this Ordinance.
The granting or approval of any Special Exception or Variance by the Zoning Hearing Board shall expire two (2) years from the date of the decision provided unless the applicant has applied for and secured an approved Building and Zoning Permit and has begun, diligently continued or completed the work authorized therein prior to the two (2) year expiration date. If however, said property is transferred in ownership prior to the two (2) year limitation, the Special Exception or Variance shall become immediately invalid upon such transfer of ownership.
ARTICLE 22

APPEALS FROM THE ZONING HEARING BOARD

Any person or persons, or any board, or bureau of the Township aggrieved by any decision of the Zoning Hearing Board may seek review by a court of record of such decision, in the manner provided by the laws of the State and particularly by Article X, Pennsylvania Municipalities Planning Code.

ARTICLE 23

DUTIES OF ADMINISTRATIVE OFFICIAL

ZONING HEARING BOARD, TOWNSHIP AND SUPERVISORS

AND

COURTS ON MATTERS OF APPEAL

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Administrative official, and that recourse from the decisions of the Zoning Hearing Board shall be to the courts as provided by law and particularly by Article X, Pennsylvania Municipalities Planning Code.

It is further the intent of this Ordinance that the duties of the Township Supervisors in connection with this Ordinance shall not include hearing and deciding such questions of interpretation and enforcement that may arise. The procedure for deciding such question shall be as stated in this article and this Ordinance. Under this Ordinance the Township Supervisors shall have only the duties (1) of considering and adopting or rejecting proposed amendments or the repeal of this Ordinance, as provided by laws, (2) establishing a schedule of fees and charges as stated in Article 24 and (3) those duties specifically noted in other articles of this Ordinance.

ARTICLE 24

SCHEDULE OF FEES, CHARGES, AND EXPENSES

The Township Supervisors shall establish a schedule of fees, charges, and expenses and a collection procedure for Building Permits, Certificates of Zoning Compliance, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the administrative official, and may be altered or amended only by the Township Supervisors.
ARTICLE 25

AMENDMENTS

The regulations, restriction, and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed, provided, however, that no such action may be taken until after a public hearing in relation thereto by the Township Supervisors, at which parties in interest and citizens shall have an opportunity to be heard. At least fourteen (14) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the Township at least once in each of two (2) successive weeks. If the amendment is initiated by any parties other than the Planning and Zoning Commission, the Township Supervisors shall submit each such amendment to the Planning and Zoning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning and Zoning Commission an opportunity to submit recommendations. If after any public hearing upon an amendment, the proposed amendment is 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.

ARTICLE 26

PROVISIONS OF ORDINANCE

DECLARED TO BE MINIMUM REQUIREMENTS

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

ARTICLE 27

COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complainant stating fully the causes and basis thereof shall be filed with the administrative official. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.
ARTICLE 28

PENALTIES FOR VIOLATION

Any person, partnership, or corporation who or which shall violate the provisions of this Zoning Ordinance shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than five hundred (500) dollars, nor less than fifty (50) dollars, plus cost of prosecution, and/or such person, the members of such partnership, or the officers of such corporation shall be liable to imprisonment for not more than sixty (60) days. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of the Zoning Ordinance shall be paid over to Millcreek Township.

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

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

ARTICLE 29

SEPARABILITY CLAUSE

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.
ARTICLE 30

REPEAL OF CONFLICTING ORDINANCES

EFFECTIVE DATE

All ordinances or parts of ordinances in conflict with this Zoning Ordinance, or inconsistent with the provisions of this Ordinance, are here repealed to the extent necessary to give the Ordinance full force and effect. This ordinance shall become effective an April 18, 1977.

Ordained and enacted into law this 13th day of April, 1977, to become effective five (5) days from the date hereof.
AN ORDINANCE AMENDING THE TOWNSHIP'S ZONING ORDINANCE, ORDINANCE NO. 4-13-77 ENACTED APRIL 13, 1977, AS AMENDED, BY REVISING THE AGRICULTURAL INDUSTRY DISTRICT REGULATIONS AND DEFINITIONS RELATED THERETO, AND BY SUBSTITUTING NO-IMPACT HOME-BASED BUSINESS REGULATIONS FOR HOME OCCUPATIONS REGULATIONS

WHEREAS, on June 12, 2002, the Board of Supervisors of Millcreek Township, pursuant to the provisions of the Pennsylvania Municipalities Planning Code concerning curative amendments, Section 609.2, adopted Resolution 061201 declaring certain portions of the Township Zoning Ordinance's Agriculture Industry District Regulations to be substantively invalid; and

WHEREAS, the Township Board of Supervisors has since worked closely with the Township Planning Commission and members of the township farming community to revise those regulations in
an effort to cure any substantive invalidities while still providing the greatest protections possible to that prime agricultural land lying within the township;

WHEREAS, the Township Board of Supervisors has determined that the Agricultural District Regulations concerning intensive animal husbandry operations should be revised; and

WHEREAS, the Township Board of Supervisors has determined that other parts of the zoning Ordinance require revision.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Supervisors of the Township of Millcreek, Lebanon County, Pennsylvania, that the Township's zoning Ordinance shall be amended as follows:

SECTION 1. In Article 1 the following new definitions are hereby inserted in alphabetical order:

INTENSIVE ANIMAL HUSBANDRY OPERATIONS:

Intensive animal husbandry operations shall include animal husbandry operations where the animal density exceeds two animal equivalent units per acre on an annualized basis, with an animal equivalent unit being equal to one thousand pounds
live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit.

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. (See Supplementary District Regulations.)

PRIME AGRICULTURAL LAND:

"Prime Farmland" and "Additional Farmland of Statewide Importance" as defined in the three page document titled "Important Farmlands Of Lebanon County, Pennsylvania," the "List of Mapping Units That Qualify As Prime Farmland," and the "List of Mapping Units That Qualify As Farmland Of Statewide Importance," all of which have been produced by the United States Department of Agriculture. All of the soils in these mapping units are soils of the first, second, and third class as defined by the United States Department of Agriculture and fall within the definition of prime agricultural land set forth in the Pennsylvania Municipalities Planning Code. The documents referenced above are incorporated into this zoning ordinance immediately following the text of the Agricultural Industry District Regulations. The location of the specific soil mapping units are set forth in the latest revision of the Soil Survey of Lebanon County, Pennsylvania, prepared by the United States Department of Agriculture, which is incorporated by reference herein.

SECTION 2. In Article 1 the following definition is amended to read as follows:
FARM:

Contiguous land, held in single or joint ownership, that prior to the enactment of this ordinance sustained economically viable farming operations thereon by producing through biological and botanical processes agricultural commodities saleable as marketable products, irrespective of whether such land (i) is divided into one or more lots, parcels, purports, or tracts, (ii) was acquired by the landowner at different times or by different deeds, devise, partition, or otherwise, or (iii) is bisected by public or private streets or rights-of-way.

SECTION 3. In Article 1 the following definitions are hereby repealed and shall be removed:

AGRICULTURAL ADVISORY COMMITTEE
AGRICULTURAL LAND COMPLETELY ABSORBED
HOME OCCUPATIONS
ANIMAL HUSBANDRY, INTENSIVE, AND LIVESTOCK ACTIVITIES
FEEDLOT

SECTION 4. Article 6 is hereby amended to read in its entirety as follows:

SECTION 6.01 INTENT

The Pennsylvania Municipalities Planning Code sets forth as part of its intent the promotion of the preservation of the Commonwealth’s prime agricultural land and the encouragement of that preservation through zoning. Millcreek Township’s Agricultural Industry District is comprised primarily of existing agricultural areas of the Township and those areas...
where environmental conditions are most conducive to agriculture and animal husbandry pursuits. Consistent with the strong legislative policy of the Commonwealth, Millcreek Township does not consider its prime agricultural land as undeveloped farmland awaiting another use. Rather, it is considered as developed land. It is land being used to produce a product. Farming is a land-intensive manufacturing process that converts raw materials into a product, comparable to other industrial operations, with accompanying nuisances of noise, odor, and dust. Agricultural zoning districts should not be considered holding zones, but as zones having a positive purpose of utilizing the Township’s natural resources for the benefit of the entire community, and the Township should protect agricultural zoning districts from interference by incompatible uses that break down the integrity of such districts and interfere with normal and customary agricultural operations.

SECTION 6.02 PERMITTED USES ON PRIME AGRICULTURAL LAND

A. All forms of agriculture, aquaculture, tree farming, pasturing, truck gardening, horticulture, nurseries, vineyards, aviaries, apiaries, noncommercial greenhouses, commercial greenhouses, hatcheries, and similar enterprises, but excluding intensive animal husbandry operations.

B. Animal husbandry, but not including intensive animal husbandry operations.

C. Public conservation areas and structures for the conservation of open space, water, soil, forest and wildlife resources.

D. Single family dwellings as regulated by section 6.03 of this ordinance.

E. Necessary public utility structures and buildings.

F. Customary accessory uses and buildings incidental to any of the above permitted uses, including the following:
1. Road side stands for the sale of "home-grown" or "home-made" products when located not less than twenty (20) feet from the road right-of-way line.

2. Signs, as provided for in Article 18 of this Ordinance.

3. No-Impact Home-Based Businesses as provided for in Section 16.17 of this Ordinance.

4. Accessory uses as provided for in Article 16 of this Ordinance.

G. Farm-related business necessary to the conduct of agricultural activities, such as the sale of seed and fertilizer and the repair of farm machinery, provided that:

1. The business shall be conducted on a farm.

2. The business shall be conducted only by the proprietor of the farm on which the business is located or by a person employed on that farm for the purpose of participating in the conduct of agricultural or animal husbandry operations.

3. The conduct of the business on a farm shall be secondary to the use of the farm for agricultural or animal husbandry activities.

H. Solar energy devices for use in agricultural enterprises.

I. Collection of naturally occurring surface water for wholesale commercial purposes subject to the Delaware River Basin Commission, Susquehanna River Basin Commission, Pennsylvania Department of Environmental Protection, and the Pennsylvania Fish Commission approval and regulation, as applicable, for removal of water resources, including structures necessary for the collection, storage, and removal of the naturally
occurring surface water. The term “collection” shall not include extraction, by borehole or any other method.

J. Communications Antennas mounted on an existing Public Utility Transmission Tower, building, or other structure, including existing Communications Towers, and Communications Equipment Buildings, subject to the standards set forth in Article 16, Section 16.22.

SECTION 6.03 LIMITATIONS WITH RESPECT TO SINGLE FAMILY DWELLINGS ON PRIME AGRICULTURAL LAND

Single family dwellings on prime agricultural land shall be subject to the following limitations:

A. Upon each farm, as it existed on April 9, 2003, or as it existed on the date the farm was first designated as being in an Agricultural District, if that designation first occurred after April 9, 2003, and upon each lot not within the definition of farm as set forth in Article 1 of this Ordinance, there shall be permitted the following number of single family dwellings, including those existing on April 9, 2003, provided there is compliance with all requirements and limitations hereinafter set forth in this section:

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<th>Size of Farm or Lot</th>
<th>Maximum Number of Single Family Dwellings</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 acres to less than 10 acres</td>
<td>Any number in accordance with subsection D. below</td>
</tr>
<tr>
<td>10 acres to less than 50 acres</td>
<td>3</td>
</tr>
<tr>
<td>50 acres to less than 100 acres</td>
<td>4</td>
</tr>
<tr>
<td>100 acres to less than 175 acres</td>
<td>5</td>
</tr>
<tr>
<td>175 acres to less than 250 acres</td>
<td>6</td>
</tr>
<tr>
<td>250 acres to less than 400 acres</td>
<td>7</td>
</tr>
<tr>
<td>400 acres or more</td>
<td>8</td>
</tr>
</tbody>
</table>
Existing unsubdivided single family dwellings shall be considered part of the permitted allotment. The maximum permitted number of single family dwellings shall apply regardless of whether individual lots are subdivided at the time the dwellings are established. Further subdivision of lots created after the enactment date of this Ordinance shall be subject to the maximum allotment determined for the farm or lot as set forth herein.

B. All applications for Building and Zoning Permits to erect a single family dwelling on unsubdivided land and all applications for subdivision shall be accompanied by an agricultural plan identifying the following:

1. Size, shape, and dimensions of the farm or other lot; size and location of all existing buildings; and size, location, and use of all proposed buildings and lots.

2. All lots previously approved under these regulations.

3. Land under active cultivation and land in woodlots or forests.

4. Soil information for the farm or other lot, including soil series and soil capability class, subclass, and unit as classified within the latest revision of the Soil Survey of Lebanon County, Pennsylvania, prepared by the United States Department of Agriculture.

C. All applications to erect a single family dwelling and to subdivide or resubdivide a farm or other lot shall be subject to the following:

1. All single family dwellings and lots to be subdivided shall be established or located on only farmland classified as Soil Capability Classes III - VII, when such land is available; and
2. The least suitable farmland (highest numbered Soil Capability Units) shall be utilized for development in all cases, unless the applicant can demonstrate its unsuitability for the proposed use. When a soil has been determined to be unsuitable because of slope, drainage, flooding, sewage disposal deficiencies, or other physical characteristics, then the least suitable remaining farmland, based on soil capability classes, shall be utilized for development; and

3. When the land to be developed is comprised entirely of farmland classified as Soil Capability Classes I and II, then the least suitable (highest numbered Soil Capability Units) shall be utilized for development; and

4. Single family dwellings shall be grouped, where possible, adjacent to other similar uses and lots to avoid scattering of development. Dwellings shall be located as far from intensive animal husbandry operations as possible. No subdivision or development shall necessitate any new streets except that one (1) lot or use may be accessed via an unimproved fifty (50) foot right-of-way; and

5. Application for the last single family dwelling permitted within a farm or other lot shall be accompanied by a proposed deed for the residue land. This proposed deed shall contain a restriction stating that subdivision and development allotments have been used and that no further subdivision, development, or establishment of additional single family dwellings shall be permitted. This restrictive deed shall be recorded within thirty (30) days of subdivision or permit approval for the last allowable dwelling. Failure to record this deed, subsequent removal of the deed restriction, or subsequent subdivision or establishment of additional dwellings shall constitute a violation of this Ordinance,
punishable in accordance with this Ordinance and the Pennsylvania Municipalities Planning Code.

6. A property owner submitting a subdivision plan shall specify on the plan which lot or lots will carry with them the right to erect or place any unused portion of the quota of dwellings the original farm or lot may have. The property owner shall be required to assign to each lot the right to erect or place at least one dwelling and demonstrate that the lot can be approved as a location for the placement or erection of a dwelling unless the lot is being permanently merged with another parcel that has either an existing dwelling or the right to erect or place at least one dwelling.

7. A limit of one single family dwelling may be subdivided every five (5) years of continuous ownership, if any subdividable lot remains from the quota allocated to the farm. Rights to subdivide lots for single family dwellings shall not accumulate over time; there shall be five (5) years between each such subdivision. The right to subdivide the first single family dwelling shall accrue immediately upon the effective date of the enactment of this subsection.

8. Any landowner who disagrees with the classification of his or her land or any part of it by the latest revision of the Soil Survey of Lebanon County, Pennsylvania, prepared by the United States Department of Agriculture, may submit an engineering analysis of the soils on the portion of the land that the landowner seeks to have reclassified, and if the Board of Township Supervisors finds the analysis to be correct, it shall alter the Township Soil Map to reflect the results of such analysis.

D. Lot area, lot width, lot coverage, yard depths, and building height shall satisfy the following requirements
for every single family dwelling hereinafter erected, altered, or established on prime agricultural land in this district.

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Area</th>
<th>Minimum Lot Width</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Lot One Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Dwelling</td>
<td>2 acres</td>
<td>125'</td>
<td>15'</td>
<td>50' 20' 40' 50'</td>
</tr>
</tbody>
</table>

Minimum Lot Area shall be the minimum area that will permit the construction of the proposed dwelling, a driveway to serve it, an approved on-lot sewage disposal system, and an on-lot well with the required one hundred (100) foot isolation radius separating it from the sewage disposal system.

SECTION 6.04 REDESIGNATION OF PRIME AGRICULTURAL LAND

Any person whose land is designated prime agricultural land and who claims the land should not be designated prime agricultural land because the soil mappings are inaccurate with regard to such person's property may appeal to the Zoning Hearing Board as provided in this ordinance to have the property identified as land not designated prime agricultural land. The burden of proof shall be upon the appellant. If the Zoning Hearing Board determines the soil mappings are inaccurate with regard to the land in question and the land is not within this ordinance's definition of prime agricultural land, the controls applicable to prime agricultural land shall not be applied thereto.

SECTION 6.05 The following special exceptions upon approval by the Zoning Hearing Board on land designated prime agricultural land:

A. Accessory use not located on the same lot with a permitted principal use to which it is accessory.
B. Building height greater than 2 ½ stories or 35 feet that is not exempted by other provisions of this Ordinance.

C. Intensive animal husbandry operations, provided that new structures or the renovation, conversion, or expansion of existing structures to house an intensive animal husbandry operation are permitted only when the following requirements are met:

1. The minimum lot size shall be twenty-five (25) acres.

2. The maximum lot coverage shall be ten (10) percent.

3. No building housing livestock that is a part of an intensive animal husbandry operation shall be permitted within four hundred (400) feet of any residential zoning district.

4. No building housing livestock that is a part of an intensive animal husbandry operation shall be permitted within two hundred (200) feet of any property line or road right-of-way line.

5. Where it is shown that, because of prevailing winds, topography, unusual obstructions, or other conditions, a lesser distance would protect adjoining lands from odor, dust, or other hazards, the Zoning Hearing Board may reduce the above special setback requirements. In no case, however, shall the Zoning Hearing Board reduce any special setback requirement to less than two hundred (200) feet. The burden shall be on the applicant to prove that a lesser distance would not be detrimental to the health, safety, and general welfare of the community.

6. When engaging in subdivision or land development, the plans filed shall show, and require, on either the subdivided or land developed lot, or the remaining land, the setbacks required hereunder.
7. The applicant shall present written evidence from the Lebanon County Conservation District certifying that the Lebanon County Conservation District has agreed to review the applicant's Act 6 Nutrient Management Plan for compliance with Act 6 and all regulations promulgated thereunder. In the event the Zoning Hearing Board grants the application for special exception, it shall impose as a condition of that grant a requirement that no building permit for any construction pursuant to the special exception shall be issued unless the applicant presents to the township zoning officer written evidence from the Lebanon County Conservation District that an Act 6 Nutrient Management Plan for the proposed intensive animal husbandry operation has been approved by the Conservation District.

8. The applicant shall present written evidence from the Lebanon County Conservation District certifying that the applicant has applied for approval of a conservation plan for the proposed intensive animal husbandry operation. In the event the Zoning Hearing Board grants the application for special exception, it shall impose as a condition of that grant a requirement that no building permit for any construction pursuant to the special exception shall be issued unless the applicant presents to the township zoning officer written evidence from the Lebanon County Conservation District that the applicant's conservation plan has been approved.

9. The applicant shall present written evidence from the Lebanon County Conservation District certifying either (i) that the Lebanon County Conservation District has agreed to design all manure storage facilities required by the application in compliance with the Pennsylvania Technical Guide developed by the Natural Resource Conservation Service or (ii) that the Lebanon County Conservation District has agreed to review and approve the design of the applicant's manure storage facilities prepared by applicant's
private consultant as being in compliance with the aforesaid Pennsylvania Technical Guide. In the event the Zoning Hearing Board grants the application for special exception, it shall impose as a condition of that grant a requirement that no building permit for any manure storage facility constructed pursuant to the special exception shall be issued unless the applicant presents to the township zoning officer written evidence from the Lebanon County Conservation District that the design for such facility has been approved by the Lebanon County Conservation District and is in compliance with the aforesaid Pennsylvania Technical Guide.

10. The applicant shall present written evidence from the Lebanon County Conservation District certifying that the applicant has applied for Chapter 102 Erosion and Sediment Control Plan approval for disturbances involving 5,000 square feet or more and/or a NPDES permit for disturbances involving one acre or more. In the event the Zoning Hearing Board grants the application for special exception, it shall impose as a condition of that grant a requirement that no building permit for any construction pursuant to the special exception shall be issued unless the applicant presents to the township zoning officer written evidence from the Lebanon County Conservation District that the applicant's Chapter 102 Erosion and Sediment Control Plan and/or NPDES permit application have been approved.

11. The applicant shall present to the Zoning Hearing Board a plan certified by a traffic professional that the intensive animal husbandry operation allows for the safe and efficient movement of all motorized vehicles associated with the intensive animal husbandry operation, and including, but not limited to, information concerning traffic generation, size of vehicles, number of trips per day, and a design, and improvement where necessary,
of each proposed entrance and/or exit to the intensive activity that does not allow mud, gravel, or other material to be deposited upon or to accumulate on or along abutting public roads.

12. The applicant shall provide for buffering, as determined satisfactory, by the Zoning Hearing Board with respect to any structure, access drive, parking, loading, or unloading area located within three hundred (300) feet of any residential structure or lot of record that is three (3) acres or less in size.

13. Operations utilizing food processing wastes shall be subject to the following:
   a) All putrescible food processing wastes shall be fed to the animals on the premises or be removed from the premises within seventy-two hours after delivery.

   b) All food processing waste shall be stored in enclosed buildings or covered containers prior to being fed to the animals.

   c) Only such food processing wastes as can reasonably be expected to be consumed by the animals on the premises shall be stored on site.

   d) Food processing waste shall be transported to and from the premises only in covered containers.

   e) The owner shall at all times comply with all applicable state and federal laws and regulations governing the transportation, storage, use, and disposal of food processing wastes.

D. Communications Towers subject to the standards set forth in Article 21 Section 21.02F.
E. Churches and associated cemeteries provided that:

1. Any cemetery must be located on the same tract of land as the church with which it is associated.

2. The minimum lot area shall be three (3) acres notwithstanding anything to the contrary set forth in Section 6.08 hereof.

3. The applicant complies with all other provisions of this ordinance.

SECTION 6.06 PERMITTED USES ON LAND NOT DESIGNATED PRIME AGRICULTURAL LAND

A. Permitted uses as designated under Section 6.02 of this article.

B. Single family detached dwellings.

C. Customary accessory uses and buildings provided such are clearly incidental to the principal use and do not include any activity commonly conducted as a business and are located on the same lot with the permitted principal use.

D. Public elementary and high schools and institutions of higher education.

E. Municipal buildings.

F. Communications Antennas mounted on an existing Public Utility Transmission Tower, building, or other structure, including existing Communications Towers, and Communications Equipment Buildings, subject to the standards set forth in Article 16, Section 16.22.

SECTION 6.07 The following special exceptions upon approval by the Zoning Hearing Board on land NOT designated prime agricultural land.
A. Churches, similar places of worship, and housing for religious personnel.

B. Cemeteries.

C. Accessory uses not located on same lot with the permitted principal use.

D. Private nurseries, elementary, high schools, and institutions of higher learning.

E. Convalescent homes, hospitals, clinics, animal hospitals, and sanitariums.

F. Semi-public or private uses such as recreation areas, game and wildlife hunting, gun clubs, camps, and structures operated by membership clubs for the benefit of their members and not for gain.

G. Riding academies and stables.

H. Golf courses and country clubs.

I. Communications Towers subject to the standards set forth in Article 21, Section 21.02F.

J. Kennels.

K. Carnivals, outdoor circuses and migratory amusement enterprises.

L. Commercial amusement or recreation establishment such as outdoor theaters, miniature golf courses, race tracks, and other similar recreational uses requiring large segregated land areas, providing that any of these uses shall not be located nearer than fifty (50) feet from road right-of-way.

M. Commercial recreation areas involving campgrounds, travel trailer campgrounds, and similar uses provided that the following conditions are met:
1. Minimum lot area of fifty (50) acres.

2. All permanent structures and accessory structures shall be located no closer than two hundred (200) feet to any adjoining lot line or road right-of-way so as to provide a buffer area for the adjacent property owners.

3. All buffer yards shall be appropriately landscaped and well maintained. Side and rear yards may be developed for campground related recreation activities (e.g. hiking trails, bicycle paths, passive recreation areas, campsites, travel trailer storage, etc.) to within fifty (50) feet of any adjoining lot line or road right-of-way.

4. Detailed development plans showing the campsites, parking, recreation areas, utilities, sewage disposal facilities, etc., shall be submitted.

5. No less than eight (8) percent of the gross site area shall be devoted to recreational facilities such as adult recreation areas, child play areas, swimming pools, etc.

6. There shall be no permanent structures or additions constructed and attached to any travel trailer, tent or other recreational dwelling unit which is located on an approved campsite.

7. Campsite areas shall contain no less than three thousand (3,000) square feet and shall be so designed that any travel trailer, tent or other camping structure shall be located no closer than ten (10) feet to the designated campsite lot lines.

8. Any campsite shall be rented by the day or week only, and the occupant(s) of said space shall remain in the same campground not more than thirty (30) days. This does not imply that camper vehicles cannot be stored on the site.
9. No part of any campground shall be used for non-residential purposes, except such uses as are required for the direct servicing and well being of camp residents and for the management and maintenance of the campgrounds.

N. Saw mills and other establishments associated with forestry.

O. Agriculturally oriented commercial establishments as follows:

1. Commercial establishments shall bear relationship to the agricultural district and uses permitted therein (i.e. farm implement dealer, feed mill, commercial greenhouse, etc.).

2. On-premises butchering operations, as an accessory use, provided that the following conditions are met:

   a) Butchering operations shall be conducted only by an immediate member of the family, owning and residing on the property.

   b) Butchering operations shall be limited to the employ of not more than one (1) assistant.

   c) Any building or structures which involve this use or in which this use is conducted shall be located at least one hundred (100) feet from any adjoining property line.

   d) Any remains, entrails, carcasses, etc., resulting from the use shall be stored on the property only on a temporary basis and such storage shall be located at least one hundred (100) feet from any adjoining property line.

   e) No objectionable noise, fumes, odors, dust or electrical interference shall be created through this use.
P. Group Care Facilities provided that:

1. Plans for the facilities are approved by the appropriate local and state agencies: i.e. Department of Labor and Industry and Department of Public Welfare, etc.

2. The group homes do not cluster in large numbers in the municipality, that is, no more than 3% of the population (according to the most recent U.S. Census) of the municipality can be residents of group homes.

3. There shall be no more than thirteen (13) aged, handicapped, or disabled or mentally ill residents and no more than eight (8) mentally retarded residents in any one (1) group care facility unless the applicable state standards are changed, then the new standards shall apply.

4. Factors that are to be considered by the Zoning Hearing Board when reviewing Special Exceptions for group care facilities are the following:

   a) Appropriate off-street parking should be provided as required in Section 17.04 of this Ordinance for homes for the aging or nursing homes.

   b) A plan showing the layout of the home and the facilities should be presented to the Board for approval.

   c) The applicant should meet all safety requirements for such homes as required by any Federal, State, or Local Laws.

   d) The Zoning Hearing Board shall attach any other reasonable special conditions to their decision that would be necessary to protect residents in the surrounding neighborhood as
well as the residents of the group care facility.

e) In reviewing the applications for a Special Exception, the Zoning Hearing Board shall also consider all relevant factors specified in other sections of this Ordinance.

SECTION 6.08 LOT AREA, BUILDING HEIGHT AND YARD REQUIREMENTS

A. Requirements for land designated prime agricultural land, except for single family dwellings, the requirements for which are found in section 6.03.D:

Building Height . . . . farm structures - none; all other structures 2 1/2 stories (35 ft.) maximum unless by Special Exception.

Lot Coverage . . . . 15% maximum

Building Setback Minimum

front . . . . . . . 50 feet
rear . . . . . . . 50 feet
side, one . . . . . 20 feet
side, total . . . . . 40 feet

Lot Area . . . . . . fifty (50) acre minimum; no subdivisions of prime agricultural land shall be permitted except those that (i) comply with section 6.03 of this Ordinance, (ii) have the effect of increasing the size of another farm without reducing the size of the farm being subdivided to less than fifty (50) acres, or (iii) result in the farm being subdivided being completely absorbed by one or more adjacent farms.

B. Requirements for land not designated prime agricultural land:

Building Height . . . . farm structures - none. All other
Lot Coverage . . . . . . . 15% maximum
Lot Area . . . . . . . . . . one (1) acre minimum for all uses except single family dwellings. The minimum lot area for single family dwellings shall be the minimum area that will permit the construction of the proposed dwelling, a driveway to serve it, an approved on-lot sewage disposal system and an on-lot well with the required one hundred (100) foot isolation radius separating it from the sewage disposal system.
Lot Width . . . . . . . . . . 200 feet minimum
Building Setback Minimum front . . . . . . . . . . . . . . . 50 feet
rear . . . . . . . . . . . . . . . 50 feet
side, one . . . . . . . . . . . . 20 feet
side, total . . . . . . . . . . . . 40 feet

SECTION 6.09 MINIMUM OFF-STREET PARKING REQUIREMENTS Off-street parking shall be provided for in accordance with Article 17 of this Ordinance.

SECTION 5. The two page document titled "THE PRODUCTIVITY VALUE OF THE SOILS OF LEBANON COUNTY EXPRESSED AS PERCENT OF THE BEST SOIL," which immediately follows the Agricultural Industry District Regulations is repealed and the same shall be removed from the Ordinance.
SECTION 6. The one page document titled "RELATIVE VALUE OF SOILS" immediately following the document mentioned in Section 5 above is repealed and the same shall be removed from the Ordinance.

SECTION 7. Section 16.17 of Article 16 is amended to read in its entirety as follows:

SECTION 16.17 NO-IMPACT HOME-BASED BUSINESSES REGULATIONS

In those districts allowing no-impact home-based businesses, such businesses must satisfy the following requirements and a permit shall be issued therefore by the zoning officer:

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

(2) Except for the employment of not more than one (1) assistant, the business shall employ no employees other than family members residing in the dwelling.

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

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

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

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

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

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

SECTION 8. Section 7.02, subsection G.1 is amended to read as follows:

(1) No-impact home-based businesses as provided for in Section 16.17 of this Ordinance.

SECTION 9. Section 8.02, subsection E is amended to read as follows:

E. No-impact home-based businesses as provided for in Section 16.17 of this Ordinance.

SECTION 10. Section 15.02 is amended to read in its entirety as follows:

SECTION 15.02 NONCONFORMING LOTS OF RECORD

In any district a permitted building and customary accessory buildings may be erected on any single lot on record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance, except for the limitations set forth in the provisions found in Article 6, Sections 6.02, 6.03, and 6.05 of this Ordinance and in the definition of "Farm" set forth in Article 1 of this Ordinance. Such lot must be in separate ownership. This provision shall apply even though such lot fails to
meet the requirements for area or width, or both, that are generally applicable in this district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Zoning Hearing Board.

SECTION 11. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

ORDAINED AND ENACTED by the Millcreek Township, Lebanon County Board of Supervisors on this 4th day of April, 2003.

BOARD OF SUPERVISORS
MILLCREEK TOWNSHIP
LEBANON COUNTY, PENNSYLVANIA

[Signatures]

ATTEST:

[Signature]
Secretary
IMMPORTANT FARMLANDS OF LEBANON COUNTY, PENNSYLVANIA

The Department of Agriculture and the Soil Conservation Service are concerned about any action that tends to impair the productive capacity of American agriculture. The Nation needs to know the extent and location of the best land for producing food, feed, fiber, forage and oilseed crops; the land that has special qualities for growing specific high-value crops; and other important lands for producing crops.

It is SCS policy to make and keep current an inventory of prime farmland and unique farmland of the Nation. This inventory is being carried out in cooperation with other interested agencies at the national, state, and local levels of government. The objective of the inventory is to identify the extent and location of the important rural lands needed to produce food, feed, fiber, forage and oilseed crops.

The Important Farmlands Map of Lebanon County, Pennsylvania, has been published by SCS. This map displays two of the categories recognized in the national inventory. Definition of types of important farmlands are as follows.

**Definitions**

**Prime Farmland**

Prime farmland is land best suited for producing food, feed, forage, fiber and oilseed crops, and also available for these uses (the land could be cropland, pastureland, rangeland, forest land, or other land but not built-up land or water). It has the soil quality, growing season and moisture supply needed to produce sustained high yields of crops economically when treated and managed, including water management, according to modern farming methods.

Prime farmland meets the following criteria:

1. The soils have an adequate moisture supply.
2. The soils have a suitable soil temperature regime. These are soils that, at a depth of 20 inches (50 cm), have a mean annual temperature higher than 32°F (0°C).
3. The soils have a pH between 4.5 and 8.4 in all horizons within a depth of 40 inches (1 meter) or in the root zone if the root zone is less than 40 inches deep. This range of pH is favorable for growing a wide variety of crops without adding large amounts of amendments.
4. The soils have no water table or a water table that is maintained at a sufficient depth during the cropping season to allow food, feed, fiber, forage and oilseed crops common to the area to be grown.
5. The soils lack excessive soluble salts that inhibit plant growth.
6. The soils are not flooded frequently during the growing season (less often than once in two years).

7. The soils do not have a serious erosion hazard.

8. The soils have a permeability rate of at least 0.06 inches (0.15 cm) per hour in the upper 20 inches (50 cm).

9. Less than 10 percent of the surface layer in these soils consists of rock fragments coarser than three inches (7.6 cm). These soils present no particular difficulty in cultivating with large equipment.

A list of soils that qualify as prime farmland in Lebanon County is enclosed with this report.

**Unique Farmland**

Unique farmland is land other than prime farmland that is used for the production of specific high-value food and fiber crops. It has the special combination of soil quality, location, growing season and moisture supply needed to produce sustained high quality and/or high yields of a specific crop when treated and managed according to modern farming methods. Examples of such crops are citrus, olives, cranberries, fruit and vegetables.

Unique farmland has the following characteristics:

1. It is used for a specific high-value food or fiber crop.

2. It has a moisture supply that is adequate for the specific crop. The supply is from stored moisture, precipitation or a developed irrigation system.

3. It combines favorable factors of soil quality, growing season, temperature, humidity, air drainage, elevation, aspect or other conditions such as nearness to market that favor the growth of a specific food or fiber crop.

Lebanon County chose not to recognize unique farmlands in the county.

**Additional Farmland of Statewide Importance**

This is land, in addition to prime and unique farmlands, of statewide importance for the production of food, feed, fiber, forage and oilseed crops. Criteria for defining and delineating this land is determined by the appropriate State agency or agencies. In Pennsylvania, Capability Class II land and Capability Class III land that does not qualify as prime farmland has been designated as additional farmland of statewide importance.

A list of soils that qualify as additional farmland of statewide importance in Lebanon County is enclosed with this report.

**Additional Farmland of Local Importance**

In some local areas, there is concern for certain additional farmlands for the production of food, feed, fiber, forage and oilseed crops even though these lands are not identified as having national or statewide importance. Where appropriate, these lands are to be identified by the local agency or agencies concerned.

Lebanon County chose not to recognize additional farmland of local importance in the county.

**General**

A legend on the front of the Important Farmlands Map identifies different kinds of land and their acreage in the county. Areas not colored are other land. These areas do not fit any of the categories listed in the definitions and are not water or urban areas more than 10 acres in size.

The criteria for identification of prime farmland and additional farmland of statewide importance are entirely related to soil characteristics. They were set up to facilitate the identification and inventory of the state’s most productive farmland in a reasonable time by using existing soil surveys.

Most of the prime farmland and much of the additional farmland of statewide importance is now used for crops; however, it could be in pasture, range, forest or other land uses and still qualify as prime farmland. Urban and built-up land and water are excluded. The rationale for this approach is that land not committed to irreversible uses may be available for cropping. Decisionmakers must be aware of the long-term implications of various land use options for the production of food, feed, etc., and the trade-offs involved. Actions that put high quality farmland in irreversible uses should be initiated only if these actions are clearly in the public interest.

This inventory does not constitute a designation of any land area to a specific land use. Such designations are the prerogative of responsible state and local officials.

Finally, it is important to emphasize that prime farmland is one of the most important resources of the Nation. This exceptional land can be farmed continuously or nearly continuously without degrading the environment. It will produce the most food, feed, etc., with the least amount of energy used. It responds exceptionally well to fertilizer and other chemical applications with limited loss of residues by leaching or erosion. This land has the highest percentage of soils that can be minimum tilled. It is the most responsive to management and requires the least investment for maintaining productivity.
LIST OF MAPPING UNITS THAT QUALIFY AS PRIME FARMLAND

Lebanon county

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<th>Class</th>
<th>Manuscript Symbol</th>
<th>Mapping Unit Name</th>
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<tbody>
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<td>I</td>
<td>BeA</td>
<td>Bedington shaly silt loam, 0 to 3 percent slopes</td>
</tr>
<tr>
<td>I</td>
<td>BeB</td>
<td>Bedington shaly silt loam, 3 to 8 percent slopes</td>
</tr>
<tr>
<td>IIe</td>
<td>BnB</td>
<td>Brecknock channery silt loam, 3 to 8 percent slopes</td>
</tr>
<tr>
<td>IIe</td>
<td>BwB</td>
<td>Buchanan gravelly loam, 3 to 8 percent slopes</td>
</tr>
<tr>
<td>IIe</td>
<td>ByB</td>
<td>Bucks silt loam, 3 to 8 percent slopes</td>
</tr>
<tr>
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<td>GeB</td>
<td>Chester channery loam, 3 to 8 percent slopes</td>
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<td>CKA</td>
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<td>Duffield silt loam, 0 to 3 percent slopes</td>
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<td>DfB</td>
<td>Duffield silt loam, 3 to 8 percent slopes</td>
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<td>HaA</td>
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</tr>
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<td>LaB</td>
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</tr>
<tr>
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<td>LeB</td>
<td>Leck Kill shaly silt loam, 3 to 8 percent slopes</td>
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<tr>
<td>IIw</td>
<td>LS</td>
<td>Lindside silt loam</td>
</tr>
<tr>
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<td>MoB</td>
<td>Mount Lucas silt loam, 3 to 8 percent slopes</td>
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<tr>
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<td>MuB</td>
<td>Murrill gravelly silt loam, 3 to 8 percent slopes</td>
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<td>IIe</td>
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<td>Ro</td>
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<tr>
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<td>UnB</td>
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</table>

1/ Some nonprime farmland areas are included in this mapping unit; however, it is our best judgment that in this county, over 50 percent of this unit have slopes of less than 5.4 percent and this soil qualifies for prime farmland.
LIST OF SOIL MAPPING UNITS THAT QUALIFY AS FARMLAND OF STATEWIDE IMPORTANCE

Lebanon County, Pennsylvania

<table>
<thead>
<tr>
<th>Class</th>
<th>Manuscript Symbol</th>
<th>Mapping Unit Name</th>
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<td>BeC</td>
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<tr>
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<td>Bm</td>
<td>Bowmansville silt loam</td>
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<td>BnC</td>
<td>Brecknock channery silt loam, 8 to 15 percent slopes</td>
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<td>CeC</td>
<td>Chester channery loam, 8 to 15 percent slopes</td>
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<td>LhB</td>
<td>Lehigh silt loam, 2 to 10 percent slopes</td>
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<td>Me</td>
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