

# *SHREWSBURY TOWNSHIP*

## **ZONING ORDINANCE**



YORK COUNTY  
PENNSYLVANIA

**June 2015**

(supersedes August 2010)

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## **ARTICLE 1**

### **TITLE, AUTHORITY, AND PURPOSE**

#### **Section 100 – Short Title**

This ordinance shall be known and may be cited as the “Shrewsbury Township Zoning Ordinance.”

#### **Section 101 – Authority**

#### **Section 102 – Township Authority**

Section 601 of the Pennsylvania Municipalities Planning Code (Act 247) provides that the Board of Supervisors of Shrewsbury Township may implement comprehensive plans or accomplish any of the purposes of Act 247 by enacting a zoning ordinance.

#### **Section 103 – Applicability**

This ordinance requires that, within the Township of Shrewsbury, in the County of York and the Commonwealth of Pennsylvania, no land, body of water or structure shall hereafter be used or occupied and no structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all the regulations and procedures herein specified for the district in which such land, body of water or structure is located.

#### **Section 104 – Purposes**

#### **Section 105 – General Purposes**

This ordinance is enacted to promote the health, safety, morale, and general welfare of the inhabitants of the Township of Shrewsbury in the following ways:

1. Lessening congestion in the roads and streets.
2. Securing safety from fire, panic and other dangers.
3. Providing adequate light and air.
4. Preventing the overcrowding of land.
5. Avoiding undue concentration of population.
6. Facilitating the adequate provision of transportation, water, sewage, schools, open space, landscaping, parks, and other public requirements.
7. Conserving the value of buildings.
8. Protecting and preserving sensitive environmental areas, natural resources including agricultural land, and encouraging the most appropriate use of land.

**Section 106 – Community Development Objectives**

This ordinance provides a legal basis and framework for future Shrewsbury Township development and redevelopment. Its provisions are guided by the policies and proposals contained within the township's comprehensive plan entitled "Southern York County Region Comprehensive Plan", as amended from time to time.

The Comprehensive Plan created a Growth Boundary Line (GBL) that delineates the portions of Shrewsbury Township available for development and the region that is part of the Agricultural Zone. Public water and sewer service is not allowed for uses outside the GBL except for service to an area within the Commercial District.

**Section 107 – Enforcement****Section 108 – Causes of Action**

In case any building, structure, landscaping or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of this ordinance the Shrewsbury Township Board of Supervisors or with the approval of the Shrewsbury Township Board of Supervisors, an officer of Shrewsbury Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation. When a landowner or tenant institutes any such action, notice of that action shall be served upon Shrewsbury Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Shrewsbury Township Board of Supervisors. No such action shall be maintained until such notice has been given.

**Section 109 – Enforcement Remedies**

Any person, partnership or corporation who or which has violated or permitted the violation of any provision of this ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by Shrewsbury Township, pay a judgment in the amount of five hundred (\$500.00) dollars plus all court costs, including reasonable attorney fees incurred by Shrewsbury Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the Magisterial District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the Magisterial District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this ordinance shall be paid over to Shrewsbury Township.

**Section 110 – Interpretation****Section 111 – Conflict with Other Laws**

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of health, safety, morals, and the general welfare of Shrewsbury Township and its citizens. It is not intended by this ordinance to interfere with or abrogate or annul any rules or regulations previously adopted or permits previously issued by Shrewsbury Township, which are not in conflict with any provisions of this ordinance, nor is it intended by this ordinance to interfere with or abrogate or annul any easements, covenants, building restrictions or other agreements between parties; provided, however, that where this ordinance imposes a greater restriction upon the use of the buildings or premises or upon the height of the building, or requires a larger open space than is imposed or required by such ordinance, rules, regulation, or permits or by easements, covenants, building restrictions or agreements, the provisions of this ordinance shall control.

**Section 112 – Validity**

Should any section, subsection or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this ordinance as a whole or any other part thereof. Likewise, if a court of competent jurisdiction finds the application of any provision or provisions of this ordinance to any lot, building or other structure or parcel of land to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property or situation immediately involved and shall not affect any other persons, property or situation.

**Section 113 – Repealer**

All other Shrewsbury Township ordinances or parts of ordinances are hereby repealed insofar as they are inconsistent with the provisions of this ordinance.

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## **ARTICLE 2**

### **DEFINITIONS**

#### **Section 201 – Word Usage**

1. Word usage. Presume that all words and phrases are used in their ordinary context unless such word or phrase is defined or interpreted differently within this article.
2. Language interpretation. In this chapter, when not inconsistent with the context:
  - Words in the present tense imply also the future tense.
  - The singular includes the plural.
  - The male gender includes the female gender.
  - The word "person" includes a partnership or corporation, trust or association, as well as an individual.
  - The term "shall" or "must" is always mandatory, "may" is always permissive.

#### **Section 202 – Definitions**

**Access Drive** - A private minor vehicular right-of-way, other than a street or driveway, providing access from a public or private street to a parking area within a lot.

#### **Accessory Structure** -

1. A structure associated with an accessory use to a principal use on the same lot; e.g., patio, swimming pool, tennis court, garage, utility shed.
2. A structure that is subordinate or customarily incidental to the use of the principal structure and is located on the same lot as the principal structure.

**Accessory Use** - See Use.

**Active Adult Development** - A residential development that includes restrictions on the ages of residents and which consists of a unified development under condominium ownership of private internal streets, landscaped areas, along public streets, and private on-site recreational facilities.

**Adult Day Care Center** - Any premises where care is provided to elderly or disabled adults for part of a twenty-four (24) hour day, excluding care provided by relatives. Such care includes personal assistance, the development of skills for daily living, and the provision of social contact.

**Adult Oriented Facility** - An establishment open to the general public or a private club open to members that is used and occupied for one (1) or more of the following activities:

1. **Adult Book Store** - An establishment in which ten (10) percent or more of the occupied sales or display area offers for sale, for rent or lease, for loan, or for view upon the premises, of pictures, photographs, drawings, prints, images, still film, motion picture film, video tape, or similar visual representations depicting “specified sexual activities” or “specified anatomical areas” or books, pamphlets, magazines, printed material or sound recordings containing descriptive or narrative accounts of “Specified Sexual Activities” or depicting “Specified Anatomical Areas”.
2. **Adult Motion Picture Theater** - An enclosed building in which ten (10) percent or more of the film showings presented therein for observation by patrons of such theater are showings of film distinguished or characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.
3. **Adult Cabaret** - Any facility which features dancers or similar entertainers who perform with less than completely and opaquely covered all of the following areas: (1) human genitals, pubic regions; (2) buttock; and (3) female breast below a point immediately above the top of the areola.

**Agent** - Any person, other than the landowner of a lot, who, acting under specific authorization of the landowner, submits plans, data and/or applications to the Zoning Officer or other designated Township Officials for the purpose of obtaining approval thereof.

**Agriculture** - The production and preparation for market of crops, livestock and livestock products and the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities, . The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged in by farmers in southern York County or are consistent with technological development within the agricultural industry in southern York County. The use of land as a place for the location of a dwelling is not an agricultural use. (See the separate definition of Agricultural Operation, Intensive.)

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



**Agricultural Operation** - An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities.

The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

**Agricultural Operation, Intensive** - Specialized agricultural operations including, but not limited to, mushroom production, poultry production and dry lot livestock production, which due to the intensity of production, necessitate development of specialized sanitary facilities and controls. Intensive Agricultural Operations are regulated by federal and state statutes including but not limited to Pennsylvania's Nutrient Management Act, as amended by Agriculture, Communities and Rural Environment (ACRE), Act 38, July 6, 2005, P.L. 112, 3 Pa.C.S.A. 311 et seq.

1. **Concentrated Animal Operation (CAO)** - an animal feeding operation that is required to develop a nutrient management plan in accordance with the Pennsylvania Nutrient Management Act if animal density exceeds two (2) Animal Equivalent Units (AEU) per acre on an annualized basis.
2. **Concentrated Animal Feeding Operation (CAFO)** - An animal feeding operation that is required to obtain NPDES permits in accordance with the Clean Water Act.

**Airport/Heliport** - Paved or unpaved runway(s) where fix-wing or helicopters take off or land and a terminal is collocated.

**Alley** - A permanent service way providing a secondary means of access to a lot or lots.

**All-Terrain Vehicle (ATV)** - Any motorized vehicle capable of operating on both on- and off-road surfaces such as dirt, mud, grass, stone and macadam.

**All-terrain Vehicle (ATV) or Off-road Vehicle (ORV) Recreation Area or Facility** - An area of land with or without trails or other improvements upon which ATVs and/or ORVs are driven for either commercial or non-commercial recreational use by individuals other than the owners of the parcel and their descendants.

**Alteration** - As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities or an enlargement, whether by extending on a side or increasing in height, or the moving from one location or position to another.

**Amendment** - A change in use in a district that includes revisions to the zoning text and/or the official zoning map; and the authority for any amendment lies solely with the township.

**Animal Equivalent Units (AEU)** - One thousand (1,000) pounds live weight of livestock or poultry animals regardless of the number of individual animals comprising the unit.

**Apartment** - A dwelling unit situated within a larger building.

**Apartment, Conversion** - See Conversion Apartment

**Apartment in Conjunction with Commercial** - An apartment maintained as a discrete function apart from but attached to a commercial establishment that is the primary function of the building. See Mixed Use Building

**Applicant** - A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

**Area** -

1. **Lot Area** - The area contained within the property lines of the individual parcels of land shown on a subdivision plan, including any area within a street right-of-way, and including the area of any easement.
2. **Building Area** - The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.
3. **Habitable Floor Area** - The aggregate of the horizontal areas of rooms used for habitation, such as living room, dining room, kitchen, bedrooms, and bathrooms, but not including hallways, stairways, cellars, basements, attics, service rooms or utility rooms, closets, areas intended for the parking of motor vehicles, areas intended for the storage of lawn and garden equipment, areas intended for location of heating or ventilation equipment, or other similar spaces, nor unheated areas such as enclosed porches, nor rooms without at least one (1) window or skylight opening onto an outside yard or court. 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 that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the habitable floor area. The minimum total window area, measured between stops, shall be ten (10) percent of the habitable floor area of such room.
4. **Site Area** - The total area of a proposed development, regardless of interior lot lines or proposed lots, streets or easement.

**ATV** - See All-terrain Vehicle.

**Auction House** - A building in which a sale of goods or property occurs that involves intending buyers bidding against one another for individual items. Each item is sold to the bidder offering the highest price.

**Automobile** - For purposes of this ordinance, an automobile is defined as a self-propelled, free-moving vehicle, designed primarily for conveyance on a street or roadway.

**Automotive Dealership, Service and Repair** - This definition includes:

1. **Automotive Garage and/or Service Station** -

- a. **Automotive Garage** - A facility intended for the repair or replacement of automotive structural parts, including paint spraying and body and fender work or car washing facility.
- b. **Service Station** - Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel, oil and other lubricating substances, including any sales of motor vehicle accessories at retail only, and which may or may not include facilities for lubricating, washing and servicing motor vehicles but not including major repairing, body and fender work, painting, vehicular sales or rental or automatic car washes.

2. **Automotive Dealership** - A building or a lot designed and used primarily for the display or sale of new and used cars, recreation vehicles and mobile homes. Mechanical repairs and body work may be conducted as an accessory use incidental to the primary use.

3. **Automotive Washing Facility** - A building on a lot, designed and used primarily for the washing and polishing of automobiles and which may provide accessory services as set forth herein for Automotive Garage and/or Service Station.

**Basal Area** - Sum of cross-sectional area of tree stems or trunks per acre as measured at four and one half (4 ½) feet height from ground level on trunk or stem.

**Basement** - A story underground with a floor to clear ceiling height of not less than six feet eight inches (6'8").

**Bed and Breakfast** - A use accessory to a single-family dwelling offering overnight accommodations for a rental fee.

**Beverage Distribution / Sale**

1. **Distributor** shall mean any person licensed by the board to engage in the purchase from only Pennsylvania manufacturers and from importing distributors and the resale of malt or brewed beverages, except to importing distributors and distributors, in the original sealed containers as prepared for the market by the manufacturer at the place of manufacture, but not for consumption on the premises where sold, and in quantities of not less than a case or original containers containing one hundred twenty-eight ounces or more which may be sold separately.
2. **Retail Dispenser** shall mean any person licensed to engage in the retail sale of malt or brewed beverages for consumption on the premises of such licensee, with the privilege of selling

malt or brewed beverages in quantities not in excess of one hundred ninety-two fluid ounces in a single sale to one person, to be carried from the premises by the purchaser thereof.

3. Sale or Sell shall include any transfer of liquor, alcohol or malt or brewed beverages for a consideration.

**Board or Zoning Hearing Board** - The Zoning Hearing Board of Shrewsbury Township.

**Boarding Home** - See Rooming House

**Brewery** – A brewery shall be defined as an operation that may:

1. Sell malt or brewed beverages produced and owned by the brewery on the licensed premises under such conditions and regulations as the board may enforce, to individuals for consumption on the premises and to hotel, restaurant, club and public service liquor licensees.
2. Operate a restaurant or brewery pub on the licensed premises under such conditions and regulations as the board may enforce: Provided, however, that sales on Sunday may be made irrespective of the volume of food sales if the licensed premises are at a public venue location. The holder of a brewery license may sell at its brewery pub premises Pennsylvania wines it has purchased from either the holder of a Pennsylvania limited winery license or from the board: Provided, however, that said wines must be consumed at the licensed brewery pub premises.
3. Use brewery storage and distribution facilities for the purpose of receiving, storing and distributing malt or brewed beverages manufactured outside this Commonwealth if the beverages are distributed in this Commonwealth only through specific importing distributors who shall have first been given distributing rights for such products in designated geographical areas through the distribution system required for out-of-State manufacturers under section 431(b) as well as all other pertinent sections of this act. The manufacturer of the beverages must comply with section 444.
4. Apply for and hold a hotel liquor license, a restaurant liquor license or a malt and brewed beverages retail license to sell for consumption at the restaurant or brewery pub on the licensed brewery premises, liquor, wine and malt or brewed beverages regardless of the place of manufacture, under the same conditions and regulations as any other hotel liquor license, restaurant liquor license or malt and brewed beverages retail license, but must brew at least two hundred fifty barrels per year. Each holder of a brewery license who receives a hotel liquor license, a restaurant liquor license or a malt or brewed beverages retail license to operate a brew pub shall not sell directly to any person licensed by this act, except if any malt or brewed beverage is to be distributed in this Commonwealth it shall be only through specific importing distributors who shall have first been given distributing rights for such products in designated geographical areas through the distribution system required for out-of-State manufacturers under section 431(b) as well as all other pertinent sections of this act.

**Buffer and Buffer Area** - A naturally vegetated or re-vegetated area established or managed to protect structures, aquatic resources, wetlands, floodplains, and terrestrial environments.

**Building** - A structure having a roof that is used for the shelter or enclosure of persons, animals or chattels. The word "building" shall include any part thereof.

1. **Building, Accessory** - A subordinate building located on the same lot as a Principal building and clearly incidental and subordinate to the principal building, including but not limited to, private garages, carports, utility buildings, tool sheds, noncommercial greenhouses, etc. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.
2. **Building, Attached** - A building which has two (2) or more party walls in common with adjacent buildings.
3. **Building, Detached** - A building surrounded by open space on the same lot.
4. **Building, Principal** - A building in which is conducted or intended to be conducted any principal use of the lot on which it is located.
5. **Building, Semi-Detached** - A building which has only one (1) party wall in common with an adjacent building.

**Building Height** - A vertical distance measured from the mean elevation of the proposed finished grade to the highest point of the roof for flat roofs, to the deck lines of mansard roofs and to the mean height between eaves and ridge for gable, hip or gambrel roofs.

**Building Setback Line or Building Line** - A line within and across a lot defining the required minimum area between any structure and any adjacent street line.

**Building Permit** - Any permit required by this ordinance or the Uniform Construction Code for the construction, alteration, razing or change of use of any structure.

**Burial Plot or Ground** - See Family Burial Ground

**Business and Professional Office** - An office which generally operates on an appointment basis and with relatively low pedestrian or vehicular traffic, including offices of accountants, actuaries, architects, attorneys, clergy, dentists, designers, engineers, insurance and bonding agents, manufacturing representatives, physicians, real estate offices, teachers and miscellaneous consulting services.

**Business Service Establishment** - The service and repair of furniture, office equipment, medical supplies and equipment and commercial appliances; the supply and servicing of vending machines; frozen food lockers; the painting, repair and assembly of signs; printing, copy and Photostatting services; arts, crafts, drafting and stationery supplies; food catering; interior decorating; taxidermy; upholstering; or similar uses.

**Camp** - Any one (1) or more of the following, other than a hospital, place of detention, school offering general instructions, or a mobile home park.

1. Any area of land or water of a design or character used for seasonal, recreational, or similar temporary living purposes that may include only buildings of a temporary nature, such as tents or portable shelters.
2. Any land and temporary buildings thereon, used for any assembly of persons for what is commonly known as "day camp" purposes, whether or not conducted for profit and whether occupied by adults or children, either as individuals, families, or groups.

**Campground** - Any park, tourist park, tourist camp, court, site, lot, or parcel of land upon which one (1) or more camp cottages or cabins are located and maintained for the accommodations of transients by the day, week or month, or upon which tents, recreational vehicles or other temporary accommodations may be placed by transient occupants. It shall not include mobile home parks.

**Caretaker or Watchman Dwelling** - A single-family dwelling or apartment placed on property as accessory to a commercial or industrial use.

**Cartway** - The surface of a street or alley available for vehicular traffic or the area between curbs.

**Cellar** - A space partly underground and having more than one half (1/2) of its height (measured from floor to ceiling) below the average finished grade of the adjoining exterior ground surface, or with a floor-to-ceiling height of less than six feet eight inches (6'8"). A cellar shall not be included in determining the permissible number of stories or square footage, nor shall it be used for dwelling, office or business purposes.

**Cemetery** - Land used or intended to be used for the burial of the deceased, including columbaria, mausoleums, memorial gardens and mortuaries when operated in conjunction with the cemetery and located within the boundaries thereof.

**Cemetery, residential** - See Family Burial Ground

**CEO** - See Codes Enforcement Officer

**Certificate of Use and Occupancy** - The certificate issued by the Zoning Officer which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the building in its several parts, together with any special stipulations or conditions of the building permit. Also known as "use certificate."

**Change of Use** - An alteration of a building or a change of use theretofore existing within a building or on a lot to a new use that imposes other provisions of the building code or zoning ordinance adopted by Shrewsbury Township.

**Child Day Care Center** - A facility that provides formal day care services for remuneration, outside of a residence, to children who are not relatives of the caregiver.

**Clearing** - Any act to cut or remove vegetation, including trees, saplings, shrubs, seedlings or herbaceous plants, from the land.

**Clear-Sight Triangle** - An area of unobstructed vision at street intersections. It is defined by lines of sight between points at a given distance from the intersection of the street lines.

**Club** - An organization catering exclusively to members and their guests including premises or buildings used for social, recreational or administrative purposes. Clubs shall include but not be limited to, service organizations and labor unions, as well as social and athletic clubs and fraternal organizations.

**Cluster** - A development design technique that concentrates buildings in specific areas on a site to allow the remaining land area to be used for recreation, common open space, and preservation of environmentally sensitive features.

**Codes Enforcement Officer** - The duly appointed township official designated to administer and enforce township ordinances including but not limited to the Shrewsbury Township Zoning Ordinance.

**Commission or Planning Commission** - The Planning Commission of the Township of Shrewsbury.

**Common Areas** - Any parcel or portion of a parcel within a subdivision or land development which does not constitute a dwelling site or contain within it a dwelling site which has not been offered for dedication to the township and which is intended to be used by the owners of more than one (1) dwelling unit within a subdivision or land development to provide facilities such as storm water management, open space, streets, recreational facilities, etc. serving the needs of more than one (1) dwelling unit.

**Common Open Space** - See Open Space, Common.

**Communications Facility or Tower** -

1. **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 or 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, television antennas, or amateur radio equipment including without limitation ham or citizen-band radio antennas.

2. **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 two hundred and fifty (250) square feet.
3. **Communications Tower** - A structure other than a building, such as a monopole, self-supporting or guyed tower designed and used to support communications antennas.
4. **Communications Tower Height** - The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

**Community Center** - A public, quasi-public or privately maintained institution devoted to a variety of group activities (civic, social, recreational educational and/or cultural) and maintaining the premises and facilities appropriate to such activities.

**Community Treatment Facility** - A community treatment facility is any one or combination of the following:

1. A residential care facility for the treatment of persons who have been committed to such facilities as the result of having committed a crime or having been adjudicated delinquent and are not handicapped as defined by the Fair Housing Amendments Act, 42 U.S.C. §3601(h). The transient residents of a community treatment facility do not constitute a “family” as defined in this section because residency is transient in nature.
2. A residential care facility for the treatment of persons with drug and/or alcohol related problems
3. An out-patient drug and/or alcohol treatment center.
4. Methadone Treatment Facilities.

**Comprehensive Plan** - The complete plan for the protection of sensitive environmental systems, natural resources, man-made features, continuing development and redevelopment of the Township of Shrewsbury as recommended by the planning commission and currently adopted by the Board of Supervisors.

**Concrete and Asphalt Batch and Reclaiming Plant** - Any building or buildings within which concrete or asphalt is created and/or reclaimed, or otherwise processed.

**Condominium** - Real Estate, portions of which are designated for separate ownership for residential purposes and the remainder of which is designated for common ownership solely by the owners of those portions. Real Estate is not a condominium unless the undivided interests in the common elements (portions of a condominium other than the residential units) are vested in the unit owners.

**Construction Specifications Manual** - The Shrewsbury Township Construction and Materials Specifications manual.



**Contiguous Land** - An area of land which is next to, abutting, or touching and having a common boundary, or portion thereof. For the purposes of this Ordinance, land in a single ownership or under single control shall be considered contiguous if separated by public roads or other rights-of-way.

**Convenience Store** - A small grocery store selling a limited variety of food and nonfood products, including ready-to-eat and heat-and-serve foods and beverages for on- or off-premises consumption, and typically with extended hours. Many convenience stores also sell automotive fuel at retail pumps and other automotive products, in addition to groceries and other food products.

**Conversion Apartment** - A dwelling unit created from usable floor space formerly included as part of a single-family detached dwelling.

**Corner Lot** - See Lot, Corner

**Correctional Facility** - A jail, prison, detention center, penitentiary or other place in which individuals are physically confined, interned or incarcerated by federal state or local government or by private entities under contract to a federal state or local government agency.

**County** - York County, Pennsylvania.

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

1. **Inner Court** - A court which does not extend to a street, alley, yard, or outer court.

2. **Outer Court** - A court which extends to a street, alley, yard or outer court.

**Courtyard** - Any open space, unobstructed from the ground to sky, other than a yard as defined herein, that is on the same lot with, and bounded on two (2) or more sides by walls of a building.

**Crematorium** - A building or furnace where bodies, human or animal, are incinerated.

**Critical Environmental Areas (CEA)** - The following areas shall be considered Critical Environmental Areas:

1. Lakes, ponds, watercourses, springs, and seeps. These are to be identified by field inspection, U.S. Geologic Survey Quad Maps, York County Planning Commission Water Resources Plan and/or other sources acceptable to Shrewsbury Township.
2. One hundred-year floodplains. These are to be identified as areas of alluvial soil as defined and mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service and contained in the 2002, or most recent, USDA Soil Survey of York County, Pennsylvania and/or most recent Federal Emergency Management Agency maps that encompass Shrewsbury Township and/or a calculated floodplain area, whichever shows the greater floodplain area. In the event the delineation as set forth by the above agencies is unclear, the

Township may require the owner to submit an engineering study to determine the correct delineation.

3. Wetlands. These are to be identified by current definitions of the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, PA DEP and/or hydric soils identification as defined and mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service and contained in the 2002, or most recent, USDA Soil Survey of York County, Pennsylvania whichever shows the greater wetland area.
4. Steep Slopes. All slopes twenty-five percent (25%) or greater as depicted in the most recent USGS maps for York County, or as depicted on an actual topographic survey prepared by a professional land surveyor registered in Pennsylvania.

**Cropland** - Land planted in cultivated agricultural plants such as grain, vegetables, fruit, nursery plants, and/or grass or legumes if utilized for hay or haylage as opposed to pasture.

**Cultural Facility** - Uses open to the public and dedicated to the presentation or availability of arts and sciences, and related activities, such as community centers, libraries and museums.

**Debris** - The remains from any place or thing scattered at random.

**DEP** - Pennsylvania Department of Environmental Protection

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

**Development** - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.

**Development Rights** - Rights allocated to a parcel of land in the Agricultural Zoning District.

**District** - A zoning district, as laid out on the Zoning Map, along with the regulations pertaining thereto.

**Domiciliary Care Facility** - A type of Group Living Arrangement. A building or structure designed for living quarters for one (1) or more families which in addition to providing living quarters for one (1) or more families, provides twenty-four (24) hour supervised, protective living arrangements by the families owning the domiciliary care unit and residing therein for not more than three (3) persons eighteen (18) years of age and above who are disabled physically, mentally, emotionally or as a result of old age and are unrelated to the family providing the care.

**Driveway** - A minor vehicular right-of-way, paved or unpaved, providing access between a street and a parking area or garage within a lot or property. This is also referred to as an access drive.

**Dwelling** - A building or structure designed for living quarters for one (1) or more families, including mobile homes, but not including rooming houses, convalescent homes, motels, hotels, and tourist homes or other accommodations used for transient occupancy.

1. **Accessory Dwelling Unit** – Accessory Dwelling Unit (ADU), Accessory Residential Unit, Granny Flat, etc. - A small, self-contained residential unit on the same lot as an existing single-family home. An ADU may be built within a primary residence (such as in an attic or basement), attached to the primary residence (such as a duplex unit with a separate entrance), or detached from the primary residence (such as above, or the conversion of, a detached garage). An ADU is subordinate in size, location, and function to the primary residential unit, and can only be placed in the following zoning districts: Article 4 – Agricultural District; Article 6 – Rural Residential District; Article 7 – Rural Residential Receiving District; Article 8 – Suburban Residential District; and, Article 9 – Suburban Residential Receiving District.
2. **Accessory Farm Dwelling** – A second pre-existing residential structure, existing as of June 3, 2015, located on the same agricultural parcel as, and subordinate and incidental to, the principal single-family dwelling. An accessory farm dwelling in an existing building separate from the existing single-family dwelling shall not be deeded separately from the principal residential dwelling.
3. **Single-family detached dwelling** - A dwelling unit accommodating a single family and having two (2) side yards and separate water and sewer facilities.
  - a. Mobile/manufactured home.
4. **Single-family attached dwelling** -
  - a. **Semi-detached dwelling** - A building containing not more than two (2) dwelling units, arranged side by side.
  - b. **Row Dwelling (Townhouses)** - Three (3) or more dwelling units, each unit on a separate lot, accommodating three (3) or more families which are attached side by side through the use of common party walls, located on separate lots, and which shall have side yards adjacent to each end unit.
5. **Multi-Family Dwelling, Apartments** - A building containing three (3) or more dwelling units accommodating three (3) or more families living independently of each other (row dwellings or townhouses are separately defined).

**Dwelling Unit** - A building, or portion thereof, which provides complete housekeeping facilities for one (1) family.

**Dump** - See Landfill.

**Easement** - A grant of one (1) or more of the property rights by the property owner to, and/or for, the use by the public, a corporation, or other person in equity, which is subordinate to, but not inconsistent with, the owner's general property rights.

1. **Access Easement** - Any driveway or other entrance from a public or private road. A field road providing access to agriculturally used fields and not providing access to any residential, commercial or industrial structure is not considered an easement of access.
2. **Conservation Easement** - An easement precluding or limiting future or additional development of a lot or parcel of land.
3. **Drainage Easement** - An easement secured for the preservation of natural drainage ways, watercourse corridors and perennial and/or intermittent watercourses, and for related manmade drainage facilities related thereto.

**Electric Generation Facility** - A facility that produces electricity, owned and operated by an electric utility or independent energy producer.

1. Facilities using fossil fuels such as coal, oil and natural gas.
2. Hydroelectric facilities.
3. Nuclear facilities.
4. Alternative Energy Sources -
  - a. Solar facilities (Solar Farms) - One (1) or more solar arrays or a power plant that uses solar arrays to convert sunlight into electricity.
  - b. Wind facilities (Wind Farms) - One (1) or more windmills or wind turbines or a power plant that uses windmills or wind turbines to generate electricity. The term does not include a single traditional small-scale windmill for use on a farm or single private property.
  - c. Biogas facilities - Digesters or other infrastructure used for converting animal and plant wastes into gas usable for lighting, cooking, heating, and electricity generation.

**Emergency Services** - Operations protecting the health and safety of citizens; i.e., police, ambulance and fire services.

**Encroachment** - Any placement or obstruction in a delineated floodway, right-of-way, easement, required yard, setback or adjacent land.

**Entertainment Activity or Facility** - An activity operated as a gainful business, open to the public, for the purpose of public entertainment or recreation, including but not limited to, bowling alleys, motion picture theaters, arcades, amusement parks and health clubs. The term

includes temporary facilities standing alone or in conjunction with another commercial enterprise.

**Environmental Impact Assessment** - A detailed report of the impact that a development proposal may have on the environment, including methods and techniques for mitigating any potentially adverse consequences of said development.

**Equipment Service and Sale** - For the purposes of this ordinance, the equipment referred to shall consist of ATV and other off road vehicles and accessories, and recreational, lawn mowers, tractors, and other outdoor equipment.

**Erosion** - The process by which the land surface is worn away by the action of wind, water, ice or gravity.

**Excavation** - See Mineral Extraction and Processing

**Existing Use** - The use of a lot or structure at the time of the enactment of this ordinance.

**Exotic Wildlife** - The term includes, but is not limited to, reptiles and all bears, coyotes, lions, tigers, leopards, jaguars, cheetahs, cougars, wolves and any crossbreed of these animals that have similar characteristics in appearance or features. This definition is applicable whether or not the birds, animals or reptiles were bred or reared in captivity or imported.

**Explosive Hazard** - Shall include but are not limited to: all primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof, such as dry nitro-cellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitro-glycerin; unstable organic compounds such as acetylides, tetrazoles and ozonides; unstable oxidizing agents such as perchloric acid, perchlorates, and hydrogen peroxide in concentration greater than thirty-five (35) percent; nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239; and any flammable solids, liquids, or gases that produce flammable or explosive vapors.

**Family** - A single person occupying a dwelling unit and maintaining a household; two (2) or more persons related by blood, marriage or adoption occupying a dwelling unit, living together and maintaining a common household, or not more than four (4) unrelated persons occupying a dwelling unit, living together and maintaining a common household. Family may include domestic servants, gratuitous guests, court appointed wards and foster children, but not occupants of a club, fraternal lodging, rooming house, boarding house, institutional care facility, personal care facility, or any other arrangement pursuant to which compensation is paid in exchange for the right to reside in such facility, to receive meals, supervision and/or care.

**Family Burial Ground** - A lot or portion thereof, containing a burial plot for earth interments, a mausoleum for vault or crypt interments, or a columbarium for interments of cremated remains, or any combination of one (1) or more of the above, reserved for one (1) or more families.

**Family Day Care Home** - A facility located in a single-family detached dwelling, which provides supervised care for remuneration, of children or adults who are not relatives of the caregiver.

**Farm Co-op** - A commercial enterprise jointly owned by two (2) or more farmers actively engaged in agriculture in South Central Pennsylvania consisting of one (1) or more buildings or structures, either permanent or temporary, designed and used for the purpose of the sale, at least in part, of agricultural commodities, as defined herein, which are located on a parcel of land owned by one of the partners on which some of the agricultural commodities are grown or produced.

**Farm Equipment Sales/Service** - The function of storing, repairing and selling the equipment, parts and tools and supplies necessary for agricultural operations.

**Farm Market** - A commercial enterprise consisting of one (1) or more buildings or structures or portions of buildings or structures, either permanent or temporary, designed and used primarily for the purpose of the sale of agricultural commodities

**Farm Occupation** - An accessory use to a principal agricultural use in which residents of the property engage in an occupation that is secondary to the active agricultural use.

**Farm Processing Establishment** - A commercial enterprise consisting of one (1) or more buildings or structures, either permanent or temporary, designed and used primarily for processing agricultural commodities, such as but not limited to dairies, grain mills, slaughterhouses and wineries. Such establishments may be co-located with a Farm Market.

**Farmstead** - A group of buildings, including, but not limited to, a single-family dwelling, barn and accessory structures typically found on a farm and which are customarily used for agricultural operations.

**Feed and Grain Mill** - A building or group of buildings in which cereal grains are processed to make meal or flour, and may include grain storage and farm supply sales as accessory uses.

**Fence** - An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land or land use.

**Fill material** - Soil, earth, sand, rock and other similar natural materials.

**Financial Institutions** - A business that keeps money for individuals or companies, exchanges currencies, makes loans, and offers other financial services, such as banks, savings and loans, credit union, loan store, or cash advance.

**Fire Station** - See Emergency Service.

**Flood** - A temporary inundation of normally dry land areas.

**Floodplain (one-hundred-year)** - The area adjoining a river, stream, or other watercourse that will be covered by water during a 100-year flood, where a 100-year flood is the flood having a one percent (1%) chance of being equaled or exceeded in magnitude in any given year. The 100-year floodplain is calculated using statistics, probability, and hydrologic modeling based on actual historical rainfall data and/or the presence of alluvium and measurements of watercourse channel cross sections. The Federal Emergency Management Agency (FEMA) has developed maps of 100-year floodplains for most watercourses based on these calculations. The Natural Resources Conservation Service, USDA, has prepared soil maps delineating areas of alluvial soils.

**Foot-candle** - A unit of luminance amounting to one (1) lumen per square foot.

**Forest** - A biological community dominated by trees and other woody plants.

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

**Fully Shielded** - A fully shielded luminaire is a luminaire constructed or shielded in such a manner that all light emitted by the luminaire, either directly from the lamp or indirectly from the luminaire, is projected below the horizontal plane through the lowest light emitting part as determined by photometric test or certified by the manufacturer.

**Funeral Home** - See Mortuary.

**Gaming Establishment** - An establishment where the playing of games of chance or mixed chance and skill allowed under the Commonwealth of Pennsylvania law as regulated by the Pennsylvania Gaming Control Board are conducted; a building, room or space devoted to gambling games or wagering on a variety of events and operated as a business; a public building for gambling and entertainment in which a variety of games of chance can be played. A Gaming Establishment includes, but is not limited to, betting parlor, off-track betting parlor, casino, gambling casino, gambling den, gaming house.

**Garage, Parking** - A commercial deck, building or structure, or part thereof, used or intended to be used for the parking and/or storage of vehicles.

**Garage, Private Residential** - A building, structure or part thereof which is accessory to a residential dwelling and which is used for the parking and storage of vehicles owned and operated by the residents thereof, and in which no commercial activities, use, or service, is rendered, provided or conducted, for the benefit of the general public. Private garage sales shall be permitted in private residential garages if all applicable regulations of this ordinance are met.

**Garden Center** - A retail establishment that sells plants, compost, mulch, fertilizers, stone, gardening equipment, supplies and tools, and landscaping products such as statues, furniture and garden ornaments. Plant products are not grown or propagated on site.

**Glare** - The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

**Golf Course** - An area of land designed for playing the game of golf, including clubhouse and equipment and material storage. Term includes Golf Link.

**Grade** - The degree of rise or descent of a sloping surface.

**Grading** - The changing of the natural topography through cutting or filling by more than one (1) foot in elevation over an area exceeding one thousand (1,000) square feet, or in which the natural drainage pattern of a lot is altered.

**Greenhouse** - A glass or transparent plastic structure, often on a metal or wooden frame, in which plants that need heat, light, and protection from the elements are grown. Also known as a hothouse.

**Group Home** - A building or structure used by a parent charitable, religious, educational, or philanthropic institution to provide a supportive living arrangement for individuals where special care is needed by the individuals served due to age, emotional, mental, or physical handicap. This definition shall expressly include facilities for the supervised care of developmentally disabled persons, those under treatment for alcohol abuse, drug abuse, or both, unwed parents, and those who have been physically abused. This definition shall expressly include facilities for the supervised care of persons with disabilities subject to protection under the Pennsylvania and Federal Fair Housing Acts, as amended.

**Group Quarters** - Any building or portion thereof that is designed or used for persons unrelated to each other or to any family occupying the dwelling unit and having common eating facilities. Group quarters shall include, but not be limited to, fraternity and sorority houses, dormitories and other group quarters typical of educational, religious or other quasi-public institutions.

**Gross Floor Area** - As used in this ordinance, gross floor area is the total number of square feet within the inside finished wall surface of the outer building walls of a structure, including all floors of a multi-floor structure; also gross square feet.

**Habitable Floor Area** - See Area.

**Hardship, Unnecessary** - A physical problem preventing compliance with, or allowing a variation from, the regulations of this ordinance.

**Heavy Equipment/Heavy Storage Facility**- A building or buildings, or fenced area, in which large tools, generally wheeled or tracked are stored and/or staged for use on or off premise. Small tools, household items and personal property are handled under Storage, General.

**Helipad** - Any small landing area used for the landing and taking off of helicopters for the purpose of picking up or discharging passengers or cargo. No fueling, refueling, or service facilities are permitted in conjunction with the use.



**Home Occupation** - An occupation for gain or support operated by a resident owner of the property or conducted by members of the owner's immediate family residing on the premises, clearly incidental and secondary to the use of the dwelling for dwelling purposes. Also see No-impact Home-based Business.

**Hospital** - An institution having an organized medical staff which is primarily engaged in providing to in-patients, by or under the supervision of physicians, diagnostic and therapeutic services for the rehabilitation of injured, disabled, pregnant, diseased, sick or mentally ill persons. The term includes facilities for the diagnosis and treatment of disorders within the scope of specific medical specialties, but not facilities caring exclusively for the mentally ill.

**Hotel or Motel** - A building, other than group quarters, arranged or used for sheltering, sleeping or feeding, for compensation, and in which no provision is made for cooking in any individual room or suite. This category includes Tourist Home.

**House of Worship** - Any structure or structures used for worship or religious instruction, including social and administrative areas accessory thereto, but not including any commercial activity. This includes all uses normally accessory to such activities.

**Hunting and Fishing Preserve** - A protected area of water or land delineated, usually by a fence, and set apart to rear wild animals, including fish and fowl, so that they can be fished or shot for sport in the hunting season; e.g., as a private club or as a commercial operation.

**Impervious Surface** - Impervious surfaces are those surfaces that do not readily absorb rain. All buildings, structures, parking areas, driveways, roads, sidewalks and any areas in concrete, asphalt, and packed stone shall be considered impervious surfaces within this definition. In addition, other areas determined by the township engineer to be impervious within the meaning of this definition will also be classified as impervious.

**Infill Area** - A vacant, undeveloped, lot or parcel of land in the Agricultural zoning district not to exceed seven (7) acres which may be developed in residential units (See Section 1404.)

**Junk** - Any discarded material or article including, but not limited to, scrap metal, scrapped, abandoned or junked motor vehicles, machinery, equipment, paper, glass, containers and structures. It shall not include, however, refuse or garbage kept in a proper container for purpose of prompt disposal.

**Junk Dealer** - Any person, partnership, association, corporation, firm, fictitious name or any other individual or business entity or their agents engaged in the business of selling, buying or dealing in junk, including but not necessarily being limited to, buying, selling and dealing in junked or scrapped motor vehicles, or parts removed from scrapped motor vehicles.

**Junkyard** - Any establishment, place of business or use of land for storing, keeping, buying, dismantling or selling junk exclusive of garbage. This definition shall include Automobile Recycling Centers and similar uses.

**Kennel** - Any structure and/or building used for the sheltering, boarding, breeding or training of four (4) or more dogs, cats, fowl or other small domesticated animals at least six months of age. This definition does not include animals defined herein as Livestock. Any such use shall fully comply with Pennsylvania's Act 225 of 1982, as amended and reenacted.

**Land Development** – Refer to the Shrewsbury Township Subdivision and Land Development Ordinance.

**Landfill** - A lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning or any other means and for whatever purposes of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind not normally considered to be salvageable.

**Landfilling** - Any act by which soil, earth, rock, sand or similar material is deposited or placed for the purpose of changing the existing surface area.

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

**Landscaping** - Landscaping shall include, but not be limited to, grass and other plantings such as trees, shrubs and bushes.

**Laundry and Dry Cleaning Establishment** - For the purposes of this ordinance, only large-scale commercial/industrial operations apply. Self-service laundries and dry cleaners are included in Personal Service Facility.

**Livestock** - Animals including, but not limited to, cattle, swine, sheep, goats, poultry, donkeys, mules, horses and ponies raised primarily for the production of food or fiber, or for recreation or sport.

**Lodge, Recreation or Vacations** - A hotel or motel located outside of designated commercial districts whose primary purpose is as a recreation or vacation destination as opposed to transient use.

**Lodging House** - See Rooming House

**Lot** - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

1. **Lot Area** - See Area.

2. Lot Coverage - That portion of a lot covered by impervious surfaces such as, but not limited to buildings, parking areas, driveways, etc. Lot coverage does not include impervious surfaces within a street right-of-way.
3. Lot of Record - A lot which has been recorded in the office of the Recorder of Deeds of York County, Pennsylvania.
4. Double-Frontage Lot - A lot which extends from one street to another, with frontage on both streets. The front yard is the yard that abuts the street used in the building's address.
5. Corner Lot - A lot with two (2) adjacent sides abutting on streets or other public places which has an interior angle of less than one hundred thirty-five (135) degrees at the intersection of the two (2) street lines. A lot abutting on a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than one hundred thirty-five (135) degrees.
6. Improved Lot - Any lot of record and/or any lot within any subdivision properly approved by Shrewsbury Township which either (1) has a principal building constructed thereon or (2) if no principal building has been so constructed, has frontage upon either a public or private street in suitable condition to permit access for purposes of construction or establishment of a principal building.
7. Interior Lot - A lot other than a corner lot.
8. Lot Depth - The mean horizontal distance from the street line of a lot to its opposite rear lot line measured in the general direction of the side lot lines.
9. Lot Width - The width of a lot measured at the minimum required setback line for the zone in which the lot is located.
10. Reverse-Frontage Lot - A lot extending between and having frontage on an arterial or collector street and a local street with vehicular access solely from the latter.
11. Unimproved Lot - Any lot of record which is not an improved lot.

**Lot Lines** - A line dividing one lot from another or from a right-of-way.

1. Rear Lot Line - Any lot line which is parallel to or within forty-five (45) degrees of being parallel to a street line, except for a lot line that is itself a street line and, in the case of a corner lot, the owner shall have the option of choosing which of the two (2) lot lines that are not street lines is to be considered a rear lot line. In the case of a lot of an odd shape, only the one lot line furthest from any street shall be considered a rear lot line. In the case of a triangular lot with no rear lot line, the distance between any point on the building and the corner of the lot farthest from the street line shall be at least twice the normally required rear yard.

2. Side Lot Line - Any lot line which is not a street line or a rear lot line.

3. Street Line - See Street.

**Luminaire** - A complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.

**Luminance** - The physical quantity corresponding to the brightness of a surface (e.g. a lamp, luminaire, sky, or reflecting material) in a specified direction. It is the luminous intensity of an area of the surface divided by that area. The unit is candela per square meter.

**Lux** - A unit of luminance. One (1) lux is one (1) lumen per square meter.

**Malodor** - An odor that causes annoyance or discomfort to the public and that the township determines to be objectionable to the public.

**Manufacturing** - The treatment or processing of raw products or the production or assembly of finished products from raw or prepared materials into new forms or qualities.

**Manufacturing, Heavy** - Manufacturing and industrial processes which may be obnoxious by reason of emission of odor, dust, smoke, gas, noise or similar causes, including but not limited to:

1. Wood products
2. Paper products
3. Petroleum and coal products
4. Chemicals
5. Plastics and Rubber Products
6. Nonmetallic Mineral Products
7. Primary Metals
8. Transportation Equipment

**Manufacturing, Light** - The fabrication, assemblage, and manufacture of the following products which are free from objectionable odors, fumes, dirt, vibrations or noise, including, but not limited to:

1. Communications equipment.
2. Hydrological, hydrographic, meteorological and geographical equipment.
3. Electronic components.
4. surgical/medical instruments.
5. Surgical appliances and tubes.

6. Optical instruments and lenses.
7. Signs and advertising displays.
8. Ceramic wall and floor tile.
9. Frozen food specialties.
10. Frozen food and bakery products.
11. Printing, publishing, bookbinding, typesetting and lithography.
12. Drafting and architectural design instruments.
13. Office furniture and fixtures.
14. Beverage bottling.
15. Small appliances.
16. Jewelry.
17. Textile goods and similar items.
18. Windows, window frames, complete window assemblies, doors, door frames, complete door assemblies, kitchen cabinets, bathroom cabinets, fireplace mantels and similar building materials, but excluding materials such as blocks, bricks, cement and mortar mixes, construction beams, prefabricated walls and structures, manufactured homes and buildings and other heavy building materials.
19. Tool and die making.

**Medical Laboratory or Clinic** - A facility or institution providing services to physicians to analyze and test physical samples and specimens for the diagnosis and treatment of patients and/or providing outpatient health services such as medical or surgical care of the sick, handicapped or injured, but not including doctors' offices.

**Minerals** - Any aggregate or mass of mineral matter, whether or not coherent, the term includes but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

**Mineral Extraction and Processing** - The removal or recovery, and/or processing, by any means whatsoever of soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged. This shall include all activity including quarrying and open pit mining that removes from the surface or beneath the surface of land, some materials, mineral, resource, natural resource, or other element of economic value, by means of mechanical excavation necessary to separate the desired material from an undesirable one; or to remove the strata or material that overlies or is above the desired material in its natural condition and position.

**Mixed-use Building** - A building that contains at least one (1) allowed nonresidential use.

**Mobile (Manufactured) Home** - A transportable single family dwelling intended for a permanent occupancy, contained in one (1) or more 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 assembly operations, and constructed so that it may be used without a permanent foundation. This definition does not include manufactured homes (Modular) designed for a permanent foundation.

1. **Mobile Home Lot** - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.
2. **Mobile Home Park** - A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.
3. **Mobile Home Stand or Pad** - That part of an individual mobile home lot that has been reserved for the placement of a mobile home and appurtenant structures and connections.

**Mortuary** - A room or building devoted to the care, embalming and/or holding of services for the deceased; and related activity including the sale of caskets and other funeral equipment, until buried or cremated.

**Motor Freight Terminal** - Buildings and/or delineated areas in which trucks and/or their freight are stored and staged.

**Municipal Building** - Any building in which the business of the township is carried out on a regular basis.

**Municipal Recreational Facility** - Any building or area delineated for recreation and owned and/or operated by the township, county or school district including parks and playgrounds.

**Municipal Sewer Facility** - A sanitary sewer system owned, operated or controlled by a municipality (borough or township) or by a municipal authority

**Municipal Water System** - A water supply system receiving its supply from other than the proposed development site and which is owned operated or controlled by a municipality (borough or township) or by a municipal authority.

**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.

**Nonconforming Lot** - A lot the area or dimension of which was lawful prior to the adoption or amendment of this zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

**Nonconforming Structure** - A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs, buildings, fences, and similar structures.

**Nonconforming Use** - A use, whether of land or of structure, which does not comply with the applicable use provisions in this zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this ordinance or amendment, or prior to the application of this ordinance or amendment to its location by reason of annexation.

**Non-Municipal Public Water System** - A water supply system receiving its supply from other than the proposed development site that is owned, operated and controlled by a private entity and approved and permitted by the Pennsylvania Department of Environmental Protection and regulated by the Pennsylvania Public Utilities Commission.

**Nudity** - The showing of human male or female genital, pubic area or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, the exposure of any device, costume, or covering which gives the appearance or simulates the genitals, pubic hair, perineum anal region, or the exposure of any device worn as a cover over the nipples and/or areola of the female breast, which device simulates and gives the realistic appearance of nipples and/or areola. Excepted from this definition is spontaneous nudity by a child under six (6) years of age, and breast-feeding a child.

**Nuisance, Public** - Any activity that negatively impacts the health and/or welfare of citizens.

**Nursery** - A horticultural operation engaged in the propagation, breeding, and cultivation and development of all types of plants, including trees (for transplanting), shrubs, flowers, houseplants, and tropical varieties. The retail sale of nursery products will be considered a farm market use.

**Nursing Home** - A Pennsylvania Department of Health licensed establishment that provides full-time convalescent or chronic care or both for three (3) or more individuals, who are not related by blood or marriage to the operator and who, because of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill, or surgical or obstetrical services shall be provided in such a home; a hospital shall not be construed to be included in this definition. Commonly known as a convalescent home.

**Nursery School** - A facility designed and operated to provide regular instruction and daytime care for two (2) or more children under the age of elementary school students. No portion of a nursery school or a building that is used as a nursery school shall be used as a residence.

**Occupancy Permit** - See Certificate of Use and Occupancy

**Occupied Building** - Any residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted.

**Office** - A place where a business is transacted or a service is supplied.

**Off-Road Vehicle (ORV)** - Any motorized vehicle designed for off-road use, including but not limited to off-road motorized vehicles such as Dirt Bike, Trail Bike or Mini-bike.

**Off-Street Parking** - Parking for vehicles in designated areas that do not encroach upon a public or private road or its right-of-way.

**One Hundred Year Flood** - A flood that, on 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).

**Open Space** - Any parcel or area of land or water essentially unimproved and set aside, dedicated or reserved for resource protection, public or private use and enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Open space shall not include land occupied by non-recreational structures, roads, street right-of-ways, parking lots, land reserved for future parking, or any portion of required minimum lot areas as required by this ordinance.

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

**Open Space Ratio** - The total amount of proposed or required open space within a site divided by the Site Area.

**Outdoor Furnace or Heating Device** - Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space.

**Outdoor Lighting Fixture** - An electrically powered illuminating device or other outdoor lighting fixture including all parts used to distribute the light and/or protect the lamp, permanently installed or portable, used for illumination. Such devices shall include, but are not limited to, search, spot flood and area lighting.

**Outdoor Storage** - The keeping of any goods, junk, material, merchandise, or inoperable vehicles in an unroofed area.



**Parcel** - All contiguous land in Shrewsbury Township owned by the same landowner on November 10, 1976, and all land owned by the same landowner that is contiguous except for the presence of lots or parcels adverse from the original tract since November 10, 1976 and/or the presence of utility rights-of-way irrespective of whether the right-of-way is owned in fee or is an easement. Additional parcels are not created by the presence or creation of public or private roads, railroads, streams or other natural or manmade structures that cross land in contiguous ownership, or the presence of lots subdivided from the original tract since November 10, 1976.

**Park** - A leisure area for public recreation. A publicly or privately owned area of land, usually with grass, trees, paths, sports fields, playgrounds, picnic areas, and other features for recreation and relaxation.

**Parking Lane** - An area immediately adjacent to the travel lane which allows for parallel or angled short-term storage of vehicles within the public right-of-way.

**Parking Facilities** - Outdoor areas or specially designed buildings used for the storage of vehicles.

1. **Off-Street Parking Space** - A portion of a lot area designed for the primary use of the temporary storage of an automobile.
2. **Parking Lot** - A portion of a lot area containing three (3) or more off-street parking spaces and having direct access to a street.
3. **Parking Structure or Garage** - A building constructed for the specific purpose of vehicular parking.

**Party Wall** - A wall on an interior lot line or a wall adapted for joint service between two (2) buildings.

**Pasture** - Land in grass and/or legumes primarily used or formerly used primarily for grazing.

**PennDOT** - Pennsylvania Department of Transportation.

**Permitted Principal Use** - A use allowed by right in a zoning district subject to the restrictions applicable to that use and zoning district. See also Use.

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

**Personal Care Home** - A building or structure in which food, shelter and personal assistance and/or supervision are provided for a period exceeding twenty-four (24) hours for four (4) or more adults who are not relatives of the operator, who do not require the services in or of a “nursing home” but who do require assistance or supervision in matters such as dressing, bathing, diet, financial matters, evacuation of a residence in the event of an emergency or

medication prescribed for self-administration. Personal Care Homes include but are not limited to assisted living facilities and retirement homes, and are licensed by the Pennsylvania Department of Public Welfare.

**Personal Services Facility** - Shall include and be limited to barber shops, beauty parlors, self-service laundry and dry cleaning establishments, radio and television repair, repair shops for home appliances and tools, bicycles, guns, locks, shoes and watches, tailor and dressmaking shops and travel and ticket agencies, or any other establishment of similar nature.

**Portable Storage Unit** - A container, designed for temporary short-term storage, which is not affixed to the land.

**Preservation or Protection** - When used in connection with natural and historic resources shall include means to conserve and safeguard these resources from wasteful or destructive use.

**Prime Agricultural Land** - Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture Natural Resource and Conservation Services, York County Soil Survey, as amended.

**Private Road** - A low volume road or street with an impervious surface that provides vehicular access from a public road but is not owned or maintained by Shrewsbury Township or the Commonwealth of Pennsylvania.

**Prohibited Use** - A use that is not permitted in a zoning district.

**Produce Stand** - A nonpermanent structure set up temporarily along a roadside at which a person or persons sell only agricultural commodities produced on parcels of land within Shrewsbury Township, York County.

**Productive Farmland** - For the purpose of this ordinance the definition of "productive farmland" shall be as follows:

1. The definition of "farmland" by the USDA, Farmland Protection Policy Act (FPPA) including:
  - a. Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, fiber, forage, oilseed, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor, and without intolerable soil erosion, as determined by the Secretary. Prime farmland includes land that possesses the above characteristics but is being used currently to produce live stock and timber. It does not include land already in or committed to urban development or water storage;
  - b. Unique farmland is land other than prime farmland that is used for production of specific high-value food and fiber crops, as determined by the Secretary. It has the special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality or high yields of specific crops when treated

and managed according to acceptable farming methods. Examples of such crops include citrus, tree nuts, olives, cranberries, fruits, and vegetables; and

- c. Farmland, other than prime or unique farmland, that is of statewide or local importance for the production of food feed, fiber, forage, or oilseed crops, as determined by the appropriate State or unit of local government agency or agencies.

2. All agricultural land within soil capability classes of 1 through 4.

**Protected Parking Lane** - On-street parking areas which utilize curb extensions (also called bulbouts) to narrow the overall street width and delineate the starting and ending points of the parking lane and may also include mid-block curb.”

**Public Event** - Any theatrical, musical or dramatic performance, festival, or carnival, or any other exhibition, show, entertainment, or amusement of a similar nature or kind, that is a temporary and/or transitory proceeding occurring for limited periods, and for which an admission fee is charged or for which money or any other reward of any nature is in any manner demanded, expected or received.

**Public Hearing** - A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment prior to taking action in accordance with the Pennsylvania Municipalities Planning Code, Act 247 as amended.

**Public Meeting** - A forum held pursuant to notice under 65 Pa. C.S. CH. 7 (Relating to open meetings).

**Public Notice** - Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days of the date of the hearing.

**Public Nuisance** - See Nuisance, Public.

**Public and Private School** - Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership or corporation meeting the requirements of the Commonwealth of Pennsylvania. Includes trade, technical, professional, music or dance school.

**Public Service Office** - An office of a governmental agency, social service organization, Magisterial District Justice, notary, public or private utility or political organization.

**Public Utility Building or Facility** - Any building, structure or facility owned and/or operated by any of the following:

1. A municipal authority under the jurisdiction of the Pennsylvania Municipal Authorities Act.
2. A utility under the jurisdiction of the Public Utility Commission of Pennsylvania.

### 3. The Township of Shrewsbury.

This definition covers, but is not limited to:

1. Supply Utility - Any water, electric, gas or oil generating or treatment facility, supply works, substation, transmission line, distribution line or right-of-way.
2. Accessory Supply Utility - Any supply utility or part thereof located on a lot to which commercial service is provided or within a street right-of-way.
3. Principal Supply Utility - Any supply utility not an accessory supply utility.

**Racetrack** - A track around which animals or vehicles race and the grounds in which the track is sited.

**Receiving Area (Receiving District)** - One (1) or more areas or zoning districts in which the development rights of parcels in the sending district may be transferred.

**Receiving Parcel** - A parcel of land in a receiving district or area that is the subject of a transfer of development rights, where the owner of the parcel is receiving development rights, directly or by intermediate transfers.

**Recreational Facility (indoor)** - A building in which tennis, handball, gymnastics, swimming, riding, skating, hockey, boarding, trap, skeet and other shooting ranges, etc. are enabled for any purpose public or private, gratis or for a fee.

**Recreational Facility (outdoor)** - An open or semi-enclosed field or area of natural or man-made surfaces in which recreational and related activities take place. These activities shall include, but are not limited to, ball games, field games, tennis, handball, swimming, riding, skating, skate-boarding, and the riding of dirt bikes, off-road vehicles including ATV's or other motorized vehicles, whether public or private, gratis or for a fee. This definition includes golf driving ranges and miniature golf courses.

**Recreational Lodge** - A building, structure, or grounds, or portion thereof, which is owned by or leased to a private or non-profit associations for meeting, recreational, or social purposes related to outdoor recreational purposes. The use of such premises is restricted to the members of these organizations and their guests.

**Recreational Vehicle** - Any portable or mobile vehicle used or designed to be used for travel, recreation and/or living purposes and with its wheels, rollers or skids in place. A recreation vehicle shall include a trailer, house trailer, camper, sleigh, snowmobile, off-road vehicle, all-terrain vehicle (ATV), golf cart, boat, boat trailer, airplane or other similar vehicle which may provide partial and usually temporary living and sleeping quarters and which may or may not include kitchen and bathroom convenience.

**Repair Shop** - A retail enterprise operated for the purpose of repairing consumer equipment or machinery brought in by their owners. Such shop may sell parts and other articles needed for the function of those consumer goods. This definition does not include vehicle or heavy equipment repair.

**Residual Lot** - The portion of the original parcel remaining after the subdivision of a new lot or lots from the original lot. A residual lot may exceed the maximum lot size.

**Resource Recovery Facility** - A facility or land area that is used for any one or a combination of the following Use Types:

1. **Incinerator** - A facility designed to reduce the municipal solid waste stream by combustion. This use may or may not include heat exchange equipment for energy recovery.
2. **Material Separation and/or Refuse Derived Fuel (RDF) Facility** - The extraction of materials from the municipal waste stream for recycling or for use as refuse derived fuel (RDF).
3. **Recycling Facility** - A business that accumulates material such as paper, glass, aluminum, and/or plastic that is no longer useful for its intended purpose or function, but can be reused to manufacture a new product.
4. **Solid Waste Transfer Facility** - A facility or station where municipal solid waste is delivered for the purpose of compacting the material into larger vehicles for transport to a final disposal site or processing facility. A transfer facility may include the separation and collection of material for the purposes of recycling.

**Restaurant, Fast Food Or Drive-In; Food Stand** - An establishment that principally sells food, frozen deserts and nonalcoholic beverages, primarily in disposable containers, in bags or on trays, to be consumed either on or off the site. The customer primarily orders and receives the food at an inside counter, outdoor walk-up or drive-up window without the assistance of a waiter or waitress. A cafeteria-style restaurant shall be considered a standard or sit-down restaurant

**Restaurant, Standard or Sit-Down** - A restaurant that does not meet the definition of a fast food restaurant or food stand. This includes restaurants where the majority of the food is consumed within the restaurant at tables, and served by a waiter or waitress. A restaurant may include the accessory sale of alcoholic beverages. However, if such sale is the primary portion of the total trade, the requirements of a "tavern" or nightclub as applicable must be met.

**Retail Store** - As defined herein: convenience store, antique shop, art gallery or store selling apparel, books, confections, drugs, dry goods, flowers, foodstuffs, furniture, gifts, alcoholic beverages, hardware, toys, household appliances, jewelry, cards, novelties, hobby and art supplies, music, luggage, sporting goods, pets, floor covering, fabrics, retail nursery, garden supplies and plants, provided all products produced on the premises are sold on the premises at retail to the public. Also included within this use shall be the sale of soft drinks and beer. The over-the-counter sale of alcoholic beverages in taverns is not included within this use.

**Retention Basin** - An impoundment in which storm water is stored and not released during the storm event. Stored water may be released from the basin at some time after the end of the storm. Also known as a wet pond.

**Right-of-Way** - Land set aside for use by streets, crosswalks or utility lines.

1. **Existing Right-of-Way** - The legal right-of-way as established by the Commonwealth, the Township or other legal authority and currently in existence.
2. **Future Right-of-Way** - (1) The right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads, or (2) a right-of-way established to provide future access to or through undeveloped land.

**Roomer or Boarder** - A person occupying any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes, and paying compensation for lodging and/or board and lodging by pre-arrangement for a week or more at a time to an owner or operator. Any person occupying such room or rooms and paying such compensation without pre-arrangement or for less than one (1) week at a time shall be classified, for purposes of this ordinance, not as a roomer or boarder but as a guest or lodger of a commercial lodging establishment (motel, hotel, tourist home).

**Rooming House** - A building arranged or used for lodging, with or without meals, for compensation, for at least three (3) but not more than fifteen (15) persons, and in which no provision is made for cooking in any individual room or suite. Includes Boarding House.

**Rubble** - Broken small fragments of non-organic materials such as concrete, masonry, brick and glass that do not break down.

**Sawmill** - An operation in which wood is sawed into planks or boards by fixed or portable machine.

**School, Commercial** - Trade, technical, or professional school, music or dance school, etc.

**School, Public and Private** - See Public and Private School.

**Sediment** - Soils or other superficial materials transported or deposited by the action of wind, water, ice or gravity as a product of erosion.

**Seep** - An area where groundwater slowly oozes to the surface.

**Sending Area (Sending District)** - The Agricultural District.

**Sending Parcel** - A parcel of land in the Agriculture District from which unused and not already restricted or unusable development rights may be severed and conveyed to another parcel of land in a Receiving Area.

**Setback** The required distance between the street or lot line and the setback line.

**Setback Line** - That line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be located.

**Sewage Facility** - A system of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of this Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste. See the Shrewsbury Township Subdivision and Land Development Ordinance for addition sewer and sewage facility related terms.

**Sewer, Storm** - A system of conduits that collects and routes storm water to a surface-water discharge point.

**Shooting Range (Outdoors)** - Includes trap, skeet, rifle, pistol and other firearms, or archery ranges.

**Shopping Center or Mall** - A group of commercial establishments, planned, developed, owned and managed as a unit related in location, size, and type of shops to the trade area that the unit serves; it provides on-site parking in definite relationship to the types and sizes of stores.

**Signs** - Any name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public, and which directs attention to a product, place, activity, person, institution or business. Further sign definitions are found in the Shrewsbury Township Sign Ordinance.

**Slope** - The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees. See Grade.

**Snow Storage** - A minimum area reserved for snow storage while plowing. A minimum one hundred (100) square feet of snow storage area shall be provided for every one thousand (1000) square feet of plowed area, along with any storm water management area.

**Soil** - All unconsolidated mineral and organic material of whatever origin that overlies bedrock and can be readily excavated.

**Soils, Alluvial/Floodplain** - Areas subject to periodic flooding and listed in the 2002, or most recent, USDA Soil Survey of York County, Pennsylvania, as being "on, or in, the flood plain" or subject to flooding.

**Soils, Hydric** - Soils that are categorized as poorly drained that can support hydrophilic plants, but may not do so in many cases. For the purpose of this ordinance, hydric soils are general wetland indicator soils. See Wetlands.

**Solar Farm** - One (1) or more arrays, collectors or photovoltaic modules, or a power plant that uses such arrays, collectors or photovoltaic modules to convert sunlight into electricity.

**Specimen Tree** - A tree that represents outstanding or dominant qualities for a particular species.

**Special Event** – An activity involving the assembly of people for cultural, ceremonial, educational, promotional, or celebratory purposes, which generates revenue. Includes, but is not limited to: receptions, recitals, art exhibits, religious ceremonies, wine/food tasting events, fairs, carnivals, festivals, auctions, concerts, and any other event which is advertised or marketed in any form; whether or not there is an admission fee or the exchange of funds for services, goods, or entertainment. This definition does not include private parties or private functions that do not meet the above state criteria.

**Special Exception** - A use permitted in a particular zoning district pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended and reenacted, along with the standards as set forth in this ordinance.

**Specified Anatomical Areas** -

1. Less than completely and opaquely covered: (1) human genitals, pubic region; (2) buttock, and (3) female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified Sexual Activities** -

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy; and
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

**Spring** - A small stream of water flowing naturally from the earth; a flow of water from the ground, often a source of a stream, pond, etc.

**Stable** - A building in which horses or other large types of livestock are kept. Includes riding school.

**Steep Slopes** - Areas where the average slope exceeds twenty-five (25) percent.

**Stockyard** - A large enclosed yard with pens or covered stables where livestock not owned by the owner of the stockyard are kept before being sold, slaughtered, or shipped.

**Storage, Self** - A building or buildings or fenced area in which small tools, household items, and personal property are stored longer than a month.

1. **Self-Storage Facility** - A building and/or series of buildings divided into separate storage units for personal property and/or property associated with some business or other organization.



These units shall be used solely for dead storage and no processing, manufacturing, sales, research and development testing, service and repair, or other non-storage activities shall be permitted.

**Stormwater BMP Facilities** - A vegetative basin designed to drain completely after storing runoff only for a given storm water event and releasing it at a predetermined rate. Also known as a dry pond.

**Story** - That portion of a building included between the surface of any floor and the surface of the floor next above it; if there is no floor above it, then the space between any floor and the ceiling immediately above it.

**Story, Ground** - That story with its floor level immediately above the average finished grade level of the adjoining ground at any particular point or side of a dwelling.

**Stream** - A watercourse with definite bed and banks which confine and convey continuously or intermittently flowing water. See also Watercourse.

1. **Perennial Stream** - A continuously flowing stream that is present at all seasons of the year.
2. **Intermittent Stream** - A natural stream carrying water during the wet seasons and having at least one critical feature (bed and/or bank).

**Streambank** - The sides of a channel that hold or carry water.

**Street** - Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private. Streets are further classified as follows:

1. **Arterial Street** - Streets serving large numbers of high speed traffic and connecting population and employment centers and which are designated in the Comprehensive Plan.
2. **Collector Street** - Streets which in addition to giving access to abutting properties, intercept local streets and provide routes to community facilities and arterial streets and which are so designated in the Comprehensive Plan.
3. **Local Street** - Streets primarily used for access to abutting properties and generally serving internally developed areas.
4. **Street Grade** - See Grade
5. **Street line** - The dividing line between the street and the lot; also known as the right-of-way line.
6. **Private Road or Street** - A street not offered for dedication or whose dedication was not accepted by the Township.

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

**Subdivision** - Refer to the Shrewsbury Township Subdivision and Land Development Ordinance.

**Supervisors or Township Supervisors** - The Board of Supervisors of the Township of Shrewsbury.

**Swimming Pool** – An accessory structure of a dwelling, for personal use, constructed of solid materials so designed, either below or above the surface of the ground, as to hold water and to be used for the purpose of bathing or swimming in which the depth of the water stored therein above or below ground level exceeds two (2) feet in depth.

**Swimming Pool, Private** – A public or private club swimming pool, not for personal use, constructed for wading, bathing, or swimming. Any structure of solid materials so designed, either below or above the surface of the ground, indoors or outdoors, as to hold water in which the depth of the water stored therein above or below ground level exceeds two (2) feet in depth.

**Tavern, Bar, Pub** - Pennsylvania Liquor Control Board licensed establishment primarily engaged in the retail sale and the on-site consumption of alcoholic beverages by consenting adults. This definition also includes, but is not limited to, establishments referred to as beer gardens, cocktail lounges, saloons and taprooms. Restaurants that serve alcoholic beverages but are primary engaged in the retail sale of prepared food are not included in this definition.

**Temporary restroom/sanitary facilities** - A moveable structure containing a fixture or fixtures for defecation and urination, including a waste pipe and either a flushing apparatus or a chemical process controlling odors, all of which are self-contained within the structure.

**Topsoil** - Surface soil including the organic layer in which plants have most of their roots.

**Tract** - See “Lot.”

**Trailer** - A structure standing on wheels, towed or hauled by another vehicle, and used for human occupancy, carrying of materials, goods, or objects, or as a temporary office.

**Transferable Development Rights (TDR)** - DR that are transferred, sold or donated from the parcel(s) to which they were originally assigned.

**Transportation Terminal** - A building or complex containing facilities needed by transportation operators and passengers at either end of a travel or shipping route by air, rail, road, or water.

**Tree Canopy** - The coverage of the ground by the upper-most leafed limbs of trees.

**Turbine Height** - The distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

**Use** - Any activity carried on or intended to be carried on in a building or other structure or on a lot. See Accessory Use.

1. **Accessory Use** - A subordinate use as listed in zoning districts under the use regulations for each zoning district, normally located on the same lot with a principal use. If no principal use exists on a lot with a lawful accessory use, then such accessory use shall be considered a principal use.
2. **Principal Use** - The primary purpose or purposes for which a lot is occupied as listed in the use regulations for each zoning district. If more than two (2) principal uses occupy a single lot, each such use must be positioned so that the lot on which such uses are located could subsequently be subdivided, separating each use yet meeting all applicable district dimensional requirements.

**Variance** - Relief of the regulations of this ordinance granted by the Shrewsbury Township Zoning Hearing Board on grounds of a hardship not self-imposed, pursuant to Section 1912 of this Ordinance and Articles VI and IX of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended and reenacted.

**Veterinary Office or Animal Hospital** - A building in which domestic animals, such as dogs, cats, rabbits, and birds or fowl, receive medical or surgical treatment by a veterinarian and in which any housing or boarding of animals is limited to short-term care incidental to the medical or surgical treatment.

**Vibration** - An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity or acceleration with respect to a given reference point.

**Vibration, Excessive** - The presence of a vibration or vibrations of such intensity, duration, frequency or character which annoy, disturb, or cause or tend to cause adverse psychological or physiological effects on persons, or damage or tend to damage personal or real property.

**Warehousing and Distribution** - A building, or portion thereof, or buildings used or intended to be used primarily for the receipt, temporary storage, and redistribution of goods and/or materials that are to be sold retail or wholesale from other premises, or wholesale from the same premises; however, nothing in this definition is meant to exclude purely incidental retail sales in warehouses.

**Waste Processing/Disposal** - Municipal or private facility that receives sewage from a source or sources located other than on the facility's site, then processes and disposes of the waste under regulation. Also referred to as off-site sewage.

**Watercourse** - Water flowing within a stream channel, ditch, conduit, gully or ravine, which are either naturally or artificially created and contain an intermittent or perennial base flow of groundwater origin.

**Water Facility** - Any water works, water supply works, water distribution system or part thereof designed, intended or constructed to provide or distribute potable water.

1. **Off-Lot Water Distribution Facility** - Any approved system in which potable water is supplied from a central water source to a dwelling or other building located off the lot on which such dwelling or building is located.
2. **On-Lot Water Distribution Facility** - Any approved system in which potable water is supplied from an individual well to a dwelling or other building located on the same lot as the well.

**Wetland** - Those areas that are inundated or saturated by surface or ground water of a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturate soil conditions, commonly known as hydrophytic vegetation. Wetlands include but are not limited to swamps, marshes, bogs and similar areas. The determination of whether an area is a nontidal wetland shall be made in accordance with the publication known as the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands," published in 1987 and as may be amended and/or hydric soil identification based on the 2002 USDA Soil Survey of York County.

**Wildlife Preserve/Refuge** - A parcel of land containing at least ten (10) acres utilized in its entirety for the maintenance of a sanctuary or refuge for wildlife (non-domesticated animals).

**Wind Farm** - One (1) or more windmills or wind turbines, or a power plant that uses windmills or wind turbines to generate electricity. The term does not include a single traditional small-scale windmill for use on a farm.

**Wind Energy Conversion System (WECS)** - A facility consisting of a tower, wind turbine generator with blades, guy wires or other support structures and anchors, access roads, and associated control and conversion equipment to convert wind movement into electricity.

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

**Winery** - A building or property that includes any facilities where any alcohol or liquor is produced by the process by which wine is produced, or premises and plants wherein liquid such as wine is produced; and shall include the manufacture by distillation of alcohol from the by-products of wine fermentation when the alcohol so derived is used solely to fortify the fermented products, under such regulations as are or may be promulgated by the proper agency of the United States Government, and such alcohol, for that purpose only, may be sold or exchanged between wineries holding permits in this Commonwealth, without restriction.

**Woodland** - See Forest.

**Yard** - An open, unoccupied space, unobstructed from the ground up, on the same lot with a structure, extending along the entire length of a lot line or street line and inward to the structure. The size of a yard shall be measured as the shortest distance between the structure and a lot line or street line.

1. **Front Yard** - A yard between a structure and street line and extending the entire length of the street line. In the case of a corner lot, the yards extending along all streets are front yards. In the case of a lot other than a corner lot that fronts on more than one (1) street, the front yard is that yard abutting the street used in the building's address.
2. **Rear Yard** - A yard between a structure and rear lot line and extending the entire length of the rear lot line. If the lot fronts on more than one street, the rear yard is the yard opposite the yard abutting the street used in the building's address.
3. **Side Yard** - A yard between a structure and side lot line, extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

**Zoning Officer** - The duly appointed township official designated to administer and enforce this ordinance.

**Zoning Permit** - Written authorization from the Zoning Officer to alter, improve, construct and/or make use of an area of land as regulated by this Ordinance.

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## **ARTICLE 3**

### **DESIGNATION OF DISTRICTS**

Shrewsbury Township is hereby divided into districts of different types, each being of such number, shape, kind and area and of such common unity of purpose and adaptability of use deemed most suitable to carry out the purposes of this ordinance.

#### **Section 301 – Classes of Districts**

For the purposes of this ordinance, Shrewsbury Township is divided into a large agricultural district and five (5) development districts. In addition, the township has created overlay zones for wellhead protection, Transferable Development Rights Sending and Receiving Areas, and for the Historic Village Overlay (HVO) District, and has established sensitive geographic areas as Critical Environmental Areas.

1. Agricultural District: A - Agricultural

2. Development Districts:

a. Residential:

RR - Rural Residential

RRR - Rural Residential Receiving District

SR - Suburban Residential

SRR - Suburban Residential Receiving District

b. Commercial:

C - Commercial

IC - Interchange

c. Industrial:

I - Industrial

d. Overlay Zones:

HVO – Historic Village Overlay District

CEA - Critical Environmental Areas

WPZ - Wellhead Protection Zone

**Section 302 – Type And Extent Of Uses Permitted****Section 303 – Uses Permitted**

The uses permitted in the districts, zones and areas established by this ordinance and the permitted extent of these uses are as shown in the articles that follow. The uses shown as permitted in those articles are the only uses permitted, except as set forth in Section 304 below. Unless otherwise noted, the extent of use or dimensional standards is the requirements for each use. However, supplementary use regulations are set forth in Article 14, general regulations for all uses are set forth in Article 15, regulations regarding off-street parking and loading are set forth in Article 16, regulations regarding nonconforming uses, structures and lots are set forth in Article 17, and regulations regarding special exceptions and variances are set forth in Article 19.

**Section 304 – All Other Uses**

Any use not specifically allowed elsewhere in this ordinance shall be allowed by special exception in the district or districts where, and to the extent that, similar uses are permitted or allowed by special exception provided that said use meets the requirements for a special exception and does not constitute a private or public nuisance.

**Section 305 – Uses With Nuisance Effect**

In no case is a use permitted which because of noise, dust, odor, appearance, or other objectionable factor creates a nuisance, hazard or other substantial adverse effect upon property value or reasonable enjoyment of surrounding property, except as may be specifically provided for in this Ordinance.

**Section 306 – Zoning Map**

The locations and boundaries of the zoning districts are delineated on a dated map entitled "Shrewsbury Township Zoning Map" that accompanies and which, with all explanatory matters thereof, is hereby made a part of this ordinance.

**Section 307 – Interpretation of District Boundaries**

Where uncertainty exists with respect to the boundaries of a district as indicated on a zoning map, the following rules shall apply.

1. Where district boundaries are indicated as approximately coinciding with the centerlines of streets, highways, railroad lines or streams, such centerlines shall be construed to be such boundaries.
2. Where district boundaries are so indicated that they approximately coincide with lot lines, such lot lines shall be construed to be said boundaries; or where district boundaries are extensions of lot lines or connect the intersections of lot lines, such lines shall be said district boundaries.



3. Where district boundaries are so indicated that they are approximately parallel to centerlines of streets and highways, such district boundaries shall be construed as parallel thereto and at such distances therefrom as indicated on the zoning map.
4. Where district boundaries divide a lot, the boundaries are deemed to be lines which connect two (2) identifiable points, but if no such points are identifiable, then the location of such boundaries shall be determined by the use of the scale shown on the zoning map unless the boundaries are indicated by dimensions.

### **Section 308 – Overlay Zones**

### **Section 309 – Wellhead Protection Zones**

Shrewsbury Township has established a wellhead protection overlay zone for the benefit of Shrewsbury Borough's public water supply system, portions of which are located in the Township. Any uses that fall within the wellhead protection overlay zone are subject to both the Township's and Shrewsbury Borough's wellhead protection ordinances, which are incorporated herein by reference. This section shall apply to any future intergovernmental agreements or ordinances the Township enters into with another municipal entity.

### **Section 310 – Critical Environmental Areas**

Critical Environmental Areas require certain restrictions made necessary to protect sensitive or fragile environmental areas from man-related disturbance or alteration. The protection of Critical Environmental Areas promotes the general health, welfare and safety of citizens including, but not limited to, the construction of structures in areas unfit for human usage due to danger from flooding, saturated soil conditions and/or steep slopes (See Article 13).

### **Section 311 – Historic Village Overlay District (HVO)**

Shrewsbury Township has established a Historic Village Overlay district acknowledge and protect existing historical village areas, and provide limited opportunities for additional non-residential uses in a traditional manner. The HVO District is located in an area of the township with a documented historical connection as a village and that is still recognized as such; specifically, the Village of Seitzland, which is located along the York County Heritage Rail Trail, outside of Glen Rock Borough. These regulations are designed to encourage and sustain existing rural community values and environments, preserve historic and architectural heritage, and to facilitate future development that will strengthen the economy and vitality of the Township.

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## **ARTICLE 4**

### **AGRICULTURAL DISTRICT (A)**

#### **Section 401 – Purpose**

The purpose of the Agricultural District is to provide for the continuous agricultural use of the Township's agricultural land areas in which farming is the dominant land use and the soil types generally consist of soils that support a diverse and productive agricultural base.

In order to promote the economic viability of agricultural operations, division of agricultural parcels is strictly limited. Conflicting or incompatible uses are limited within this district, including residential dwellings. It is recognized that large areas of contiguous agricultural land are essential in order to insulate or protect agricultural areas from incompatible uses. Public utilities, community facilities, and other infrastructure improvements that encourage or permit conflicting or suburban uses shall be excluded.

Areas of prime and/or productive agricultural land are protected and conserved by not only limiting the number of residential units or non-agricultural related uses, but also by limiting lot sizes, preventing or limiting the placement of lots on prime and productive soils, and prohibiting waste materials, consisting of industrial, institutional, commercial and residential wastes, from being stored or spread or incorporated or buried or otherwise disposed of onto or into the soils within the Agricultural District.

#### **Section 402 – Use Regulations**

1. A structure may be erected or used and a parcel may be used or occupied for any of the following purposes and no other, except as provided for in Section 304 of this ordinance.
2. Agricultural Impacts - Residential uses are severely limited and any future inhabitants in this district must be willing to accept the impacts associated with normal farming practices. Owners, occupants and users of property within the Agricultural District should be prepared to accept such impacts from agricultural operations and are hereby put on official notice that Section 4 of Act 133 of 1982, known as the Right to Farm Law, may bar them from obtaining a legal judgment against such commonly practiced or utilized agricultural operations.
3. All uses shall be given its normal, customary meaning unless otherwise defined in Article 2 of this ordinance.
4. Permitted Principal Uses -
  - agriculture (See Section 1404)
  - forestry (See Section 1404)
  - group home (See Section 1404)
  - nursery (See Section 1404)
  - single-family detached dwelling
  - wildlife preserve/refuge (See Section 1404)

5. Permitted Accessory Uses -

- accessory dwelling unit (See Section 1404)
- accessory farm dwelling (See Section 1404)
- alternative energy system (See Section 1404)
- bed and breakfast (See Section 1404)
- buildings and uses customarily incidental to a permitted principal use
- family burial ground (See Section 1404)
- family day care home (See Section 1404)
- farm market or farm co-op (See Section 1404)
- farm occupation (See Section 1404)
- farm processing establishment (See Section 1404)
- garden center (See Section 1404)
- home occupation (See Section 1404)
- no-impact home based business (See Section 1404)
- outdoor furnace and heating device (See Section 1404)
- portable storage unit (See Section 1404)
- produce stand (See Section 1404)
- sawmill (See Section 1404)
- stable (See Section 1404)
- winery (See Section 1404)

6. Principal Uses Permitted as Special Exceptions by the Zoning Hearing Board -

- communication facility and tower (See Section 1404)
- composting facilities (See Section 1404)
- electric generation facility (solar and wind farms only) (See Section 1404)
- feed and grain mill (See Section 1404)
- hunting and fishing preserve (See Section 1404)
- infill development (See Section 1404)
- intensive agricultural operation (See Section 1404)
- public utility building or facility (See Section 1404)
- recreational lodge (See Section 1404)
- shooting range (outdoors) (See Section 1404)

7. Accessory Uses Permitted by Special Exception by the Zoning Hearing Board -

- temporary structure or use
- buildings and uses customarily incidental to any of the principal or accessory uses permitted by special exception.

8. Prohibited Construction - No permanent structures may be constructed or placed in a critical environmental area (See Article 13).9. Special Regulation - The location of all principal uses permitted as special exceptions by the Zoning Hearing Board listed in subsection 8 above, except Intensive Agricultural Operation, shall be governed by Section 403.5.**Section 403 – Development Rights (DR)**

## 1. Allocated number of development rights.

- a. The “maximum number of rights allocated” shall include all dwellings located on the parcel as it existed on November 10, 1976.
- b. Upon each parcel as it existed on November 10, 1976 (date of enactment of original ordinance), there shall be allocated development rights according to the following table:

<b>Size of Parcel</b>	<b>Maximum Number of Development Rights Allocated</b>
Less than 5 acres	1
At least 5 acres, less than 15 acres	2
At least 15 acres, less than 30 acres	3
At least 30 acres, Less than 60 acres	4
At least 60 acres, less than 90 acres	5
At least 90 acres, less than 120 acres	6
At least 120 acres, less than 150 acres	7
At least 150 acres	8 plus 1 dwelling for each 30 acres over 150 acres

- c. Acreage will be sole method of determination of the allocated development rights to any parcel.
2. The number of development rights as allocated in Section 403 shall be reduced by one (1) for each and every: group home, single family detached dwelling, and accessory farm dwelling.
  3. No parcel shall contain less than one (1) development right.
  4. Development rights may be used in any of the following ways:

- a. Development rights may be used on the parcel on which they are allocated in the Agricultural District (see also Section 403.7).
  - b. Development rights may be transferred for use in the Rural Residential Receiving District (Article 7), or the Suburban Residential Receiving District (Article 9).
  - c. Development Rights can be transferred outside the Agricultural Zoning District into an existing SR Zoning District subject to the following provisions:
    - (1) One DR may be used for increasing the density of townhouse and multi-family dwellings from six (6) dwelling units per acre (du/acre) to eight (8) dwelling units per acre.
    - (2) Any development that proposes to use DR to increase its density must utilize public water and sewer service.
    - (3) The use of DR does not modify any requirements of the receiving area zoning district beyond the provisions contained herein.
  - d. Development rights may be transferred to another parcel under common ownership in the Agricultural District (see also Section 403.7).
  - e. Development Rights may be transferred to an Infill Area located within the Agricultural Zoning District (See Section 1404.)
5. Location of Lots, Residential Structures, Accessory Uses, and Principal and Accessory Uses Permitted by Special Exception.
- a. Lots, residential structures, accessory uses, and principal and accessory uses permitted by special exception shall be located so as to:
    - (1) Minimize the removal from agricultural use of prime and productive agricultural soils (Class I, II, and III); and
    - (2) Minimize the disruption of the efficient use of farmland and agriculturally related improvements; and
    - (3) Maintain the integrity of existing agricultural and environmental best management practices (BMP), unless replacement BMP, if needed, are installed or utilized unless replacement BMP, if needed, are installed or utilized; and
    - (4) Lots shall be located to avoid lengthy access drives except where it is clearly demonstrated that no other means of access is possible in order to access a lot consistent with the minimum standards set forth in this Section; and

- (5) The Shrewsbury Township Agricultural Review Committee may provide advice and recommendation to the Township Planning Commission, Board of Supervisors, Zoning Officer, and/or the Zoning Hearing Board as to the best location of lots, residential structures, principal uses, accessory uses, and/or uses permitted by special exception, as it relates to sections 5.a.(1), (2), (3), and (4).
- b. Clustering is required for all proposed subdivisions containing three (3) or more lots in accordance to Section 404.1.c (2).
- 6. Calculating Parcel Size - The “parcel” shall include any parcel or part thereof which was on November 10, 1976, located within the Agricultural District or Conservation District which is now included in the Agricultural District.
- 7. Limitations of Development Rights in Agricultural District - The provisions of this section shall apply exclusively to parcels of land legally existing on November 10, 1976.
  - a. Pursuant to this section and regardless of size, no lot subsequently subdivided from its parcel shall qualify for any additional development rights.
  - b. The subsequent owner of any parcel of land legally existing on the date of this ordinance, shall be bound by the actions of previous owners in that such current owner may subdivide for purposes of additional uses only that number of lots, if any, remaining from the original number permitted by this section.
- 8. Prior to the use of development rights, either on the parcel to which they are allocated, or transferred off-site, or otherwise donated or sold, the lot owner shall complete a form obtainable from Shrewsbury Township, which when duly executed by Shrewsbury Township Officials, will allow the applicant to obtain a deed for each development right remaining on the parcel, which will be recorded if not immediately used.

#### **Section 404 – Dimensional Requirements**

In this district, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum dimensions specified below. However, the requirements of Article 14 or 15, as applicable, shall take precedence.

##### **1. Lot Area, Width and Access**

- a. Lot Area - Except as otherwise set forth in Article 14, or elsewhere in this section, a lot on which a new permitted use other than agriculture or forestry is permitted, shall be no greater than fifty thousand (50,000) square feet in size.
  - (1) A larger lot size without the use of additional development rights may be permitted under the following circumstances:
    - (a) The physical characteristics of the land itself, or the proposed non-residential use, require a larger lot size in order to properly locate a building, a driveway, a well, an

on-site sewage disposal system, a sewage reserve area, any required storm water management facilities, or other required improvements.

- (b) Residual lots as defined in Article 2 shall be allowed where applicable.
  - (c) Small fragments or edges of land that would otherwise remain outside of, and adjacent to, any proposed lots, which cannot reasonably be included in a residual lot and which represents the balance of the parcel being subdivided, may be added to proposed lots even though the maximum lot size is exceeded.
  - (d) Local, state, or federal regulations dictate lot sizes larger than those permitted by this section.
- (2) Except as permitted by subparagraph 1 hereof, lots larger than fifty thousand (50,000) square feet can be permitted only if additional development rights, as permitted by Section 403.1 of this ordinance, are allocated to the lot.
- (a) One (1) development right shall be required for each acre or part thereof by which the lot exceeds 50,000 square feet.
- b. Lot Width - The minimum lot width for all uses shall be two hundred (200) feet, which shall be abutting a public or private road meeting the requirements of the Shrewsbury Township Subdivision and Land Development Ordinance.
- c. Lot Access - In addition to provisions in the Shrewsbury Township Subdivision and Land Development Ordinance, and Article 16 of this Ordinance, the following requirements are provided for all lots in the Agricultural District:
- (1) A single lot not contiguous to other residential lots fronting on a public road may have driveway access from such public road.
  - (2) Subdivisions consisting of three (3) or more lots shall be clustered on a proposed private or public road. Such road shall contain a single point of access to an existing public road unless alternate designs reduce the loss of prime agricultural land and/or the disruption of the use of farmland.

2. Principal and Accessory Dimensions -

- a. All lots hereafter created or developed for any lawful purpose shall provide the minimum dimensions specified below. However, the requirements of Article 14 or 15, as applicable, shall take precedence.



<b>Dimensions</b>	
Minimum Lot Width	200 feet
Min. Front Setback	*
Min. Side Setback	15 feet
Min. Rear Setback	35 feet
Maximum Lot Coverage	30%
Maximum Building or Structure Height	40 feet
Accessory Buildings and Structures - side/rear setback	10 feet

\* See 404.2.b below.

b. Minimum required Front Setback shall conform to the following:

- |                        |         |
|------------------------|---------|
| (1) Arterial Roadways  | 50 feet |
| (2) Collector Roadways | 35 feet |
| (3) Local roads        | 25 feet |
| (4) Private Roads      | 25 feet |

### 3. Subdivision of Parcels -

- a. In the event of the subdivision of land, irrespective of its intended use, the subdivided parcels shall meet all applicable requirements of this ordinance, the Shrewsbury Township Subdivision and Land Development Ordinance, and all requirements of the Pennsylvania Department of Environmental Protection.
- b. Lots in the Agricultural District shall not be separated from the original parcel unless it is determined that one of the following are met:
  - (1) The lot being separated is proposed as the location of one or more dwellings utilizing development rights allocated to such lot and is no larger than necessary to accommodate all of the development rights being allocated to such lot; or
  - (2) The area being separated represents all of the balance of land within the original parcel after separating that parcel's permitted development rights; or
  - (3) The land being separated is being merged with an adjacent parcel that will not, after the inclusion, be larger than 50,000 square feet; or
  - (4) A division line between two (2) parcels is proposed to be straightened to better facilitate agricultural use of both parcels; or
  - (5) The parcel is proposed to be divided into or among two (2) or more lots, each of which will after transfer contain at least fifty (50) acres of land and one (1)

development right, plus at least fifty thousand (50,000) square feet of land for each additional development right assigned to such lot. Any new division line being created between two (2) lots shall be agriculturally reasonable and shall not be so as to render the agricultural use of the tracts less efficient; i.e. under normal circumstances, fields and contour strips will not be split. Any tracts transferred to another tract pursuant to this section shall be effectively merged with such tract and shall not subsequently be separated therefrom. No lot created and/or modified by this section as having at least fifty (50) acres of land shall subsequently be permitted to subdivide lots or assign land to dwelling units allocated pursuant to Section 403.1 of this ordinance, excepting lots required to be larger than 50,000 square feet pursuant to Section 404.1.a.(1)(a) of this ordinance, so as to reduce the size of such lot to less than fifty (50) acres; or

- (6) Land is proposed to be transferred to an adjacent parcel which will after such transfer be at least as large as and contain at least as much cropland as the transferor parcel prior to such transfer. The new division line shall be agriculturally reasonable and shall not be so as to render the agricultural use of the tract less efficient; i.e., under normal circumstances fields and contour strips will not be split. Any lot transferred to another parcel pursuant to this section shall be effectively merged with such parcel and shall not subsequently be separated therefrom.

- c. The parcel from which lots are being subdivided must retain a minimum of one (1) development right.

#### **Section 405 – Removal of Topsoil**

No topsoil shall be removed from a parcel of land within the Agricultural District.

#### **Section 406 – Soil Contamination**

The application or storage of residential, commercial, industrial or institutional waste products is strictly prohibited within this district in order to prevent any potential damages to the soil chemistry; the accumulation of toxins in the soil; the impact on soil microbes as well as the overall biological community of the soil; to reduce the risk of soil contamination and ingestion of soil contaminants by crops and livestock; and to protect the reproductive and overall health of livestock. It is recognized that waste products could irreversibly impact the soils within this district thereby rendering them unsafe for the continued production of agricultural products.

However, waste products which are strictly organic in nature, such as contain composts, soil conditioners and mulches are permitted along with the use of livestock manure.

**Section 407 – Standards for Uses** - In addition to the standards set forth in this Article, all uses permitted within the Agricultural District shall also comply with:

1. Landscape, Buffering and Screening. As required in the Shrewsbury Township Subdivision and Land Development Ordinance.

2. Off-Street Parking and Loading. All uses in the Agricultural District shall provide off-street parking spaces and off-street loading space according to the provisions set forth in Article 16 of this Ordinance.
3. Signs. Signs may be erected and maintained only when in compliance with the provisions of the Shrewsbury Township Sign Ordinance.
4. All proposed subdivisions and developments shall satisfy the requirements of Article 13, Critical Environmental Areas and Wellhead Protection.
5. Environmental Performance Standards. All uses in the Agricultural District shall comply with the Environmental Protection Standards provided for in Article 15 of this Ordinance.

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## ARTICLE 5

### TRANSFERRING DEVELOPMENT RIGHTS

#### **Section 501 -Purpose**

In accordance with Article VI of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended and reenacted, this section establishes procedures by which development rights (DR) are conveyed, applied, and recorded. Every property in the Agricultural District existing on November 10, 1976 (date of enactment of original ordinance) was granted development rights according to the chart in Section 403.1. In addition, the parcels formerly zoned as Conservation in 1976 and rezoned as Agriculture in 2003, now qualify for DR pursuant to Section 403. The use of, and ability to transfer, the DR, serve to further the purposes of this Ordinance by providing a voluntary means of preserving, conserving and protecting productive agricultural land in Shrewsbury Township.

#### **Section 502 – Sending and Receiving Areas**

1. The sending area shall be parcels in the Agricultural District.
2. The receiving areas shall be Rural Residential Receiving and Suburban Residential Receiving Districts.

#### **Section 503 – Limitation of DR transferred to Sending Areas**

1. DR are not transferable to land restricted from development by covenant, or deed restriction. In the event said covenant or restriction is dissolved or rescinded, such land shall be eligible for issuance of DR.
2. DR shall be used for the purposes allowed in the chapters dealing with DR uses and no other.
3. In no case shall a DR be split between two (2) parcels.

#### **Section 504 – Conveyance of DR from Sending Area**

Shrewsbury Township hereby recognizes the severability and transferability of development rights (DR) as allowed in those areas designated for the use of DR in accordance with the regulations set forth in this Ordinance.

1. DR may be sold or donated to any party with or without being transferred to a specific parcel, transferred between parcels in common ownership, transferred to a receiving districts, or transferred to an existing Suburban Residential Zoning District.
  - a. Irrespective of §504.1 above, the Board of Supervisors shall permit the owners of a tract or parcel to transfer a development right (DR) as allocated by Section 403.1 of this ordinance to a tract or parcel within the Agricultural District either owned or not owned by them provided;

- (1) The transferee tract is an infill area as defined in Article 2; and
  - (2) The infill area is developed in accordance with Infill Development criteria in Section 1404 of this ordinance.
  - (3) The owners of the transferee tract have established that they own as many rights as there are residential lots shown on the sketch plan for the transferee tract, as well as any additional development rights necessary to fully comply with Section 404; and
  - (4) State or Federal laws or rules do not force the tract into using lots that exceed the fifty thousand (50,000) square feet maximum lot size.
2. Application - Application shall be made on a form developed by the Township for such a purpose. The form shall be signed by the transferor and transferee.
  - a. A copy of a deed for each Development Right to be sold, donated or transferred is required. The Board of Supervisors will allow the owner of a lot or parcel of land to transfer DR to a person without the DR being immediately assigned to any receiving parcel provided that the transferred DR may not be assigned to any parcel within any DR receiving area without such assignment having been approved by the Board of Supervisors. The property owner may convey one (1) or more rights with each deed but may not convey a partial or fractional interest in such right.
3. Following any transfer, the transferor parcel must either contain an existing dwelling or have allocated to it the right to construct at least one (1) dwelling, unless it is being permanently joined to an adjacent lot or parcel which either contains an existing dwelling or has allocated to it the right to construct at least one (1) dwelling.



## ARTICLE 6

### RURAL RESIDENTIAL DISTRICT (RR)

#### **Section 601 – Purpose**

The Rural Residential district is intended to acknowledge and protect existing rural development concentrations, and provide limited opportunities for additional low-density residential uses. Rural Residential Districts are located in areas of the township without access to public water or sewer service. Only on-lot septic waste disposal systems and on-lot water wells shall be permitted in this zone. Except where mandated by the Pennsylvania Department of Environmental Protection, no public or community waste disposal and water systems shall be permitted outside the Growth Boundary Line established by the Southern York County Regional Comprehensive Plan. These regulations are designed to exclude activities of a commercial or industrial nature and any activities not compatible with low-density residential development; to provide for the public convenience and avoid undue congestion on the roads; and to otherwise create conditions conducive to carrying out the purposes of this ordinance.

It is the further intent of the Board of Supervisors to encourage flexibility, economy and ingenuity in the development of lots within this district.

#### **Section 602 – Use Regulations**

A structure may be erected or used and a lot may be used or occupied for any of the following purposes and no other, except as provided for in Section 304 of this ordinance.

##### **1. Permitted Principal Uses -**

- agriculture (See Section 1404)
- forestry (See Section 1404)
- group home, with less than eight (8) residents (See Section 1404)
- single-family detached dwelling

##### **2. Permitted Accessory Uses -**

- accessory dwelling unit (See Section 1404)
- alternative energy systems (See Section 1404)
- bed and breakfast (See Section 1404)
- buildings and uses customarily incidental to a permitted principal use
- family burial ground (See Section 1404)
- family day care home (See Section 1404)
- home occupation (See Section 1404)
- no-impact home based business (See Section 1404)

- outdoor furnace or heating device (See Section 1404)
- portable storage unit (See Section 1404)
- swimming pool, private (See Section 1404)

3. Principal Uses Permitted as Special Exceptions by the Zoning Hearing Board

- adult day care center (See Section 1404)
- camp & campground (See Section 1404)
- cemetery (See Section 1404)
- child day care center (See Section 1404)
- cultural facilities (See Section 1404)
- group home, with more than eight (8) residents (See Section 1404)
- group quarters (See Section 1404)
- house of worship (See Section 1404)
- municipal park and playground (See Section 1404)
- nursery school (See Section 1404)
- nursing home/personal care home (See Section 1404)
- park, non municipal (See Section 1404)
- school, public or private (See Section 1404)
- public utility building or facility (See Section 1404)

4. Accessory Uses Permitted by Special Exception by the Zoning Hearing Board

- detention or retention basin
- exotic wildlife (See Section 1404)
- temporary structure or use (See Section 1404)
- buildings and uses customarily incidental to any of the principal uses permitted by special exception.

5. Prohibited Construction - No permanent buildings may be constructed or placed in a Critical Environmental Areas (See Article 13).

**Section 603 – Dimensional Requirements** - In this district, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum dimensions specified below. Should these requirements conflict with the requirements of Article 14 or 15, as applicable, for any specified use, the requirements of Article 14 or 15, as applicable, shall take precedence.



## 1. Principal and Accessory Dimensions - Rural Residential District

	<b>Single-Family Detached Dwellings</b>	<b>Uses Permitted as Special Exception</b>
Minimum Lot Area	50,000 sq. ft.	50,000 sq. ft.
Minimum Lot Width	200 feet	200 feet
Minimum Front Setback	35 feet	35 feet
Minimum Side Setback*	20 feet	15 feet
Minimum Rear Setback*	10 feet	25 feet
Maximum Building height	40 feet	40 feet
Maximum Lot Coverage	30%	NA

\* The side and rear setback for accessory buildings and structures may be reduced to ten (10) feet.

**Section 604 – Approved Subdivision**

Each principal use shall be located on a separate, approved lot. Such lots must meet all the requirements of this Ordinance, the Shrewsbury Township Subdivision and Land Development Ordinance, and all requirements of the Pennsylvania Department of Environmental Protection.

**Section 605 – Standards for Uses** - In addition to the standards set forth in this Article, all uses permitted within the Rural Residential District shall also comply with:

1. Landscape, Buffering and Screening. As required in the Shrewsbury Township Subdivision and Land Development Ordinance.
2. Off-Street Parking and Loading. All uses in the Rural Residential District shall provide off-street parking spaces and off-street loading space according to the provisions set forth in Article 16 of this Ordinance.
3. Signs. Signs may be erected and maintained only when in compliance with the provisions of the Shrewsbury Township Sign Ordinance.
4. All proposed subdivisions and developments shall satisfy the requirements of Article 13, Critical Environmental Areas and Wellhead Protection.
5. Environmental Performance Standards. All uses in the Rural Residential District shall comply with the Environmental Protection Standards provided for in Article 15 of this Ordinance.

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## ARTICLE 7

### RURAL RESIDENTIAL RECEIVING DISTRICT (RRR)

#### **Section 701 – Purpose**

The Rural Residential Receiving District has been created as a receiving area for Development Rights (DR) from the Shrewsbury Township Agriculture Zoning District. It provides low-density residential development using on-lot water and septic. Since this is a development right receiving district, non-agriculture uses require the use or transfer of DR to develop beyond the DR allocation in the Agriculture Zoning District in 1976 (see Section 403 of this Ordinance). All parcels in this zoning district possess by right the number of DR established by Section 403.1, less any rights that have been used.

#### **Section 702 – Use Regulations**

1. A structure may be erected or used, and a lot shall be used or occupied, for any of the following purposes and no other; provided
  - a. All new residential uses in this zone shall utilize on-lot septic and water, excepting that, if public systems are available, then a lot or lots may be connected provided that all other district regulations are followed including lot size.
  - b. All principal uses in this zone shall be built using existing DR as originally allocated in Section 403.1. One (1) DR, as transferred directly or indirectly from the Agricultural District may be utilized to create two (2) permitted principal uses in this district. (No bonus shall be provided to existing DR's originally assigned to a parcel.)
  - c. In addition to the provisions set forth in this Article, the following uses shall meet all applicable supplementary and general regulations found in Articles 14 or 15 of this Ordinance.
2. Permitted Principal Uses -
  - agriculture (See Section 1404)
  - forestry (See Section 1404)
  - group home (See Section 1404)
  - municipal park or playground or recreational facility (See Section 1404)
  - park, non-municipal (See Section 1404)
  - single-family detached dwelling

3. Permitted Accessory Uses -

- accessory dwelling unit (See Section 1404)
- alternative energy systems (See Section 1404)
- bed and breakfast (See Section 1404)
- buildings and uses customarily incidental to a permitted principal use
- home occupation (See Section 1404)
- no-impact home based business(See Section 1404)
- portable storage unit (See Section 1404)
- swimming pool, private (See Section 1404)

4. Principal Uses Permitted as Special Exceptions by the Zoning Hearing Board -

- camp & campground (See Section 1404)
- public utility or facility (See Section 1404)

5. Accessory Uses Permitted by Special Exception by the Zoning Hearing Board -

- detention or retention basin
- exotic wildlife (See Section 1404)
- temporary structure or use (See Section 1404)
- buildings and uses customarily incidental to any of the principal uses permitted by special exception.

6. Prohibited Construction - No permanent buildings may be constructed or placed in a Critical Environmental Area (See Article 13).

**Section 703 – Dimensional Requirements**

In this district, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum dimensions specified below. Should these requirements conflict with the requirements of Articles 14 and 15, as applicable, for any specified use, the requirements of Articles 14 and 15, as applicable, shall take precedence.

## Principal and Accessory Dimensions - Rural Residential Receiving District

Dimensions	Specification
Minimum Lot Area	50,000 sq. ft.*
Min. Lot Width	200 feet
Min. Front Setback - all uses	35 feet
Min. Side Setback	15 feet
Min. Side Setback (accessory)	10 feet
Min. Rear Setback	25 feet
Min. Rear Setback(accessory)	10 feet
Maximum Lot Coverage	30%
Maximum Bldg. Height	40 feet

\*One DR must be used for every fifty thousand (50,000) square feet or portion thereof.

**Section 704 –Approved Subdivision**

Each principal use shall be located on a separate, approved lot. Such lots must meet all the requirements of this ordinance, the Township Subdivision and Land Development Ordinance, and all requirements of the Pennsylvania Department of Environmental Protection.

**Section 705 – Standards for Uses** - In addition to the standards set forth in this Article, all uses permitted within the Rural Residential Receiving District shall also comply with:

1. Landscape, Buffering and Screening. As required in the Shrewsbury Township Subdivision and Land Development Ordinance.
2. Off-Street Parking and Loading. All uses in the Rural Residential Receiving District shall provide off-street parking spaces and off-street loading space according to the provisions set forth in Article 16 of this Ordinance.
3. Signs. Signs may be erected and maintained only when in compliance with the provisions of the Shrewsbury Township Sign Ordinance.
4. All proposed subdivisions and developments shall satisfy the requirements of Article 13, Critical Environmental Areas and Wellhead Protection.
5. Environmental Performance Standards. All uses in the Rural Residential Receiving District shall comply with the Environmental Protection Standards provided for in Article 15 of this Ordinance.

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## ARTICLE 8

### SUBURBAN RESIDENTIAL DISTRICT (SR)

#### **Section 801 – Purpose**

The Suburban Residential District provides higher density residential development in areas where public water and public sewer service is generally available. Activities incompatible with such higher density residential development are excluded. In order to make the most efficient use of the land involved, development in this district must utilize public water and public sewer service unless the developer can demonstrate that such service is not available. Leapfrog development utilizing on-site systems will not be permitted.

#### **Section 802 – Use Regulations**

1. A structure may be erected or used, and a lot may be used or occupied, for any of the following purposes and no other; providing however, that all new uses shall utilize municipal or public sewer and water services provided such service or capacity exists within 1,000 feet of the proposed use and the parcel can feasibly be served by both municipal sewer and municipal public water. The applicant shall provide documentation to the Township that said service is not feasible. On-site sewage disposal systems and on-site wells may be utilized until such public systems become available or are located within 1,000 feet from the proposed use.

In addition to the provisions set forth in this Article, the following uses shall meet all applicable supplementary and general regulations found in Articles 14 and 15 of this Ordinance.

#### **2. Principal Permitted Uses.**

- active adult development (See Section 1404)
- agriculture (See Section 1404)
- cultural facilities (See Section 1404)
- forestry (See Section 1404)
- group home (See Section 1404)
- multi-family dwelling (See Section 1404)
- municipal park or playground or recreational facility (See Section 1404)
- park, non-municipal (See Section 1404)
- single-family attached dwelling (townhouse) (See Section 1404)
- single-family detached dwelling (See Section 1404)
- semi-detached dwelling (See Section 1404)

3. Permitted Accessory Uses.

- accessory dwelling unit (See Section 1404)
- alternative energy systems (See Section 1404)
- bed and breakfast (See Section 1404)
- buildings and uses customarily incidental to a permitted principal use
- detention or retention pond
- domiciliary care facility (See Section 1404)
- family day care home (See Section 1404)
- home occupation (See Section 1404)
- no-impact home based business (See Section 1404)
- portable storage unit (See Section 1404)
- swimming pool, private (See Section 1404)
- wind energy systems (See Section 1404)

4. Principal Uses Permitted as Special Exceptions by the Zoning Hearing Board.

- adult day care center (See Section 1404)
- child day care center (See Section 1404)
- club (See Section 1404)
- conversion apartments (See Section 1404)
- golf course (See Section 1404)
- group home, with more than eight (8) residents (See Section 1404)
- house of worship (See Section 1404)
- mobile home park (See Section 1404)
- nursery school (See Section 1404)
- nursing home/personal care home (See Section 1404)
- recreational facility (indoor) (See Section 1404)
- school, public or private (See Section 1404)
- public utility of facility (See Section 1404)

5. Accessory Uses Permitted by Special Exception by the Zoning Hearing Board

- exotic wildlife (See Section 1404)
- temporary structure or use (See Section 1404)
- buildings and uses customarily incidental to any of the principal uses permitted by special exception.



6. Prohibited Construction - No permanent buildings may be constructed or placed in a Critical Environmental Area (See Article 13).

7. Special Regulations - The density of multi-family and row dwellings may be increased by the application of transferable development rights and pursuant to Article 9.

### **Section 803 – Dimensional Requirements**

In this district, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum dimensions specified below. Should these requirements conflict with the requirements of Article 14 or 15, as applicable, for any specified use, the requirements of Article 14 or 15, as applicable, shall take precedence.

#### 1. Principal and Accessory Dimensions - Suburban Residential District

<b>Single-Family Detached Dwellings</b>			
	with public water and sewer	with public water only or sewer only	without public water and sewer
Minimum Lot Area (sq. ft.)	12,000 sq. ft. *	30,000 sq. ft. with water/ 20,000 sq. ft. with sewer	40,000 sq. ft.
Minimum Lot Width	80 feet	100 feet	150 feet
Minimum Front Setback	10 feet	10 feet	10 feet
Minimum Side Setback	15 feet	15 feet	15 feet
Minimum Rear Setback	10 feet	10 feet	10 feet
Maximum Building height	40 feet	40 feet	40 feet
Maximum Lot Coverage	70%	70%	70%
Accessory Buildings and Structures – side/rear setback	10 feet	10 feet	10 feet

<b>Semi-detached Dwellings</b>		
	with public water and sewer	with public water only or sewer only
Minimum Lot Area	4500 sq. ft. per dwelling unit	30,000 sq. ft./unit with water 20,000 sq. ft./unit with sewer
Minimum Lot Width	45 feet per unit	80 feet per unit
Minimum Front Setback	10 feet	10 feet
Minimum Side Setback	15 feet**	15 feet
Minimum Rear Setback	15 feet	15 feet
Maximum Building height	40 feet	40 feet
Maximum Lot Coverage	70%	70%
Accessory Buildings and Structures - side/rear setback	10 feet	10 feet
	<b>Single-Family Attached Dwellings</b>	<b>Multi-Family Dwellings</b>
	with public water and sewer	with public water and sewer
Minimum Lot Area	2200 sq. ft. per dwelling unit	2200 sq. ft. per dwelling unit
Minimum Lot Width	22 feet per unit	*
Minimum Front Setback	10 feet	10 feet
Minimum Side Setback	15 feet**	15 feet
Minimum Rear Setback	15 feet	15 feet
Maximum Building height	40 feet	40 feet
Maximum Lot Coverage	70%	70%
Accessory Buildings and Structures - side/rear setback	10 feet	10 feet

\* The lot containing one (1) or more multi-family buildings must have a lot width of at least two hundred (200) feet. In those instances where more than one (1) multi-family building is located on a lot, there shall be a minimum of twenty (20) feet between individual buildings.

\*\*Common wall lines do not require setbacks.

<b>All Other Uses</b>	
	with public water and sewer
Minimum Lot Area	40,000 square feet
Minimum Lot Width	150 feet
Minimum Front Setback	10 feet
Minimum Side Setback	15 feet
Minimum Rear Setback	10 feet
Maximum Building height	40 feet
Maximum Lot Coverage	70%
Accessory Buildings and Structures - side/rear setback	10 feet

## 2. Building and Dwelling Unit Density

a. The following density requirements shall be met:

- (1) Row dwellings - The maximum number of dwelling units in a row group is eight (8).
- (2) Multi-Family Dwellings - The maximum number of dwelling units in a multi-family dwelling is eight (8). For the purpose of determining maximum building and unit density, residential care facilities and group living arrangements providing separate dwelling units for residents and clients shall be considered multifamily dwellings
- (3) Ratio of Dwelling Types - The total number of row dwelling units and multi-family dwelling units or combination thereof may not exceed fifty (50) percent of the total number of dwelling units. This requirement does not apply if the "parcel" is less than fifteen (15) acres in size.
- (4) Unit Density - The maximum gross density or number of dwelling units permitted shall be based upon the total area of the parcel less the total area of any CEAs, rights-of-way, easements or other factors within the parcel that would prevent residential use of the area. The owner shall then calculate the maximum number of dwelling units permitted based on the net acreage of the parcel utilizing the following densities:
  - (a) The maximum number of single-family detached dwelling units shall be calculated by multiplying the acres of the parcel allocated to that dwelling type by three (3). There shall be a maximum of three (3) single-family detached dwelling units per acre (3 du/acre).
  - (b) The maximum number of semi-detached dwelling units shall be calculated by multiplying the acres of the parcel allocated to that

dwelling type by four point five (4.5). There shall be a maximum of four and one half (4 ½) semi-detached dwelling units per acre (4.5 du/acre).

- (c) The maximum number of row dwelling units or multi-family dwelling units shall be calculated by multiplying the number of acres of the parcel allocated to that dwelling type by six (6). There shall be a maximum of six (6) row dwelling units or multi-family-family dwelling units per acre (6 du/acre).

- (i) When utilizing DR, the unit density may be increased pursuant to Articles 4 and 8 of this Ordinance, except the number of dwelling units can be increased provided a development right is transferred from the Agricultural District (see Article 5 herein).

#### **Section 804 – Approved Subdivision**

Each principal use shall be located on a separate, approved lot. Such lots must meet all the requirements of this ordinance, the Township Subdivision and Land Development Ordinance, and all requirements of the Pennsylvania Department of Environmental Protection.

#### **Section 805 – Additional Parking**

1. In addition to parking required by Article 16 of this ordinance for all uses, multi-family and row dwellings developments shall provide additional off-street parking at the rate of two (2) parking space per proposed residential dwelling in the form of off-street lot parking. Additional parking shall be provided in one or any combination of the following:

- a. Off-street lot parking dispersed throughout the development conforming to the requirements of Article 16 of this ordinance.
- b. Parking structures will be allowed in conformity with the structures around them.

#### **Section 806 – Open Space Requirements**

For residential developments consisting of more than five (5) dwelling units, a minimum of twenty (20) percent of the total area of the tract being developed shall be set aside for open space. Fifty percent (50%) of the parcel's CEA may be utilized to satisfy this requirement. Open space shall be distributed throughout the proposed development site as to serve the maximum number of proposed residential units.

**Section 807 – Standards for Uses** - In addition to the standards set forth in this Article, all uses permitted within the Suburban Residential District shall also comply with:

1. Landscape, Buffering and Screening. As required in the Shrewsbury Township Subdivision and Land Development Ordinance.
2. Off-Street Parking and Loading. All uses in the Suburban Residential District shall provide off-street parking spaces and off-street loading space according to the provisions set forth in

Article 16 of this Ordinance. Such areas shall be designed to include adequate snow storage per Shrewsbury Township.

3. Signs. Signs may be erected and maintained only when in compliance with the provisions of the Shrewsbury Township Sign Ordinance.
4. All proposed subdivisions and developments shall satisfy the requirements of Article 13, Critical Environmental Areas and Wellhead Protection.
5. Environmental Performance Standards. All uses in the Suburban Residential District shall comply with the Environmental Protection Standards provided for in Article 15 of this Ordinance.

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## **ARTICLE 9**

### **SUBURBAN RESIDENTIAL RECEIVING DISTRICT (SRR)**

#### **Section 901 – Purpose**

The Suburban Residential Receiving District has been created as a receiving area for Development Rights (DR) transferred from the Shrewsbury Township Agriculture Zoning District. It provides medium to higher density residential development. To make the most efficient use of the land involved, the Township has created base densities by dwelling type. Non-agricultural uses in this zone shall utilize public water and public sewer service. Since this is a development right (DR) receiving district, non-agriculture uses require the use of DR. All parcels in this zoning district, existing at the date of adoption of this Ordinance, possess by right the number of DR established by Section 403.1, less any rights that have been used.

#### **Section 902 – Use Regulations**

1. A structure may be erected or used, and a lot may be used or occupied, for any of the following purposes and no other; providing however, that all new uses shall utilize municipal or public sewer and water services provided such service or capacity exists within one thousand (1,000) feet of the proposed use and the parcel can feasibly be served by both municipal sewer and municipal public water. The applicant shall provide documentation to the Township if said service is not feasible. On-site sewage disposal systems and on-site wells may be utilized until such public systems become available or are located within 1,000 feet from the proposed use.

In addition to the provisions set forth in this Article, the following uses shall meet all applicable supplementary and general regulations found in Articles 14 and 15 of this Ordinance.

- a. All principal permitted uses shall require the use of DR as allocated by Section 403.1.

- (1) One (1) DR is required for each principal non-dwelling use; or
- (2) One (1) DR transferred directly or indirectly from the Agricultural District may be utilized for two (2) dwelling units; or
- (3) One (1) DR transferred directly or indirectly from the Agricultural District may be utilized for three (3) Active Adult dwelling units.

- b. Dwelling Unit density may be increased with the application of additional DR according to the following table:

Dwelling Unit (DU) type	Base DU Density per acre	DU Density per acre using additional DR(s)
Single- or semi- detached	3.0	4.0
Single-family attached	6.0	8.0
Multi-family	6.0	8.0
Active Adult	6.0	8.0

Note: DR used to obtain additional density cannot be the same DR used for additional dwelling units. For example, one (1) DR may be used to obtain the right to construct up to three (3) dwelling units. However, if additional density is desired, another DR would be required.

- c. In addition to the provisions set forth in this Article, the following uses shall meet all applicable supplementary and general regulations found in Articles 14 and 15 of this Ordinance.

## 2. Principal Permitted Uses.

- Active Adult Development (See Section 1404)
- agriculture (See Section 1404)
- forestry (See Section 1404)
- group home (See Section 1404)
- multi-family dwelling (See Section 1404)
- municipal park or playground or recreational facility (See Section 1404)
- semi-detached dwellings (See Section 1404)
- single family attached dwelling (See Section 1404)
- single-family detached dwelling (See Section 1404)

## 3. Permitted Accessory Uses.

- accessory dwelling unit (See Section 1404)
- alternative energy system (See Section 1404)
- buildings and uses customarily incidental to a permitted principal use
- detention or retention basin
- family day care home (See Section 1404)
- home occupation (See Section 1404)
- no-impact home based business (See Section 1404)
- non-motorized trail (as part of Active Adult Development)



- portable storage unit (See Section 1404)
- swimming pool, private (See Section 1404)

4. Principal Uses Permitted as Special Exceptions by the Zoning Hearing Board.

- conversion apartments (See Section 1404)
- public utility or facility (See Section 1404)

5. Accessory Uses Permitted by Special Exception by the Zoning Hearing Board

- temporary structure or use (See Section 1404)
- buildings and uses customarily incidental to any of the principal uses permitted by special exception.

6. Prohibited Construction - No permanent buildings may be constructed or placed in a Critical Environmental Area (See Article 13).

**Section 903 – Dimensional Requirements**

In this district, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum dimensions specified below. Should these requirements conflict with the requirements of Articles 14 and 15, as applicable, for any specified use, the requirements of Article 14 and 15, as applicable, shall take precedence.

1. Principal and Accessory Dimensions - Suburban Residential Receiving District

<b>Single-Family Detached Dwellings</b>			
	with public water and sewer	with public water only or sewer only	without public water and sewer
Minimum Lot Area (sq. ft.)	9000 sq. ft.*	30,000 sq. ft. with water or 20,000 sq. ft. with sewer	40,000 sq. ft.
Minimum Lot Width	80 feet	100 feet	150 feet
Minimum Front Setback	10 feet	10 feet	10 feet
Minimum Side Setback	15 feet	15 feet	15 feet
Minimum Rear Setback	10 feet	10 feet	10 feet
Maximum Building height	40 feet	40 feet	40 feet
Maximum Lot Coverage	70%	70%	70%
Accessory Buildings and Structures - side/rear setback	10 feet	10 feet	10 feet

- \* A minimum of 12,000 feet if the subdivision or development consists entirely of single-family detached dwellings. Refer to Section 803.2 for the density and housing type requirements for developments including other than solely single-family dwellings.

<b>Semi-detached Dwellings</b>		
	with public water and sewer	with public water only or sewer only
Minimum Lot Area	4500 sq. ft. per dwelling unit	30,000 sq. ft. with water 20,000 sq. ft. with sewer
Minimum Lot Width/unit	45 feet/dwelling unit	80 feet
Front Setback	35 feet	10 feet
Side Setback	10 feet**	10 feet
Rear Setback	15 feet	10 feet
Maximum Building height	40 feet	40 feet
Maximum Lot Coverage	70%	70%
Accessory Buildings and Structures - side/rear setback	10 feet	10 feet
	<b>Single-Family Attached Dwellings</b>	<b>Multi-Family Dwellings</b>
	with public water and sewer	with public water and sewer
Minimum Lot Area	2200 sq. ft./dwelling unit	2200 sq. ft. /dwelling unit
Minimum Lot Width	22 feet/dwelling unit	*
Front Setback	35 feet	35 feet
Side Setback	10 feet**	10 feet
Rear Setback	15 feet	15 feet
Maximum Building height	40 feet	40 feet
Maximum Lot Coverage	70%	70%
Accessory Buildings and Structures - side/rear setback	10 feet	10 feet

- \* The lot containing one (1) or more multi-family buildings must have a lot width of at least two hundred (200) feet. In those instances where more than one (1) multi-family building is located on a lot, parallel buildings shall have at least forty (40) feet between faces of the buildings. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10) feet at one end if increased by similar or greater distance at the other end.

- \*\*Common wall lines do not require setbacks.

All Other Uses	
	with public water and sewer
Minimum Lot Area	40,000 sq. ft
Minimum Lot Width	150 feet
Front Setback	10 feet
Side Setback	10 feet
Rear Setback	10 feet
Maximum Building height	40 feet
Maximum Lot Coverage	70%
Accessory Buildings and Structures - side/rear setback	10 feet

## 2. Building and Dwelling Unit Density

a. The following density requirements shall be met:

- (1) Row Dwellings - The maximum number of dwelling units in a row group is eight (8).
- (1) Multi-Family Dwellings - The maximum number of dwelling units in a multi-family dwelling is eight (8). For the purpose of determining maximum building and unit density, residential care facilities and group living arrangements providing separate dwelling units for residents and clients shall be considered multifamily dwellings
- (3) Ratio of Dwelling Types - The total number of row dwelling units and multi-family dwelling units or combination thereof may not exceed fifty (50) percent of the total number of dwelling units. This requirement does not apply if the "parcel" is less than five (5) acres in size.
- (4) Unit Density - The maximum gross density or number of dwelling units permitted shall be based upon the total area of the parcel less the total area of any CEAs, rights-of-way, easements or other factors within the parcel that would prevent residential use of the area. The owner shall then calculate the maximum number of dwelling units permitted based on the net acreage of the parcel utilizing the following densities:
  - (a) The maximum number of single-family detached dwelling units shall be calculated by multiplying the acres of the parcel allocated to that dwelling type by three (3). There shall be a maximum of three (3) single-family detached dwelling units per acre (3 du/acre).
  - (b) The maximum number of semi-detached dwelling units shall be calculated by multiplying the acres of the parcel allocated to that dwelling type by four point five (4.5). There shall be a maximum of four and one half (4 ½) semi-detached dwelling units per acre (4.5 du/acre).

- (c) The maximum number of row dwelling units or multi-family dwelling units shall be calculated by multiplying the number of acres of the parcel allocated to that dwelling type by six (6). There shall be a maximum of six (6) row dwelling units or multi-family-family dwelling units per acre (6 du/acre).

- (i) When utilizing DR, the unit density may be increased pursuant to Articles 4 and 8 of this Ordinance.

#### **Section 904 – Approved Subdivision**

Each principal use shall be located on a separate, approved lot. Such lots must meet all the requirements of this Ordinance, the Township Subdivision and Land Development Ordinance, and all requirements of the Pennsylvania Department of Environmental Protection.

#### **Section 905 – Additional Parking**

1. In addition to parking required by Article 16 of this ordinance for all uses, multi-family and row dwelling developments shall provide additional off-street parking at the rate of one (1) parking space per proposed residential dwelling in the form of off-street lot parking. Additional parking shall be provided in one or any combination of the following:

- a. Off-street lot parking dispersed throughout the development conforming to the requirements of Article 16 of this ordinance.

- b. Parking structures will be allowed in conformity with the structures around them.

#### **Section 906 – Open Space Requirements**

For residential developments consisting of more than five (5) dwelling units, a minimum of twenty (20) percent of the total area of the tract being developed shall be set aside for open space. Fifty percent (50%) of the parcel's CEA may be utilized to satisfy this requirement. Open space shall be distributed throughout the proposed development site as to serve the maximum number of proposed residential units.

#### **Section 907 -Standards for Uses**

In addition to the standards set forth in this Article, all uses permitted within the Suburban Residential Receiving District shall also comply with:

1. Landscape, Buffering and Screening. As required in the Shrewsbury Township Subdivision and Land Development Ordinance.
2. Off-Street Parking and Loading. All uses in the Suburban Residential Receiving District shall provide off-street parking spaces and off-street loading space according to the provisions set forth in Article 16 of this Ordinance. Such areas shall be designed to include adequate snow storage

3. Signs. Signs may be erected and maintained only when in compliance with the provisions of the Shrewsbury Township Sign Ordinance.
4. All proposed subdivisions and developments shall satisfy the requirements of Article 13, Critical Environmental Areas and Wellhead Protection.
5. Environmental Performance Standards. All uses in the Suburban Residential Receiving District shall comply with the Environmental Protection Standards provided for in Article 15 of this Ordinance.

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## ARTICLE 10

### COMMERCIAL DISTRICT (C)

#### **Section 1001 - Purpose**

The Commercial District is established to accommodate individual businesses and services that supply the needs of local residents and provide opportunities for shoppers from surrounding areas.

#### **Section 1002 – Use Regulations**

1. A structure may be erected or used, and a lot may be used or occupied, for any of the following purposes and no other; providing however, that all new uses shall utilize municipal or public sewer and water services provided such service or capacity exists within one thousand (1,000) feet of the proposed use. On-site sewage disposal systems and on-site wells may be utilized until such public systems become available or are located within one thousand (1,000) feet from the proposed use.

In addition to the provisions set forth in this Article, the following uses shall meet all applicable supplementary and general regulations found in Articles 14 and 15 of this Ordinance.

#### **1. Principal Permitted Uses -**

- agriculture (See Section 1404)
- auction house (See Section 1404)
- automotive dealership, service and repair (See Section 1404)
- beverage distribution/sale (See Section 1404)
- brewery (see Section 1404)
- business and professional office
- business service establishment
- club (See Section 1404)
- communications facility or tower (See Section 1404)
- community center (See Section 1404)
- convenience store (See Section 1404)
- cultural facility (See Section 1404)
- emergency services
- equipment service and sale (See Section 1404)
- farm equipment sales and service (See Section 1404)
- farm market and farm co-op (See Section 1404)

- feed and grain mill (See Section 1404)
- financial institution (See Section 1404)
- forestry (See Section 1404)
- garden center (See Section 1404)
- hotel or motel (See Section 1404)
- house of worship (See Section 1404)
- medical laboratory or clinic (See Section 1404)
- mixed-use building (See Section 1404)
- mortuary (See Section 1404)
- municipal building, park, playground, recreational facility (See Section 1404)
- parking facilities (See Section 1404)
- personal services facility
- produce stand (See Section 1404)
- public service office
- repair shop
- restaurants (See Section 1404)
- retail store
- public utility building (See Section 1404)
- self storage (See Section 1404)
- veterinary office, including animal hospital (See Section 1404)
- winery (See Section 1404)

2. Permitted Accessory Uses -

- bed and breakfast (See Section 1404)
- buildings and uses customarily incidental to a permitted principal use
- caretaker or watchman dwelling (See Section 1404)
- detention or retention pond
- domiciliary care facility (See Section 1404)
- drive-thru facility (See Section 1404)
- family burial ground (See Section 1404)
- family day care home (See Section 1404)
- home occupation (See Section 1404)
- no impact home based business (See Section 1404)



- portable storage unit (See Section 1404)
- swimming pool, private (See Section 1404)

3. Principal Uses Permitted as Special Exceptions by the Zoning Hearing Board -

- child day care center (See Section 1404)
- community treatment facility (See Section 1404)
- composting facility (See Section 1404)
- conversion apartments (See Section 1404)
- electric generating facility (wind or solar only) (See Section 1404)
- entertainment facility (See Section 1404)
- gaming establishment (See Section 1404)
- golf course (See Section 1404)
- group home (See Section 1404)
- group quarters (See Section 1404)
- helipad (See Section 1404)
- hospital (See Section 1404)
- kennel (See Section 1404)
- nursery school (See Section 1404)
- nursing home/personal care home (See Section 1404)
- public event (See Section 1404)
- recreational facility (indoor or outdoor) (See Section 1404)
- rooming house (See Section 1404)
- school, commercial (See Section 1404)
- school, public and private (See Section 1404)
- shopping center or mall (See Section 1404)
- tavern (See Section 1404)

4. Accessory Uses Permitted by Special Exception by the Zoning Hearing Board

- alternative energy systems (See Section 1404)
- buildings and uses customarily incidental to any of the principal uses permitted by special exception.
- exotic wildlife (See Section 1404)
- temporary structure or use (See Section 1404)

5. Prohibited Construction - No permanent buildings may be constructed or placed in a Critical Environmental Area (See Article 13).

**Section 1003 – Dimensional Requirements**

In this district, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum dimensions specified below. Should these requirements conflict with the requirements of Article 14 or 15, as applicable, for any specified use, the requirements of Article 14 or 15, as applicable, shall take precedence.

**1. Principal and Accessory Use Dimensions -**

<b>All Uses</b>	
Minimum Lot Area (non agriculture, forestry)	
With public water and sewage	20,000 sq. ft.
With on-lot water and sewage	40,000 sq. ft.
Min. Lot Width (public water & sewer)	100 feet
Min. Lot Width (on-lot water & sewer)	200 feet
Min. Front Setback - all uses	10 feet
Min. Side Setback	10 feet
Min. Rear Setback	10 feet
Maximum Lot Coverage	75%
Maximum Bldg. Height *	45 feet
Accessory Buildings and Structures - side/rear setback	10 feet

\* Building height may be increased to a maximum of ninety (90) feet provided that for every ten (10) feet the building height increases above forty-five (45) feet, all setbacks shall be increased an additional five (5) feet.

**Section 1004 – Standards for Uses** - In addition to the standards set forth in this Article, all uses permitted within the Commercial District shall also comply with:

1. Landscape, Buffering and Screening. As required in the Shrewsbury Township Subdivision and Land Development Ordinance.
2. Off-Street Parking and Loading. All uses in the I Commercial District shall provide off-street parking spaces and off-street loading space according to the provisions set forth in Article 16 of this Ordinance. Such areas shall be designed to include adequate snow storage per Shrewsbury Township.
3. Signs. Signs may be erected and maintained only when in compliance with the provisions of the Shrewsbury Township Sign Ordinance.
4. All proposed subdivisions and developments shall satisfy the requirements of Article 13, Critical Environmental Areas and Wellhead Protection.
5. Environmental Performance Standards. All uses in the Commercial District shall comply with the Environmental Protection Standards provided for in Article 15 of this Ordinance.



## **ARTICLE 11**

### **INTERCHANGE DISTRICT (ICD)**

#### **Section 1101 – Purpose**

The Interchange District is intended to provide for, under explicit conditions and standards, limited personal and business service uses, retail and hospitality uses, light industrial and manufacturing uses, and distribution and warehousing uses within Shrewsbury Township. Specifically, it recognizes the existing uses and likely uses of land and the appropriateness of that area for such uses, and provides the flexibility to respond to the long-term evolution of development trends. It permits new uses which are compatible with the existing uses and with the Township's overall character and pattern of land use.

#### **Section 1102 – Use Regulations**

1. A structure may be erected or used, and a lot may be used or occupied, for any of the following purposes and no other; providing however, that all new uses shall utilize municipal or public sewer and water services provided such service or capacity exists within one thousand (1,000) feet of the proposed use and can feasibly be served by both municipal sewer and municipal public water. The applicant shall provide documentation to the Township that said service is not feasible. On-site sewage disposal systems and on-site wells may be utilized until such public systems become available or are located within one thousand (1,000) feet from the proposed use.

In addition to the provisions set forth in this Article, the following uses shall meet all applicable supplementary and general regulations found in Articles 14 and 15 of this Ordinance.

Supplementary regulations accompany the uses below and are listed in Article 14.

#### **1. Permitted Uses -**

- auction house (See Section 1404)
- automotive repair (See Section 1404)
- automotive service (See Section 1404)
- automotive dealership, service and repair (See Section 1404)
- beverage distribution/sale (See Section 1404)
- brewery (See Section 1404)
- business and professional office (See Section 1404)
- business service establishment (See Section 1404)
- communications facility or tower (See Section 1404)
- convenience store (See Section 1404)

- emergency services (See Section 1404)
- equipment service and sale (See Section 1404)
- farm equipment sales and service (See Section 1404)
- financial institution (See Section 1404)
- forestry (See Section 1404)
- garden center (See Section 1404)
- heavy equipment sales, service and storage (See Section 1404)
- hotel or motel (See Section 1404)
- manufacturing, light (See Section 1404)
- medical laboratory or clinic (See Section 1404)
- mixed-use building (See Section 1404)
- mortuary (See Section 1404)
- parking facilities (See Section 1404)
- personal services facility (See Section 1404)
- public service office (See Section 1404)
- public utility building (See Section 1404)
- repair shop (See Section 1404)
- restaurant (See Section 1404)
- retail store (See Section 1404)
- school, commercial (See Section 1404)
- self storage (See Section 1404)
- tavern (See Section 1404)
- veterinarian office or animal hospital (See Section 1404)
- warehousing and distribution (See Section 1404)
- winery (See Section 1404)

## 2. Permitted Accessory Uses -

- buildings and uses customarily incidental to a permitted principal use
- caretaker or watchman dwelling (See Section 1404)
- detention or retention pond
- home occupation (See Section 1404)
- no-impact home based business (See Section 1404)
- portable storage unit (See Section 1404)

- public event (See Section 1404)
- wind energy systems for private use (See Section 1404)

3. Principal Uses Permitted as Special Exceptions by the Zoning Hearing Board -

- adult oriented facility (See Section 1404)
- airport (See Section 1404)
- ATV/ORV recreation area or facility (See Section 1404)
- child day care center (See Section 1404)
- correctional facility (See Section 1404)
- crematorium (See Section 1404)
- entertainment facility (See Section 1404)
- electric generating facilities, including solar and wind farms (See Section 1404)
- gaming establishments (See Section 1404)
- helipad (See Section 1404)
- hospital (See Section 1404)
- laundry and dry cleaning establishment (See Section 1404)
- racetrack (See Section 1404)
- recreational facility (indoor and outdoor) (See Section 1404)
- shopping center or mall (See Section 1404)
- stockyard (See Section 1404)
- transportation, motor freight terminal (See Section 1404)

4. Accessory Uses Permitted by Special Exception by the Zoning Hearing Board

- temporary structure or use (See Section 1404)
- buildings and uses customarily incidental to any of the principal uses permitted by special exception

5. Prohibited Construction

- a. No permanent buildings may be constructed or placed in the Critical Environmental Area as defined in Article 13,
- b. Slopes in excess of twenty-five (25) percent may be graded for uses allowed in the Interchange Zone, except within a stream buffer area as provided for in this ordinance.

**6. Collector Roads**

a. For proposed uses fronting on roads not qualifying as collector roads, the road may be upgraded to meet collector road criteria at the developers' cost for the length of the property being developed.

(1) All road improvements shall conform to Shrewsbury Township Subdivision and Land Development Ordinance and to applicable Pennsylvania Department of Transportation regulations.

(2) All roads upgraded to meet collector criteria shall connect to a collector or arterial roadway.

**Section 1103 – Dimensional Requirement**

In this district, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum dimensions specified below. Should these requirements conflict with the requirements of Article 14, as applicable, for any specified use, the requirements of Article 14, as applicable, shall take precedence.

**1. Principal and Accessory Use Dimensions -**

<b>All Uses</b>	
Minimum Lot Area	20,000 sq. ft.
Min. Lot Width	80 feet
Min. Front Setback - all uses	10 feet*
Min. Side Setback	15 feet*
Min. Rear Setback	10 feet*
Min. Vegetative Coverage	25%
Maximum Lot Coverage	75% **
Maximum Bldg. Height *	45 feet***
Residential Buffer Strip	75 feet/50 feet****
Accessory Buildings and Structures - side/rear setback	10 feet

\* Add five (5) feet for every twenty (20) feet of height over forty-five (45) feet in building height.

\*\* Percentages may be transferred between lots within a complex provided the transferred area enhances the transportation connectivity, enhances the pedestrian environment or creates a public space containing rest areas, picnic areas, and/or recreational facilities.

\*\*\* Limit shall not apply to spires, belfries, cupolas, antennas, water tanks or cooling towers, ventilators, chimneys, widow's walks, turrets, elevator bulkheads, mechanical penthouses, stacks, stage towers, scenery lofts, domes, steeples and spires, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy, which may exceed the maximum building height provided such structures do not exceed twenty-five (25) feet in height above the roof line.

\*\*\*\* Any lot adjoining land within a residential zone or containing residence(s), shall maintain a seventy-five (75) feet setback for buildings and structures and a fifty (50) feet setback off-street parking lots and loading areas from the residential area. Such areas shall contain a fifty (50) feet wide landscape strip.

2. Setback regulations for Laterally-Supported Extensions:

- a. Canopies, sills, belt courses, eaves, cornices, bay windows, roof overhangs or other ornamental features, may extend a maximum of twelve (12) inches into any minimum front, side or rear setbacks.
- a. Open or enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers may extend a maximum of five (5) feet into any minimum front, side or rear setbacks.

**Section 1104 – Traffic Impacts**

The Board of Supervisors may require that a traffic impact assessment, in accordance with the Township Subdivision and Land Development Ordinance, be prepared and submitted as part of any application within the Interchange District. The content of the assessment shall be such as to enable the Board to assess the likely impacts of the proposed development on the existing transportation network of the Township and surrounding areas. The purpose of the study is to identify any traffic problems likely to result from the capacities, off-site traffic flow, public transportation, and pedestrian and other non-vehicular circulation. The Township shall review the methodology, assumptions, findings, and recommendations of the study. The Board, upon recommendation from the Township Engineer or its own traffic consultant, may impose upon the applicant additional improvements deemed necessary to accommodate impacts of the proposed development.

**Section 1105 – Performance Standards**

1. The applicant must describe his proposed use in detail and establish that his proposed use will not:
  - a. Cause dust, smoke, fumes, gas, any air pollution, or offensive odors to be disseminated beyond the boundaries of the lot in violation of Section 1516 of this Ordinance; or
  - b. Cause vibration beyond that permitted by Section 1512 of this Ordinance; or
  - c. Cause noise exceeding that permitted by Section 1511 of this Ordinance; or
  - d. Cause glare observable from beyond the boundaries of the lot in violation of Section 1515 of this Ordinance; or
  - e. Cause any pollution, degradation, contamination or discoloration of any underground or surface waters of the Township, or neighboring municipalities; or
  - f. Constitute a fire or explosion hazard.

2. In addition to the above, the applicant for a use permitted in this district must establish the following:
  - a. Connection to an existing public water supply system. The applicant shall establish the execution of an agreement committing the public water supply system to providing such water as will be utilized by the proposed use for such period of time as the public water supply system provides water service elsewhere in its service area.
  - a. That there is safe, clearly identified and adequate access to the site of the proposed use, using PennDOT approved criteria, and taking into consideration the amount and type of additional traffic movement likely to result from the location of the proposed use on the site proposed, and that the additional traffic movement likely to result from the proposed use will not cause nearby intersections to function at PennDOT Highway Capacity Manual (2000) Levels of Service (d), (e) or (f) with capacity analysis calculated based on that manual.
  - c. That the drainage requirements of the Township Subdivision and Land Development Ordinance will be complied with.
  - d. That adequate fencing pursuant to Section 1507 of this Ordinance shall be provided to prevent children from having access to any dangerous facilities and/or materials.
  - e. That the buffer requirements of Section 1506 of this Ordinance will be complied with.
3. In the event a permit and use certificate are issued by the Township Zoning Officer, the permit and use certificate shall be revoked and the use shall terminate immediately if it is established to the satisfaction of the Shrewsbury Township Board of Supervisors that the use is in fact causing:
  - a. Dust, smoke, fumes, gas or offensive odors to be disseminated beyond the boundaries of the lot in violation of Section 1516 of this Ordinance; or
  - b. Vibration beyond that permitted by Section 1512 of this Ordinance; or
  - c. Noise exceeding that permitted by Section 1511 of this Ordinance; or
  - d. Glare observable from beyond the boundaries of the lot in violation of Section 1515 of this Ordinance; or
  - e. Any pollution, degradation contamination or discoloration of any underground or surface waters of the Township or neighboring municipalities; or
  - f. An unusual fire or explosion hazard; or
  - g. An adverse effect upon water supplies utilized by neighboring properties.



3. In addition, such permit and use certificate shall be revoked and the use shall terminate immediately if it is established to the satisfaction of the Board of Supervisors that the permit or certificate holder:
  - a. Has failed to construct and/or landscape buildings as provided in the proposal; or
  - b. Has failed to comply with the drainage requirements of Article 600 of the Township Subdivision and Land Development Ordinance; or
  - c. Has failed to fence facilities or materials dangerous to children; to
  - d. Has failed to comply with the buffer requirements of Section 1506 of this Ordinance and applicable Township regulations.

**Section 1106 – Standard for Uses** - In addition to the standards set forth in this Article, all uses permitted within the Interchange District shall also comply with:

1. Landscape, Buffering and Screening. As required in the Shrewsbury Township Subdivision and Land Development Ordinance.
2. Off-Street Parking and Loading. All uses in the Interchange District shall provide off-street parking spaces and off-street loading space according to the provisions set forth in Article 16 of this Ordinance. Such areas shall be designed to include adequate snow storage per Shrewsbury Township.
3. Signs. Signs may be erected and maintained only when in compliance with the provisions of the Shrewsbury Township Sign Ordinance.
4. All proposed subdivisions and developments shall satisfy the requirements of Article 13, Critical Environmental Areas and Wellhead Protection.
5. Environmental Performance Standards. All uses in the Suburban Residential District shall comply with the Environmental Protection Standards provided for in Article 15 of this Ordinance.

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## **ARTICLE 12**

### **INDUSTRIAL DISTRICT (I)**

#### **Section 1201 – Purpose**

The Industrial District is established as a district in which the regulations are intended to permit and encourage industrial development that will be located and designed to form a harmonious and appropriate development, contribute to the soundness of the local economic base and otherwise further the purposes set forth in this ordinance. The specific intent of this article is to encourage the development of and continued use of land for industrial purposes; prohibit any use which would substantially interfere with the development, continuation or expansion of industrial uses in the district; and establish reasonable standards to minimize air pollution, noise, glare, heat, vibration, and fire and safety hazards.

#### **Section 1202 – Use Regulations**

A structure may be erected or used, and a lot may be used or occupied, for any of the following purposes and no other; providing however, that all new uses shall utilize municipal or public sewer and water services provided such service or capacity exists within one thousand (1,000) feet of the proposed use. On-site sewage disposal systems and on-site wells may be utilized until such public systems become available or are located within one thousand (1,000) feet from the proposed use.

In addition to the provisions set forth in this Article, the following uses shall meet all applicable supplementary and general regulations found in Articles 14 and 15 of this Ordinance.

Supplementary regulations accompany the uses below and are listed in Article 14.

#### **1. Permitted Uses -**

- business service establishment
- child day care facility or nursery school (See Section 1404)
- composting facility (See Section 1404)
- convenience store (See Section 1404)
- emergency services
- financial institution (See Section 1404)
- forestry (See Section 1404)
- heavy equipment sales, service and storage (See Section 1404)
- hotel or motel (See Section 1404)
- manufacturing, light
- municipal building (See Section 1404)

- parking facilities (See Section 1404)
- restaurant (See Section 1404)
- retail store
- sawmill (See Section 1404)
- storage, general (See Section 1404)
- veterinary office or animal hospital (See Section 1404)
- warehousing and distribution (See Section 1404)

2. Permitted Accessory Uses -

- alternative energy systems (See Section 1404)
- buildings and uses customarily incidental to a permitted principal use
- caretaker or watchman dwelling (See Section 1404)
- detention or retention pond
- domiciliary care facility (See Section 1404)
- home occupation (See Section 1404)
- no-impact home based business (See Section 1404)
- portable storage unit (See Section 1404)
- swimming pool, private (See Section 1404)
- public utility building (See Section 1404)

3. Principal Uses Permitted as Special Exception by the Zoning Hearing Board

- airport/heliport (See Section 1404)
- communications facility or tower (See Section 1404)
- concrete and asphalt batch plant (See Section 1404)
- correctional facility (See Section 1404)
- crematorium (See Section 1404)
- electrical generating facility, includes solar and wind farms (See Section 1404)
- feed and grain mill (See Section 1404)
- gaming establishment (See Section 1404)
- manufacturing, heavy
- mineral extraction and processing (See Section 1404)
- helipad (See Section 1404)
- intensive agricultural operation (See Section 1404)

- junkyard (See Section 1404)
- kennel (See Section 1404)
- landfill, resource recovery facility (See Section 1404)
- laundry and dry cleaning establishment (See Section 1404)
- mineral extraction/processing (See Section 1404)
- stable (See Section 1404)
- stockyard (See Section 1404)
- transportation & motor freight terminal (See Section 1404)
- waste processing/disposal (off-site sewage)

4. Accessory Uses Permitted by Special Exception by the Zoning Hearing Board

- buildings and uses customarily incidental to any of the principal uses permitted by special exception.
- exotic wildlife (See Section 1404)
- temporary structure or use (See Section 1404)

5. Prohibited Construction – No permanent buildings may be constructed or placed in a Critical Environmental Area (See Article 13).

**Section 1203 – Dimensional Requirements**

In this district, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum dimensions specified below. Should these requirements conflict with the requirements of Article 14 or 15, as applicable, for any specified use, the requirements of Article 14 or 15, as applicable, shall take precedence.

1. Principal and Accessory Use Dimensions

All Uses	
Minimum Lot Area (non agriculture, forestry)	
With off-lot water and sewage	20,000 sq. ft.
With on-lot water and sewage	40,000 sq. ft.
Min. Lot Width (off-lot water & sewer)	100 feet
Min. Lot Width (on-lot water & sewer )	200 feet
Min. Lot Depth all uses	150 feet
Min. Front Setback - all uses	30 feet
Min. Side Setback	30 feet
Min. Rear Setback	30 feet
Maximum Lot Coverage	75%
Maximum Bldg. Height	45 feet *
Accessory Buildings and Structures - side/rear setback	10 feet

- \* Limit shall not apply to spires, belfries, cupolas, antennas, water tanks or cooling towers, ventilators, chimneys, widow's walks, turrets, elevator bulkheads, mechanical penthouses, stacks, stage towers, scenery lofts, domes, steeples and spires, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy, which may exceed the maximum building height provided such structures do not exceed twenty-five (25) feet in height above the roof line. Height may be extended to ninety (90) feet as a Special Exception to the requirements of this Article with a corresponding five (5) foot increase in side and rear setbacks for every twenty (20) feet of height over forty-five (45) feet in building height.

#### **Section 1204 –Performance Standards for Uses Permitted by Special Exception**

1. Before any special exception is granted by the Zoning Hearing Board, the applicant must describe the proposed use in detail and establish that the proposed use will not:
  - a. Cause dust, smoke, fumes, gas, any air pollution, or offensive odors to be disseminated beyond the boundaries of the lot in violation of Section 1516 of this Ordinance;
  - b. Cause vibration beyond that permitted by Section 1512 of this Ordinance;
  - f. Cause noise exceeding that permitted by Section 1511 of this Ordinance;
  - d. Cause glare observable from beyond the boundaries of the lot in violation of Section 1515 of this Ordinance;
  - a. Cause any pollution, degradation, contamination or discoloration of any underground or surface waters of the Township, or neighboring municipalities; and
  - b. Constitute a fire or explosion hazard.
2. In addition to the above, the applicant for a special exception must establish to the Zoning Hearing Board the following:
  - a. If connection to an existing public water supply system is proposed, the applicant shall establish the execution of an agreement committing the public water supply system to providing such water as will be utilized by the proposed use. If the water supply system proposed involves the utilization of water obtained from the parcel where the proposed use is to be located or from a nearby tract, the applicant must establish that the groundwater recharge on the tract where the water supply system is located, after development, computed during drought conditions (periods when precipitation is forty (40) percent below normal) will exceed projected water usage. The Zoning Hearing Board may require as a condition of approval that the applicant execute an agreement with the township committing the proposed industrial use not to utilize more water on a daily basis than the groundwater recharge computed during drought conditions and to establish procedures pursuant to which usage can be verified by the Township's engineer at the developer's cost.

- b. That there is suitable access to the site of the proposed use taking into consideration the amount and type of additional traffic movement likely to result from the location of the proposed use on the site proposed, and that the additional traffic movement likely to result from the proposed use will not cause nearby intersections to function at PennDOT Highway Capacity Manual (2000) Levels of Service (d), (e) or (f) with capacity analysis calculated based on that manual.
  - c. That the drainage will be in compliance with the requirements of the Township Subdivision and Land Development Ordinance.
  - g. That adequate fencing pursuant Section 1507 of this Ordinance shall be provided to prevent children from having access to any dangerous facilities and/or materials.
  - e. That all buffer areas will be in compliance with the requirements of Section 1506 of this Ordinance.
3. In the event that a special exception is granted by the Zoning Hearing Board and a permit and use certificate are issued therefore by the township Zoning Officer, the permit and use certificate shall be revoked and the use shall terminate immediately if it is established to the satisfaction of the Shrewsbury Township Board of Supervisors that the use is in fact causing:
- a. Dust, smoke, fumes, gas or offensive odors to be disseminated beyond the boundaries of the lot in violation of Section 1516 of this Ordinance; or
  - b. Vibration beyond that permitted by Section 1512 of this Ordinance; or
  - c. Noise exceeding that permitted by Section 1511 of this Ordinance; or
  - d. Glare observable from beyond the boundaries of the lot in violation of Section 1515 of this Ordinance; or
  - e. Any pollution, degradation, contamination or discoloration of any underground or surface waters of the Township, or neighboring municipalities; or
  - f. An unusual fire or explosion hazard or;
  - g. An adverse effect upon water supplies utilized by neighboring properties.
4. In addition, such permit and use certificate shall be revoked and the use shall terminate immediately if it is established to the satisfaction of the Board of Supervisors that the permit or certificate holder:
- a. Has failed to construct and/or landscape buildings as provided in the proposal; or

- b. Has failed to comply with the drainage requirements of the Township Subdivision and Land Development Ordinance; or
- c. Has failed to fence facilities or materials dangerous to children; or
- d. Has failed to comply with the buffer requirements of Section 1506 of this Ordinance and applicable Township regulations.

**Section 1205 – Approved Subdivisions**

Each principal use, building and structure shall be located on a separate, approved lot. Such lots must meet all the requirements of this Ordinance, the Township Subdivision and Land Development Ordinance, and all requirements of the Pennsylvania Department of Environmental Protection.

**Section 1206 – Standards for Uses** - In addition to the standards set forth in this Article, all uses permitted within the Industrial District shall also comply with:

1. Landscape, Buffering and Screening - As further set forth in the Shrewsbury Township Subdivision and Land Development Ordinance.
2. Off-Street Parking and Loading - All uses in the Industrial District shall provide off-street parking spaces and off-street loading space according to the provisions set forth in Article 16 of this Ordinance. Such areas shall be designed to include adequate snow storage per Shrewsbury Township.
3. Signs - Signs may be erected and maintained only when in compliance with the provisions of the Shrewsbury Township Sign Ordinance.





## **ARTICLE 13**

### **CRITICAL ENVIRONMENTAL AREAS (CEAs) AND WELLHEAD PROTECTION**

#### **Section 1301 – Purpose and Background**

The purpose of this article is to establish minimal requirements for the design of buffers to protect Critical Environmental Areas including watercourses, wetlands, and floodplains of Shrewsbury Township; to protect the water quality of watercourses, reservoirs, lakes, and other significant water resources within Shrewsbury Township; to protect Shrewsbury Townships riparian and aquatic ecosystems; and to provide for the environmentally sound use of Shrewsbury Township's land resources.

All of the four major streams and their watersheds located in Shrewsbury Township serve as public or municipal water supply sources for York County and the metropolitan Baltimore region. In addition, due to their generally high water quality, they all support native trout populations. Also these streams, and the seeps and springs from which they originate, are all part of the Chesapeake Bay watershed and as such, contribute to the Bay's well being, or conversely, to its decline.

Steep slope areas or locations with slopes of twenty-five (25) percent or greater, are Critical Environmental Areas. They are subject to severe erosion, sedimentation, and subsidence if not protected from disturbance, including the removal of vegetation and grading. Structures or other improvements located on these steep areas are prone to instability or structural problems.

Wellhead Protection Zones are established in order to prevent the pollution of the public wells situated within Shrewsbury Township.

#### **Section 1302 – Intent**

1. To combine with present zoning requirements, certain restrictions made necessary for critical environmental areas in order to promote the general health, welfare and safety of citizens;
2. To limit, control and restrict the erection of permanent buildings and structures in Critical Environmental Areas;
3. To permit only those uses that can be appropriately located in critical environmental areas as listed in Section 1306;
4. To minimize the danger to public health by protecting the quality and quantity of surface and subsurface water supplies;
5. To provide sufficient drainage courses to carry abnormal flows or storm water in period of heavy runoff;
6. To provide areas for the temporary natural storage of floodwaters;

7. To protect adjacent landowners and property both upstream and downstream from damages resulting from development within riparian areas and the consequent obstruction or increase in flow of floodwaters;
8. To protect the entire township from individual uses of land that may have an effect upon subsequent expenditures for public works and disaster relief and adversely affect the economic well being of the citizens of the township.
9. To protect other municipalities within the same watershed from the impact of improper development and the consequent increased potential for flooding and/or unsuitable locations for development;
10. To allow natural migration of stream channels over time;
11. To reduce channel erosion and widening of channels;
12. To reduce erosion and sedimentation;
13. To allow for infiltration from storm water runoff;
14. To enhance the base flow of watercourses, springs and seeps;
15. To protect and maintain the aquatic environment or ecosystem of Critical Environmental Areas from nutrient loadings, pesticides, sediments and temperature increases, as well as other pollutants.
16. Providing the organic matter that is the source of food and energy for the aquatic ecosystems.
17. Provide wildlife habitat including that of rare and endangered species.
18. Maintaining, enhancing or creating open space, scenic values and recreational opportunities.

### **Section 1303 – Riparian Buffer Areas**

1. The establishment or requirement for a riparian buffer is based on the following considerations:
  - a. Erosion Control - A forested or vegetated buffer prevents or minimizes soil erosion.
  - b. Sediment Filter - Riparian buffers help catch and filter out sediment and debris from surface runoff. Depending upon the width of the buffer, 50-100% of the sediments and the nutrients attached to them settle out and are absorbed by buffer plants.
  - c. Pollution Filter, Transformer, and Sink - Nutrients, such as phosphorus and nitrogen, can become water pollutants if more are applied to the land than plants can use. Bacteria in the soil, particularly of streamside forests, can capture and transform

nitrogen and other pollutants into less harmful forms. Buffers also act as a sink when nutrients and excess water are taken up by root systems and stored in the branches and leaves of trees.

- d. Stream flow Regulator - By slowing the velocity of runoff, the riparian buffer allows water to soak into the soil and recharge the groundwater supply. Groundwater will reach a stream or river more slowly, and over a longer period of time, than if it had entered the river as surface runoff. This helps control flooding and maintain stream flow during the driest time of the year.
- e. Bank Stabilizer - Riparian buffer vegetation helps to stabilize stream banks and reduce erosion. Roots hold bank soil together, and stems protect banks by deflecting the cutting action of waves, ice, and storm runoff.
- f. Terrestrial Wildlife Habitat - The unique habitat offered by riparian buffers is home to various plant and animal species, including those rarely found outside this narrow band of land adjacent to a stream. Continuous stretches of riparian buffer also serve as wildlife travel corridors.
- g. Aquatic Habitat - Buffers promote aquatic habitat by improving the quality of nearby waters through shading and moderating stream flow. Shade in summer maintains cooler, more even temperatures, especially on small streams. Cooler water holds more oxygen and reduces stress on fish and other aquatic organisms. Woody debris, which feeds the aquatic food web, can also create stepped pools, providing cover for fish and their food supply while reducing erosion by slowing flow.
- h. Recreation and Aesthetics - Forested buffers are especially valuable in providing a green screen along waterways, blocking views of nearby development, and allowing privacy for riverfront landowners.

### **1304 – Calculation of Riparian Buffers**

1. All riparian buffer areas shall include the one hundred (100) feet immediately adjacent to the top of a stream bank or outer edge of all watercourses, including springs and seeps.
2. The one hundred (100) foot minimum or base buffer shall be expanded as follows:
  - a. The outer edge of the buffer area of all watercourses, springs and seeps shall be extended an additional four (4) feet horizontally for each one (1) percent of slope based on the average slope as calculated over the two hundred (200) feet extending from the outer bank of a watercourse or the edge of a spring or seep. Such calculation shall be made at intervals of no more than fifty (50) feet or at such intervals as to accurately determine slope deviations within a two hundred (200) foot distance.
  - b. If a floodplain or wetland located within the one hundred (100) foot minimum buffer extends beyond the one hundred (100) foot buffer, or if a floodplain or wetland

directly borders a one hundred (100) foot buffer, these floodplains and wetlands shall be included as part of the buffer. In addition a thirty five (35) foot vegetated strip of land shall be included along the outer edge of these floodplains and wetlands.

- c. Except that forestry best management practices and logging operations shall only be required to satisfy the minimum buffer of one hundred (100) feet and shall be exempt from buffer extensions based on slope.

### **Section 1305 – Applicability**

1. This article shall apply to all proposed subdivisions and land development except for those where a variance has been granted.
2. All forestry management practices and harvesting operations are permitted within the buffer subject to the requirements of Section 1307.5.
3. This article shall not apply to agricultural operations except in situations where erosion and sedimentation is occurring within the Critical Environmental Areas or buffer and/or livestock are damaging the stream banks or polluting the watercourse.
4. All mining activities shall be in compliance with the “Surface Mining Conservation and Reclamation Act.”

### **Section 1306 – Permitted Uses**

The following uses, if permitted within the underlying zoning district, and no others, are permitted within Critical Environmental Areas, provided no dwellings are included and that best management practices as defined by the Natural Resources Conservation Service are followed.

- agriculture (See Section 1404)
- forestry (See Section 1404)
- hunting and fishing preserve
- passive recreation or parks
- special events
- wildlife preserve/refuge

### **Section 1307 – Extent of Uses**

1. Critical Environmental Areas (CEA) may be included as part of an existing or subdivided building lot in minor subdivisions provided area and dimensional requirements of the lot are calculated and fully complied with without using the CEA in the calculation. Any CEA located within a major subdivision shall not be included as part of any lot or lots and shall be managed by one of the following methods:

- a. In all cases the CEA will first be offered as a dedication to Shrewsbury Township. However, the Township shall not be obligated to accept such dedication.

- b. With permission of the Township and with appropriate deed restrictions in favor of the Township and in language acceptable to the Township Solicitor, the developer may transfer ownership of the common open space, or a portion thereof, to a private, non-profit organization among whose purposes is the preservation of open space land and/or natural resources. The organization shall be a bona fide conservation organization with a perpetual existence, the conveyance must contain appropriate provision for reverter or retransfer if the organization is unable to carryout its functions, and the organization must enter into a maintenance agreement with the Township.
  - c. Alternatively, the developer may provide for and establish an automatic membership property owner's association, as a non-profit corporation to have primary responsibility for the ownership, administration, and maintenance of the CEA.
  - d. All CEAs shall be maintained or be subject to Protective Covenants which shall be submitted, approved, and recorded as part of the approval of a subdivision or land development plan.
  - e. All boundaries of CEAs shall be delineated with concrete monuments.
  - f. *Permanent signs shall be placed every 100 feet along the outer boundaries of CEAs to provide notification of a "No Disturbance Area."*
- 2. In the event the organization established to own and maintain the CEA, or any successor organization, shall at any time fail to maintain the CEA consistent with the purpose, function and condition in accordance with this section , the Township shall perform the necessary maintenance or correct such deficiencies at the owner's or organization' expense.
  - 3. The Critical Environmental Areas shall not be re-graded, filled or otherwise altered except in accordance with Section 1308 herein, and without prior approval by Shrewsbury Township, and shall be protected from pollution or contamination. Critical Environmental Areas may be used for the infiltration of controlled release of storm water and as a natural filter or trap for sediment and nutrients; except that all storm water and sediment basins or structures must be located outside the CEA except for constructed wetlands.
  - 4. Land located within the Critical Environmental Area shall be maintained in forest cover at all times except that habitats of rare or endangered, or other unique habitats including wetlands, may be exempted from this provision in order to protect or maintain these areas. (See the Subdivision and Land Development Ordinance.)
  - 5. Forestry activities, including logging, located within a Critical Environmental Area shall be subject to the following:
    - a. No forestry activities shall take place within fifteen (15) feet of the outer bank of a watercourse, spring or seep.

b. Forestry activities located between fifteen (15) and one hundred (100) feet of a watercourse, spring or seep shall be regulated as follows:

- (1) The basal area of trees shall not be reduced below fifty percent (50%) of the basal area present before cutting or below sixty-five (65) square feet per acre, whichever is higher except that no logging shall occur within fifteen (15) feet of a watercourse, spring or seep.
- (2) Trees to be cut shall be marked above and below stump height with tree marking paint prior to start of logging.

6. CEAs shall be planted and/or maintained at all times in native trees or shrubs. (See Article 700 in the Subdivision and Land Development Ordinance.)

### **Section 1308 – Exceptions**

Necessary public improvements including floodplain restoration, stream bank stabilization, aquatic habitat improvements, road crossings, bridges, culverts, utilities, impoundments and non-motorized trails, will be permitted subject to plan review by the Shrewsbury Township Planning Commission, and subsequent approval by the Shrewsbury Township Board of Supervisors. Road crossings shall be perpendicular to the stream or buffer.

### **Section 1309 – Existing Structures in Critical Environmental Areas**

Structures and uses existing in any Critical Environmental Areas prior to the date of adoption of this ordinance, but which are not in compliance with the provisions of this ordinance may remain. Existing structures, as of August 2010, may be expanded up to 50% of the total footprint at that time. No new principal or accessory structures shall be constructed, erected or placed within a CEA.

### **Section 1310 – Natural Areas Inventory**

1. Rare and endangered plant and animal species must be preserved and protected from indiscriminate development by using development review procedures intended to conserve habitats in which these species occur. Therefore, Shrewsbury Township requires an Environmental Impact Assessment prior to any subdivision or land development approval that will identify potential adverse impacts as well as opportunities and mitigating measures intended to protect these areas.
2. The Pennsylvania Natural Diversity Inventory (PNDI), as of 1996, identifies one site within Shrewsbury Township—Deer Creek Woods—as a significant natural habitat. In addition, two other areas in the township—Seitzland Marsh and Shaffers Hollow—are identified as locally significant sites, defined as sites that do not have exemplary natural communities or known occurrences of rare species, but that could be excellent sites for county or township parks or as natural areas within existing parks. The township's Critical Environmental Areas include the areas of the township that are protected by special regulations.

**Section 1311 – Protection of Wellhead Zones**

The protection of the public or municipal wells or springs serving New Freedom Borough, Shrewsbury Borough and Shrewsbury Township and the groundwater which supply these public water supply sources is necessary in order to ensure a potable water supply.

To achieve this goal a Wellhead Protection Ordinance (WPO) has been enacted and is included in the Codification of the Ordinances of Shrewsbury Township and applies to all Shrewsbury Borough wells located within Shrewsbury Township. Also applies to development in the Township that impacts the WPO within Shrewsbury Borough.

In addition, in regards to New Freedom municipal wells located within Shrewsbury Township, the following uses shall not be permitted within a wells wellhead protection zones I, II, or III, as defined within the Wellhead Protection Ordinance (WPO):

- a. Groundwater discharge; including BMPs
- b. Application of animal waste (manure) or sewage sludge or other materials possessing pollutants.
- c. Septic systems
- d. Commercial, institutional or manufacturing uses other than agricultural.
- e. Utilities, excluding private wells.
- f. Stormwater management related uses or facilities.

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## **ARTICLE 14**

### **SUPPLEMENTARY REGULATIONS**

#### **Section 1401 – Purpose**

It is the intent of these supplementary regulations to establish additional specific requirements for all principal permitted uses, permitted as a special exception uses, accessory uses and temporary uses listed in the Zoning Districts and Overlay Zones, Articles 4 through 12 of this Ordinance. These supplementary regulations are in addition to the requirements of Article 13, Critical Environmental Areas and Wellhead Protection; General Provisions, Article 15; Off-Street Parking and Loading, Article 16; Article 18, Administration - Certificate of Use and Occupancy; the Shrewsbury Township Sign Ordinance; and all other applicable Township regulations and ordinances, as well as any other local state and federal regulations and statutes. If the zoning district or any other regulations found in this ordinance are determined to be in conflict with the following, the most restrictive regulations shall be applied, unless otherwise stated.

#### **Section 1402 – General Supplementary Regulations for all Uses**

1. All uses shall provide for off-street parking in number and design in conformance to Article 16, Off-Street Parking and Loading, of this ordinance, and the Shrewsbury Township Subdivision and Land Development Ordinance.
2. Such signs as proposed for all non-residential uses shall be in accordance with provisions in Shrewsbury Township Sign Ordinance.
3. All uses that are required to provide, or proposing to provide, outdoor lighting shall be subject to provisions in Section 1515 of this Ordinance.
4. Unless otherwise specified in this Article, all uses shall provide sufficient buffering and screening of the use from any residential district and from any existing residential dwelling in any district. All screening and buffering shall conform to Section 1506 of this Ordinance, the Shrewsbury Township Subdivision and Land Development Ordinance, and the Shrewsbury Township Construction and Materials Specifications manual, in addition to any specific requirements of this Article. The width of buffer yards specified in Section 1404, herein, shall take precedence.
5. Any outdoor storage areas shall be enclosed by a wall or fence and screened from view of adjoining properties. No materials may be stored to create a public health hazard or a public nuisance. No toxic or hazardous materials may be stored on any property, except in compliance with applicable State and Federal regulations.
6. All uses that will generate a medium or higher volume of traffic, i.e., in excess of seven hundred fifty (750) vehicle trips per day (per PennDOT), access shall be via a street or roadway that meets the standards for collector or arterial roadways as designated by the Township's Comprehensive Plan.

7. For non-residential primary uses with ancillary accessory uses, all entrances to parts of the building in which accessory services are provided shall be from within the building and any direct access from the street is prohibited. The hours during which these services are provided shall be the same as those of the principal use.

### **Section 1403 – Temporary Uses and Structures**

A temporary permit may be issued for structures or uses that are accessory during construction or other special circumstances of a nonrecurring nature, subject to the following additional provisions:

#### **A. Nonconforming Uses and Structures**

1. Temporary nonconforming uses shall be subject to authorization by the Zoning Hearing Board as a special exception when deemed necessary to protect the public health or welfare, and to promote the proper development of the township.
2. Such structure or use shall be removed completely upon expiration of the permit without cost to the township.
3. The life of such permit shall not exceed one (1) year, unless authorized by the Zoning Hearing Board.

#### **B. Nonprofit and Construction Uses and Structures**

1. Customary, routine and accessory short-term special events shall be eligible to receive approval from the Zoning Officer for commercial-type activities where a use would not otherwise be permitted. Only established nonprofit organizations or a permitted place of worship shall be eligible. The temporary use must serve a charitable, public service or religious purpose, shall be subject to authorization by the Zoning Officer;
2. Temporary storage and office trailers that are necessary to serve on-site construction, while such construction is actively underway;
3. Such other activities that the applicant proves are routine, customary and temporary.
4. The Zoning Officer shall state a reasonable maximum time period on the temporary permit for a maximum of twelve (12) months. If no time limit is stated, then a six (6) month maximum period shall apply. A temporary permit may be renewed at discretion of the Zoning Officer.

### **Section 1404 – Specific Use Standards**

In addition to the general provisions for uses within a particular zoning district established in Articles 4 through 12, and the additional general provisions for uses established in the previous sections of Article 14 and elsewhere in the Ordinance, these Specific Use Standards set forth the specific standards that shall be applied to each use identified herein. These specific use standards must be satisfied prior to approval of any application for a certificate of use and occupancy

permit, special exception. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance.

### **Accessory Dwelling Unit**

1. There shall be permitted only one (1) accessory dwelling unit for each principal permitted single family detached dwelling by a recordable agreement supplied by the Township.
2. There must be a genuine medical hardship involved which requires that the occupant of the accessory dwelling unit live in close proximity to the principal dwelling in order to provide personal care to one or more occupants of the principal dwelling unit.
3. The accessory dwelling unit shall be clearly subordinate and incidental to the principal dwelling unit and shall be temporary in nature to meet the needs of the medical hardship. The occupancy of the accessory dwelling unit must cease within ninety (90) days following the cessation of occupancy of the principal dwelling unit by a person with a medical hardship.
4. All accessory dwelling units shall be subject to the following:
  - a. The ADU shall be located on the same parcel as the principal single-family dwelling.
  - b. If the ADU is within a separate building, such building shall require a separate on-lot septic system or connection to a public sewer and a well or connection to public water. This requirement does not apply to an ADU within or attached to the principal dwelling.
  - c. Accessory dwelling units in any district shall be within a pre-existing structure such as the existing single-family dwelling, a detached garage, or other accessory structure existing as of June 3, 2015.
  - d. A written statement identifying the person or persons occupying the accessory dwelling unit shall be filed with the Township.

### **Accessory Farm Dwelling**

1. There shall be permitted as a clearly subordinate and incidental accessory use one (1) accessory farm dwelling for each principal permitted agricultural use by a recordable agreement supplied by the Township.
2. An accessory farm dwelling shall only be permitted in the Agricultural District.
3. All accessory farm dwellings shall be located on the same parcel as the principal single-family dwelling.

4. A written statement identifying the person or persons occupying the accessory farm dwelling shall be filed with the Township.
5. Shall require the use of one (1) development right for each and every accessory farm dwelling.

### **Active Adult Development**

1. Purpose. An Active Adult Development is intended to provide housing and related private recreational facilities for persons primarily age fifty-five and older; and, to recognize, that compared to housing that is not age-restricted, the average household of persons aged fifty-five and older without minor children does not create burdens upon the public school system, creates little demand for athletic fields, generates less traffic, involves lower water and sewage flows and needs fewer parking spaces.
2. All dwelling types shall be allowed within an active adult development.
  - a. A minimum of thirty percent (30%) of the total dwelling units shall be single-family detached dwellings.
  - b. A maximum of twenty (20%) of the total dwelling units shall be townhouses.
  - c. To ensure compatibility, only single-family detached dwelling units shall be allowed within fifty (50) feet from an existing single-family detached dwelling.
3. An active adult development shall require the condominium association to maintain commonly owned areas, private streets and other common facilities. All residents of the development shall be required to pay necessary fees to the condominium association, with a proper enforcement mechanism as provided by state law.
4. Streets and Sidewalks.
  - a. All internal streets shall be privately owned and maintained with a minimum cartway width of twenty-four (24) feet.
  - b. Curbs shall be required. Sidewalks shall be required on both sides of all internal streets.
  - c. Curb and sidewalk shall be required along existing public streets adjacent to the active adult development.
5. Each dwelling unit shall be owned as a unit within a condominium without individual lot lines.
6. Each dwelling unit shall be served by public or community water and sewage services.

7. Perimeter planting and screening shall be in accordance with the Shrewsbury Township Subdivision and Development Ordinance, and Construction Materials and Specifications Manual. This planting area shall be maintained by the condominium association.
8. The development may include perimeter commercial uses intended to serve the inhabitants of the Active Adult development.
9. Each dwelling unit in an active adult development shall be limited by deed restriction, by condition of subdivision and land development approval, and by any lease to occupancy by at least one person age fifty-five or older and to prohibit occupancy by anyone under the age of nineteen.
10. Each dwelling unit shall have a minimum setback of forty (40) feet from the ultimate/future right-of-way of any public street and twenty (20) feet from the edge of cartway of any private street. The following minimum separation distances shall apply between the walls of buildings:
  - a. Fifteen (15) feet between the sides of buildings.
  - b. Twenty-five (25) feet between the rear and the side of a building.
  - c. Fifty (50) feet between the rears of buildings.
11. Dwelling units shall not be allowed to have detached accessory buildings or private household swimming pools.
12. Recreation facilities; sidewalks; non-motorized trails.
  - a. Recreation facilities, if any, shall be privately owned by and privately maintained by the condominium association and shall not be dedicated to the Township
  - b. Sidewalks shall be all-weather, at least five (5) feet wide, and be maintained by the Condominium Association.
  - c. Non-motorized trails, if any, shall be laid out before building construction begins.
13. All driveways from dwellings shall enter onto an internal street or off-street parking area within the development. No new driveway for a dwelling shall enter directly onto an existing public street.
14. A minimum of four (4) off-street parking spaces shall be provided for each dwelling unit. Spaces may be located in garages, on driveways, or off-street parking areas.
15. Off-street lot parking areas will be dispersed throughout the development in accordance to the requirements of Article 16 of this ordinance.

### **Adult Day Care Center**

1. Supervisory personnel, as required by federal or state regulations, shall be on the premises at all times.
2. There shall be at least one (1) off-street parking space for each employee plus three (3) spaces for a drop-off area.
3. No newly constructed building shall be located closer than fifty (50) feet to any lot line.
4. The Sewage Enforcement Officer shall submit a report confirming the adequacy of the proposed sewage facilities, except where connected to public service.
5. Approval shall be conditional upon an inspection and report by the UCC code official.
6. Documentation that the facility has received approval for occupancy from the Pennsylvania Department of Welfare and/or the Department of Labor and Industry, where required.

### **Adult Oriented Facility**

1. Adult Oriented Facilities shall not be located within one thousand (1000) feet of any other Adult Oriented Facility.
2. Adult Oriented Facilities shall not be permitted to be located within one thousand (1,000) feet of any public or private school, day care facility, public recreational facility, or house of worship.
3. No materials, merchandise, film, or service offered for sale, rent, lease, loan, or for view, involving nudity shall be exhibited, displayed, or graphically represented outside of a building or structure.
4. Any building or structure used and occupied as an Adult Oriented Facility will be windowless or have an opaque covering over all windows or doors of any area in which materials, merchandise, film, service, or entertainment are exhibited or displayed and no sale materials, merchandise, film, or offered items of service or entertainment shall be visible from outside the structure.
5. No sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise, film, service, or entertainment offered therein.
6. Each and every entrance to the structure shall be posted with a notice of at least four (4) square feet that the use is an Adult Oriented Facility; that persons under the age of eighteen (18) are not permitted to enter; and warning all others that they may be offended upon entry.
7. Parking shall be established at the minimum ratio of one (1) parking space for each one hundred (100) square feet of gross floor area and one (1) parking space for each employee.

8. The following activities shall not be permitted within or on the grounds of any Adult Oriented Facility: sexual intercourse, deviate sexual intercourse as defined by the Pennsylvania Crimes Code, fondling the genitals, or nudity.

### **Agriculture**

Agriculture, as defined in Article 2, is permitted on lots of less than five (5) acres except that livestock are prohibited from lots less than three (3) acres in size. On lots between three (3) and ten (10) acres in size, one (1) acre of land devoted exclusively and continually available to livestock are required for each animal equivalent unit. In the Agricultural District, on lots less than three (3) acres, a maximum of ten (10) chickens are permitted. The chickens can only be hens; roosters are prohibited.

### **Airport/Heliport**

1. The approach zone to any of the proposed runway landing strips shall be in accordance with the regulations of applicable Federal and/or State agencies.
2. There shall be no existing flight obstructions such as towers, chimneys, or other tall structures or natural obstructions outside of the airport and located within the proposed approach zones.
3. Any building, hanger or structure shall be located a sufficient distance away from the landing strip in accordance with the recommendations of applicable Federal and/or State agencies.
4. Building heights in airport approach zones shall be limited to provide a clear glide path from the end of the usable landing strip. The glide path shall be a plane surface laid out in accordance with the operating characteristics of the aircraft for which the airport is designed. The first five hundred (500) feet of the glide path shall be wholly within the airport property.
5. The facility must be permitted under applicable FAA regulations.

### **Alternative Energy Systems**

1. All permitted and special exception uses shall be permitted one (1) alternative energy system comprised of any combination of the following subject to compliance with subsection 2 and 3 herein:
  - a. Rooftop, pole or tower mounted wind energy system; and/or
  - b. Ground and/or roof-mounted solar collectors
2. All accessory alternative energy systems shall be designed for private use.
3. Wind Energy Systems (including Windmills):
  - a. No wind energy system shall be located on a parcel less than twenty thousand (20,000) square feet.

- b. All windmills, except single pole structures, shall be enclosed by a fence in compliance with Section 1507 of this Ordinance. Such fence shall be located at least five (5) feet from the base of such windmill. Guy wires may be located outside the fenced area
- c. No windmill for private use shall be greater than 100 kWh.
- d. No windmill for private use shall be greater than one hundred (100) feet in height.
- e. No windmill shall be permitted which is designed to have any vane, sail or rotor blade to pass within thirty (30) feet of the ground.
- f. All electrical wiring leading from a windmill shall be located underground.
- g. Windmills may be located within the required rear or side setbacks provided they are no closer than 1.1 times their height from the nearest occupied building not located on the same parcel as the windmill.
- h. The vibration control standards of Section 1512 of this Ordinance shall be complied with.

**ATV/ORV Recreation Area or Facility – See Racetrack**

**Auction House**

- 1. Exterior lighting, other than that essential for the safety and convenience of patrons, shall be prohibited. Any permitted exterior lighting shall be shielded from the view of all surrounding streets and lots.
- 2. The Township Zoning Officer must approve the use of outdoor public address systems for any purpose before use or installation.

**Automotive Dealership, Service, and Repair**

- 1. All motor vehicles, automotive parts, refuse, and similar articles shall be stored within an enclosed building or enclosed area not visible from a public right-of-way, excepting a dealership or repair facility may store motor vehicles in operating condition and meeting Pennsylvania inspection requirements outside of a building. Non-operating vehicles may be used for a temporary display.
- 2. No inoperable motor vehicles will be stored outside for periods in excess of fifteen (15) days, except that vehicles having three (3) or more axles may be stored for up to sixty (60) days, except for display purposes.
- 3. Pumps, lubricating and other dispensing devices must be located at least twenty-five (25) feet from any street line.



4. Liquid waste products shall be disposed in a manner permitted by state law. Fluids shall be drained only on a township approved concrete drainage pad with appropriate catch basins and storage tanks. Documentation of a contract with a licensed waste disposal service shall be required prior to the issuance of a permit.
5. The repair or replacement of automotive structural parts, including paint spraying and body and fender work, must take place within an approved, fully enclosed building.

### **Bed and Breakfast**

1. The bed and breakfast shall be operated only by members of the immediate family residing therein
2. A maximum of two (2) nonresident employees.
3. Provide only short-term overnight lodging. Maximum guest stays shall be limited to seven (7) days in a calendar month, excepting longer stays not exceeding ninety (90) days may occur where the occupant(s) are in transit, or in local temporary employment.
4. The character or external appearance of the dwelling unit must be consistent with the surrounding dwellings.

### **Camp, Campground**

1. Automobile trailers, cabins, travel trailers, motor homes, tents or campers approved for location on the premises shall not be closer than one hundred (100) feet from any property line.
2. Automobile trailers, cabins, travel trailers, motor homes, tents or campers approved for location on the premises shall not be utilized as a permanent place of abode, or as a permanent dwelling. Automobile trailers, travel trailers, motor homes, campers, or tents must be removed from the camp site during the period December 1 to March 1.
3. A service building suitable for housing toilets, showers, and laundry facilities shall be erected at a distance not greater than two hundred (200) feet from any cabin, tent site, trailer site, or camper site which it is designed to serve, and shall provide the following:
  - a. separate toilet rooms with flush toilets for each sex, in the ratio of one (1) men's toilet and one (1) ladies' toilet for each eight (8) cabins, trailer sites, tent sites, or camper sites, or fractions thereof.
  - b. lavatories with hot and cold water in the ratio of one (1) lavatory to every two (2) or less toilet rooms.
  - c. Separate bathing facilities for each sex with one (1) shower enclosed in a compartment at least four (4) feet square for each eight (8) cabins, tent sites, camper sites, or trailer sites, or fraction thereof. Individual dressing compartments of at least twelve (12) feet square shall supplement each shower compartment.

- d. Floors of toilets, showers, and the laundry shall be of concrete, tile or similar material impervious to water and easily cleaned and pitched to a floor drain.
4. All waste from showers, toilets, laundries, faucets, and lavatories shall drain into a DEP approved sewage disposal system, and meet all UCC requirements.
5. An on-site office for the person in charge of the camp or campground shall be occupied at all times the camp facility is occupied or is opened to the public for occupancy.
6. Each cabin, campsite, trailer site, or camper site shall be accessible to a roadway or driveway having an improved cartway at least twenty (20) feet in width and improved with a six (6) inch stone base, and there shall be a roadway with an improved cartway of at least twenty-eight (28) feet in width improved by an eight (8) inch stone base leading from a public road to the campsite, except that in the case of one-way streets, the required minimum width of the improved cartway shall be fourteen (14) feet.
7. The application for a special exception shall be accompanied by such plans as will enable the Zoning Hearing Board to insure that the above requirements will be satisfied and proof of the DEP approval of the proposed sewage disposal system and proof that the proposed water supply is sufficient to meet the water supply needs of the proposed camp or campground.
8. All recreational vehicles shall be provided with a bituminous, stone, or concrete pad on which to place the vehicle.
9. All minimum setback requirements along exterior lot lines shall be met.
10. No vehicle pad shall be located less than thirty (30) feet from any vehicle stand, building, access way or parking area (other than that provided for the subject recreational vehicle and two (2) motor vehicles).
11. A camp, campground, or retreat hereafter established within three hundred (300) feet of an existing residence shall be buffered and screened in accordance with Section 1506 of this Ordinance.

#### **Caretaker/Watchman Dwelling**

1. This use shall comply with all dimensional and density regulations pertaining to single-family detached dwellings in Section 803 of this Ordinance, and shall be clearly incidental to the facility to be cared for or watched, or shall comply with Accessory Dwelling Unit in this Section, and Section 1510, Habitable Floor Area.

#### **Cemetery**

1. In the Agricultural District, the location of cemeteries must meet the requirements of Section 403.

2. All burial plots or facilities shall be located at least thirty (30) feet from all property or street lines.
3. No burial plots or facilities are permitted on land subject to flooding or classified as wetlands, or other Critical Environmental Areas as defined and delineated by the Ordinance.
4. Pet cemeteries must meet all of the above applicable requirements.
5. All burials must be under the supervision of a mortician licensed in Pennsylvania and comply with all state regulations.

### **Child Day Care Center**

1. The location of the child day care center must meet all of the requirements of this ordinance regarding the location of buildings.
2. In the event the facility requires certifications and/or licenses from Federal and/or state agencies to permit its operation, the applicant must establish that he has secured or will be able to secure such certifications and licenses.
3. The facility must provide approval for occupancy by the appropriate federal or state agency.
4. All fenced play areas must comply with federal or state regulations.
5. No portion of a residence may be used as a child day care center and no portion of a child day care center may be used as a residence.
6. There must be one (1) parking space for each employee of the center, plus three (3) additional spaces for a drop-off area
7. The Township's Sewage Enforcement Officer shall submit a report certifying the adequacy of the existing or proposed septic system, or proof of a sewer EDU.
8. Approval shall be conditional upon an inspection and report by the UCC code official.

### **Club**

1. The applicant must establish that the club is a non-profit organization under Section 5.01(c) of the Internal Revenue Code and caters exclusively to members and their guests; and
2. Such use shall not be conducted primarily as a business enterprise.

### **Communications Facility or Tower**

1. If in the Agricultural District, all towers and facilities associated with this use must be located in compliance with Article 4 of this ordinance.
2. If in the Agricultural District the access to the facilities must be over an existing roadway or through land unsuitable for agricultural use as defined in Article 2 of this ordinance.
3. Communications facilities, towers and any related construction must be removed within one (1) year after cessation of use.
  - a. The applicant shall post sufficient security by Performance Bond or Letter of Credit to guarantee compliance with all aspects of the removal, in an amount to be determined by the Zoning Hearing Board.
4. Any tower or towers to be constructed must accommodate other users including public users if so required by the township.
5. The applicant must demonstrate that the proposed tower or towers are necessary in order to reasonably create needed communication service and that the proposed service, if needed, cannot be reasonably located on existing towers.
6. The applicant must demonstrate that the proposed antenna cannot be reasonably located on existing structures. If the antenna is not to be located on existing structures, the tower must be placed so that the tract can be landscaped to provide adequate screening of the communications equipment building from adjacent land. In any case, the applicant must certify that the antenna will not exceed the structure's load capacity.
7. The lot to be purchased or leased for the use must not be larger than reasonably necessary to accommodate the facilities to be located thereon.
8. The tower location must be such that if such tower should fall it will not fall onto property other than that of the applicant or the grantor or lessor of the lands where the proposed tower or towers will be located, except with written agreement of neighboring property owner(s).
9. The proposed tower or towers must be at least the height of the tower plus fifty (50) feet away from any dwelling other than a dwelling owned by the lessor or grantor of the lands where the proposed tower or towers will be located.
10. No public business office or any storage yard or storage building shall be operated in connection with such use.
11. All towers must be freestanding and without guide wires, unless such guide wires are tethered inside the tower's enclosure.

12. Towers shall not be equipped with lights, except as required by the Federal Aviation Administration or other applicable federal and state agencies; the top of the tower shall not exceed one hundred ninety (190) feet in altitude above ground level and shall not have advertising, attached signs, or be painted in high visibility colors or patterns.
13. The applicant shall be required to provide a security fence and a gate with a lock of at least eight (8) feet in height to prevent unauthorized access to the compound.
14. Approval and recording of a subdivision or land development plan, where applicable, shall be required for a parcel on which a communications tower or facility is to be constructed.
15. Any communications equipment building shall be subject to the height and setback requirements of the applicable zoning district for an accessory building.

### **Community Center**

1. The use shall not be conducted as a private, gainful business.
2. No outdoor recreation area shall be located nearer to any lot line than fifty (50) feet, unless adequate safety measures are employed such as fencing.

### **Community Treatment Facility**

1. All Community Treatment Facilities shall be for out-patient use only.
2. No community treatment facility shall be established or operated within five hundred (500) feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meetinghouse or other actual place of regularly stated religious worship established prior to the proposed community treatment facility.
3. Methadone Treatment Facilities
  - (a) Notwithstanding any other provision of law to the contrary and except as provided in subsection (b), a methadone treatment facility shall not be established or operated within five hundred (500) feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meetinghouse or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility.
  - (b) The provisions of this subsection shall apply whether or not an occupancy permit or certificate of use has been issued to the owner or operator of a methadone treatment facility for a location that is within five hundred (500) feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meetinghouse or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility.

- (c) Notwithstanding subsections (a) and (b), a methadone treatment facility may be established and operated closer than five hundred (500) feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meetinghouse or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility if, by majority vote, the governing body for the municipality in which the proposed methadone treatment facility is to be located votes in favor of the issuance of an occupancy permit or certificate of use for said facility at such a location. At least fourteen (14) days prior to the governing body of a municipality voting on whether to approve the issuance of an occupancy permit or certificate of use for a methadone treatment facility at a location that is closer than five hundred (500) feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meetinghouse or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility, one (1) or more public hearings regarding the proposed methadone treatment facility location shall be held within the municipality following public notice. All owners of real property located within five hundred (500) feet of the proposed location shall be provided written notice of said public hearings at least 30 days prior to said public hearings occurring.
- (d) This section shall not apply to a methadone treatment facility that is licensed by the Department of Health prior to May 15, 1999.
- (e) As used in this section, the term “methadone treatment facility” shall mean a facility licensed by the Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons.

### **Composting Facility**

1. All composting facilities shall be located a minimum of one hundred (100) feet from any property line abutting a non-residential use or zoning district. It shall be located a minimum of two hundred (200) feet from any property line abutting a residential use or zoning district.

### **Concrete and Asphalt Batch and Reclaiming Plant**

1. All batch plants (permanent or temporary) shall have an effective dust collection system.
2. The use of wheel washers or other means of cleaning trucks/vehicles before entering public streets shall be required.
3. Batch plants shall have a township approved sediment pond before wash out water is discharged into any waterway.
4. The environmental requirements of Article 15 of this Ordinance must be complied with.
5. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties, and conform to Section 1515 of this ordinance.

### **Convenience Store**

1. Outdoor lighting shall comply with Section 1515.
2. Screening, buffering and landscaping shall be in compliance with all Shrewsbury Township regulations.
3. All drive-through facilities shall comply with the following:
  - a. The Drive-thru lane or canopy shall only be located in side or rear areas.
  - b. No drive-thru lane or canopy shall be situated less than two (2) feet from any lot line or within twenty (20) feet of the street right-of-way.
  - c. No canopy shall be less than eight (8) feet six (6) inches above grade.
  - d. All signage shall be in compliance with the Township's Sign Ordinance.
4. If a convenience store serves prepared food that is to be consumed on site, it shall comply with the provisions for a fast food restaurant.
5. Fuel pumps shall be setback at least twenty-five (25) feet from any street right-of-way or fifty (50) feet from the street centerline, whichever is greater, and thirty (30) feet from all parking areas.

### **Conversion Apartment**

1. One (1) conversion apartment shall be permitted per single-family dwelling.
2. The lot area per dwelling unit shall not be reduced to less than seven thousand five hundred (7,500) square feet if public water and public sewer is provided; twenty thousand (20,000) square feet if either public water or public sewer is provided; or forty thousand (40,000) square feet if neither public water nor public sewer is provided. One EDU is required per unit.
3. The setback, building area, and other applicable requirements for the district shall not be reduced thereby.
4. The minimum habitable floor area is provided for each unit as required in Section 1510 of this Ordinance.
5. No structural alteration of the building exterior shall be made except as may be necessary for purposes of safety. Fire escapes, where required by other regulatory statutes, shall be in the rear of the building and shall not be located on any wall facing a street.
6. One (1) additional off-street parking space shall be provided for the conversion apartment.

**Crematorium**

1. The use must comply with all applicable Federal, State, and Local statutes or ordinances and acquire all mandated permits and licenses.
2. The environmental regulations of Article 15 of this Ordinance must be complied with.
3. The unit must be installed consistent with the manufacturer's specifications and requirements.
4. The unit must be located so as not to create a fire hazard, be in a well ventilated area and be secured when not in use.
5. The building must be located at least three hundred (300) feet from any adjoining property line.
6. If dead animals are cremated in the unit, all carcasses must be disposed of within twenty-four (24) hours of arriving at the applicant's property, unless such carcasses are frozen.

**Cultural Facility**

1. Access shall be via a street or roadway that meets the standards for collector or arterial roadways as designated by the Township's Comprehensive Plan.
2. A buffer yard twenty-five (25) feet wide must be located on the site in all instances where the site adjoins a residential use or zone. The buffer yard shall be naturally landscaped, have no impervious cover, and shall not be used for building, parking, loading, or storage.

**Correctional Facilities**

1. No correctional facilities shall be located within one thousand (1000) feet of a residential zoning district.
2. All correctional facilities shall be compliance with all applicable federal and state statutes covering such facilities.

**Detention and Retention Basins** are permitted in every zone in Shrewsbury Township as an accessory use, provided such facilities have been approved pursuant to the provisions of the Township Subdivision and Land Development Ordinance and have been maintained consistent with such requirements. Every effort shall be made to create aesthetically pleasing basins compatible with the ecosystem and effective in their function.

**Domiciliary Care Facility**

1. A type of Group Living Arrangement as defined by the Pennsylvania Department of Public Welfare.
2. A building or structure designed for living quarters for one (1) or more families



3. The facility shall provide twenty-four (24) hour supervised, protective living arrangements, including meals.
4. For the purpose of this ordinance, not more than three (3) persons eighteen (18) years of age and above who are disabled physically, mentally, emotionally or as a result of old age and are unrelated to the family providing the care shall reside in a domiciliary care facility.
5. The facility shall be located in a residential setting.
6. The facility shall be certified by the Pennsylvania Department of Public Welfare.

#### **Dormitory**

1. No more than forty (40) occupants shall be permitted to occupy a dormitory building.
2. Common cooking and dining facilities and indoor recreational space shall be located within each dormitory building or in an adjacent accessory building.
3. All dormitories shall meet the minimum habitable floor area set forth in Section 1510 of this ordinance.
  - a. Sleeping rooms shall provide a minimum of seventy (70) square feet of floor area per occupant.
  - a. Sleeping rooms shall include secure space for the storage of clothing and personal items.

#### **Drive thru Facility**

1. All drive-through facilities shall comply with the following:
  - a. The Drive-thru lane or canopy shall only be located in side yard or rear yard areas.
  - b. No drive-thru lane or canopy shall be situated less than two (2) feet from any lot line or located within twenty (20) feet of the street right-of-way.
  - c. All drive-thru facilities shall comply with Article 16 of this ordinance with regards to vehicle stacking.
  - d. No canopy shall be less than eight (8) feet six (6) inches above grade.
  - e. All signage except clearance or directional signs are prohibited from canopies.

#### **Electric Generation Facility (Power Plant), Commercial**

1. Includes Solar Farm and Wind Farm as provided for in this Section.
2. This article 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, 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.
3. Screening and buffering, sufficient to screen the use from any location in a residential district and from any existing dwelling in any district, shall be provided in accordance to the Township's Subdivision and Land Development Ordinance.

#### **Entertainment Activity or Facility**

1. The use must take measures to insure compliance with noise regulations set forth in Article 15 of this Ordinance.
2. This use shall be located no closer than five hundred (500) feet, measured in all directions, to a school or house of worship.
3. No audio speakers or equipment shall be installed inside or outside the location of such use that would cause sounds to emanate beyond the property line of the activity.
4. Adult supervision shall be provided at all times at the facility.
5. Hours of operation shall be limited the hours between 9:00 AM and 12:00 AM if the entertainment is outdoors; 8:00 AM and 2:00 AM if the entertainment and its byproducts such as noise and light, are contained indoors.
6. If the entertainment is not part of the normal operation of the property or facility, and is temporary in nature, a permit must be obtained from the Township Zoning Officer. In addition, special arrangements must be made to ensure that traffic and parking is controlled so as not to adversely affect neighboring properties without written permission. The township shall require, at its discretion, a traffic and access plan, and/or parking plan.
7. Temporary restroom/sanitary facilities shall be provided in the ratio of one (1) for each twenty (20) patrons expected at outdoor events. Temporary facilities are not required if permanent facilities are available to serve in the same ratio. All such facilities shall be removed from the site within three (3) days of the end of the event for which they intended for use.
8. In the event a permit is required, the applicant shall be required to provide proof that appropriate insurance has been obtained.
9. This use does not include temporary activities and events (See Temporary Uses, Section 1403) such as fairs and festivals sponsored by schools, churches, non-profit organizations and Shrewsbury Township.

### **Equipment Services and Sales**

1. The equipment referred to shall consist of ATV, recreational, other off-the-road vehicles and accessories; lawn mowers and lawn tractors, and other outdoor equipment.
2. Access shall be via a street or roadway that meets the standards for collector or arterial roadways as designated by the Township's Comprehensive Plan.

### **Exotic Wildlife**

1. Animal and plant species considered to be threatened or endangered by the U.S. Fish and Wildlife Service are strictly prohibited.
2. All exotic wildlife shall be properly caged or restricted to guarantee the prevention of harm to citizens and their property. Large animals such as bears, coyotes, lions, tigers, leopards, jaguars, cheetahs, cougars, wolves and crossbreed of these animals that have similar characteristics in appearance or features are prohibited in residential zoning districts within Shrewsbury Township and, where otherwise permitted, are only permitted on lots in excess of three (3) acres in size.
3. Anyone in possession of exotic wildlife must own the appropriate permit from the Pennsylvania Game Commission or other state department or agency.
4. No manure wastes shall be deposited or stored within (50) feet of any property line.
5. All wildlife wastes shall be properly disposed of. All wildlife, their housing and outdoor recreation areas shall be properly maintained so as not to become a public nuisance to adjoining properties.

### **Family Burial Ground**

1. All family burial grounds shall be located in accordance with Section 403 of this ordinance.
2. The individual to be buried must be one of the record owners of the property or be an ancestor or direct descendent of a record owner of the property.
3. The burial must be in a sealed vault.
4. The burial must be under the supervision of a mortician licensed in Pennsylvania and must comply with all State regulations.
5. The place of burial must be at least fifty (50) feet from any property line, and one hundred (100) feet from any well other than one owned by the owner of the property where the burial is proposed to occur.

6. Any grave marker must comply with all setback and yard requirements of the district where located.
7. A deed restriction shall be placed upon the parcel of land containing the burial ground granting perpetual access to the family and descendants of the interred.

#### **Family Day Care Home**

1. All family day care homes shall provide supervised care to no more than five (5) children at any one time for remuneration and such maximum number (5) shall be reduced by one (1) for each family member under the age of six (6) not attending elementary school or kindergarten on a full time basis.

#### **Farm Equipment Sales/Service**

1. In the Agricultural District, such sales and service shall be limited to agricultural and agriculturally related equipment and supplies only.

#### **Farm Market and Farm Co-op**

1. The farm market may be accessory to an existing agricultural operation if conducted by the owner/operator of said operation.
2. A minimum of fifty (50) percent of the products for sale must be of agricultural commodities grown in South Central Pennsylvania and Northern Maryland.
3. Multiple farmers operating farms within Shrewsbury Township or elsewhere within York County may combine into a single farm market (farm co-op) operated by one (1) or more of such farmers, in which case the numerical requirements of subsection 1 of this section shall apply to such farmers collectively.
4. Under circumstances of crop failure due to reasons beyond the control of the operator of the farm market or of the farmers combining to form a single farm market (see subsection 1 hereof), the fifty (50) percent limitation may be reduced by the Zoning Officer in consultation with at least two (2) members of the Agricultural Review Committee to take into account the effect of such crop failure. If York County has been declared an agricultural disaster area any year by the U.S. Department of Agriculture, the requirements of subsection (2) above shall not be applicable in that year.
5. At least seventy-five (75) percent of the products for sale must be of agricultural commodities as defined by this ordinance. Agricultural commodities do not include prepared foods nor do they include crafts and manufactured products normally sold at a flea market.
6. The operator of the farm market or farm co-op must maintain a mud-free parking area off the travelable portion of the road, safely situated and sufficient in size to enable customers and

employees to park off the road right-of-way. Such parking area shall be designed so that vehicles will not back onto the roadway to exit parking area.

7. The operator of a farm market or farm co-op may conduct a temporary non-agricultural event, activity, or display, the sole purpose of which is to generate interest or advertisement for the farm market or farm co-op. Such event, activity, or display shall be limited to no more than seven (7) days' duration. There may be no more than four (4) such events in any single calendar year, unless additional events are permitted by the Board of Supervisors. Adequate parking must be provided for each such event or activity.
8. Farm markets or farm co-ops may sell food provided such permitted sales are of food prepared on-site and floor area not to exceed ten percent (10%) of retail floor area and provided such sales when combined with other sales meet the requirements of subsections 2 and 5 of this section. In addition, all applicable local, state and federal food service and waste disposal requirements must be complied with. The sale of prepared foods must be subordinate to and incidental to the primary purpose of farm markets which is the sale of agricultural commodities.
9. It shall be the responsibility of the operator of the farm market or co-op to maintain such records as are necessary to establish compliance with the provisions of subsections 1 and 2 above.

### **Farm Occupations**

1. One (1) farm occupation may be permitted as an accessory use to the principal agricultural use of the property.
2. The farm occupation shall be operated by a resident owner of the property where the farm occupation will be located or by a member of such owner's immediate family who resides on the property.
3. No more than four (4) non-resident employees may be employed by the farm occupation.
4. The following uses shall be considered farm occupations in Shrewsbury Township, so long as farm occupation remains secondary to the active agricultural operation and compatible with the agricultural character of the District:
  - a. Retail sales of agricultural products principally produced on the farm.
  - b. Farm machinery, equipment service and repair, small engines repair.
  - c. Arts and crafts manufacturing.
  - d. Metalworking, blacksmith and tool sharpening shops.

- e. Carriage, buggy, wagon, trailers, farm machinery and related accessories, manufacturing, sales and service.
  - f. Carpenters, electricians, plumbers, masons and other construction tradespersons;
  - g. Woodworking, furniture, and cabinet making shops;
  - h. Bakeries, butcher shops.
  - i. Tailor, seamstress and shoe repair shops.
5. No farm occupation shall occupy more than four thousand (4,000) square feet of gross floor area or more than one (1) acre of lot area, inclusive of off-street parking and loading areas.
- a. A shared access drive serving the farm occupation and the farm shall not be calculated as part of lot area of the farm occupation.
6. Retail and display areas affiliated with the farm occupation shall not exceed six hundred (600) square feet.
7. The farm occupation must be conducted within one (1) completely enclosed building. Where feasible, the farm occupation shall be conducted within an existing building on the property.
- a. Any new building constructed for use by the farm occupation shall be designed so that it can be converted to agricultural use, or removed, if the farm occupation is discontinued.
8. No part of a farm occupation shall be located within one hundred (100) feet of any side or rear lot line, or within three hundred (300) feet of any adjoining residential parcel or a residential district. Such distances shall be measured as a straight line between the closest points of any physical improvement associated with the farm occupation and the property or district line.
9. Farm occupations shall not be subdivided or separated from the principal agriculture use.
10. Outdoor storage of supplies, materials or products shall be located behind the building in which the farm occupation is located, and shall also be screened from adjoining roads and properties.

#### **Farm Processing Establishment**

1. The farm-processing establishment must be in identical ownership with the farm on which it is located.
2. At least twenty-five (25) percent of the volume of products processed must be of products grown on the land farmed by the owner of the farm-processing establishment. Nothing contained herein shall preclude multiple farmers operating farms within Shrewsbury

Township or elsewhere within York County from combining into a single farm processing establishment (farm co-op) operated by one (1) or more of such farmers, in which case the numerical requirements of this section shall apply to such farmers collectively.

3. At least seventy-five (75) percent of the volume of products processed must be of products grown within twenty (20) miles of the farm processing establishment.
4. Each proposed processing facility must be considered independently and each must meet all of the criteria of this section.
5. The farm processing establishment may not exceed ten thousand (10,000) square feet in size and the storage area may not exceed two thousand (2,000) square feet.
6. It shall be the responsibility of the operator of the farm processing establishment to maintain such records as are necessary to establish compliance with the provisions of Subsections 2 and 3 hereof.

### **Feed and Grain Mill**

1. All grain storage facilities, conveying apparatuses, drying chambers, and axial ventilation fans shall be set back at least fifty (50) feet from all property lines.
2. All materials stored on the property shall be set back at least fifty (50) feet from any street lines.
3. May include grain storage and farm supply sales as accessory uses.

### **Forestry**

1. Forestry activities located within one hundred (100) feet of a watercourse will ensure that the basal area of trees shall not be reduced below fifty percent (50%) of the basal area present before cutting or below sixty-five (65) square feet per acre, whichever is greater, except that no logging shall occur within fifteen (15) feet of a watercourse, spring or seep.
2. Any mud or debris carried onto the paved public road shall be removed immediately.
3. Compliance with applicable local, state and federal conservation regulations.
4. Forestry occurring within a CEA is subject to all regulations in Article 13.

### **Gaming Establishment**

1. A gaming establishment, including but not limited to an off-track betting and/or slot machine parlor, shall not be permitted to be located within one thousand feet (1,000') of any other off-track betting parlor, residential district boundary, child care facility, community center, and house of worship, park, playground or school
2. No more than one (1) off-track betting parlor may be located within one (1) building or shopping center;
3. The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light and/or litter;
4. The applicant shall furnish expert evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the building.
5. All off-track betting parlors shall comply with the Pennsylvania Horse and/or Harness Racing Commission's Rules and Regulations pertaining to Nonprimary Locations, as defined therein and slot machine parlors shall be licensed by the Pennsylvania Gaming Control Board.

### **Golf Course**

1. A club house, restaurant, practice putting green, driving range, golf care, and maintenance equipment storage and service facilities, etc. shall be permitted in conjunction with the golf course provided they are clearly accessory to the golf course.
2. Minimum Lot Area:
  - a. Regulation 18 Hole; 6,000-7,000 yards in length, one hundred thirty (130) acres
  - b. Executive 18 Hole; 3,000-4,000 yards in length, sixty (60) acres
  - c. Nine Hole; 3,100 - 3,500 yards in length, sixty (60) acres
  - d. Par 3 18 Hole; 2,000-2,500 yards in length, forty-five (45) acres
3. No building shall be closer than one hundred (100) feet to any lot line.
4. In addition to other required landscaping, all parking areas shall be screened in accordance with Section 1627 of this ordinance and Section 1711 of the Shrewsbury Township Subdivision and Land Development Ordinance.

### **Greenhouses, residential**



1. Greenhouses shall be permitted as accessory to all single-family residential uses.
2. No greenhouse shall exceed two hundred eighty (280) square feet in size and ten (10) feet in height.

### **Group Home**

1. The following requirements shall apply to all group homes.
  - a. A minimum of two hundred fifty (250) square feet of habitable floor space excluding kitchen area shall be provided for each occupant.
  - b. A common kitchen and dining facility shall be provided and no cooking or dining facilities shall be provided in individual rooms or suites. This provision is not intended to require such facilities if the affiliated institution provides them elsewhere.
  - c. Off-street parking shall be provided for each group home based upon one (1) parking space for each employee or supervisory person and one (1) parking space for each two (2) non-supervisory occupants or as set by the Zoning Hearing Board pursuant to subsection 3(g) hereof.
  - d. The group home must be licensed by PA Department of Public Welfare and a copy of any such license must be delivered to the township prior to receipt of any Use Certificate.
  - e. The group home may not provide medical, counseling or other service to persons who do not reside in the facility.
  - f. If the group home will house more than five (5) occupants other than supervisory personnel, there must be at least one (1) supervisory person residing at the facility.
2. If the proposed group home meets all of the requirements for a "dwelling unit" in the zone where it is proposed to be located and will house eight (8) or fewer persons, it shall be permitted as a "dwelling unit" in any zone upon receipt of a Use Certificate to be issued by the Zoning Officer. If such group home is in the Agricultural District, the group home shall reduce the number of dwelling rights permitted the tract of land by Article 4 of this ordinance by one (1).
3. If the proposed group home meets all of the requirements of subsection (1) hereof, but will house more than eight (8) persons, it shall be permitted by special exception in the Suburban Residential District, the Rural Residential District, and the Commercial District. As a special exception use the proposal must be reviewed by the Shrewsbury Township Planning Commission for recommendations to the Zoning Hearing Board in addition to establishing compliance with the general requirements of Section 1713 of this ordinance and the requirements of subsection (1) hereof, the applicant must establish the following:

- a. A lot area of not less than one thousand (1,000) square feet per occupant shall be provided, but in no case shall the lot area be reduced below that required for the district in which such group home is to be located.
- b. No newly constructed building shall be located closer than fifty (50) feet to any lot line.
- c. The Township Sewage Enforcement Officer shall submit a report confirming the adequacy of all proposed sewage facilities, unless the facility is connected to a public sewer system.
- d. Approval shall be conditioned upon an inspection and report by the UCC code official.
- f. The group home must establish that it has received or can receive approval for occupancy from the Pennsylvania Department of Labor and Industry where required.
- g. There shall be at least one (1) supervisory person on the premises at all times. The Zoning Hearing Board shall designate the number of additional supervisory personnel to be on the premises at any one time depending on the number of residents and the nature of the handicap involved and shall, in addition, designate the number of required off-street parking spaces depending upon the nature of the handicap of the residents and whether such handicap will prevent their operation of motor vehicles. In the event the residents, other than supervisory personnel, have handicaps which will preclude their operation of motor vehicles, there must be at least as many parking spaces as there are total number of employees on the two (2) largest shifts combined and an off-street area where residents can be dropped off and picked up plus a reasonable parking area for visitors. The parking area for visitors shall have at least one and one-half (1 ½) parking spaces per non employee resident. If the handicap involved does not preclude operation of motor vehicles, there shall be at least one (1) off-street parking space for each employee of the group home and at least one (1) parking space for each two (2) residents.

### **Group Quarters**

- 1. No more than fifteen (15) boarders shall be provided for upon any lot or in any building.
- 2. Common eating facilities must be provided and the minimum period of residency shall be one (1) week.
- 3. The proposed sewage disposal system must be sufficient to meet all requirements of the Pennsylvania Sewage Facilities Act and the regulations issued pursuant thereto.
- 4. The applicant must demonstrate that he has obtained or can obtain all State required permits.

### **Helipad**

- 1. The facility must be permitted under applicable state and Federal aviation regulations.

2. There shall be no existing flight obstructions such as towers, chimneys, or other tall structures or natural obstructions outside of the helipad and located within the proposed approach zones.
3. If in the Agricultural District, except in the case of rooftop landing areas, the facility must meet the requirements of Section 403 of this ordinance and shall reduce the number of development rights permitted the parcel by one (1) for each acre or part of an acre utilized for such use.
4. No helipad shall be closer than two thousand (2,000) feet to a residential zoning district.

### **Home Occupation**

1. The home occupation shall be operated by a resident owner of the property where the home occupation will be located or by a member of such owner's immediate family who resides on the property. There shall be no more than two (2) non-resident employees.
2. The character or external appearance of the dwelling unit or accessory structure must be that of a dwelling or structure normally accessory to a dwelling.
  - a. No display of products may be visible from outside the dwelling or any accessory structure.
  - b. Signage shall be in compliance with the Township's Sign Ordinance.
3. No more than twenty-five (25) percent of the habitable floor area of a dwelling unit may be devoted to a home occupation.
4. The premises must at all times be kept neat and orderly.
5. The use will not involve any waste product other than domestic sewerage or municipal waste (as defined in the Pennsylvania Solid Waste Management Act.).
6. If the use will involve customers coming to the property where the use is located, the use must abut a public road or street.
7. The use will not involve sale of any item not made on the premises except as incidental to the home occupation. Beauty shops, insurance agent offices, physician offices, bake shops, and handcraft shops are examples of the type of uses that normally will meet this requirement.
8. The use will not involve any outside storage.
9. The use will not create dust, heat, glare, smoke, vibration, or odors outside the building in which the use is being conducted, or noise audible outside the building in which the use is being conducted.

10. The applicant must include with the application for a Use Certificate such drawings as will enable the Zoning Officer to have an adequate record of the location and extent of the proposed use. The applicant must also supply to the Zoning Officer such information as will enable the Zoning Officer to insure that all of the above-enumerated requirements are satisfied. The Use Certificate once issued shall continue in effect as long as there is no change in the nature or extent of the use and all of the requirements of this section continue to be met. Copies of these requirements will be attached to the Use Certificate.
11. Standards.
  - a. That the use will not involve noise audible to neighboring residents between 6:00 p.m. and 7:00 a.m. The Zoning Hearing Board may require as a condition to any special exception that the applicant put in a noise insulation and take other action to minimize audible noise during the period between 7:00 a.m. and 6:00 p.m. If the Zoning Hearing Board determines that the use will involve unreasonable noise that cannot be satisfactorily reduced by insulation or other action by the applicant, the application shall not be approved.
  - b. That the use will not result in a substantial increase in vehicular traffic to the site. A twenty (20) percent increase in traffic shall be regarded as substantial. Access to the business shall be limited to the use of the existing lane or driveway, which shall be paved or otherwise consist of a gravel base sufficient to prevent tracking of mud or dirt onto the roadway. The proposed use must abut a public road or street.
12. No-Impact Home-Based Business is a type of Home Occupation, which shall be permitted in all zones as an accessory use subject to the provisions set forth in this section. No permit required.

### **Hospital**

1. Buffer planting shall be provided in accordance with Section 1506 of this Ordinance and Article 700 in the Township Subdivision and Land Development Ordinance. In addition, care shall be taken to locate emergency and service entrances where they are not offensive to adjoining neighbors.
2. In addition to other required landscaping, all parking areas shall be screened in accordance with Section 1627 of this Ordinance.
3. Hospitals shall be registered and licensed by the Commonwealth of Pennsylvania and shall be in compliance with all applicable rules and regulations of such licensing bodies.

### **Hotel or Motel**

1. All hotels and motels shall be served by public water and public sewer with proper fire access as approved by the Fire Chief.

2. Individual guest rooms and suites may include partial facilities for cooking.
3. A restaurant may be permitted as an accessory use to a hotel or motel.

### **House of Worship**

1. All accessory uses, including but not limited to accessory dwelling units, cemeteries and schools, shall relate to and be accessory to the principal House of Worship use.

### **Hunting and Fishing Preserve, Private**

1. The facility shall comply with all applicable Federal, State, and Local regulations, including but not limited to, those of the Pennsylvania Game Commission and Pennsylvania Fish Commission regulations.
2. Adjacent areas must be predominantly undeveloped and the range area must be at least two hundred (200) feet from any property or street line, and must be at least one thousand (1,000) feet from any existing residential dwelling that is not on the same property.
3. The site and/or individual tracks shall be secured by an eight (8) foot fence.
4. Signs of sufficient size and coloration shall be posted at no more than five hundred (500) foot intervals along the perimeter of the parcel warning of possible shooting and hunting taking place.

### **Infill Development**

1. The tract or parcel of land on which infill development is proposed is not more than seven (7) acres in size and is completely surrounded by or adjacent to two or more residential lots less than five (5) acres in size and within six hundred (600) feet of an additional residential lot less than five (5) acres in size.
2. Infill development shall consist of permitted residential dwellings and such accessory buildings and uses customarily incidental to permitted residential dwellings as provided in Section 402.
3. The owners or developer of the proposed infill development shall demonstrate by a sketch plan that the transferred DR can be utilized within the infill area consistent with the requirements of Article 4 of this ordinance and other relevant Township ordinances.

### **Intensive Agricultural Operation (Concentrated Animal Feeding Operation (CAFO) and Concentrated Animal Operation (CAO))**

1. Submittal of documentation showing that all Pennsylvania Nutrient Management Act and Department of Environmental Protection permitting requirements for Concentrated Animal Feeding Operations and Concentrated Animal Operations have been met.
2. The operation must comply with the applicable environmental requirements of the Pennsylvania Clean Streams Law and Article 15 of this ordinance.
3. Where applicable, such operation must establish and maintain compliance, at all times with the operational requirements of the Pennsylvania Nutrient Management Act and file any plan required therein with the appropriate State or Federal agency. Applicants must verify that they have an approved and fully implemented soil and water conservation plan and that they are in compliance with the requirements of the Pennsylvania Department of Environmental Protection's Manure Management Manual.
4. Submittal of a storm water management plan meeting the requirements of the Shrewsbury Township Subdivision and Land Development Ordinance.
5. Where applicable, documentation that the location of facilities and manure storage lagoons near floodplains complies with the Pennsylvania Floodplain Management Act.
6. Setback requirements. Any building or animal concentration area constructed or adapted to house or enclose such animals must comply with the most recently published requirements of the Pennsylvania Nutrient Management Act (as amended by Act 38).
7. If connection to an existing public water supply system is proposed, the applicant shall establish the execution of an agreement committing the public water supply system to providing such water as will be utilized by the proposed use for such period of time as the public water supply system provides water elsewhere in its service area. If the water supply system proposed involves the utilization of water obtained from the tract where the proposed use is to be located or from a nearby tract, the applicant must conduct a water sufficiency study to establish that the groundwater recharge on the tract where the water supply system is located, after development, computed during drought conditions (periods when precipitation is forty percent (40%) below normal) will exceed projected water usage. Any special exception granted by the Zoning Hearing Board shall be specifically conditioned upon the number and size of animals not exceeding the numbers or sizes on which the water sufficiency study was based and shall be revoked if such number or size is exceeded.
8. The applicant must submit with his application for a special exception a fly control plan proposing the use of the best available practice or procedure for fly control, in accordance to Section 1517 of this Ordinance, both at the site of the operation and at the ultimate disposal site for the animal waste if within Shrewsbury Township.
9. An odor management plan in accordance with Act 38 must be submitted.
10. Any special exception granted by the Zoning Hearing Board shall be specifically conditioned upon the continued compliance with all of the requirements of this Section and the successful

implementation of the odor and fly control plans and shall be revoked if the operator should fail to comply with such requirements or implement the approved fly control and odor control plans.

### **Junkyard; Automobile Recycling Facility**

1. Any area used for this purpose must be at least seventy-five (75) feet from any property line and one hundred (100) feet from any street line.
2. No garbage or other organic waste shall be stored on such premises.
3. The manner of storage and arrangement of junk and the drainage facilities on the premises shall be such as to prevent the accumulation of stagnant water upon the licensed land and to facilitate access for inspection purposes and fire fighting.
4. Every structure erected upon the licensed premises and used in connection therewith shall be of fireproof construction pursuant the UCC.
5. The premises shall be enclosed by a metal chain link fence constructed of heavy duty steel and supported upon steel posts, or in lieu thereof, a solid masonry or metal wall of a uniform design, texture and structure. The erection of such fence or wall shall be controlled by the setback provisions of this ordinance. Such fence or wall shall not be less than eight (8) feet in height. If a chain link fence is utilized, it shall be constructed so as to make it opaque. The erection of said fence shall be completed prior to issuance of an occupancy permit. It is further provided that the foregoing fencing provisions shall be applicable only to that portion of the premises being immediately used for the storage of junk and shall not be applicable to the balance of the property owned or used by said junkyard operator so long as said remaining portion of land is not being used for the storage of junk as defined in this ordinance.
6. The land area between the fence or wall structure required above and any public right-of-way shall be planted with evergreen trees or vegetation approved by the Township as equivalent in growth and shading characteristics. Trees or other vegetation shall be shall planted in accordance with Article 700 of the Township Subdivision and Land Development Ordinance and Construction and Materials Specifications for Subdivisions and Land Developments manual. The trees shall be maintained in good health and replaced as required in order to achieve a full screening effect within five (5) years.
7. All burning in connection with any junkyard shall be in full and complete compliance with the Shrewsbury Township Outside Burning Ordinance as well as any and all applicable County, State, and Federal laws, rules and regulations.
8. All junk contained in a junkyard shall be arranged and maintained in a neat and orderly fashion. All junk vehicles and other junk shall be arranged in rows with a minimum of twenty (20) feet of clear space between rows with each row to be no greater in width than forty (40) feet. Vehicles shall not be stored on top of one another so as to be visible beyond the fence or wall constructed pursuant to subsection 5 of this Section.

9. No junk shall be stored or located within one hundred (100) feet of any Critical Environmental Area as defined and delineated in this Ordinance.
10. The licensee of any junkyard shall provide, within the boundary lines of the property upon which the junkyard is maintained, off-street parking for at least five (5) vehicles.
11. The applicant shall submit and demonstrate the ability to implement an operations plan that shall include the following:
  - a. The unloading, transfer, and disposition of material shall be continuously supervised.
  - b. There shall be no access permitted to the site when an attendant is not on duty.
  - c. Access drives shall be secured by fences, gates, locks, and other means to deny access at unauthorized times.
  - d. There shall be a plan for the prompt removal of all hazardous materials. Drainage of fluids shall be conducted only on a township approved concrete drainage pad with appropriate catch basins and storage tanks.
  - e. The applicant shall submit quarterly proof to the Township of proper and authorized disposal of all petroleum and other products including oil, gas, Freon, and antifreeze.
  - f. The applicant shall create sufficient drainage swales so as to preclude water from lands at higher grade than the applicant's from washing over the applicant's land.
  - g. Motor vehicles shall not be stacked so as to become visible from adjoining properties.
  - h. Crushing of automobiles and operation of a crusher shall occur only during Monday through Friday and only between the hours of 9:00 a.m. and 4:00 p.m. No crushing of vehicles shall take place on Federal or State holidays.
  - i. The applicant shall drill a well at a location on his property chosen by the township but at a location to not unreasonably interfere with the applicant's activities. The applicant shall test the well water on a monthly basis for the presence of petroleum residues and shall submit such reports to the township on a monthly basis. If any test shows deterioration in water quality, the applicant shall be required to take remedial action to remove contamination and cease accepting any additional items of junk until such remedial action has been completed. If such remedial action is not completed within ninety (90) days, the use shall terminate and all items of junk and related materials shall be removed from the junkyard within the following ninety (90) days.
12. Establish that the environmental requirements of Article 15 of this Ordinance will be complied with.



13. The use shall front upon and have direct access to a collector or arterial street as set forth in the Township Comprehensive Plan. No structures, junk, or vehicles shall be placed within one hundred (100) feet of any property line.
14. The Board of Supervisors, or its duly designated and authorized agent or representative, shall from time to time regularly inspect the premises of every licensee hereunder for the purpose of determining whether said licensee has established and maintained its premises in full compliance with the provisions of this Ordinance.

### **Kennel**

1. The kennel must be located at least five hundred (500) feet away from any dwelling owned by someone other than the owner of the kennel.
2. The kennel must be located at least five hundred (500) feet away from any area that could, pursuant to the provisions of this Ordinance, be approved as a location for a dwelling on property owned by someone other than the applicant.
3. Adequate disposal of animal waste must be provided in a manner that will not create a public health hazard or nuisance.
4. All kennels shall provide screening equivalent to Buffer Planting Strip D as set forth in Section 710.2 of the Township Subdivision and Land Development Ordinance.
5. Animals being boarded must be either domestic canines or domestic felines.
6. Prior to the granting of any special exception or Use Certificate, the applicant shall provide the Zoning Hearing Board with proof that the operation of the kennel shall be in accordance with all Pennsylvania laws governing kennels and breeding facilities.
7. The kennel shall have enclosed fencing of eight (8) feet (or six (6) feet inverted) of all areas used for animal exercise, training, or any activity during kenneling with potential of the animal being loose or getting free from kennel personnel restraint.
8. All kennels shall comply with the environmental regulations of Article 15 of this Ordinance.

### **Landfill; See Also Resource Recovery Facility**

1. Landfill operations shall be located at least one thousand (1,000) feet from existing lot lines.
2. Operation of a landfill or resource recovery facility shall at all times be in full compliance with the statutes of the Commonwealth of Pennsylvania and the rules and regulations of the Pennsylvania Department of Environmental Protection and the provisions of this Ordinance. In the event that any of the provisions of this Ordinance are less restrictive than any present or future rules or regulations of the Department of Environmental Protection, the more restrictive Department of Environmental Protection regulations shall supersede and control.

- a. Pursuant a change of ownership, the new owner shall comply with all requirements of this Ordinance and all conditions attached to the special exception granted the previous owner.
3. Establish compliance with all Federal, State, and Local drainage requirements.
4. Have direct access to an arterial or collector street as identified in the Township's Comprehensive Plan.
5. Use shall not cause an increase in truck traffic on residential streets and/or local roads.
6. In addition to requirements of Section 1506 of this Ordinance, buffer areas at least one hundred fifty (150) feet in width must be provided along the perimeter of the lot, landscaped so as to minimize visibility of the landfill use and will not be utilized for landfill purposes.
7. All topsoil and subsoil to a depth of at least three and one-half (3 1/2) feet shall be preserved, and all solid waste shall be covered with at least three and one-half (3 1/2) feet of the aforesaid soil. The top foot of topsoil shall be separately conserved and be placed as the top foot of the cover, which cover must total at least three and one-half (3-1/2) feet in depth. In conjunction with the application for a special exception, the applicant shall present a soil conservation plan, which plan shall include the applicant's proposal for preserving both the top foot of topsoil and the second two and one-half (2 1/2) feet of soil and protecting the aforesaid from erosion while the trenches are being filled with solid waste material.
8. The Township Engineer, or any other official designated by the Township, may make inspections of the facility at the discretion of the Township, or upon complaint, to determine if the operation is being conducted according to approved plans and permits.
9. Access streets to the landfill site shall be constructed according to DEP permit requirements.
10. Compliance with the environmental regulations of Article 15 of this ordinance.
11. Demonstrate that the water supplies for neighboring properties shall not be adversely affected by the proposed use through submission to the Zoning Hearing Board of a hydrogeological study performed by a qualified hydrogeologist or other similar professional. Such study shall be prepared in accordance with accepted hydrogeological standards and practices; shall contain the sources of all test data, including but not limited to, wells evaluated as a part of the study; and shall clearly set forth the conclusions and recommendations of the professional.
12. A fence measuring eight (8) feet high, not less than fifty (50) feet from the edge of the fill area, must enclose actual fill area. The fence shall have openings less than three (3) inches in any dimension, if any. A vegetative screen must be provided along the outside of the fence, facing away from the fill area, with plantings at least thirty-six (36) inches high and placed in a double-staggered row with no more than five (5) feet between plants. The vegetation shall be of a variety to obtain a height of at least eight (8) feet at maturity. Where adjacent to a residential district or public right-of-way, trees and shrubs shall be planted which will screen

the operation completely from normal view. All screenings, and buffers required by this ordinance shall be provided.

13. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect the public health, safety and welfare, access drives shall be secured by fences, gates, locks, or other means to deny access at unauthorized times.
14. Vehicular access shall be designed to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties.
15. Vehicle stacking lanes into the facility that are sufficient in length so that vehicles waiting to be weighed will not back onto public roads shall be provided.
16. All driveways onto the site shall be paved to a cartway width of thirty-five (35) feet for a distance of at least two hundred (200) feet from the street right-of-way line. In addition, a one hundred (100) foot long crushed stone section of access drives shall be placed just beyond the preceding two hundred (200) foot paved section to help collect any mud that may be attached to a vehicle's wheels.
17. There shall be no operations on Sunday or legal holidays and no operation between 7:00 pm and 7:00 am on other days.
18. Litter control measures shall be implemented to prevent scattering of materials and a plan for the cleanup of litter shall be submitted to the township.
19. All municipal waste waiting recycling or resource recovery shall be stored within an enclosed area.
20. The unloading, transfer, and deposition of materials shall be continuously supervised by a qualified facility operator.
21. The special exception application shall not be granted unless the applicant proposes a satisfactory reclamation plan and the applicant demonstrates his capacity to carry out the reclamation plan and comply with environmental requirements of Article 15 of this Ordinance and the general standards for special exceptions as set forth in this Ordinance.  
The reclamation of the land affected shall include the following:
  - a. The plan shall set forth the use made of the land as of January 1, 2002, and any change in use between that date and the date of the filing of the plan.
  - b. A statement of the soil types of the land and the topography of the land.
  - c. Where the proposed land use so requires, the manner in which compaction of the soil and fill will be accomplished.

- d. The proposed land use upon completion of the landfill operation. If the land was in agricultural use on January 1, 2002, it must be restored to agricultural use.
  - e. A description of the manner in which the operation will segregate and conserve topsoil and, if necessary, suitable subsoil to restore the area to agricultural use if such restoration is required pursuant to subsection (d) above or if such restoration is not required to establish a diverse, effective, and permanent vegetative cover of the same seasonal variety native to the area of land to be affected and capable of self-generation in planned succession at least equal in extent of cover to the natural vegetation of the area.
  - f. The reclamation plan must provide that at least three and one-half (3-1/2) feet of the agriculturally suitable soil be placed over the landfill material and any membrane or other type of cap required by the Department of Environmental Protection. The top foot of topsoil removed must be separately conserved and placed on the top foot of the soil cover.
  - a. A detailed timetable for the accomplishment of each major step of the reclamation plan and the operator's estimate of the cost of each said step and the total cost of the reclamation plan.
  - h. The manner in which the operator plans to control surface water drainage including a practical method of preventing or avoiding surface and ground water contamination.
  - i. The reclamation plan must propose the restoration of the affected areas within two (2) years following the termination of the land filling operation in that particular area. It is not intended that reclamation await the completion of land filling operations on the entire tract.
  - j. The Zoning Hearing Board shall in addition require that the applicant post sufficient security by Performance Bond or Letter of Credit to guarantee compliance with all aspects of the reclamation plan, provided, however, that the amount of this obligation may be reduced by the amount of any effective security which the Zoning Hearing Board finds has been posted with the Commonwealth pursuant to the Solid Waste Management Act.
22. Rehabilitation Required. The operator must implement the reclamation plan approved by the Zoning Hearing Board in accordance with the standards and time frame set forth in such plan.
23. Reporting of Operation and Rehabilitation Information. In order to keep the Zoning Officer abreast of impending termination of land filling operations and plans for reclamation as well as operational activities which he has a duty to check, each landfill owner or operator must submit to the Zoning Officer, annually in the month of October, the following information:
- a. Operational Data

- (1) Ownership and acreage of the land which is the site of the landfill operation, including all land held under contract or lease.
- (2) Date of anticipated opening of any new fill areas and the date of expected closure of any existing fill area.

b. Reclamation Plan

- (1) The extent to which the reclamation plan has been implemented.
- (2) The planned reclamation during the succeeding year.
- (1) The exact dimensions of the land that is currently used for landfill and has been reclaimed.

**Laundry and Dry Cleaning Establishment**

Chemical storage and waste disposal shall be made in accordance with Pennsylvania Department of Environmental Protection requirements, Environmental Protection Agency requirements, the Uniform Construction Code, and requirements of the waste water treatment plant serving the facility.

**Medical Laboratory or Clinic**

1. Services provided shall be those that do not require overnight stay.
2. A medical laboratory or clinic may include administrative offices, waiting rooms, treatment rooms, pharmacies and dispensaries directly associated with the medical laboratory or medical clinic.

**Mineral Extraction & Processing**

Mineral Extraction/Processing is permitted by special exception in the I District and shall meet the requirements of the “Surface Mining Conservation and Reclamation Act.”

**Mixed-use Building**

1. The uses permitted shall be only those permitted principal uses within the Zoning District where a mix-use building is permitted.
2. The minimum lot area and width for a mixed-use building shall comply with the minimum requirements for a non-residential building within that Zoning District.
3. Where a residential use is proposed within a mixed use building, such residential use shall not be permitted on the street level floor.

4. Each separate use within a mixed- use building shall be required to apply for separate zoning and occupancy permits.
5. Off-street parking shall be provided in accordance with Article 16 of this Ordinance.

**Mixed-Use (with one or more commercial uses listed in the HVO and residential apartment(s) upstairs**

1. The uses permitted shall be only those permitted principal uses within the Historic Village Overlay where a mix-use building is permitted.
2. The minimum lot area and width for a mixed-use building shall comply with the minimum requirements for a non-residential building within that Zoning District.
3. Where a residential use is proposed within a mixed use building, such residential use shall not be permitted on the street level floor.
4. Each separate use within a mixed- use building shall be required to apply for separate zoning and occupancy permits.
5. Off-street parking shall be provided in accordance with Article 16 of this Ordinance based on collective individual uses.
6. Separate water and sewer service shall be required for each individual use.

**Mobile (Manufactured) Home Park**

Mobile Home Parks are permitted by special exception in the SR District. An enlargement of an existing Mobile Home Park shall require a special exception as if it were a new establishment. Mobile Home Parks are subject to the following:

1. Mobile Home Parks shall have access from a public street. All spaces/lots shall be accessible from an interior private street only.
2. Mobile Home Parks shall be served by a public water supply and sewage disposal systems, which shall be approved by the Pennsylvania Department of Environmental Protection.
3. Mobile home lots/spaces in different sections of the Mobile Home Park may vary in size, but there shall not be more than eight (8) mobile home lots/spaces per acre.
4. All mobile homes shall be setback a minimum of fifty (50) feet from the Mobile Home Park property lines and street rights-of-way. A buffer planting strip consistent with type C of Section 610 of the SALDO shall be planted within said fifty (50) feet.

5. In a Mobile Home Park, a separate space shall be provided for each mobile home, which shall include the following:
  - a. Adequate parking for two (2) vehicles.
  - b. A paved or concrete patio pad, a minimum of 120 square feet.
  - c. Each space shall be provided with individual connections for electricity, water supply and sewage disposal.
6. Each Mobile Home Park lots/spaces shall have minimum front and rear setback of twenty (20) feet. Side setbacks shall be a minimum of fifteen (15) feet.
7. Each Mobile Home Park shall have a structure clearly identified as the office of the Mobile Home Park manager.
8. Mobile home parks shall meet all requirements of the SALDO.

### **Mortuary**

1. The use must comply with all applicable Federal, State, and Local statutes or ordinances and acquire all mandated permits and licenses.
2. The environmental regulations of Article 15 of this ordinance must be complied with.
3. A crematory shall be permitted as an accessory use to a mortuary provided:
  - a. That the unit will be installed consistent with the manufacturer's specifications and requirements.
  - b. The unit will be located no less than three hundred (300) feet from any adjoining property line.
  - c. That the building is located no less than three hundred (300) feet from any adjoining property line.
  - d. That if dead animals are cremated in the unit, all such carcasses will be disposed of within twenty-four (24) hours of arriving at the applicant's property, unless the carcasses are frozen.

### **Municipal Building, Park, Playground or Recreational Facility**

1. This use shall include but not be limited to public buildings, parks, playgrounds, and tennis courts operated and/or operated by the Federal, State or local government or non-profit organizations for public use or for the recreation and enjoyment of members of such organization.

2. In addition to provisions set forth in Section 1506 of this Ordinance and Article 700 of the Township Subdivision and Land Development Ordinance, sufficient landscaping including trees, shrubs, and lawn shall be provided to serve as a buffer between such use and adjoining properties.
3. Off-street parking requirements as established in Article 16 shall be met. In addition, parks, playgrounds and game courts shall be required to have one (1) space per five thousand (5,000) square feet of outdoor recreation area.
4. A park designed for passive recreational purposes shall be permitted without regard to the minimum lot area regulation of the district in which it is located, provided, however, such use shall meet all provisions set forth herein.

**No-Impact Home-Based Businesses** shall be permitted in all zones as an accessory use secondary to the use of a property as a residential dwelling provided all of the following criteria are met:

1. The business activity shall be compatible with the residential use of the property and surrounding Residential uses;
2. The business shall employ no employees other than family members residing in the dwelling;
3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature;
4. There shall be no outside appearance of a business use, including, but not limited to parking, signs or lights;
5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood;
6. The business activity may not generate any solid waste or sewage disposal, in volume or type, which is not normally associated with residential use in the neighborhood;
7. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25%) of the habitable floor area;
8. The business activity may not involve any illegal activity.

### **Nursery School**

1. In addition to other required landscaping all outdoor play areas shall be buffered in accordance with 1506 of this Ordinance and the Township Subdivision and Land Development Ordinance.



2. Access shall be via a street or roadway that meets the standards for collector or arterial roadways as designated by the Township's Comprehensive Plan.
3. Documentation that the facility has received or can receive approval for occupancy from the Pennsylvania Department of Welfare and/or the Department of Labor and Industry, where required.
4. No portion of a residence may be used as a nursery school and no portion of a nursery school may be used as a residence.
5. Approval shall be conditional upon an inspection and report by the UCC code official.

### **Nursing Home/Personal Care Home**

1. Access shall be via a street or roadway that meets the standards for collector or arterial roadways as designated by the Township's Comprehensive Plan if the total number of employees together with residents who will be permitted to maintain motor vehicles at the facility exceeds twenty (20).
2. Lot area of not less than one thousand (1,000) square feet per bed shall be provided, but in no case shall the lot area be reduced below that required for the zoning district in which such facility is to be constructed.
3. The township Sewage Enforcement Officer shall submit a report confirming the adequacy of the existing or proposed sewage facilities unless the facility is connected to a public sewer system.
4. Documentation that the facility has received or can receive approval for occupancy from the Pennsylvania Department of Welfare and/or the Department of Labor and Industry, where required.
5. Approval shall be conditional upon an inspection and report by the local UCC Code Official.

### **Off-road Vehicles**

1. All motorized vehicles, designed or redesigned, or otherwise being used for off-road recreational use, including all ATV's, shall be operated within a recreational facility (outdoor) only, except that they may be operated by persons residing at the property where such off-road vehicles are being operated.
2. Off-Road vehicles shall only be operated between 9:00 a.m. and 6:00 p.m. local time, provided the property is located in the Agricultural, Commercial or Industrial zoning districts

and there are no off-lot dwellings located within five hundred (500) feet of the outer boundary of the area in which the vehicle(s) is being operated.

### **Outdoor Furnaces and Heating Devices**

1. Fuel substances permitted for combustion in an exterior furnace installation shall be limited to natural gas, propane, home heating oil, coal, firewood, pellets, corn, and untreated lumber.
2. The burning and combustion of flammable and volatile substances and materials such as, but not limited to, trash, plastics, gasoline, rubber, naphtha, household garbage, material treated with petroleum products (particle board, railroad ties and pressure-treated wood), human and animal waste, leaves, paper products and cardboard are strictly prohibited.
3. Outdoor furnaces shall be permitted only in the Agricultural and Rural Residential Districts as shown on the Township's Zoning Map.
4. All outdoor furnaces and heating devices shall be set back not less than two hundred (200) feet from the nearest lot line.
5. Outdoor furnaces shall be operated only between September 1 and May 31, unless the furnace is being used to provide domestic water service.
6. All outdoor furnaces shall be equipped with properly functioning spark arrestors.
7. All outdoor furnaces and heating devices shall be provided with a permanently attached stack or chimney, the height of which shall be the greater of one of the following:
  - a. Four (4) feet above the highest point of any structure, building or wall within a fifty-foot (50') radius of the heating device; or
  - b. A minimum of seventeen (17) feet in height measured from the ground at and on which the device is located; or
  - c. Meet or exceed the manufacturer's guidelines.
8. Installation of any electrical or plumbing apparatus or device used in connection with the operation of an outdoor furnace shall be in conformity with all applicable electrical and plumbing codes and, in the absence of such code, in conformity with the manufacturer's installation specifications. Any outdoor furnace must also comply with any other county, state or federal guidelines for the same.
9. All outdoor furnaces and heating devices installed within the Township subsequent to the adoption of the ordinance are required to meet emission standards, if any, currently required by the Environmental Protection Agency (EPA). Emission standards currently required by the EPA are hereby adopted by reference together with any amendments or modifications made to them in the future.

### **Outdoor Storage**

1. The following may not be stored outdoors in any district, except in an approved "Junkyard" in the Industrial District:
  - a. Motor vehicle parts, tires, appliances, appliance parts, pieces of iron, steel, cans, other such materials as defined as Junk in this ordinance.
  - b. A recreational vehicle shall not be kept in a front yard of a dwelling for more than three (3) days in any seven (7) day period.

### **Parking Facilities**

1. The facility shall be primarily used for the parking of passenger vehicles.
2. The facility shall not be used for the sales, long term storage, and repair or servicing of automobiles.
3. Not more than seventy-five (75) percent of the lot shall be covered with impervious surfaces.
4. None of the paved area shall be closer than ten (10) feet from any property line, lot line or street line, except for entrance or exit driveways.
5. To protect other vehicles and pedestrians in the immediate area, railing, fencing, posts, and chains, or similar protective barriers must be located on the perimeter of the parking areas except at access drives or exits. In addition, there shall be provided a wheel block securely anchored into the ground for each peripheral parking space.
6. No advertising sign may be located on the facility.
7. All parking facilities, including spaces and drive aisles shall meet the design and construction standards set forth in Article 16 of this Ordinance.
8. A fence or hedge must be placed sufficient to screen the use from all roadways, adjoining properties, and any location in a residential district and from any existing dwelling in any district. For surface parking lots the height of the screening may be reduced to three (3) feet.

### **Portable Storage Unit**

1. No portable storage unit shall be maintained within ten (10) feet of any street right-of-way.
2. A portable storage unit shall be no larger than eight (8) feet wide, sixteen (16) feet long and eight (8) feet high if located less than five hundred (500) feet from a dwelling not owned by the owner of the portable storage unit.

3. No portable storage unit shall remain in a residential zoning district in excess of fourteen (14) consecutive days, or in excess of thirty (30) days in any calendar year.
4. No portable storage unit shall remain on a lot in a non-residential zoning district in excess of thirty (30) consecutive days, or in excess of forty-five (45) days in any calendar year.
5. A portable storage unit shall be permitted during construction, reconstruction, alteration or renovation of the principal building and for an additional period of three (3) days before and after such activity, provided a building permit has been issued by the Township. The portable storage unit shall be removed from the lot before the Township Zoning Officer issues an occupancy permit.
6. A portable storage unit may be located on a lot during an emergency situation as declared by the appropriate Federal state, county, or Township agency pursuant to a temporary permit issued by the Township Zoning Officer.
7. The Township Zoning Officer shall determine the most appropriate location for the portable storage unit to be placed on the lot. The issuance of a permit shall allow the applicant to place the portable storage unit on the subject lot in the location specified in the permit in conformance with the requirement of this section. The permit shall be posted in plain view on the subject lot.

#### **Produce Stand**

1. Such stand shall not exceed four hundred (400) square feet of gross floor area and shall be for the sale of farm, nursery, or greenhouse products.
2. In the Agricultural District such stand shall be exclusively for the sale of products produced by the operators of the stand.
3. No stand shall be less than fifty (50) feet from an intersection or within ten (10) feet of any right-of-way.
4. Such stands shall be required to have a mud-free place where vehicles can park beyond the right-of-way of the road.
5. All signs shall comply with the Shrewsbury Township Sign Ordinance.

#### **Public Utility Building or Facility**

1. Front, side, and rear setbacks shall be provided in accordance with the regulations of the district in which the building is located.
2. Height of building shall be as required by the district regulations.

3. Equipment not otherwise protected shall be enclosed with a chain link fence six (6) feet in height, topped with barbed wire.
4. When the equipment is totally enclosed within a building, no fence or screen planting shall be required and the yard shall be maintained in conformity with the district in which the facility is located.
5. The facility shall be screened in accordance with Section 1506 of this Ordinance.
6. The external design of the building shall be in conformity with the buildings in the district.
7. Off-lot sewage treatment facilities shall be limited to those proposed as part of an approved municipal sanitary system, or if private, for correcting an existing sanitary or industrial waste disposal problem.

#### **Racetrack, Horse or Motorized Vehicles**

1. Where permitted, this use is subject to complying with all applicable Federal and State statutes and township ordinances.
2. Access shall be via a street or roadway that meets the standards for collector or arterial roadways as designated by the Township's Comprehensive Plan.
3. All racing and spectator structures and facilities shall be located at least one thousand (1,000) feet from existing lot lines.
4. The use shall be connected to a centralized sewer and water system.
5. The use shall be fully enclosed within a fence a minimum of six (6) feet in height with gates. Gates shall be securely locked except during an event.
6. The lot shall be at least one thousand (1,000) feet from the boundary of a lot on which an existing dwelling, a school, a day care center, a playground or public recreation facility, a place of worship, or another automobile or horse racetrack is located and from the boundary of a residential district.
7. The use shall be completely surrounded by a one hundred (100) foot wide buffer yard, complete with planted screen, in accordance with the provisions of the Township Subdivision and Land Development Ordinance.
8. Approval shall be subject to the applicant providing documentation of adequate fire protection, policing and security to be employed on the site to ensure public safety during and after all racing activities.
9. All horse racetracks, with related wagering shall comply with the applicable Pennsylvania Horse and/or Harness Racing Commission's Rules and Regulations.

10. Any area where race vehicle engines will be run, warmed up or tested shall be set back a minimum of one thousand (1,000) feet from all lot lines of any existing dwelling.

#### **Recreational Facility (indoor)**

1. All activities shall take place within a completely enclosed building.
2. The applicant must furnish evidence as to how the use will not constitute a nuisance due to noise or loitering outside the building.
3. If the proposed use is a rifle or archery range, it must be designed and constructed in accordance with the National Rifle Association's standards for the particular type of range, or according to national standards for archery ranges, whichever applies. The range shall be used for only the type of firearms and arrows for which it is designed to accommodate.
4. If the nature of the use is such that it will generate a high volume of vehicular traffic, i.e. in excess of seven hundred fifty (750) vehicle trips per day, then access shall be via a street or roadway that meets the standards for collector or arterial roadways as designated by the Township's Comprehensive Plan.
5. The environmental requirements of Article 15 of this ordinance must be complied with.

#### **Recreational Facility (outdoor)**

1. Such facilities shall be set back at least fifty (50) feet from any property or street line.
2. Access shall be via a street or roadway that meets the standards for collector or arterial roadways as designated by the Township's Comprehensive Plan.
3. The site and/or any individual tracks shall be fenced to prevent unauthorized entrance and accidental exit of vehicles.
4. The facility shall be operated only between the hours of 9:00 a.m. and 11:00 p.m.
5. The facility shall comply with all applicable Federal, State, and Local regulations, including but not limited to, those pertaining to the use and storage of fuel, oil, and other related products and the operation of motorized vehicles.
6. All outdoor lighting shall be installed in compliance with the environmental requirements of Article 15 of this ordinance.

#### **Recreational Lodge**

1. Access shall be via a street or roadway that meets the standards for collector or arterial roadways as designated by the Township's Comprehensive Plan.

2. No building shall be located within one hundred (100) feet of any street line or property line.
3. A maximum of ten (10) guest rooms for overnight guests shall be provided in the main building. Individual guest rooms and suites shall include no facilities for cooking.

### **Resource Recovery Facility**

1. Any such use shall be a minimum of one hundred (100) feet from all public streets as measured from the ultimate right-of-way line of the road and one hundred (100) feet from any property line. Additionally, an incinerator or transfer facility shall be a minimum of two hundred (200) feet from any residential zoning district or occupied residential dwelling unit.
2. Truck and equipment parking and/or storage areas shall be a minimum of one hundred (100) feet from any property line.
3. Operation of a resource recovery facility shall at all times be in full compliance with the statutes of the Commonwealth of Pennsylvania and the rules and regulations of the Pennsylvania Department of Environmental Protection and the provisions of this ordinance. In the event that any of the provisions of this ordinance are less restrictive than any present or future rules or regulations of the Department of Environmental Protection, the more restrictive Department of Environmental Protection regulations shall supersede and control.
4. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against indiscriminate and unauthorized dumping, every resource recovery facility shall be protected by locked barricades, fences, gates, or other positive means designed to deny access to the area at unauthorized times or locations. Such barricades shall be at least six (6) feet high and shall be kept in good repair and neatly painted in a uniform color.
5. A facility operator shall continuously supervise unloading of materials.
6. Hazardous waste as included on the list of hazardous waste maintained by the Department of Environmental Protection shall not be disposed of in a resource recovery facility.
7. Litter control shall be exercised to confine blowing litter to the work area and a working plan for cleanup of litter shall be submitted and approved by the township to control blowing paper, there shall be erected a fence having a minimum height of six (6) feet with openings not more than three (3) inches by three (3) inches along all boundaries. The entire area shall be kept clean and orderly.
8. All parts of the process, unloading, handling, and storage of municipal solid waste, shall occur within an enclosed building. However, certain separate recyclable materials like glass, aluminum, and other metals may be stored outdoors.
9. The storage of paper shall be within a building or other appropriate structure.

10. Any material stored outdoors shall be properly screened so as not to be visible from any adjacent street or property.
11. No material shall be placed or deposited to a height greater than the height of the fence herein prescribed.
12. No municipal solid waste shall be processed or stored at a recycling facility. For all other types of resource recovery facilities, municipal solid waste shall not be stored on the site for more than seventy-two (72) hours.
13. A contingency plan for disposal of municipal solid waste during a plant shut down must be submitted to the municipality and approved by the governing body.
14. Leachate from the municipal solid waste and water used to wash vehicles or any part of the operation shall be disposed of in a manner in compliance with Department of Environmental Protection regulations. If the leachate is to be discharged to a municipal sewage treatment plant, appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall the leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with Department of Environmental Protection regulations.
15. Waste from the resource recovery facility process (such as, but not limited to, ash from an incinerator) shall be stored in such a manner as to prevent it from being carried from the site by wind or water. This waste shall be located at least one hundred fifty (150) feet from any lot line and stored in leak proof and vector proof containers. Such process waste shall be disposed of in a sanitary landfill approved by the Department of Environmental Protection or in another manner approved by the Department of Environmental Protection.
16. A dense evergreen buffer shall be provided on the outside perimeter of the fenced area. Evergreens shall be four (4) to five (5) feet in height and planted on ten (10) foot staggered centers. In addition, the buffer requirements of Section 1506 of this Ordinance shall be met.
17. Solid waste landfill operations and open burning of any materials is prohibited.
18. The environmental performance standards set forth in Article 15 of this ordinance shall be met by all resource recovery uses.
19. The facility shall have direct access via a street or roadway that meets the standards for collector or arterial roadways as designated by the Township's Comprehensive Plan.
20. Public water and sewer is required.

### **Restaurants**

1. When this use is adjacent to, or on the same lot with a shopping center or group of commercial uses, it shall use the common access with the other business establishments.



2. Where a drive-thru window is proposed, a stacking lane not less than one hundred twenty (120) feet shall be provided.
3. A clearly delineated pedestrian walkway shall be provided between any existing sidewalk and the entrance to the restaurant.
4. All exterior seating areas shall be separated from all access drives and parking areas fencing or landscaped buffer.
  - a. Any play areas shall be completely enclosed by a minimum three (3) foot high fence.
5. Lighting:
  - a. All portions of the parking area shall be adequately illuminated in compliance with the outdoor lighting standards in Section 1515 of this Ordinance.
6. An exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties in compliance with Section 1511 of this ordinance.
7. All signage shall comply with the Shrewsbury Township Sign Ordinance.
  - a. An outdoor menu board for drive-thru service shall not be considered a sign as long as its predominant use is clearly for listing food items and their costs and it is legible only in close proximity to the drive-thru area.
8. Covered trash receptacles shall be provided outside the restaurant for patron use in addition to a plan for the cleanup of litter.
9. Outdoor storage of trash shall be within an enclosed area and screened from view of adjacent streets, dwellings or residential districts.
10. Requirements for off-street parking, and the design and construction of all off-street parking areas and access drives shall be in compliance the with Article 16 of this ordinance, and the Shrewsbury Township Subdivision and Land Development Ordinance and Construction Specification Manual
11. All off-street loading and service areas shall be screened from the street and adjacent properties in accordance with Section 1627 of this ordinance and the Township Subdivision and Land Development Ordinance.
12. Fast Food Restaurants, Food Stands and similar establishments shall not include the sale of alcoholic beverages.

### **Rooming House/Boarding Home**

1. Minimum stay is one (1) week.
2. A lot area of not less than one thousand (1,000) square feet per bed shall be provided but in no case shall the lot area be reduced below that required for the District in which the rooming house is to be located.
3. No newly constructed building shall be located less than fifty (50) feet from an adjoining property line.
4. The Township's Sewage Enforcement Officer shall submit a report certifying the adequacy of the proposed sewage facilities, except when connected to public sewer service.
5. Approval shall be conditional upon an inspection and report by the UCC code official.

### **Sawmill**

1. All machinery used in the sawmill operation shall be located at least five hundred (500) feet from any residential use and at least fifty (50) feet from all property lines.
2. All power saws and machinery shall be secured against tampering and locked when not in use.
3. All sawmill by-products, except products composted on site, shall be disposed of on a frequent and regular basis.
4. Portable sawmill operations shall not be operational on a parcel not owned by the owner/operator for longer than six (6) months. A temporary use permit shall be required prior to the beginning of operations and shall indicate the termination date of said operation, except operations of less than one (1) week duration.

### **School, Commercial**

1. Parking areas shall be setback twenty-five (25) feet when situated next to land zoned for or in residential use and provided with buffering, landscaping and screening in accordance with Section 1624 and 1627 of this Ordinance, the Township's Subdivision and Land Development Ordinance, and applicable provisions in the Township's Construction Specification Manual.
2. All buildings shall be set back at least one hundred (100) feet from any abutting property zoned for or in residential use.
3. All maintenance, repair, rebuilding or construction training shall be conducted within a completely enclosed building.

### **School, Public and Private**

1. Parking areas shall be setback twenty-five (25) feet when situated next to land zoned for or in residential use and provided with buffering, landscaping and screening in accordance with

Section 1624 and 1627 of this Ordinance, Section 711 of the Township's Subdivision and Land Development Ordinance and applicable sections of the Township's Construction Specification Manual.

2. All buildings shall be set back at least one hundred (100) feet from any abutting property zoned for or in residential use.
3. Passenger "drop-off" and "pickup" areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site.

### **Self-Storage**

1. No part of the street right-of-way, no sidewalks or other area intended or designed for pedestrian use, no required parking areas, and no part of the front yard shall be occupied by outdoor storage or display.
2. Parking for the individual storage units shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty (20) feet wide.
3. Structures originally designed and fabricated for transportation on streets and highways using their own wheels and arriving at the site where they are to be utilized complete and ready for use, except for minor and incidental unpacking and assembly operations, for location on jacks or permanent foundations, connection to utilities and the like, including but not limited to structures originally designed as mobile homes, as vans, or as busses, are not permitted as storage structures.
4. All self-storage and mini-storage facilities shall be screened from any residential use or residential zoning district in accordance with Section 1506 of this Ordinance.
5. Prohibited Storage. The following may not be stored out of doors in any district, except in an approved "junkyard" in the Industrial District:
  - a. Motor vehicle parts, tires, appliances, appliance parts, pieces of iron, steel, cans, or other such materials;
  - b. Junk as defined in this ordinance.
6. Prohibited Uses.
  - a. Auctions, except as provided in the Self-Service Storage Act.
  - b. Commercial wholesale or retail sales not related to the storage activity.
  - c. Garage sales.

- d. The operation of power tools, spray painting equipment, compressors, welding equipment, kilns, or similar tools and equipment.
- e. A moving or storage business.
- f. Any use that is noxious or offensive because of odors, dust, noise, fumes or vibrations.

### **Shooting Range (Outdoors)**

1. The site shall be fenced to prevent unauthorized entrance.
2. The facility shall be operated only from 10:00 a.m. to dusk Monday through Saturday, and 12:00 p.m. to 5:00 p.m. on Sundays.
3. The facility shall comply with all applicable Federal, State, and Local regulations, including but not limited to, those pertaining to the use and storage of weapons and ammunition.
4. A minimum lot size of fifty (50) acres is required. The range shall be designed and constructed in accordance with the National Rifle Association's standards for the particular type of range, or according to national standards for archery ranges, whichever applies. The range shall be used for only the type of firearms and arrows for which it is designed to accommodate. The range shall be operated in strict accordance with the National Rifle Association's standards for operation and safety. The range shall not be lighted for nighttime use. The safety of the adjoining properties shall be a primary consideration in the location and design of the facility. Adjacent areas must be predominantly undeveloped and the range area must be at least three hundred (300) feet from any property or street line, and must be at least one thousand (1,000) feet from any existing residential dwelling that is not on the same property.
5. All applicable environmental requirements of Article 15 of this Ordinance must be complied with.

### **Shopping Center or Mall**

1. The shopping center or mall must have direct access via a street or roadway that meets the standards for collector or arterial roadways as designated by the Township's Comprehensive Plan.
2. Off-street parking shall be provided in accordance with Article 16 of this Ordinance.
3. Storm water drainage requirements of the Township's Stormwater Ordinance must be complied with.
4. All parking areas shall be design and constructed in accordance with all applicable Township ordinances and regulations.
5. The use shall be connected to a centralized water and sewerage system.

6. All retail uses associated with the shopping center or mall but not located within an enclosed building, such as in an interior courtyard, shall be considered a Retail Store or stores and regulated accordingly.
7. The applicant shall furnish a traffic study based upon the expected number of vehicle trips generated from the proposed use and the current traffic volumes on roads connecting the site with arterial roads. Such study shall comply with the Shrewsbury Township Subdivision and Land Development Ordinance and identify any resulting traffic congestion or safety problems, as well as mitigation measures.

### **Solar Farm**

1. A permit shall be required for every solar farm installed at any location in the Township and intended to supply electricity other than for the needs of the principal use on that lot.
2. All ancillary uses to the solar farm (including a business office, maintenance depot, etc., greater than one thousand (1,000) sq. ft.) are prohibited, unless otherwise permitted in the zoning district in which the solar farm is located. This shall not prohibit the installation as accessory structures of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the solar farm.
3. A solar farm shall be permitted on a property with an existing use subject to the following standards:
  - a. The minimum lot area, minimum setbacks and maximum height required by this Ordinance for the zoning district in which the solar farm is located shall apply.
  - b. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
  - c. The applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.
4. Standards
  - a. If the parcel on which the solar farm is a separate and distinct parcel, the zoning district minimum lot size shall apply and in all cases, the lot shall be of such size that all required setbacks are satisfied. No solar farm shall be located closer to any property line than its height plus the normal setback for the district. The setback for equipment containers, other accessory structures and safety items shall be a minimum of thirty (30) feet.
  - b. If the land on which the solar farm is leased, or is used by license or easement, the setback for any solar farm, the support structure, equipment containers, other

accessory structures, and guy wire anchors shall be a minimum of thirty (30) feet from the line of lease, license or easement. No solar farm shall be located closer to any property line (not lease, license or easement line) than its height plus the normal setback for the district.

- c. No solar farm shall be located less than one hundred (100) feet from any principal residential structure existing prior to the erection of the solar farm.
- d. A fence in compliance with Section 1507 shall be required around solar farms and other equipment.
- e. Landscaping, buffering, and screening in compliance with Section 1506 of this Ordinance and the Township's Subdivision and Land Development Ordinance shall be required to screen as much of the solar farm ground features as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general buffer the solar farm ground features from neighboring properties. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping.
- f. The applicant must demonstrate that it has obtained the required licenses from governing state and Federal agencies. The applicant shall also document compliance with all applicable state and Federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the Solar farm.
- g. Access to the solar farm shall be provided 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 a dust-free, all weather surface for its entire length. If the solar farm site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.
- h. Should any solar farm or solar farm cease to be used, the owner or operator or then owner of the land on which the solar farm or solar farm is located, shall be required to remove the same within one (1) year from the abandonment of use. Failure to do so shall authorize the Township to remove the facility and assess the cost of removal to the foregoing parties. The Township may also file a municipal lien against the land to recover the costs of removal and attorney's fees.
- i. A full site plan shall be required for all solar farm sites, showing the solar farm, solar arrays, building, fencing, buffering, access, and all other items required for uses by this Ordinance.

### **Stable**

1. If the use is not located within the Agriculture District the following shall apply.

- a. Any structure used for the boarding of horses shall be set back at least two hundred (200) feet from any property line, and shall be maintained to minimize odors perceptible at the property line.
- b. All outdoor training or show facilities or areas shall be set back one hundred (100) feet from all property lines and enclosed by a minimum four (4) foot high fence, which will be located at least ten (10) feet from all property lines.
- c. All parking lots and unimproved overflow parking areas shall be set back at least twenty-five (25) feet from adjoining lot lines.

### **Stockyard**

1. All live animals held outside shall be within secure holding pens or runways sufficiently large to accommodate all animals without crowding and not located within the front yard.
2. All animal waste shall be regularly cleaned up and properly disposed of in a way that prevents objectionable odor at the site's property line.
3. The loading of live animals and their movement into the plant shall be conducted with minimal noise and only during the hours between 8:00 a.m. and 9:00 p.m.
4. No exterior animal holding pens and/or areas devoted to loading/unloading of animals shall be located within two hundred (200) feet of any property line or five hundred (500) feet of any land within a residential zone.
5. All animals holding pens and/or areas used for the loading/unloading of animals shall be screened from all adjoining properties and shall include a minimum fifty (50) feet wide landscaped buffer strip in compliance with Section 1506 of this Ordinance.
6. A working plan for the removal of deceased animals shall be submitted and continuously implemented by the applicant. In no case shall a deceased animal remain on the site for more than twenty-four (24) hours.
7. All access drives onto the site shall be paved for a distance of at least two hundred (200) feet from the street right-of-way line. In addition, a fifty (50) feet long gravel section of driveway will be placed just beyond the preceding two hundred (200) feet paved section to collect muck from a vehicle's wheels. The owner and/or operator shall be responsible for removing any muck from public roads caused by persons traveling to and from the site.
8. Off-street parking and loading areas must be provided in compliance with Article 16 of this Ordinance. No parking or loading/unloading shall be permitted on or along any public road.
9. All outdoor loudspeaker and lighting systems shall be designed, arranged, and operated in compliance with Article 15 of this Ordinance.

**Swimming Pools**

1. All swimming pools with a surface area of one hundred (100) square feet or more or a depth in excess of two (2) feet shall be completely surrounded by a fence or wall not less than four (4) feet in height. However, a fence is not required for all swimming pools located more than four (4) feet above the ground level if provided with a lockable, retractable ladder.
2. A dwelling, accessory building, or decorative wall feature may be used as part of such enclosure.
3. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching and locking device for keeping the gate or door securely closed at all times when not in actual use, except the door of any dwelling which forms a part of the enclosure is equipped with an alarm.
4. No swimming pool or filtration system shall be located in the side yard or front yard, and shall not be located closer than twenty (20) feet to the rear property line or side property lines; however, the required fence enclosure may be located in one of the required side or rear setbacks.
5. Approved filtration systems and circulators must be provided for all pools, except such exempt or non-exempt wading pools as are emptied on a daily basis as hereinafter provided.
6. All pool installations shall conform to all applicable building codes.
7. In no case shall water in the pool or pool area be permitted to emit an offensive odor or create any unhealthful condition. Further, it shall be a violation of this ordinance to cause or allow drainage onto adjoining land, public or private, or into a storm drain or watercourse.
8. No pool shall be located under any electric power lines (including service lines), and the pool must be located at least ten (10) feet (measured horizontally) from such power lines.
9. No water shall be placed in the pool until a fence, as required by this section, has been completed.
10. Conventional wading pools less than the area and depth requirements in subsection 1 above shall be exempt from fencing and filtration requirements.

**Tavern, Bar or Pub**

1. No part of the tavern, bar, pub, or similar use shall be located within five hundred (500) feet of a residential district or within two hundred (200) feet of a dwelling, except within the Historical Village Overlay District.
2. The applicant shall furnish evidence that the proposed use shall not be detrimental to the use of adjoining properties due to hours of operation, light and/or litter or other nuisance such as



loitering outside the building. The owner shall be responsible for ensuring no nuisances are allowed to adversely affect neighboring people or properties.

3. The applicant shall be responsible for ensuring that the noise requirements of Section 1511 of this ordinance are complied with.

### **Transportation and Motor Freight Terminals**

1. Access shall be via a street or roadway that meets the standards for collector or arterial roadways as designated by the Township's Comprehensive Plan.
2. A traffic impact assessment shall be submitted in accordance with Article 600 of the Township's Subdivision and Land Development Ordinance.
3. Landscaping and a buffer yard shall be required. The buffer yard shall be at least one hundred fifty (150) feet if adjacent to a residential use and shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or unloading, or storage of any kind. A screen shall be provided the length of the buffer yard adjacent to an existing residential use or district. All screening, buffering and landscaping shall be in accordance with Section 1506 of this Ordinance.
4. Off-street parking shall be in accordance with Article 16 of this Ordinance plus the largest number of transportation vehicles permitted to be on the site at one time according to the approved development plan.
5. Storage of materials shall conform to all applicable State and Federal regulations.

### **Travel Trailers and Recreational Vehicles**

1. No travel trailers or other recreational vehicles may be used or occupied for dwelling purposes except for sleeping by visitors of the owners of the lot for periods which cumulatively do not exceed fourteen (14) days in any one hundred twenty (120) day period, and shall be located in a side or rear yard.

### **Veterinary Office and/or Animal Hospital**

1. If small animals are to be treated (dogs, cats, birds, and the like), such hospital or office shall have minimum lot areas as specified for such district.
2. If large animals are to be treated (cows, horses, pigs, and the like), such office or hospital shall have a minimum lot size of five (5) acres and be located a minimum of 300 feet from any residence or vacant residential lot.
3. No outdoor boarding of small animals shall be permitted.

### **Village Shops**

1. The following uses shall be considered Village Shops in the Historic Village Overlay District:
  - a. arts and crafts manufacturing.
  - b. woodworking, furniture, and cabinet making shops;
  - c. tailor, seamstress and shoe repair shops.
  - d. art gallery and/or studio
  - e. bakery, retail only
  - f. bicycle sales, service and rental
  - g. retail store
  - h. artesian; metalworking, blacksmith and glass blowing
  - i. personal services including, but not limited to, barber/beauty salons, music, art or photography studios, and repair of clocks, jewelry, and small appliances'
  - j. bakery/café, provided that all goods made or processed are sold at retail on premises.
  - k. retail sales, excluding adult-oriented facilities and providing the maximum total sales and/or display area is 1,500 square feet (See Section 1404)
2. Outdoor storage of supplies, materials or products shall be located behind the building in which the business is located, and shall also be screened from adjoining roads and properties.
3. Only merchandise vended by the village shop may be displayed outside of the building.

**Warehousing and Distribution** uses shall submit a traffic impact assessment in accordance with the Township's Subdivision and Land Development Ordinance.

#### **Wind Energy Systems for Private Use**

1. All permitted and special exception uses shall be permitted one (1) wind energy system.
2. All accessory wind energy systems shall be designed for private use.
3. Wind Energy Systems (including Windmills).
  - a. No wind energy system shall be located on a parcel less than 20,000 square feet.
  - b. All windmills, except single pole structures, shall be enclosed by a fence in compliance with Section 1507 of this ordinance. Such fence shall be located at least five (5) feet from the base of such windmill. Guy wires may be located outside the fenced area
  - c. No wind powered turbine for private use shall be greater than 10 kWh.
  - d. No windmill for private use shall be greater than fifty (50) feet in height.
  - e. No windmill shall be permitted the design of which permits any vane, sail or rotor blade to pass within twenty (20) feet of the ground.

- f. All electrical wiring leading from a windmill shall be located underground.
- g. Windmills may be located within the required rear or side setbacks provided they are no closer than one and one-half (1 ½) times their height from the nearest inhabitable structure not located on the same parcel as the windmill.
- h. The vibration control standards of Section 1512 of this Ordinance shall be complied with.

### **Wind Farm**

- 1. A permit shall be required for every wind farm and windmill installed at any location in the Township.
- 2. All other uses ancillary to the wind farm (including a business office, maintenance depot, etc., greater than one thousand (1,000) sq. ft.) are prohibited from the wind farm, unless otherwise permitted in the zoning district in which the wind farm is located. This shall not prohibit the installation as accessory structures of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the wind farm.
  - a. A wind farm as a second principal use. A wind farm shall be permitted on a property with an existing use subject to the following standards:
    - (1) The minimum lot area, minimum setbacks and maximum height required by this Ordinance for the wind farm and windmills shall apply, and the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements.
    - (2) The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
    - (3) The applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.

### **3. Standards**

- a. Wind Farm Height. The applicant shall demonstrate that the windmills are at the minimum height required to function satisfactorily according to industry standards or as indicated by local wind profiles. No windmill that is taller than this minimum height shall be approved.
- b. Parcel Size

Separate Parcel. If the parcel on which the wind farm is proposed is a separate and distinct parcel, the zoning district minimum lot size shall apply and in all cases, the lot shall be of such size that all required setbacks are satisfied.

c. Setbacks

(1) Occupied Buildings

- (a) Wind Turbines shall be set back from the nearest Occupied Building a distance not less than the normal setback requirements for that zoning classification or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building.
- (b) Wind Turbines shall be set back from the nearest Occupied Building located on a Non-participating Landowner's property a distance of not less than five (5) times the Hub Height, as measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building.

- (2) Property lines: All Wind Turbines shall be set back from the nearest property line a distance of not less than the normal setback requirements for that zoning classification or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured to the center of the Wind Turbine base.

- (3) Public Roads: All Wind Turbines shall be set back from the nearest public road a distance of not less than 1.1 times the Turbine Height, as measured from the right-of-way line of the nearest public road to the center of the Wind Turbine base.

- d. Wind Farm Support Structure Safety. The applicant shall demonstrate that the proposed windmills are safe and the surrounding areas will not be negatively affected by structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All windmills shall be fitted with anti-climbing devices, as approved by manufacturers. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed Wind farm and support structure will be designed and constructed in accord with accepted engineering practices and all requirements of any applicable construction code. Within forty-five (45) days of initial operation, the owner and/or operator of the wind farm shall provide a certification from a Pennsylvania registered professional engineer that the wind farm and all structures comply with all applicable regulations.

- e. Fencing. A fence may be required around windmills and other equipment, unless the design of the structures adequately provides for safety.

- f. Landscaping. Landscaping may be required to screen as much of the wind farm ground features as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general buffer the wind farm ground features from neighboring properties. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping.
- g. Licenses; Other Regulations; Insurance. The applicant must demonstrate that it has obtained the required licenses from governing state and Federal agencies. The applicant shall also document compliance with all applicable state and Federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the wind farm.
- h. Access; Required Parking. Access to the wind farm shall be provided 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 a dust-free, all weather surface for its entire length. If the wind farm site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.
- i. Color and Lighting; FAA and PA DOT Notice. Windmills shall comply with all applicable Federal Aviation Administration (FAA) and PA DOT Bureau of Aviation regulations. No windmill may be artificially lighted except as required by FAA requirements. The applicant shall provide a copy of the response to Notice of Proposed Construction or Alteration forms submitted to the FAA and PA DOT Bureau of Aviation.
- j. Communications Interference. The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties will not be disturbed or diminished, and this shall be accomplished by remedial measures instituted by the wind farm developer.
- k. Historic Structures. A wind farm shall not be located within five-hundred (500) feet of any structure listed on any public historic register.
- l. Discontinued Use. Should any wind farm or windmill cease to be used, the owner or operator or then owner of the land on which the wind farm or windmill is located, shall be required to remove the same within one (1) year from the abandonment of use. Failure to do so shall authorize the Township to remove the facility and assess the cost of removal to the foregoing parties. The Township may also file a municipal lien against the land to recover the costs of removal and attorney's fees.

- m. Site Plan. A full site plan shall be required for all wind farm sites, showing the wind farm, windmills, building, fencing, buffering, access, and all other items required for uses by this Ordinance.

### **Winery**

A winery is the production and harvesting of grapes (or other fruits) and the manufacturing of wine.

1. The following regulations apply to a winery located in the **Agricultural District**:
  - A. No part of the winery or similar use, except the growing of grapes (or other fruits) shall be located within five hundred (500) feet of a residential district or within two hundred (200) feet of a dwelling.
  - B. Twenty-five percent (25%) of the grapes (or other fruits) used in the manufacturing of wine shall be produced on the premises.
  - C. The applicant shall furnish evidence that the proposed use shall not be detrimental to the use of adjoining properties due to hours of operation, light and/or litter or other nuisance. The owner shall be responsible for ensuring no nuisances are allowed to adversely affect neighboring people or properties.
  - D. Evidence must be provided to the Township that the sanitary sewer system (on-lot or public) has been approved by the Pennsylvania Department of Environmental Protection.
  - E. The applicant shall be responsible for ensuring that off-street parking, noise, lighting and all other applicable requirements of this ordinance are complied with.
  - F. Wine Tasting is permitted on-site, provided the following criteria are met:
    - i. Wine tasting shall only be for the products processed on premises. The tasting or sale of wine not produced on-site is prohibited.
    - ii. Retail sale of wine related items is permitted, such as products to display, serve, or taste wine, or written material wine or the experience of consuming the same, or apparel displaying the name and/or logo of the specific wine.
    - iii. There shall be no outside display of wine products or retail related items.
    - iv. Hours of operations shall be between the hours of 8:00 a.m. and 9:00 p.m.
    - v. Days of wine tasting shall not exceed three (3) days per week.
  - G. Special Events shall meet the following criteria:

- i. A special events permit shall be issued by the Shrewsbury Township Zoning Officer in accordance with this ordinance, including, but not limited to meeting the requirements for adequate off-street parking, utilities, traffic safety, and emergency services.
  - ii. There shall be no more than six (6) special events in a calendar year and no event shall exceed four (4) consecutive days.
  - iii. Adequate off-street parking and public facilities, services, and utilities shall be provided.
  - iv. Food is permitted provided it is catered; food cannot be prepared on-site.
  - v. Weddings will require Special Exception approval from the Zoning Hearing Board.
2. The following regulations apply to a winery located in the **Commercial** and the **Interchange District**:
  - A. The applicant shall furnish evidence that the proposed use shall not be detrimental to the use of adjoining properties due to hours of operation, light and/or litter or other nuisance. The owner shall be responsible for ensuring no nuisances are allowed to adversely affect neighboring people or properties.
  - B. The applicant shall be responsible for ensuring that off-street parking, noise, lighting and all other applicable requirements of this ordinance are complied with.
  - C. Wine Tasting is permitted on-site, provided the following criteria are met:
    - i. Wine tasting shall be permitted for products processed on-site and off-site. The tasting or sale of wine produced off-site is permitted.
    - ii. Retail sale of wine related items is permitted, such as products to display, serve, or taste wine, or written material wine or the experience of consuming the same, or apparel displaying the name and/or logo of the specific wine.
    - iii. There shall be no outside display of wine products or retail related items.
  - D. Special Events shall meet the following criteria:
    - i. A special events permit shall be issued by the Shrewsbury Township Zoning Officer in accordance with this ordinance, including, but not limited to meeting the requirements for adequate off-street parking, utilities, traffic safety, and emergency services.
    - ii. There shall be no more than one (1) special event per month; no event shall exceed four (4) consecutive days.

- iii. Adequate off-street parking and public facilities, services, and utilities shall be provided.
- iv. Food is permitted and can be prepared on-site, provided food preparation is in compliance with Pennsylvania Department of Agriculture regulations.





## ARTICLE 15

### GENERAL AND PERFORMANCE STANDARDS

#### **Section 1501 – Purpose**

It is the intent of this Article to establish general provisions for all uses listed in the Zoning Districts and Overlay Zones, Articles 4 through 12 of this Ordinance. These general provisions are in addition to all other applicable requirements, regulations and standards in this Ordinance, all other Township regulations and ordinances, as well as any other local state and federal regulations and statutes. If the zoning district or any other regulations found in this ordinance are determined to be in conflict with the following, the most restrictive regulations shall be applied, unless otherwise stated.

#### **Section 1502 – Height Regulations**

1. Building height shall be the vertical distance measured from the mean elevation of the proposed finished grade to the highest point of the roof for flat roofs, to the deck lines of mansard roofs and to the mean height between eaves and ridge for gable, hip or gambrel roofs.
2. No building in the Agricultural and Residential districts shall be erected to a height in excess of forty (40) feet, except as otherwise provided in this Ordinance.
3. Building height in the Commercial District and Industrial District may exceed the permitted forty-five (45) feet; however, the maximum building height may be extended to ninety (90) feet if side and rear setbacks areas are increased five (5) feet for each corresponding twenty (20) feet in additional building height.
4. Height regulations shall not apply to any of the following provided the use is not for human occupancy; agricultural buildings, spires, belfries, cupolas, domes, chimneys, ventilators, skylights, water tanks, bulkheads, utility poles, or towers (including communications towers), silos, and ornamental features or necessary mechanical appurtenances, including radio and television antennae.
5. For all residential uses, accessory buildings shall not exceed twenty-eight (28) feet in height.

#### **Section 1503 – Lot and Building Regulations**

1. General Lot Requirements. The area, width, or depth of any lot shall not be reduced by subdivision, sale or development so that the lot width, lot area, lot area per dwelling unit, courts, and yards, or other open spaces are smaller or so that the coverage is greater than prescribed in this ordinance.
2. Nonconforming Lots. A lot held in single and separate ownership at the effective date of this ordinance which does not fulfill the regulations for the minimum lot area and width for the district in which it is located, shall be subject to the provisions of Article 17 of this ordinance.

**Section 1504 – Setback Regulations**

Setbacks shall be provided in accordance with the provisions set forth herein.

1. Measuring Front Setbacks Line. Where the right-of-way of the street or private road upon which the lot abuts cannot be determined or is less than fifty (50) feet in width, the front setback depth and the width of the side setback abutting the street or private road shall be measured from a line parallel to and not less than twenty-five (25) feet from the centerline of the street or private road.
2. Nonconforming Structures. Expansion of existing nonconforming structures shall be permitted without regard to the setback requirements set forth in this ordinance provided such expansion does not project further into the required setback area than does the building before expansion. The front, side or rear building setback may be reduced for sites with existing nonconforming development in a required setback. The building line of the nonconforming wall serves as the reduced setback line.
3. Front Setback Exception.
  - a. New principal buildings may be located in the required front setback area only if the following two conditions are met.
    - (1) The average front setback of the existing principal buildings on each side of the lot proposed as the location for a new principal building and within a distance of one hundred (100) feet of the proposed building and fronting on the same side of the same road or street is less than the required minimum front setback line; and
    - (2) The proposed principal building will be located so that it is aligned with the principal buildings on each side of the lot within a distance of one hundred (100) feet of the proposed building and fronting on the same side of the same road or street as the proposed building.
  - b. New accessory buildings
    - (1) New accessory buildings may be located in the existing front yard area as defined in relation to the principal building only if,
      - (a) The proposed accessory building is in the Agricultural District, and if a nonconforming building or structure meets the provisions of Section 1703, as set forth in this Ordinance; and
      - (i) The proposed accessory building will be located at least five hundred (500) feet from any dwelling other than one owned by the owner of the accessory building; or

- (ii) The proposed accessory building will be located a minimum one hundred (100) feet from the street right-of-way line, or will not protrude beyond any existing accessory building located on the subject property.
- (b) Accessory buildings permitted within the existing front yard by reason of the provisions of Subsection 3.a above may not be located in the required front setback.
- (2) New accessory buildings to be used to house livestock must be at least one hundred (100) feet from a Rural Residential, Rural Residential Receiving, Suburban Residential or Suburban Residential Receiving districts boundary, and at least one hundred (100) feet from an existing dwelling not owned by the owner of the accessory building, except for the following conditions:
  - (a) An existing building utilized to house livestock which is at least as close to the Rural Residential, Rural Residential Receiving, Suburban Residential or Suburban Residential Receiving Zoning Districts boundary or to an existing dwelling not owned by the owner of the proposed accessory building as is the proposed accessory building; and
  - (b) The property owner can demonstrate that refusing to permit the additional building to be located in the setback area would represent a hardship to his business operation.

#### 4. Projections in Yards

- a. Cornices, eaves, gutters, bay windows, chimneys, or uncovered steps may project into the front, side or rear setback of a lot not more than twenty-four (24) inches.
  - b. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into any setback.
  - c. Patios, driveways, walks, parking areas, stairs, and window wells, and such other structures customarily incidental to the main building may project into front, side or rear setbacks of a lot providing the grade elevation shall not be more than twelve (12) inches above the yard grade.
5. Expansion of Farm Buildings. Expansion of farm buildings existing on the date of this ordinance shall be permitted without regard to the setback requirements set forth in this ordinance, provided such expansion does not project further into the required setback area than does the building before expansion.

#### **Section 1505 -Residential Composting**

Residential composting is permitted provided it is limited to organic materials and includes only that material generated on-site and that the following standards are met:

1. Composting will not be allowed in the front yard.
2. Composting must be no less than fifteen (15) feet from rear/side property lines unless enclosed from view from abutting properties.
3. Composting will conform to the performance standards for odors and fire hazard in sections below.
4. Compost material cannot be produced and sold for commercial purposes.

#### **Section 1506 – Landscaping Buffering and Screening**

1. Purpose. Landscaping is one of the most critical elements to softening development, especially parking lots, and to defining vehicular, pedestrian and arrival spaces. In addition to enhancing the aesthetic appearance of a community and providing shade, landscaping and the preservation of existing vegetation reduce soil erosion, improve air and water quality and provide wildlife habitats. It is the intent of landscaping requirements to provide, protect and maintain healthy landscapes for the enjoyment and protection of the health, safety and welfare of the public.
2. Applicability. Protection and landscaping standards shall be applicable to all subdivisions of land and any parcels undertaking land development activities. All parts of properties being redeveloped, renovated, improved as part of a subdivision or land development application shall be brought into compliance with landscaping requirements to the extent possible.
3. Application of Landscaping Requirements:
  - a. Street Trees
  - b. Buffer Yards
  - c. Screen Planting
  - d. Parking Lots
  - e. Outside Storage and Off Street Loading Areas
  - f. Storm Water Management Facilities
  - g. Major Residential Subdivision and Commercial/Industrial/Institutional Development Entrances.
  - h. Common Open Space
  - i. Stream Buffers
  - j. Other
5. The specific standards and requirements for each of these landscaping applications are included in the Shrewsbury Township Subdivision and Land Development Ordinance and in the Shrewsbury Township Construction and Materials Specifications Manual.

6. Unless otherwise specified in this Ordinance, all uses shall provide landscaping, buffering and screening according to the requirements of the Shrewsbury Township Subdivision and Land Development Ordinance.

### **Section 1507 – Fences, Walls, and Berms**

1. Fences and walls (including retaining walls) may be erected, altered, and maintained within yards and open spaces. A fence may be installed on top of a retaining wall. No fence or wall shall be erected, installed, or maintained when that fence or wall obscures clear view of traffic at intersections or driveways or which creates a safety hazard to pedestrians or vehicular traffic.
2. Fences shall be classified as either solid or open type. An open type fence is defined as one in which the ratio of the open portion to the closed portion is at least one to one (1:1) per foot. Structural elements of the fence may exceed the maximum height restrictions by no more than six (6) inches.
3. Fences used for agricultural purposes, as defined under “Agriculture” in Section 202, are exempt from requirements of this section; except for paragraph 7 of this section, and fence height shall not exceed eight (8) feet.
4. Maximum Fence Height Provisions
  - a. No solid type fence may be erected to a height of more than six (6) feet above grade, excepting as permitted under subsection (d) hereof.
  - b. No other type fence may be erected to a height of more than eight (8) feet above grade, except when used to restrain farm animals and except as permitted under subsection (d) hereof.
  - c. No fence may be erected to a height of more than four (4) feet above grade within the front yard.
  - d. A solid type fence may be erected to a height exceeding six (6) feet above grade and an open type fence may be erected to a height exceeding eight (8) feet above grade in any of the following instances:
    - (1) Along a railroad right-of-way.
    - (2) Along the lot line of residential property that separates such property from any commercial or industrial district or from any property being used for a use which is nonconforming with respect to the district where located and which is a use not permitted, excepting within the Commercial District, Interchange District, the Interchange District or the Industrial District.
    - (3) Along the lot line of property used as a private or public utility substation.

- (4) Along the side or rear yards of property being utilized for a use which is not permitted, excepting in the Commercial District, Interchange District, or in the Industrial District.
  - (5) Along the side and/or rear yards of residential properties where such fences are part of the landscaping for the entire neighborhood as shown on a subdivision or land development plan.
5. Electrically Charged Fences. The use of electrically charged fences is prohibited except when used to restrain farm animals in agricultural areas and that commercially available above-ground “pet containment” systems may be used in all zoning districts.
6. Barbed Wire. The use of barbed wire fences, including concertina wire, razor wire, or similar type wire, is prohibited, except when used to restrain farm animals or when used in the Industrial District provided, however, in the Industrial District, no barbed wire shall be less than six (6) feet above ground level and the top strand shall be at least eight (8) feet above ground level.
7. Setback of Fence
- a. All fences shall be set back a minimum six (6) feet from the edge of the cartway of any road within the Township as measured along the surface of the ground as opposed to horizontally, excepting that an open type fence shall not be required to be placed beyond the edge of the road right-of-way. The Township shall not be responsible for damages to fences located within the township road right-of-way.
  - b. No solid type fence exceeding three (3) feet in height shall be located with a clear sight triangle as provided in Section 1508 herein.
  - c. All fences, except those used for agricultural purposes, may be placed up to, but not on the property line. A fence may be placed on the property line, provided a signed letter of consent from the adjoining property is submitted with the application for a permit.
8. Berms are encouraged and shall conform to the provisions in the Township Subdivision and Land Development Ordinance.

### **Section 1508 – Clear Sight Triangle**

At all intersections of streets, private roads and/or access drives, a clear sight triangle shall be maintained in compliance with the Shrewsbury Township Subdivision and Land Development Ordinance.

**Section 1509 – Courts**

Courts shall conform to the following requirements:

1. An open space in the form of an inner court or outer court shall be provided in connection with any building in any residential or commercial or industrial District wherever any room therein in which a person or persons live, sleep, or congregate, cannot be adequately lighted and ventilated. Such court shall be adjacent to such room, the windows of which shall open in such court.

2. Outer Court

- a. The width of any outer court upon which windows open from a living room, bedroom, or dining room shall be not less than the height of any wall opposite such windows.
- b. The depth of an outer court formed by walls on three (3) sides shall be not greater than one and one-half (1 ½) times the width.
- c. The depth of an outer court shall be not less than two-thirds (2/3) the height of any opposing wall forming said court.

3. Inner Court

- a. The least dimension of an inner court shall be not less than the full height of the walls enclosing such court, but not less than fifty (50) feet for multi-family dwellings buildings, and not less than ten (10) feet for semi-detached dwellings.
- b. An open and unobstructed passageway shall be provided for each inner court. Such passageway shall have sufficient cross section area and headroom for the passage of firefighting equipment and shall be continuous from the inner court to a yard or an unobstructed open area with access to a street.
- c. This section shall not apply to specialized commercial or manufacturing processes where controlled light and/or ventilation are required.

**Section 1510 – Habitable Floor Area**

The minimum habitable floor area of a dwelling unit or any building or structure hereafter erected or used for living purposes, shall be seven hundred and fifty (750) square feet. In case of multi-family dwellings and conversion apartments, the minimum habitable floor area shall be not less than three hundred (300) square feet per dwelling unit, except those dwelling units designed for and occupied exclusively by one (1) person, which dwelling unit shall each contain not less than two hundred fifty (250) square feet of habitable floor area.

**Section 1511 – Noise**

1. Consideration shall be given by the developer for locating residential uses in areas of the development tract that are located at the greatest feasible distance from sources of major roadway traffic noise on arterial and collector streets, or where feasible, residential uses should be located the greatest distance from arterial and collector roadway traffic and other significant sources of objectionable noise.
2. Where dwellings are constructed along an interstate highway, the developer shall provide for noise abatement walls or other practicable noise abatement measures sufficient to shield the residents from traffic noise according to the applicable PennDOT specifications.
3. General Noise Standards. The sound level of any operation shall not exceed the decibel levels of the preferred frequencies cited below or as modified or exempted. The sound pressure level shall be measured with an octave band analyzer or sound level meter calibrated to meet current specifications of the American National Standards Institute.
  - a. Standards. At no point beyond the property line of the owner, and between the hours of 10:00 p.m. and 7:00 a.m., shall the sound pressure level resulting from any operation in any district exceed the maximum permitted sound levels set forth below expressly or waived in paragraph b. below.

<u>Center Frequency</u> <u>(Cycles per Seconds)</u>	<u>Maximum Sound Pressure Level</u> <u>(Decibels)</u>
31.5	65
63.0	67
125.0	66
250.0	59
500.0	52
1,000.0	46
2,000.0	37
4,000.0	26
8,000.0	17

(Sound pressure level in decibels equals 0.0002 dynes/cm<sup>2</sup>)

- b. Waivers. The following sources of noise are exempt:

- (1) Community events such as but not limited to fireworks, festivals, athletic events, and concerts.
- (2) Transportation vehicles not under the control of an on-site use.
- (3) Occasionally used safety signals, warning devices, and emergency pressure-relief valves.
- (4) Temporary construction activity between 7:00 a.m. and 7:00 p.m.



(5) Active construction activities between the hours of 5:00 a.m. and 7:00 p.m.

5. **Traffic Noise Standards.** In all zoning districts except the Commercial, Industrial, Interchange, and Commercial Industrial districts, the maximum traffic noise level predicted for ten (10) years from the date of the application shall not exceed 66 dBA (acoustic decibels). The traffic noise receivers that shall be used for the purpose of modeling shall be the property line of the subject parcel. Traffic noise sensitive land uses, such as single-family and multi-family residents, schools, libraries, community recreation and entertainment venues, will not be granted permits when a site is predicted to receive roadway traffic noise in excess of 66 dBA.

a. **Required Traffic Noise Model.** The applicant shall submit the results from a prediction model demonstrating the traffic noise level projected for each of the next ten (10) years. The submission shall include factors for future roadway geometry, traffic volumes, truck traffic, and roadway speeds. The model should predict traffic noise at the appropriate receiver sites in two circumstances: 1) with no development undertaken; and 2) assuming that development occurs. In both cases, the results shall assume that all proposed mechanisms for traffic noise mitigation have been implemented. To determine the predicted traffic noise level the applicant shall use current PennDOT Standards.

### **Section 1512 -Vibration**

1. No use shall cause earth borne vibrations exceeding the maximum values specified in this section. The maximum vibration is given as particle velocity, which may be measured directly at the property line or other designated location, with suitable instrumentation or computed on the basis of displacement and frequency.

2. When computed, the following formula shall be used.

$PV = 6.28 F \times D$  where

PV = Particle velocity, inches per second

F = Vibration frequency, cycles per second

D = Single amplitude displacement of the vibration in inches.

3. Particle velocity shall be the vector sum of three (3) individual components measured simultaneously in three (3) mutually perpendicular directions.

### **Maximum Ground Transmitted Vibration**

<u>Zoning District</u>	<u>Particle Velocity (Inches/Second)</u>	
	<u>Adjacent Lot Line</u>	<u>Residential Area</u>
Agricultural & Residential	0.05	0.02
Commercial & Industrial	0.10	0.02

4. Where vibration is produced as discrete impulses and such impulses do not exceed a frequency of sixty (60) per minute, then the values in this table may be multiplied by two (2).
5. Unless specifically indicated to the contrary elsewhere in this ordinance, vibration resulting from temporary construction activity that occurs between 5:00 a.m. and 7:00 p.m. shall be exempt from the indicated performance standard.

### **Section 1513 – Heat**

No heat from any use shall be sensed at any property line to the extent of raising the temperature of air, water, or other materials more than one (1) degree Fahrenheit.

### **Section 1514 – Explosive Hazards**

Explosive or detonable material shall not be stored in Shrewsbury Township, except on a temporary basis to facilitate construction, testing or other lawful activities.

### **Section 1515 – Outdoor Lighting**

1. Purpose and intent. The purpose of this section is to regulate the placement, orientation, distribution patterns, and fixture types of outdoor lighting. The intent of this section is to encourage lighting that provides safety, utility, and security; also to prevent glare on public roadways, protect the privacy of residents, and reduce atmospheric light pollution.
2. Outdoor Lighting Compliance Statement
  - a. The applicant for any permit for work involving outdoor lighting fixtures governed by this section shall submit, as part of the site plan, evidence that the proposed work will comply with this section. This information shall contain, but not be limited to, the following:
    - (1) The location, height, make, model, lamp type, and wattage of each outdoor lighting fixture; and
    - (2) Certification that the angle of total light cutoff is no more than ninety (90) degrees; and
    - (3) Illumination level profiles.
  - b. Approved Materials and Methods of Construction, Installation, or Operation. The provisions of this section are not intended to prevent the use of any design, material, or methods of installation or operation not specifically prescribed by this section, provided any such alternate has been approved. The Zoning Officer may approve any such proposed alternative provided it:
    - (1) Provides at least approximate equivalent to the applicable specific requirement of this section; and

- (2) Is otherwise satisfactory and complies with the purpose and intent of this section.

c. General Requirements for all zoning districts.

- (1) All outdoor lighting fixtures, including display lighting, shall be turned off after close-of-business, unless needed for safety or security, in which case the lighting shall be reduced to the minimum level necessary.
- (2) Auto/Truck filling stations. Island canopy ceiling fixtures shall be recessed so that the bottom of the fixture is flush with the ceiling.
- (3) Recreational facilities, public or private. Lighting for outdoor recreational facilities shall be shielded according to subsection 2.i below.
- (4) All light fixtures shall be fully shielded and maintained so that all light emitted is projected below a horizontal plane running through the lowest part of the fixtures.
- (5) Bottom-mounted outdoor advertising sign lighting will not be permitted.

d. Special Requirements.

- (1) For all uses in all zoning district:
  - (a) Outdoor lighting fixtures shall comply with the shielding requirements of subsection 2.e of this Section.
  - (b) Light trespass - light that falls outside the boundaries of the property on which the installation is sited shall be designed not to exceed 0.5 foot-candles at the property line.

e. Table of Shielding Requirements

<u>Fixture Lamp Type</u>	<u>Shielded</u>
Low/High Pressure Sodium, Mercury Vapor, Metal Halide and Fluorescent over 50 watts	FULLY
Incandescent over 160 watts	FULLY
Incandescent or compact fluorescent 160 watts or less	NONE
Fossil fuel	NONE
Any light source of 50 watts or less	NONE
<i>Note: Incandescent includes tungsten-halogen (quartz) lamps</i>	

f. Exemptions.

The following uses shall be exempt from the provisions of this section of the ordinance:

- (1) Roadway and Airport lighting and lighting activated by motion sensor devices.
- (2) Temporary circus, fair, carnival, or civic uses (see subsection 2.g. below).
- (3) Construction or emergency lighting provided such lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.
- (4) Lighting associated with agricultural pursuits.

g. Temporary Exemption. All lighting uses not covered in subsections c, d, e, and f, above, but required for short periods of time; e.g., construction site, road work, neighborhood party, shall require a permit from the township. Any person may submit a written request to the township, on a form prepared or approved by the township, for a temporary exemption request. A temporary exemption shall contain the following information:

- specific exemption or exemptions requested;
- type and use of outdoor light fixture involved;
- duration of time requested exemption;
- type of lamp and calculated lumens;
- total wattage of lamp or lamps;
- proposed location on premises of the outdoor light fixture(s);
- previous temporary exemptions, if any, and addresses of premises there under;
- physical size of outdoor light fixture(s) and type of shielding provided; and
- such other data and information as may be required by the Shrewsbury Township Zoning Officer.

- (1) Approval/Duration. The Shrewsbury Township Zoning Officer shall have five (5) business days from the date of submission of the request for temporary exemption to act, in writing, on the request. If approved, the exemption shall be valid for not more than thirty (30) days from the date of issuance of the approval. The approval shall be renewable at the discretion of the Shrewsbury Township Zoning Officer upon a consideration of all the circumstances. Each such renewed exemption shall be valid for not more than thirty (30) days.

h. Lamp or Fixture Substitution. Should any outdoor light fixture or the type of light source therein be changed after a permit has been issued, a change request must be

submitted to the township for approval prior to the substitution, together with adequate information to assure compliance with this ordinance.

i. Special Uses.

- (1) Recreational Facilities. Any light source permitted by this ordinance may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, auto race tracks, horse race tracks or show areas, provided all of the following conditions are met:
  - (a) All fixtures used for event lighting shall be fully shielded in accordance with this ordinance, or be designed or provided with sharp cut-off capability, to minimize light escaping beyond the playing field and viewing stands.
  - (b) All events shall be scheduled to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 p.m., except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m., except that no such activity will be allowed beyond 10:00 pm if the facility is located within three hundred (300) feet of a residential neighborhood.
- (2) Outdoor Display Lots. Any light source permitted by this ordinance may be used for lighting of outdoor display lots such as, but not limited to, automobile sales or rental, recreational vehicle sales, yard or building material sales, provided all of the following conditions are met:
  - (a) All fixtures used for event lighting shall be fully shielded in accordance with this Ordinance, or be designed or provided with sharp cut-off capability, to minimize light escaping beyond the operational area of the business.
  - (b) Display lot lighting shall be turned off within thirty (30) minutes after closing of the business. Under no circumstances shall the full illumination of the lot be permitted after 11:00 p.m. Any lighting used after 11:00 pm, shall be used as security lighting only.

**Section 1516 – Pollution**

1. Odors and Fumes. No person, partnership, corporation or association may cause or permit on land owned by him, the emission into the outdoor atmosphere of any malodorous, hazardous, or non-permitted air contaminants from any source in such manner that the odors are detectable outside of the property of the person on whose land the source is being operated.

2. Dust and Particulate Matter. No person, partnership, corporation or association may cause or permit on land owned by him, the emission into the outdoor atmosphere of any particulate air contaminates from any source in such manner that the particulates are detectable by human senses outside of the property of the person on whose land the source is being operated.
3. The discharge of any substance into the atmosphere shall be in strict compliance with provisions of the Federal Clean Air Act and the Pennsylvania Air Pollution Control Act, as amended, and the regulations adopted pursuant thereto, all of which regulations are incorporated herein by reference.
4. In addition to the criteria specified in Federal and State environmental regulations, the Township also requires the following:
  - a. Smoke. The Ringelmann Smoke Chart published by the U.S. Department of the Interior, Bureau of Mines shall be used for grading the density or equivalent opacity of smoke.
    - (1) In all zoning districts, except Commercial, Commercial Industrial, Interchange, and Industrial, the emission of smoke darker than Ringelmann No. 1 from any chimney, stack, vent, opening, or combustion process is prohibited.
    - (2) In the Commercial, Interchange, and Industrial zoning districts, the emission of smoke darker than Ringelmann No. 1 from any chimney, stack, vent, opening, or combustion process is prohibited, excepting that smoke of a shade not to exceed Ringelmann No. 3 is permitted for up to three (3) minutes total in any one (1) eight (8) hour period.
  - b. Dust and Particulates. Dust and particulate matter emission from materials or products subject to becoming windblown shall be kept to a minimum by paving, wetting, covering, or other means, such as to render the surface wind resistant. Such sources include vacant lots, unpaved streets, yards and storage piles of bulk materials such as stone, sand, cinders, manure, and topsoil. Watercourses and water sources must not be contaminated in violation of the Pennsylvania Clean Streams Law and Regulations issued pursuant thereto by particulate runoff. No dust or particulate matter may be discharged into the atmosphere, onto the surface of the ground, or into a stream of other body of water if such discharge is in violation of the standards established by the Pennsylvania Air Pollution Control Act or by the regulations issued pursuant thereto.
  - c. Water Pollution. All uses and activities in the township shall meet all applicable requirements of the Pennsylvania Clean Streams Law, Act 394 of 1937 as amended, and all other Federal and state laws pertaining to the quality of surface water, storm water runoff, and groundwater. This includes all laws and regulations pertaining to obtaining National Pollutant Discharge Elimination System (NPDES) permits for both point source and non-point source regulated sources.

**Section 1517 – Fly Control**

Any operation in any zoning district must assure such operation will not allow flies to leave the premises or traverse boundary lines to the extent that they become a public nuisance as defined in this Ordinance. In the event that Shrewsbury Township or other government entity finds that the proliferation of flies emanating from an established operation is affecting the health and/or welfare of people, the operators will be required to implement a fly control plan. Any special exception granted by the Zoning Hearing Board shall be specifically conditioned upon the successful implementation of the fly control plan and shall be revoked if the proposed fly control plan is not implemented and in operation at the time of the commencement of the new operation. In the event any fly control program proves unsuccessful in controlling the fly population, the applicant will be required to implement additional measures acceptable to the Township to enable the required control to occur.

**Section 1518 – Sewage**

1. Hereafter, no sewage disposal system of any kind shall be erected, constructed, installed, altered or extended within the limits of Shrewsbury Township, except as set forth in Section I of the Shrewsbury Township Sewage Permit Ordinance, unless a permit to do so shall first be secured in accordance with the provisions of the Shrewsbury Township Sewage Permit Ordinance and unless such erection, construction, installation, alteration or extension is in strict accordance with the application submitted pursuant to the Sewage Permit Ordinance of Shrewsbury Township and with the permit issued pursuant thereto and in accordance with the procedures set forth in such ordinance.
2. No person, firm, association or corporation shall maintain or use any sewage disposal system of any kind so that vectors (insects or rodents capable of carrying disease) may have access to the excremental matter contained therein or so that such sewage disposal system directly or indirectly drains or discharges over or upon the surface of the ground or into any waters of the township. It shall also be unlawful for any person, firm, association or corporation to fail to comply with the requirements set forth in subparagraphs A and B of Section II of the Shrewsbury Township Sewage Permit Ordinance.
3. All newly created parcels shall have an approved primary sewage area and an approved secondary sewage reserve area. The areas shall be designated on the subdivision plan and shall remain undisturbed. No earthmoving, grading or construction shall occur within twenty (20) feet of the location of any percolation test performed to create an approved site for an on-site sewage disposal system or for a sewage reserve area excepting, however, this provision shall not apply in the event the sewage system has been installed or has been designed, in which event earthmoving, grading or construction activity may occur but may not occur over the area where the installed sewage disposal system is located or where the designed sewage disposal system will be located.

**Section 1519 – Signs**

Any sign erected after the date of adoption of this Ordinance shall be in compliance with all regulations and provisions of the Shrewsbury Township Sign Ordinance.

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**ARTICLE 16****OFF-STREET PARKING AND LOADING****Section 1601 – Purpose**

Off-street parking and loading facilities shall be provided to lessen congestion, to enhance safety, and to decrease the parking burden on and within the public rights-of-way, and to provide adequate screening and buffering of off-street parking areas. The facilities required herein shall be available for the residents, occupants, patrons, or employees of the particular business or use for which such facilities are provided.

**Section 1602 – Required Off-Street Parking Spaces**

1. Any building or other structure erected, altered or used and any lot used or occupied for any of the following purposes shall be provided with minimum off-street parking spaces as set forth below, together with access ways, driveways or other means of circulation and access to and from a public street, meeting PennDOT or Township regulations.
2. Off-street parking and loading areas must be provided according to the regulations of this Article.
3. No parking or loading/unloading shall be permitted on or along any public road.
4. All Commercial, Industrial and Institutional parking areas shall provide landscaping, buffering, and screening in accordance with this Article, standards for specific uses in Article 14 of this Ordinance, the Township's Subdivision and Land Development Ordinance, and applicable sections of the Township's Construction Specifications Manual.
5. Unless otherwise stated, parking is allowed in the front, side and rear yards of structures in all zoning districts.
6. The parking of any non-motorized vehicle (including boats and trailers) or any motorized vehicle not having a current and valid registration and inspection certificate is prohibited within any street right-of-way.
7. Parking shall be calculated for each individual use.
8. All multi-family, commercial, public/semi-public, institutional and industrial uses shall provide handicapped parking spaces in accordance with the Americans with Disabilities Act Accessibilities Guidelines for Buildings and Facilities developed by the U.S. Architectural and Transportation Barriers Compliance Board. The applicant shall certify in writing or plan note that a zoning permit application and/or subdivision and/or land development plan complies with all relevant ADA requirements.

**Section 1603 -Agriculture Parking Spaces**

1. All Agriculture and related uses shall provide off-street parking at the ratio shown in the following table.

<b>Agricultural Uses</b>	<b>Number of Required Off-Street Parking Spaces</b>
Agriculture; Agribusinesses	1 space per employee on largest shift
Farm Market and Farm Co-op	1 space per 200 sq. ft. retail floor area + 1 space per employee
Farm Processing Establishment	1 space per 200 sq. ft. gross floor area + 1 space per employee
Feed & Grain Mills	1 space per 200 sq. ft. retail floor area + 1 space per employee
Hunting & Fishing Preserve	1 space for each 3 users at maximum utilization + 1 space per employee
Intensive Agricultural Operation (CAO or CAFO)	1 space per employee on largest shift
Produce Stand	1 space per 200 sq. ft. gross floor area + 1 space per employee
Stockyard	1 space per employee on largest shift
Stable	1 per employee + 1 per 4 animals of capacity
Wildlife Preserves/Refuge	1 space per employee on largest shift
Winery	1 space per 200 sq. ft. retail floor area + 1 space per employee

**Section 1604 -Residential Parking Spaces**

1. All residential uses shall provide off-street parking at the ratio shown in the following table.
1. For the purpose of this Ordinance, in residential districts when one (1) or two (2) parking spaces are required for dwellings, an attached or unattached garage or carport on the premises and that portion of the driveway off the public right-of-way may be considered as parking spaces.

<b>Residential Uses</b>	<b>Number of Required Off-Street Parking Spaces</b>
Accessory Dwelling Unit	2 spaces per dwelling unit
Bed & Breakfast	2 spaces per dwelling unit + 1 space per guest room + 1 space per employee not residing in B&B
Caretaker/Watchman Dwelling	2 spaces per dwelling unit
Conversion Apartments	2 spaces per dwelling unit
Dwelling, Single Family Detached	2 spaces per dwelling unit
Dwelling, Semi-detached	2 spaces per dwelling unit
Group Home	See Section 1404.
Group Quarters	1 space per guest room + 1 space per employee
Home Business (No-Impact)	As required for dwelling
Home Occupations	spaces per dwelling requirements + 1 space per employee + not less than 2 spaces for visitors, except doctors/dentists then 3 spaces for visitors
Hotel or Motel	1 space per guest room + 1 space per employee + restaurant and meeting (banquet) requirements if affiliated with use
Mobile Home Park (see SALDO)	2 spaces per dwelling unit
Multi-family or Single-Family Attached Dwelling	2 spaces per dwelling unit

<b>Residential Uses</b>	<b>Number of Required Off-Street Parking Spaces</b>
Rooming House/Boarding Home	1 space per guest room + 1 space per employee/owner
Recreational Lodge	1 space per guest room + 1 space per employee/owner + restaurant requirements if restaurant affiliated with use
Tenant Dwelling	2 space per dwelling unit

### **Section 1605 – Institutional Parking Spaces**

1. All Institutional uses shall provide off-street parking at the ratio shown in the following table.

<b>Institutional Uses</b>	<b>Number of Required Off-Street Parking Spaces</b>
Adult Day Care Center	1 space per employee + 1 space per 10 adults + 3 drop-off spaces
Child Day Care Center	1 space per employee + 3 drop-off spaces
Community Center (includes assembly and meeting rooms for public/private assembly)	1 space per 4 seats OR 1 space per 750 sq. ft. gross floor area, whichever is greater + 1 space per non-resident employee
Community Treatment Facility	1 space per employee + 1 space per 50 sq. ft. client space
Camp & Campground	1 space per 5 persons total capacity; 1 space per RV stand + 1 space per employee
Club	1 space per 3 people of total capacity + 1 space per employee or operator
Correctional Facility	1 space per employee + 1 space per 10 inmates
Cultural Facility	1 space per 4 seats OR 1 space per 750 sq. ft. gross floor area, whichever is greater + 1 space per non-resident employee
Emergency Services (Police, Fire, EMS)	Fire Stations: 4 spaces per fire truck without community room OR 2 spaces per fire truck + 1 space per 100 sq. ft. gross floor with community room
Family Day Care Home	spaces as required for dwelling + 1 space per non-resident employee + 1 drop-off space
Golf Course	8 spaces per tee + 1 space per employee or operator + 100% of spaces required for accessory uses
Hospital	1 space per 3 beds + 2 spaces per 3 employees on largest shift + 50% of employees on that shift
House of Worship	1 space per 4 seats OR 1 space per 750 sq. ft. gross floor area, whichever is greater + 1 space per non-resident employee
Mortuary/Funeral Home	1 space per 4 seats OR 1 space per 750 sq. ft. gross floor area, whichever is greater + 3 space per non-resident employee
Municipal Buildings	1 space per 400 sq. ft office space + 1 space per 200 gross sq. ft. assembly or meeting room area OR 1 space per 4 seats; whichever is greater
Nursery School	1 space per faculty member and employee + 1 space per 2 classrooms;
Nursing Home/Personal Care Home	1 space per 3 beds + 2 spaces per 3 employees on largest shift + 50% of employees on that shift
Parks and playgrounds	1 space per 5,000 sq. ft. recreation area

<b>Institutional Uses</b>	<b>Number of Required Off-Street Parking Spaces</b>
Public event (see Temporary Use)	1 space per 5 persons total capacity; 1 space per RV stand + 1 space per employee
Recreational Facility (indoor)	1 space per 4 seats OR 1 space per 750 sq. ft. gross floor area, whichever is greater + 1 space per non-resident employee
Recreational Facility (outdoor)	1 space per 5 persons total capacity + 1 space per employee
Schools, Commercial	1 space per faculty member and employee+ 1 space per 3 students
Schools, Public and Private	1 space per faculty member and employee+ 1 space per 2 classrooms; For high school or college: 1 space per faculty member and employee+ 1 space per 10 students of projected building capacity

### **Section 1606 -Commercial Parking Spaces**

1. All Commercial uses shall provide off-street parking at the ratio shown in the following table.

<b>Commercial Uses</b>	<b>Number of Required Off-Street Parking Spaces</b>
Adult Oriented Facility	1 space per 100 sq. ft. gross floor area + 1 space per employee
ATV/ORV Recreation Facility	(see Racetrack)
Auction House	1 space per 100 sq. ft of gross floor area
Automotive Dealership, Service and Repair	1 space per 300 sq. ft of floor area devoted to service facilities OR 2 spaces per service bay, whichever is larger, + 1 space per 100 sq. ft. gross floor area devoted to sales facilities or usage + 1 space per employee. Vehicle/merchandise display area shall not be located in a street right-of-way and must be located on an impervious surface area.
Beverage Distribution/Sale	1 space per 200 sq. ft. retail sales area + 1 space per employee
Business or Professional Office	1 space per 200 sq. ft. office floor area
Business Service Establishment	1 space per 400 gross sq ft
Convenience Store	1 space per 100 sq. ft. gross floor area + 1 space per employee
Crematorium	1 space per employee on largest shift
Entertainment Activity or Facility	1 space per 4 seats OR 3 spaces per 100 sq. ft. gross floor area, whichever requires the greater number of spaces + 1 space per employee on largest shift
Equipment Services & Sales, Farm, Outdoor Power and Heavy Equipment	1 space per 300 sq. ft of floor area devoted to service facilities OR 2 spaces per service bay, whichever is larger, + 1 space per 100 sq. ft. gross floor area devoted to sales facilities or usage + 1 space per employee
Financial Institution (Bank)	4 spaces per 1000 sq. ft. gross floor area
Gambling Establishment	1 space per 2 persons maximum capacity + 1 space per employee
Junkyard, Automobile Recycling Center	1 space per acre + 1 space per employee; minimum 5 spaces
Kennel	1 space per 400 sq. ft. gross floor area + 1 space per employee
Landfill, Resource Recovery Facility	1 space per employee on largest shift
Laundry or Dry Cleaning	1 space per 400 sq. ft. gross floor area
Medical Laboratory or Clinic	4 spaces per doctor + 1 space per each additional employee
Mixed Use Building	spaces as required per uses

Commercial Uses	Number of Required Off-Street Parking Spaces
Personal Service Facility	1 space per 200 sq. ft. gross floor area + 1 space per employee
Public Service Office	1 space per 200 sq. ft. office floor area
Race Track, Automobile or Horse	1 space per 3 persons total capacity + 1 space per employees, exclusive of pit and service areas
Repair Shop	1 space per 400 sq. ft. gross floor area
Restaurants	1 space per 4 seats OR 1 space per 100 sq. ft. gross floor area, whichever is greater, + 1 space per employee
Retail Store	1 space per 200 sq. ft. retail floor area + 1 space per employee
Sawmill	1 space per employee on largest shift
Shooting Range (outdoor)	1 space per target or throwing machine + 1 space per employee
Shopping Center	5.5 spaces per 1,000 sq. ft. retail floor area
Storage, General	Parking for individual storage units shall be provided by parking driving lanes adjacent to building.
Tavern	See Restaurants
Temporary Uses and Structures	1 space per 5 persons total capacity
Veterinarian or Animal Hospital	1 space per 200 sq. ft. gross floor area + 1 space per employee
Warehousing and Distribution	1 space per 3,000 gross sq. ft. up to 100,000 sq. ft.; 1 space per 5,000 gross sq. ft. over 100,000 sq. ft.
Theater	1 space per 2 fixed seats

2. Open areas used for commercial purposes - At least one (1) parking space for each one thousand five hundred (1,500) sq. ft. of area or portion thereof.

### **Section 1607 – Transportation and Utility Parking Spaces**

1. All Transportation and Utility Uses shall provide off-street parking at the ratio shown in the following table.

Transportation And Utility Uses	Number of Required Off-Street Parking Spaces
Airport, or Heliport Facilities	1 space per 4 aircraft stored; minimum 1 space per use
Communication Facility or Tower	1 space per employee; minimum 1 space per use
Electric Generating Facility	1 space per employee on largest shift
Helipad	1 space per 4 aircraft stored; minimum 1 space per use
Public Utility	1 space per vehicle normally required to service facility
Transportation and Motor Freight Terminals	1 space per 2 seats in terminal + 1 space per employee on largest shift + 50% of that shift

**Section 1608 – Industrial Parking Spaces**

1. For all industrial uses, there must be provided enough parking spaces to accommodate the total number of employees on largest shift plus fifty percent (50%) of that shift, less management and office staff.

**Section 1609 – Parking Spaces Not Specified**

For uses that are not specifically identified in this section, the Zoning Officer shall determine which specified use is most similar to the proposed use and the parking space requirement for that use shall apply.

**Section 1610 – Remote Parking**

Required parking for a use may be located on a remote site provided all of the following conditions are met:

1. Both the primary use and the off-site parking area are located in a zoning district which allows the use; and
2. On-street parking has been maximized; and
3. All required handicapped accessible and loading spaces are provided for on-site; and
4. There has been executed a written agreement between the owners of the use, the owners of the remote site and the Township guaranteeing the availability of and the maintenance of the remote parking area for the life of the primary use.
5. The off-site parking area shall not be further from the principal use than one hundred (100) feet for a commercial use, two hundred (200) feet for a residential use, and three hundred (300) feet for an industrial or utility use.
6. Required off-street parking spaces shall be on the same lot or premises for all institutional uses.

**Section 1611 – Shared Parking**

A reduction in the number of required off-street parking spaces may be approved for mixed-used developments, such as strip shopping centers and enclosed shopping malls, in the Commercial, Interchange and/or Industrial Districts provided that all of the following requirements are met: (See Section 1617, Joint Use, herein, for Mixed-Use or Multiple Occupancy Buildings uses.)

1. The applicant has submitted a study that clearly demonstrates the feasibility of a shared parking lot. The study shall establish the overall peak parking demand, traffic loads and impacts for each of the buildings, use characteristics of each of the buildings (including tenant mix, type, size, allocation, days and hours of operation, peak parking demand per building and use, anticipated rate of turn over, and total vehicle movements); and

2. The proposed buildings, structures or uses are on the same site or a remote parking plan has been approved consistent with the requirements of Section 1610; and
3. Overall parking requirements have not been reduced by more than twenty-five percent (25%); and
4. The impact of the shared parking is consistent with the intent and purpose of the District; and
5. A written agreement has been executed between the record owners of all of the buildings, structures or uses involved and all of the parking areas involved guaranteeing the availability of all parking areas including remote parking areas for the life of the proposed buildings, structures and/or uses.

### **Section 1612 – Off-Street Parking Management Requirements**

#### **Section 1613 – Existing Parking**

Structures and uses in existence at the effective date of this ordinance shall not be subject to the requirements of this article so long as the kind or extent of use is not changed, provided any parking facility now serving such structures or uses shall not in the future be reduced below the off-street parking requirements of this Article.

#### **Section 1614 – Change in Requirements**

Whenever there is an alteration of a structure or a change or extension of a use that increases the parking requirements according to the standards of this Article, the total additional parking required for the alteration, change or extension shall be provided in accordance with the requirements of that section.

#### **Section 1615 – Conflict with Other Uses**

1. No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve.
2. Parking spaces and loading areas shall **not** be used for:
  - a. The sale, display, or storage of merchandise, goods, or materials; or
  - b. The storage or repair of vehicles or equipment; or
  - c. Refuse disposal or containment; or
  - d. Shopping cart storage
  - e. Temporary Events as provided for in Section 1403.

### **Section 1616 – Continuing Obligation**

1. All required parking facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities may only be reduced by reason of a reduction in floor area, seating area, the number of employees or change in other factors controlling the regulation of the number of parking spaces, and only with the approval of the Shrewsbury Township Zoning Hearing Board.
2. Parking lots shall at no time constitute a nuisance, hazard or unreasonable impediment to traffic and shall at all times be kept clean and free from rubbish and debris.

### **Section 1617- Joint Use**

Two (2) or more uses may provide for required parking in a common parking lot if one of the following is met:

1. The uses are part of a mixed use of mixed occupancy development as provided for in Article 14 of this ordinance (See Section 1611 herein, Shared Parking, for Shopping Centers and Shopping Malls uses); or
2. The number of spaces required in a common parking facility may be reduced below this total as a special exception under Article 19 of this ordinance if it can be demonstrated to the Zoning Hearing Board that the hours or days of peak parking needed for the uses are so different that a lower total will provide adequately for all uses served by the facility.

### **Section 1618 – Fractional Spaces**

Where the computation of required parking spaces results in a fractional number, such fraction shall be resolved to the next highest whole number.

### **Section 1619 – Lighting**

1. All public parking areas shall be lighted during operating hours after sunset as approved by the Township Engineer.
2. All light standards shall be located on the raised parking islands and not on the parking surface.
3. Any lighting used to illuminate off-street parking or loading areas shall be arranged so that the direct rays from the luminaries will not fall beyond the property line.
4. All outdoor lighting shall comply with Section 1515 of this Ordinance.

### **Section 1620 – Off-Street Parking Design Standards**

In addition to the following requirements, all parking lots shall comply with applicable provisions in the Shrewsbury Township Subdivision and Land Development Ordinance.



**Section 1621 – General Layout**

1. The layout of every parking lot shall be such as to permit safe and efficient internal circulation in accordance with accepted traffic engineering principles and standards.
2. All dead-end parking lots shall be designed to provide a minimum of ten (10) feet of back-up area for the end stalls of the parking lot.
3. Parking lots shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle and without backing onto any public street.
4. No portion of a parking space or loading area shall extend into or encroach upon any street right-of-way, access drive, or any other public way.
5. Head-in or back-out parking into any public right-of-way or over any sidewalk shall not be permitted, except for single-family dwellings, semi-detached dwellings, and row dwellings on local streets and cul-de-sacs. Head-in or back-out parking shall be prohibited in all cases on all Arterial streets, Collector streets, and state Highways.
6. All parking spaces and loading areas shall be located outside any required open space, buffer, screen, or landscaped area. Parking spaces shall be located at least ten (10) feet from any building, structure, property line, or right-of-way, except a residential garage. Loading areas shall be located at least ten (10) feet from any property line or right-of-way.
7. All parking areas shall have a sidewalk, no less than four (4) feet in width, separating the parking area from the primary building.
8. All parking areas for multi-family residential, commercial, industrial and institutional uses shall provide a snow storage area containing one hundred (100) square feet of storage area per one thousand (1000) square feet of plowed area along with any required stormwater management areas.

**Section 1622 – On-Street Parking**

At no time shall angle or perpendicular parking be permitted along public streets. All parking lots and bays permitting parking, other than parallel, shall be physically separated from the street and confined by curbing.

**Section 1623 – Dimensions of Stalls and Aisles**

1. Parking space and aisle dimensions (in feet) shall be no less than those listed in the table below and provided for in the Shrewsbury Township Construction Specifications Manual:

Angle of Parking Degrees	Parking Space Width	Space Depth		Aisles	
		One-way	Two Way	One-Way	Two Way
90	10'	20'	20'	22'	22'
60	10'	23'	20'	18'	NA
45	13'	26'	21'	18'	NA
Parallel	8'	22'	22'	12'	20'

NOTE: All handicap spaces must meet Americans with Disabilities Act (ADA) regulations.

- Angled parking less than 90 degrees may only be used in conjunction with “One-Way” Aisles.

### **Section 1624 – Landscaping**

- All parking lots with ten (10) or more spaces shall provide landscaped areas within the paved area in accordance to the following standards and the requirements set forth in the Township Subdivision and Land Development Ordinance.

### **Section 1625 – Separation**

All parking areas located greater than two hundred (200) feet from the intended land use, and on the same parcel, shall be provided with clearly delineated pedestrian walkways. Such walkways may occupy portions of the landscaped areas and be interrupted by necessary vehicular travel lanes. Wheelchair ramps meeting ADA requirements shall be provided.

### **Section 1626 – Setbacks**

- All parking lots shall be set back from any street line in conformance with the applicable zoning district building setback or yard requirements, unless planted and screened in accordance with Section 1506 of this Ordinance; in which case, such setbacks may be reduced to ten (10) feet.
- In all zoning districts, no less than ten (10) feet of open space shall be provided between the edge of any parking lot and the outside wall of any principal building other than a residential garage, unless otherwise specifically stated elsewhere in this Ordinance.

### **Section 1627 – Screening**

Parking lots for six (6) or more vehicles, accessory to any institutional, commercial, industrial or utility/transportation use and located in, or immediately adjacent, to a residential district or residences, shall be screened in accordance with the Township’s Subdivision and Land Development Ordinance on each side which faces a residential use or district.

**Section 1628 – Drainage, Surfacing, and Maintenance**

1. For parking areas of six (6) or more vehicles, the area not landscaped and so maintained, including driveways, shall be graded, surfaced with asphalt, concrete or other durable paving material and drained to the extent necessary to prevent dust, erosion or excessive water flow across streets or adjoining property.
2. All off-street parking spaces shall be marked by painted lines to indicate their location.
3. Parking areas shall be designed and improved to achieve full compliance with all of the requirements of the Shrewsbury Township Subdivision and Land Development Ordinance which requirements are incorporated herein by reference.

**Section 1629 – Curb Radius**

No less than a five (5) foot radius of curvature shall be permitted for all curb lines in all parking lots.

**Section 1630- Vehicle Stacking**

1. The minimum vehicle stacking for on-site entrance and exit lanes between the parking lot and public street for Shopping Centers, Recreation Areas, Retail Areas, Schools, Hospitals, and other similar uses shall be two hundred (200) feet.
2. A stacking distance of less than two hundred (200) feet for these uses may be approved with the submission of a traffic study and supporting documentation and the recommendation of the Township Engineer.
3. No internal parking lot access drives shall access the required entrance and exit lanes within the minimum stacking distance.
4. The minimum vehicle stacking for pad sites within a parking lot for entrance and exit lanes between the parking lot access drive and pad site shall be forty (40) feet.
5. The minimum vehicle stacking for drive-up or drive through uses shall be as follows:

Type	Minimum Stacking (Feet)	Measured From
Drive-up Bank Teller	60	Teller Window
Drive-up ATM	60	ATM
Drive-up Restaurant	120	Order Window
Automatic Car Wash	100	Entrance
Self-Service Car Wash	40	Entrance
Service Station	60	Center of Pump Island

See the Construction and Material Specifications manual for additional construction details and examples.

**Section 1631 – Off-Street Loading Requirements****Section 1632 – Required Spaces and Berths**

1. Except as otherwise set forth in Article 14, all institutional, commercial, industrial and utility/transportation uses whose principal buildings have an aggregate floor area exceeding six thousand (6,000) sq. ft., at least one (1) off-street loading space shall be provided. Where there is an aggregate of twenty thousand (20,000) square feet or more, one (1) off-street loading berth or parking space shall be provided for the initial twenty thousand (20,000) square feet, plus one (1) additional berth or space for each sixty thousand (60,000) square feet above twenty thousand (20,000) square feet.
2. For purposes of this Ordinance, off-street loading berths shall be distinguished from off-street loading spaces in that a berth shall have a platform or dock raised to the height of a truck bed whereas a space may off-load at ground level.
3. All off-street loading spaces and berths shall be provided and maintained so long as the use exists which the facilities were designed to serve. They may, however, be reduced in number after their provision by special exception under Article 19 of this Ordinance, if it can be demonstrated to the Zoning Hearing Board that the lesser number of spaces/berths will adequately serve the facility.

**Section 1633 – Specifications**

Off-street loading facilities shall be designed to conform to the following specifications:

1. Each required space or berth shall be not less than twelve (12) feet in width, sixty-five (65) feet in length and fourteen (14) feet in height, exclusive of driveways and maneuvering space and located entirely on the lot being served.
2. There shall be appropriate means of access to a street or alley, as well as adequate maneuvering space.
3. The setback provisions of this Ordinance shall be met when applicable.
4. Off-street loading areas, spaces and berths, including driveways, shall be graded, surfaced with asphalt, concrete or other durable paving material and drained to the satisfaction of the Zoning Officer to the extent necessary to prevent dust, erosion or excessive water flow across streets or adjoining property.

**Section 1634 – Access To Lots****Section 1635 – Requirements**

1. No building shall hereafter be erected or altered unless there is unobstructed vehicle access to the parking area of the main building.

2. Such access shall comply with the width requirements set forth in Section 1636 herein, and shall extend from the main building or structure to a public right-of-way or private street or lane.
3. Pursuant the provisions set forth in Section 404 of this Ordinance, contiguous lots in the Agricultural District shall share a common point of access.
4. Unless otherwise provided in this Ordinance, all non-residential and non-agricultural uses shall provide access via a street or roadway that meets the standards for collector or arterial roadways as designated by the Township's Comprehensive Plan.

### **Section 1636 – Design Standards**

Whenever required and/or provided under the provisions of this Ordinance, all driveways shall be designed according to the following standards:

1. Except in the case of single- and semi-detached dwellings fronting on local streets, the general layout shall be such that there will be no need for motorists to back onto public rights-of-way.
2. Width of Access. The maximum width of driveways and sidewalk openings measured at the street lot line shall be thirty-five (35) feet; the minimum width shall be twenty (20) feet for two-way use and twelve (12) feet for one-way use.
3. Number of Access Points. Unless otherwise provided in this Ordinance, the number of driveways shall not exceed two (2) per lot on any one (1) street frontage.
4. Location. Driveways shall not cross the street right-of-way line:
  - a. Within forty (40) feet of the street right-of-way line of an intersecting street and in no case less than ten (10) feet from the point of tangency when the intersecting street lines are joined by a curve; notwithstanding the above and when deemed reasonably necessary for safety by the Township, this dimension shall be increased for driveways to shopping centers, other commercial, industrial, public or institutional uses.
  - b. Within five (5) feet of a fire hydrant, catch basin, or drain inlet.
  - c. Within forty (40) feet of an driveway on the same lot, excepting in the case of where dual driveways are deemed necessary to permit safe ingress and egress, this dimension may be reduced to not less than six (6) feet between two (2) access drives.
  - d. In residential districts within three (3) feet of a property line and in all other districts within twenty (20) feet of a property line, unless two (2) adjoining property owners mutually agree in a legally recorded instrument to a common driveway.
  - e. Safety. Access to the public highway or street shall be controlled in the interest of public safety. The off-street parking, loading, and service areas on all properties used for any purpose other than single-family residences required by this Article shall be

physically separated from the highway or street by a curb, pipe rail, or fence and a planting strip.

- f. Site Distance. Driveways shall be located in safe relationship to site distance according to the provisions in the Township's Subdivision and Land Development Ordinance. Barriers to vision (natural or man-made) shall not obstruct the safe site distance. (Poles and posts less than one (1) foot in diameter and objects less than three (3) feet in height are not considered to be barriers to vision.)
- g. Slope. Driveways shall not exceed a slope of five (5) percent within twenty-five (25) feet of the street right-of-way line, unless specifically approved by Shrewsbury Township after a site review at the cost of the property owner in which case increased slopes not exceeding twelve (12) percent may be permitted.
- h. Design and Construction. All driveways must be designed and constructed in compliance with the requirements of the Shrewsbury Township Driveway Ordinance and Construction and Materials Specifications manual.
- i. Submission of Plans. A scaled drawing of proposed off-street parking and loading areas, driveways, and walks, shall be submitted as part of any required Land Development Plan. Any plan requiring access onto a state highway shall be approved by PennDOT in addition to Township approval.
- j. In the event of divergence between state and local rulings, the regulations of the Commonwealth of Pennsylvania shall prevail.



## **ARTICLE 17**

### **NONCONFORMATIES**

#### **Section 1700 – Nonconforming Structures**

#### **Section 1701 – Continuation of Nonconforming Structures**

Any nonconforming structure may remain although such structure does not conform to the dimensional requirements of this ordinance.

#### **Section 1702 – Restoration**

If any nonconforming building or structure shall be destroyed or damaged by reason of wind, storm, fire, explosion or other act of God, or torn down by the owner thereof, such building or structure may be restored or rebuilt at its original location provided that the original location is at least sixteen and one-half (16 ½) feet from the center line of a public road or at an alternate location provided the alternate location does not involve a greater encroachment into the required setback or yard area than did the original location and provided such restoration or reconstruction is commenced within one (1) year of the date of the casualty and it is completed within one (1) year thereafter. Unless such building or structure is restored or reconstructed as set forth above, it shall be considered abandoned and shall not be restored or reconstructed except in conformance with the provisions of this Ordinance.

#### **Section 1703 – Extension, Expansion or Alteration**

A nonconforming building or structure may be extended, expanded or altered provided the extension, expansion, or alteration does not involve a greater encroachment into the required setback or yard area than did the original building or structure.

#### **Section 1704 – Nonconforming Lots**

#### **Section 1705 – Continuation of Nonconforming Lots**

Any nonconforming lot may be continued although such lot does not conform to the lot requirements of the district in which it is located.

#### **Section 1706 – Construction**

The provisions of this ordinance shall not prevent the construction of a structure, provided the setback, height and other applicable dimensional requirements are met, or the establishment of a use on any nonconforming lot.

#### **Section 1707 – Nonconforming Uses**

#### **Section 1708 – Continuation of Nonconforming Uses**

Any nonconforming use may be continued indefinitely although such use does not conform to the provisions of this Ordinance. Unless specifically provided by the Zoning Hearing Board for a

particular use, no change of title or possession or any other change in status of a property on which a nonconforming use exists shall prevent the continuance of such nonconforming use.

### **Section 1709 – Extension or Expansion**

The Zoning Hearing Board may permit the extension or expansion of a nonconforming use provided:

1. The extension or expansion of the nonconforming use must be confined to the lot on which the use was located at the time the use became nonconforming.
2. Driveways, off-street parking, and off-street loading areas consistent with the standards required by this ordinance must be provided.
3. All setback, lot area, building coverage and building height requirements for permitted uses in the zoning district where the nonconforming use is located must be complied with.
4. Extension or expansion of a nonconforming use shall be restricted to an additional area not exceeding fifty (50) percent of the area devoted to the nonconforming use at the time such use became nonconforming.
5. To the extent reasonably possible, appearance must be rendered harmonious with surrounding properties. This includes but is not limited to: landscaping, enclosure of principal and accessory uses, height control, sign control, architectural control, and maintenance in good condition of all improvements and open spaces.
6. Buffers and screens must be provided as necessary to adequately protect neighboring properties including, but not limited to, fences, walls, plantings, and open spaces.
7. The Zoning Hearing Board may impose such additional requirements as may be reasonable to assure that the proposed extension or expansion will not adversely affect the use or enjoyment of neighboring properties.

### **Section 1710 – Change of Use**

Once changed to a conforming use, no building, structure or land shall be permitted to revert to a nonconforming use. The Zoning Hearing Board may by special exception permit a nonconforming use to be changed to another nonconforming use or a combination of nonconforming uses that may, but need not include, the original nonconforming use. The Zoning Hearing Board shall require that:

1. The applicant establishes that the nonconforming use cannot reasonably be changed to a permitted use.
2. The applicant establishes that the proposed nonconforming use or uses will not have greater adverse impact upon adjacent property and the general neighborhood than the existing nonconforming use or uses. In making this determination, the Zoning Hearing Board shall



consider particularly the effect upon adjacent property and the general neighborhood of the following:

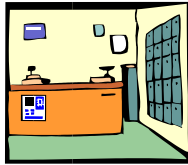
- a. Signs and lighting
  - b. Extent and appearance of buildings or structures
  - c. Traffic generation and congestion, including truck, automobile, and pedestrian traffic
  - d. Parking and loading
  - e. Emission of noise, odors, fumes, glare, vibrations, smoke vapors, gases, waste or storm water runoff
  - f. Fire, explosion or other hazards
  - g. Storage and waste disposal. The proposed nonconforming uses may not cause an increase in outside storage.
3. The total space consumed by the proposed nonconforming use or combination of nonconforming uses may not exceed the space consumed by the original nonconforming use or uses by more than fifty (50) percent.
  4. If the space to be utilized for the proposed nonconforming use or uses is to be enlarged, the applicant must establish that all of the requirements set forth in Section 1709 hereof regarding the extension or expansion of nonconforming uses will be complied with.
  5. The Zoning Hearing Board may impose such additional requirements as may be reasonable to assure that the change of use or uses will not adversely affect the use or enjoyment of neighboring properties.

#### **Section 1711 – Abandonment**

If a nonconforming use of a building or land ceases and is abandoned for a continuous period of one (1) year or more, subsequent use of such building or land shall be in conformity with the provisions of this Ordinance. For purposes of this Ordinance, abandonment shall commence when reasonable efforts to re-establish (such as lease, rental, sale, etc.) a nonconforming use have ceased.

If nonconforming use of land ceased for any length of time for any reason, subsequent use of such land shall be in conformity with the provisions of this Ordinance.

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## **ARTICLE 18**

### **ADMINISTRATION**

#### **Section 1800 – Zoning Officer**

##### **Section 1801 – Appointment**

The provisions of this Ordinance shall be administered and enforced by the Zoning Officer who shall be appointed by the Shrewsbury Township Board of Supervisors.

##### **Section 1802 – Primary Duties**

The primary duties of the Zoning Officer shall be as specified below. Upon appointment and until he is duly released, the Zoning Officer shall ensure that all the below duties are fully executed. By virtue of this Ordinance, the Zoning Officer is vested with the power to and shall:

1. Receive all applications for building permits; issue permits when there is compliance with the provisions of this Ordinance, other Township ordinances and laws of the Commonwealth of Pennsylvania.
2. Inspect the lands and buildings within the Township to insure that they are being utilized in a manner consistent with the requirements of this Ordinance.
3. Inspect buildings built or altered under this Ordinance to insure that they comply with the provisions of this Ordinance; and upon satisfactory completion of said inspection, issue a Certificate of Use and Occupancy.
4. Receive applications for special exceptions and variances and refer these applications to the Zoning Hearing Board for action thereon.
5. Following refusal of a building permit or refusal of a Certificate of Use and Occupancy, receive any appeals from alleged error of the Zoning Officer and any appeals for variances from the terms of this Ordinance and forward these to the Zoning Hearing Board for action thereon.
6. Keep a permanent record of all plans and applications for permits and all permits issued, with a notation as to all conditions attached thereto.
7. Maintain a map or maps showing the current zoning classification of all land in the Township.

##### **Section 1803 – Additional Duties Upon Request**

When directed in writing by the Board of Supervisors, the Planning Commission or the Zoning Hearing Board as specified below, the Zoning Officer shall:

1. Conduct investigations to determine compliance or noncompliance with the terms of this Ordinance. Such investigations shall be conducted only at the specific request of the Board of Supervisors and shall normally not involve matters that would be reviewed and investigated as part of the Zoning Officer's primary duties. Such investigations may be directed toward a problem located upon a specific site or they may be area wide investigations to determine general compliance with the terms of this Ordinance.
2. Institute, with the approval of the Board of Supervisors, proceedings in courts of proper jurisdiction for the enforcement of this Ordinance.
3. Upon the request of the Board of Supervisors, Planning Commission, or Zoning Hearing Board, present to such body facts, records or any similar information to assist such individuals or bodies in reaching a decision upon a specific application, plan, or appeal.

#### **Section 1804 – Limits of Authority**

1. The Zoning Officer shall administer this Zoning Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use that does not conform to this Zoning Ordinance. Construction or uses that require special exception or variance shall be issued building or use certificates only by order of the Zoning Hearing Board. Construction or uses that require Planning Commission and Board of Supervisor review as land development under the Subdivision and Land Development Ordinance shall be issued building permits or use certificates only following final approval by the Board of Supervisors.
2. The Zoning Officer shall issue no permits for the construction or use of land and buildings unless it conforms to all Township ordinances and the laws of the Commonwealth of Pennsylvania.
3. The Zoning Officer shall revoke a permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based. Moreover, any permit issued in error may be revoked immediately and shall in no case be construed as waiving any provision of this Ordinance.

#### **Section 1805 – Accountability**

For purpose of accountability, the Zoning Officer shall maintain, upon forms provided by the Board of Supervisors, a log of all applications and inspections. Among other items such log shall contain the date, time, building permit number, and signature of the applicant or his authorized representative. Upon request by the Board of Supervisors, the log shall be submitted to the Supervisors for review.

#### **Section 1806 – Permits**

1. Building Permits. Hereafter, no building or structure shall be erected, moved, placed, constructed, or enlarged within the limits of Shrewsbury Township unless a permit to do so shall first be secured in accordance with the provisions of the Building Permit Ordinance of

Shrewsbury Township, and unless such erection, movement, placement, construction, or enlargement is in strict accordance with the application submitted pursuant to the Building Permit Ordinance of Shrewsbury Township and with the permit issued pursuant thereto, and in accordance with the procedures set forth in such Ordinance.

All of the provisions of the Building Permit Ordinance of Shrewsbury Township are incorporated herein by reference and any violation of that ordinance shall constitute a violation of this Ordinance.

2. Zoning Permits. Hereafter, no use and building or structure shall be erected, moved, placed, constructed, or enlarged within the limits of Shrewsbury Township unless a zoning permit to do so shall first be secured in accordance with the provisions of the Zoning Ordinance of Shrewsbury Township, and unless such erection, movement, placement, construction, or enlargement is in strict accordance with the application submitted pursuant to the Zoning Ordinance of Shrewsbury Township and with the permit issued pursuant thereto, and in accordance with the procedures set forth in such Ordinance.

All of the provisions of the Zoning Ordinance of Shrewsbury Township are incorporated herein by reference and any violation of that ordinance shall constitute a violation of this Ordinance.

3. Time Period. If no time limit is stated, a six (6) month maximum period shall apply. The Zoning Officer may state a reasonable maximum time period on a temporary permit of twelve (12) months. A temporary permit may be renewed at the discretion of the Zoning Officer.

### **Section 1807 – Certificate Of Use And Occupancy**

#### **Section 1808 – Certificate Required**

No land or buildings shall be occupied by a use or changed from one use to another, and no building or structure hereafter erected, constructed, altered, or extended shall be occupied or used until a Certificate of Use and Occupancy shall have been issued by the Zoning Officer stating that the building and/or proposed uses fully comply with the provision of this Ordinance, the provisions of the Building Permit Ordinance of Shrewsbury Township, the provision of the Building Code of Shrewsbury Township, and the provisions of all other ordinances. Uses requiring review and approval as a land development under the Shrewsbury Township Subdivision and Land Development Ordinance shall not be issued a Certificate of Use and Occupancy by the Zoning Officer until approval of any such land development by the Shrewsbury Township Board of Supervisors.

#### **Section 1809 – Application Requirement**

Applications for Certificates of Use and Occupancy shall be made in writing by the owner or authorized agent on forms approved by the Zoning Officer setting forth such information and data as the Zoning Officer may require including, but not limited to, the name of the owner of the property, the proposed use of the land or structure, and an itemized list of other uses and structures on the property, and shall be accompanied by a filing fee as established by resolution

of the Board of Supervisors. The resolution may establish additional fees, if more than one (1) inspection is required.

### **Section 1810- Certificate Procedures**

1. Construction. In cases where a building permit is required, all certificates of use and occupancy shall be applied for coincident with the application for the building permit. The Zoning Officer shall retain the certificate until he is notified that construction has been completed. Upon notification, the Zoning Officer shall make a final inspection to determine compliance with this and other applicable Township ordinances. (See Section 1811)
2. Change of Use. In cases involving establishment of a use on land or a change of use on land or within a structure, application for a Certificate of Use and Occupancy alone shall suffice. The Zoning Officer shall issue a Certificate of Use and Occupancy granting such use, or by letter directed to the applicant at the address shown on the application, deny such use within five (5) days following application, except in cases of special exception where further proceedings are necessary.

Such Certificate of Use and Occupancy shall be sufficient authorization to occupy the premises. If denied, the Zoning Officer shall state in writing the cause for such denial.

Immediately following occupancy, the applicant shall notify the Zoning Officer, upon a form provided by the Zoning Officer at time of application, that occupancy has been completed. The Zoning Officer shall subsequently make an on-site inspection to determine compliance with the terms of all applicable Township ordinances and with statements and plans submitted by the applicant.

### **Section 1811 – Certificate Approval**

If the Zoning Officer finds during his inspection that all work is in conformity, a Certificate of Use and Occupancy shall be granted within five (5) days following such inspection. If any part of the construction is found in violation of any Township ordinance, then the applicant shall be notified in writing within five (5) days following the inspection as to the specific points of violation.

Subsequent final inspections shall follow the same procedures outlined above. The Zoning Officer may, however, require an additional fee for any additional inspections caused by violations found by the Zoning Officer upon the site in question during any required inspection. Such additional fee shall be in accordance with the resolution adopted by the Board of Supervisors.

### **Section 1812 – Fees**

Each applicant shall at the time of making application, pay a fee in accordance with a fee schedule adopted by resolution of the Board of Supervisors. No application, certificate, permit, or appeal shall be processed or approved without payment of the appropriate fee.



## **ARTICLE 19**

### **ZONING HEARING BOARD**

#### **Section 1900 – General Provisions**

##### **Section 1901 – Establishment of Board**

A Zoning Hearing Board is established in order that the objectives of this Ordinance may be fully and equitably achieved and a means for competent interpretation of this Ordinance provided.

##### **Section 1902 – Membership of Board and Election of Officers**

The Shrewsbury Township Zoning Hearing Board shall consist of three (3) members, and two (2) alternates, appointed by the Board of Supervisors. The terms of office of each member shall be three (3) years, so fixed that the term of office of one (1) member shall expire each year. Members of the Board shall hold no other office in the Township.

The Board shall elect a chairman, a vice-chairman and secretary from its membership who shall serve annual terms and may succeed themselves. The Board shall promptly notify the Board of Supervisors of any vacancies that occur. Appointments to fill vacancies shall be only for the unexpired portion of the term.

##### **Section 1903 – Removal of Members**

Any board member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A public hearing shall be held in connection with the vote, if the member shall request in writing.

##### **Section 1904 – Powers And Duties**

The Pennsylvania Municipalities Planning Code governs the powers and duties of the Zoning Hearing Board. The provisions of Sections 1905 - 1909 below shall serve as a supplement thereto. In cases of any conflict, the provisions of the Pennsylvania Municipalities Planning Code shall prevail.

##### **Section 1905 – Appeals**

Any person aggrieved by a decision of the Zoning Officer or by an enforcement notice sent by the Township pursuant to the Municipalities Planning Code shall have the right to appeal to the Zoning Hearing Board within thirty (30) days of such decision by filing with the Zoning Officer, specifying the grounds thereof and including the following:

1. The name and address of the applicant or appellant;
2. The name and address of the owner of the lot to be affected by such appeal;

3. A brief description and location of the lot to be affected by such appeal;
4. A statement of the present zoning classification of the lot in question, the improvements thereon and the present use thereof;
5. A statement of the section of this Ordinance under which the appeal is made and reasons why it should be granted or a statement of the section of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed and the reasons for this appeal;
6. A reasonably accurate description of the present improvements and the additions or changes intended to be made under this application, indicating the size, material and general construction thereof. In addition, there shall be attached a plot plan of the real property to be affected, indicating the location and size of the lot and size of improvements existing thereon and proposed to be erected thereon; and
7. In the case of an appeal from an enforcement notice, the appeal must include:
  - a. A detailed statement setting forth any factual allegations in the enforcement notice with which the applicant disagrees; and
  - b. A detailed statement setting forth any legal conclusion in the enforcement notice with which the applicant disagrees together with any affirmative defenses that the applicant may claim, such as nonconforming use, laches, waiver, non-applicability of ordinance provisions, or invalidity of relevant ordinance provisions.
8. Any defense must be set forth with sufficient detail and specificity to enable the township and Zoning Hearing Board to fully understand the claims made by appellant.

### **Section 1906 – Variance Requests and Appeals**

Where unnecessary hardship exists resulting from the strict interpretation of this Ordinance, the Board may grant a variance. In considering any appeal for a variance, the Board shall pursue the following procedure:

1. Upon appeal from a decision by the Zoning Officer, the Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship on the applicant. The Board shall prescribe the form of application and required preliminary application to the Zoning Officer.
2. A copy of each request for a variance shall be submitted to the Township Planning Commission for review. The Zoning Hearing Board shall not complete hearings on any application without receiving an advisory report from the Township Planning Commission, which report may be submitted to the Zoning Hearing Board in writing or verbally at a hearing; provided, however, if the hearings are completed more than thirty (30) days following the submission to the Planning Commission, the Zoning Hearing Board may complete the hearing process irrespective of whether the Planning Commission has submitted its report.



3. The Board's decision to grant a permit for a variance shall be made only after public notice and hearing. Such permit shall apply specifically to the appeal and plans submitted and presented at said public hearing. Any subsequent amendments or additions shall be subject to additional review and public hearing by the Zoning Hearing Board.
4. The Board may thereafter grant a variance authorizing the Zoning Officer to issue a zoning permit, provided all of the following findings are made in a given case.
  - a. That there are unique physical circumstances or conditions including irregularity, narrowness or shallowness, lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located;
  - b. That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and the authorization of a variance is therefore necessary to enable the reasonable use of the property;
  - c. That such unnecessary hardship had not been created by the appellant;
  - d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare; nor
  - e. That the variance, if authorized, will represent the minimum variance that will afford relief and the least modification possible of the regulation in issue and will not permit the establishment of a principal or accessory use not otherwise permitted by this Ordinance.
5. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

#### **Section 1907 – Special Exception Applications**

In this ordinance, special exceptions may be granted or denied by the Board pursuant to express standards and criteria contained elsewhere in this Ordinance and general provisions contained in this Section. The Board shall pursue the following procedure:

1. The Board's decision to grant a permit for special exception use shall be made only after public notice and hearing. Such permit shall apply specifically to the application and plans submitted and presented at said public hearing. Any subsequent amendments or additions shall be subject to review and public hearing by the Zoning Hearing Board as a special exception use.

2. A copy of each application for a special exception shall be submitted to the Township Planning Commission for review. The Zoning Hearing Board shall not complete hearings on any application without receiving an advisory report from the Township Planning Commission, which report may be submitted to the Zoning Hearing Board in writing or verbally at a hearing; provided, however, if the hearings are completed more than thirty (30) days following the submission to the Planning Commission, the Zoning Hearing Board may complete the hearing process irrespective of whether the Planning Commission has submitted its report.
3. The Zoning Hearing Board may thereafter authorize the Zoning Officer to issue a zoning permit if in its judgment the use meets all specific standards and criteria contained in this Ordinance and the following general provisions.
  - a. Purpose. The intended purpose of the proposed use must be consistent with the Township's development objectives established in the Comprehensive Plan.
  - b. Compatibility. The proposed use shall be in the best interest of properties in the general area as well as the community at large. The proposed use will be reviewed as to its relationship to and effect on surrounding land uses and existing environmental conditions regarding the pollution of air, land and water; noise; potential of hazards and congestion; illumination and glare; restrictions to natural light and circulation of air.
  - c. Suitability. The proposed use shall be suitable for the property in question and shall be designed, constructed, operated and maintained suitably for the anticipated activity and population served, numbers of participating population, frequency of use, adequacy of space and traffic generation.
  - d. Serviceability. Assurance shall be made as to the adequacy and availability of utility services and facilities such as sanitary and storm sewers, water, trash and garbage collection and disposal, and the ability of the Township to supply such services.
  - e. Accessibility. The proposed use shall provide adequate ingress and egress, interior circulation of pedestrians and vehicles, off-street parking and accessibility to the existing or proposed Township street system.
  - f. Conformity. The proposed use shall be in conformance with all applicable requirements of this Ordinance and, where applicable, in accordance with the Subdivision and Land Development Ordinance.
  - g. Water Supply. The applicant must establish that there is an adequate water supply for the proposed use without adversely affecting water supplies utilized by neighboring properties. If connection to an existing public water supply system is proposed, the applicant must submit an agreement committing the public water supply system to provide such water as will be utilized by the proposed special exception use for such period of time and under such terms and conditions as the public water supply system

provides water service elsewhere in its service area. If the water supply system proposed involves the utilization of water obtained from the tract proposed for the location of the special exception use or from a nearby tract, the applicant must establish that the groundwater recharge on the tract where the water supply system is located, after development, computed during drought conditions (periods when precipitation is forty (40) percent below normal) will exceed projected water usage. The Zoning Hearing Board may require as a condition of approval that the applicant execute an agreement with the Township committing the proposed special exception use not to utilize more water on a daily basis than the groundwater recharge computed during drought conditions and to establish procedures pursuant to which usage can be verified.

- h. Drainage. The applicant must establish that the drainage requirements of this Ordinance will be complied with.
  - i. Sewage. The applicant must establish that adequate provisions will be made to dispose of the sewerage created by the proposed use consistent with the requirements set forth in the regulations promulgated by the Pennsylvania Department of Environmental Protection.
4. The applicant shall have the burden of proof with respect to each and every standard and requirement for the obtaining of a special exception as set forth in this Ordinance,. The applicant's burden shall include the burden of going forward with the evidence and the burden of persuasion with respect to all questions of fact that are to be determined by the Zoning Hearing Board.
5. In granting a special exception, the Zoning Hearing Board shall establish as conditions to the grant of any special exception compliance with the applicable requirements set forth in this Ordinance, and in addition, the Zoning Hearing Board may attach whatever reasonable conditions and safeguards, in addition to those expressed in this Ordinance, it deems necessary to insure that any proposed development will secure substantially the purposes of this Ordinance.
6. Unless otherwise specified or extended by the Zoning Hearing Board, a special exception authorized by the Board expires if the applicant fails to obtain, where required to do so, a building permit or use certificate within six (6) months following the date of the grant of the special exception or fails to complete the work in the one (1) year next following the issuance of a building permit; excepting that in cases where the grant of a building permit or use certificate must be preceded by township approval of a subdivision or land development plan, the special exception granted by the Board expires if:
  - a. The applicant fails to file with the Township a preliminary subdivision or land development plan meeting applicable subdivision and zoning requirements within six (6) months next following the date of the grant of the special exception; or

- b. The applicant fails to file with the Township a final subdivision or land development plan meeting applicable subdivision and zoning requirements within six (6) months next following the date of the approval by the Township of the preliminary plan; or
- c. The applicant fails to obtain a building permit or use certificate within six (6) months next following the date of the approval by the Township of the final plan; or
- d. The applicant fails to complete the work within one (1) year of the issuance of the building permit.

### **Section 1908 – Challenge to Validity of Ordinance**

Except for procedural questions regarding the process of enactment of any ordinance or its amendment or for appeal for a curative amendment as provided in Section 2002, the Board shall hear all challenges to the validity of this Ordinance. In all such challenges, the Board shall take evidence and make a record thereon as provided in Section 1914, herein. At the conclusion of the hearing, the Board shall decide all contested questions and make findings on all relevant issues of fact, which shall become a part of the record on appeals to Court.

### **Section 1909 – Rules And Procedures**

#### **Section 1910 – Parties Appellant Before Board**

Appeals from a decision of the Zoning Officer and proceedings to challenge the validity of the ordinance may be filed with the Board in writing, by any officer or agency of the township or any person aggrieved. Requests for a variance or special exception, however, must be filed with the Board by an affected landowner or any authorized agent of such landowner.

#### **Section 1911– Hearings Required and Notice of Hearings**

The Board shall conduct hearings on any appeal, variance, special exception, challenge or other matter requiring the Board's decision or other official action.

Upon the filing with the Zoning Hearing Board of an appeal or application, the Board shall fix a reasonable time and place for a public hearing thereon and give notice as follows:

1. Publish public notice in accordance with Section 107 of the Municipalities Planning Code.
2. Post in a conspicuous place on the property involved, a notice of pending action; such posting is to take place at least fifteen (15) days prior to the public hearing.
3. Give written notice of all applicable Zoning Hearing Board and Planning Commission meetings to parties whose properties adjoin or are across public streets from the property in question.

#### **Section 1912 – Conduct of Meetings**

The Board shall prescribe rules for the conduct of its meetings, such rules to be in conformance with the Pennsylvania Municipalities Planning Code and this Ordinance. Meetings shall be held

at the call of the chairman and at such other times as the Board may specify in its rules of procedure. Meetings shall be open to the public, and a quorum of two (2) members shall be required for the Board to take action.

### **Section 1913 – Records and Decisions**

The Board shall keep a stenographic record of the proceedings and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.

The Board shall keep full public records of its business and shall submit a report of its activities to the Board of Supervisors once a year.

The Board shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after its last hearing. Each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefore.

### **Section 1914 – Appeal to Court**

Any person aggrieved by any decision of the Zoning Hearing Board may within thirty (30) days after such decision of the Board appeal to the Court of Common Pleas of York County, Pennsylvania by petition duly verified, setting forth that such decision is arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law and specify the grounds on which he relies. Such appeals shall be made in accordance with Article X of the Pennsylvania Municipalities Planning Code (Act 247).

### **Section 1915 – Fees**

At the time of making an appeal or application to the Zoning Hearing Board for any cause or to the Board of Supervisors for an amendment or for a curative amendment, each appellant or applicant shall submit a deposit to the Township in accordance with a fee schedule adopted by resolution of the Board of Supervisors. The deposit is established to reimburse the Township for all reasonable advertising, stenographic, engineering or planning services incurred by the township in connection with the subject appellant's or applicant's hearing before the Zoning Hearing Board or the Board of Supervisors, as the case may be, and in addition, the cost of compensation to the members of the Zoning Hearing Board or Board of Supervisors which hears the action. Upon completion of the hearing, or if the hearing lasts more than one (1) day, periodically during the course of the hearing, the appellant or applicant shall be billed for expenses in excess of the deposit and shall promptly pay such excess amount. Upon completion of the hearing, the appellant or applicant shall be reimbursed that amount of the deposit not expended. The payment of fees and costs set forth above shall be a prerequisite to the validity of any permit, variance, ruling, or decision issued in favor of an applicant pursuant to any proceeding initiated before the Zoning Hearing Board or the Board of Supervisors.

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## ARTICLE 20

### AMENDMENTS

#### **Section 2000 – Amendment Of Procedures**

##### **Section 2001 – Power of Amendment**

The Board of Supervisors may, from time to time, amend, supplement change, modify or appeal this Ordinance including the Zoning Map. When doing so, the Board shall proceed in the manner prescribed in this article.

##### **Section 2002 – Initiation of Amendments**

Proposals for amendment, supplement change, modification or repeal may be initiated by the Board of Supervisors on its own motion, by the Planning Commission, or by petition or curative amendment of one or more owners of property to be affected by the proposed amendment, subject to the following provisions.

1. Proposals originated by the Board of Supervisors. Any proposed amendment, supplement, change, modification or repeal of this ordinance originated by the Board of Supervisors shall be referred to the Planning Commission. Within thirty (30) days of the submission of said proposal, the Planning Commission shall submit to the supervisors a report containing the Commission's recommendations, including any additions or modifications to the original proposal.
2. Proposals originated by the Planning Commission. The Planning Commission may at any time transmit to the Board of Supervisors any proposal for the amendment, supplement, change, modification or repeal of this Ordinance.
3. Proposals originated by a landowner. One (1) or more owners of property to be affected by a proposal for amendment to this Ordinance may petition to change the ordinance or may submit a curative amendment. Such petition shall be submitted in writing to the Shrewsbury Township Secretary, together with a fee as specified by a fee schedule adopted by resolution of the Board of Supervisors to cover costs, no part of which shall be returnable to the landowner. On receipt, the Shrewsbury Township Secretary shall transmit a copy of the petition to the Planning Commission. Within thirty (30) days of this submission to the Commission, the Commission shall submit to the Board of Supervisors a report containing the Commission's recommendations, including any additions or modifications of the original proposal.
4. Proposals by Curative Amendments. A landowner who desires to challenge the validity of this Ordinance which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in the

Pennsylvania Municipalities Planning Code as amended. The curative amendment shall be referred to the Planning Commission; and no action shall be taken thereon by the Board of Supervisors until such time as the Planning Commission shall submit to the Board of Supervisors its written recommendation relative thereto or until the expiration of thirty (30) days from the time of submission by the Board of Supervisors to the Planning Commission of said curative amendment, whichever shall first occur.

### **Section 2003 - Fees**

A Township fee schedule for permits and applications may be established and amended by written resolution of the Board of Supervisors. No application or appeal shall be considered filed until all fees are paid

### **Section 2004 – Review by County Planning Commission**

At least thirty (30) days prior to the public hearing on any proposed amendment to this Ordinance, the Shrewsbury Township Planning Commission shall submit the proposed amendment to the York County Planning Commission for recommendations. The recommendations of the County Planning Commission shall be submitted to the Shrewsbury Township Secretary prior to the scheduled hearing on such amendment; if not so received, the recommendations of the York County Planning Commission shall be considered to be favorable.

### **Section 2005 – Public Hearing**

Upon receipt of the Shrewsbury Township Planning Commission's recommendations and before voting on any proposed amendment to this Ordinance, the Board of Supervisors shall hold a public hearing, thereon pursuant to public notice. On cases involving a landowner's petition or curative amendment, such hearing shall commence within sixty (60) days of submission with the Shrewsbury Township Secretary.

In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing. In addition, where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the Township at least 30 days prior to the date of the hearing by first class mail to the addressees to which real estate tax bills are sent for all real property within the area being rezoned as evidenced by the tax records within the possession of the Township. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this provision. The posting and mailed notice requirements shall not apply when the rezoning constitutes a comprehensive rezoning.

### **Section 2006 – Action Upon Amendment**

Enactment of any proposed amendment shall be by the favorable vote of the Board of Supervisors. Any proposed amendment favorably acted upon shall be specifically found to be in accordance with the spirit and intent of Shrewsbury Township's Comprehensive Plan.



**Section 2007 – Appeals**

Any person desiring to challenge this Ordinance or any subsequent amendment hereto shall proceed in accordance with the Pennsylvania Municipalities Planning Code.

**Section 2008 – Enactment**

The effective date of this ordinance shall be June 8, 2015.

Enacted and ordained this 3<sup>rd</sup> day of **June, 2015**.

SHREWSBURY TOWNSHIP BOARD OF SUPERVISORS

s/s Paul J. Solomon  
Chairman

s/s Bill E. Cox  
Vice Chairman

s/s Robert J. Rennoll

s/s \_\_\_\_\_

s/s \_\_\_\_\_

ATTEST:

s/s Todd A. Zeigler  
Secretary

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## **ARTICLE 21**

### **HISTORIC VILLAGE OVERLAY DISTRICT (HVO)**

#### **Section 2101 - Purpose**

The Historic Village Overlay district is intended to acknowledge and protect existing historical village areas, and provide limited opportunities for additional non-residential uses in a traditional manner. Historic Village Overlay Districts are located in areas of the township with a documented historical connection as a village and that are still recognized as such. These regulations are designed to encourage and sustain existing rural community values and environments, preserve historic and architectural heritage, and to facilitate future development that will strengthen the economy and vitality of the Township.

It is the further intent of the Board of Supervisors to exclude heavy activities of a commercial or industrial nature and any activities not compatible with traditional low-intensity village development; to provide for the public convenience and avoid undue congestion on the roads; and to otherwise create conditions conducive to carrying out the purposes of this ordinance.

The Historic Village Overlay District shall be an overlay district that overlaps and supplements underlying zoning districts.

A Historic Village Overlay District is delineated by the zoning map.

#### **Section 2102 – Use Regulations**

1. In addition to the permitted principal, accessory and special exception uses in the underlying zoning district, a structure may be erected or used and a lot may be used or occupied for any of the following purposes and no other, except as provided for in Section 304 of this ordinance.
2. Permitted Accessory Uses -
  - farm occupation (See Section 1404)
  - farm market or farm co-op (See Section 1404)
3. Principal Uses Permitted as Special Exceptions by the Zoning Hearing Board
  - artesian; blacksmithing, glass blowing (See Section 1404 – Village Shops)
  - art gallery and/or studio (See Section 1404 – Village Shops)
  - bakery/café, provided that all goods made or processed are sold at retail on premises. (See Section 1404 – Village Shops)
  - bakery, retail only (See Section 1404 – Village Shops)
  - bicycle sales, service and rental (See Section 1404 – Village Shops)
  - feed and grain mill (See Section 1404)

- mixed use with one or more commercial activities listed above and residential apartments upstairs (See Section 1404)
- multi-family dwelling (See Section 1404)
- personal services including, but not limited to, barber/beauty salons, music, art or photography studios, and repair of clocks, jewelry, and small appliances (See Section 1404 – Village Shops)
- public utility building and/or service structure (See Section 1404)
- restaurants, not to exceed 1,000 sq. feet (See section 1404)
- retail store (See Section 1404 – Village Shops)
- single-family semi-detached dwelling
- tavern (See Section 1404)
- retail sales, excluding adult-oriented facilities and providing the maximum total sales and/or display area is 1,500 square feet (See Section 1404 – Village Shops)

4. Accessory Uses Permitted by Special Exception by the Zoning Hearing Board

- buildings and uses customarily incidental to any of the principal or accessory uses permitted by special exception.

5. Prohibited Construction – No permanent buildings may be constructed or placed in a Critical Environmental Areas (See Article 13).

### **Section 2103 – Dimensional Requirements**

In this district, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum dimensions specified below. Should these requirements conflict with the requirements of Article 14 or 15, as applicable, for any specified use, the requirements of Article 14 or 15, as applicable, shall take precedence.

1. Principal and Accessory Dimensions – Historic Village Overlay District

<b>Single-Family Detached Dwellings</b>			
	with public water and sewer	with public water only or sewer only	without public water and sewer
Minimum Lot Area (sq. ft.)	9000 sq. ft.	30,000 sq. ft. with water/ 20,000 sq. ft. with sewer	40,000 sq. ft.
Minimum Lot Width	80 feet	100 feet	150 feet
Minimum Front Setback	10 feet	10 feet	10 feet
Minimum Side Setback	15 feet	15 feet	15 feet
Minimum Rear Setback	10 feet	10 feet	10 feet
Maximum Building height	40 feet	40 feet	40 feet
Maximum Lot Coverage	70%	70%	70%
Accessory Buildings and Structures–side/rear setback	10 feet	10 feet	10 feet

	<b>Semi-detached Dwellings</b>	<b>Multi-Family Dwellings<sup>(1)</sup></b>
	with public water and sewer	with public water and sewer
Minimum Lot Area	4500 sq. ft. per dwelling unit	2200 sq. ft. per dwelling unit
Minimum Lot Width	45 feet per unit	*
Minimum Front Setback	10 feet	10 feet
Minimum Side Setback	15 feet	15 feet
Minimum Rear Setback	15 feet	15 feet
Maximum Building height	40 feet	40 feet
Maximum Lot Coverage	70%	70%
Accessory Buildings and Structures – side/rear setback	10 feet	10 feet

(1) The maximum number of dwelling units in a multi- family dwelling is eight (8).

\* The lot containing one (1) or more multi-family buildings must have a lot width of at least two hundred (200) feet. In those instances where more than one (1) multi-family building is located on a lot, there shall be a minimum of twenty (20) feet between individual buildings.

<b>All Other Uses (with public water and sewer)</b>	
Minimum Lot Area	40,000 square feet
Minimum Lot Width	150 feet
Minimum Front Setback	10 feet
Minimum Side Setback	15 feet
Minimum Rear Setback	10 feet
Maximum Building height	40 feet
Maximum Lot Coverage	70%
Accessory Buildings and Structures – side/rear setback	10 feet

### **Section 2104 –Approved Subdivision**

Each principal use shall be located on a separate, approved lot. Such lots must meet all the requirements of this Ordinance, the Shrewsbury Township Subdivision and Land Development Ordinance, and all requirements of the Pennsylvania Department of Environmental Protection.

### **Section 2105 - Standards for Uses**

In addition to the standards set forth in this Article, all uses permitted within the Historic Village Overlay District shall also comply with:

ARTICLE 21 - HISTORIC VILLAGE OVERLAY DISTRICT (HVO)

1. Landscape, Buffering and Screening. As required in Article 700 of the Shrewsbury Township Subdivision and Land Development Ordinance.
2. Off-Street Parking and Loading. All uses in the Historic Village Overlay District shall provide off-street parking spaces and off-street loading space according to the provisions set forth in Article 16 of this Ordinance.
3. Signs. Signs may be erected and maintained only when in compliance with the provisions of the Shrewsbury Township Sign Ordinance.
4. All proposed subdivisions and developments shall satisfy the requirements of Article 13, Critical Environmental Areas and Wellhead Protection.
5. Environmental Performance Standards. All uses in the Historic Village Overlay District shall comply with the Environmental Protection Standards provided for in Article 15 of this Ordinance.

## APPENDIX A

### CHART OF USES

USE/ZONE	A	RR	RRR	SR	SRR	CM	IC	I	CEA
Accessory Dwelling Unit	PA	PA	PA	PA	PA				
Accessory Farm Dwelling	PA								
Active Adult Development				PP	PP				
Adult Day Care Center		SEP		SEP					
Adult Oriented Facility							SEP		
Agriculture	PP	PP	PP	PP	PP	PP			PP
Airport, Heliport & Aircraft Related Facilities							SEP	SEP	
Alternative Energy System	PA	PA	PA	PA	PA	SEA	PP	PA	
ATV/ORV Recreation Area or Facility (see Racetrack)							SEP		
Auction House						PP	PP		
Automotive Dealership, Service and Repair						PP	PP		
Bed & Breakfast	PA	PA	PA	PA		PA			
Beverage Distribution/Sale						PP	PP		
Brewery						PP	PP		
Buildings & Uses customarily incidental to special exception use	SEA	SEA	SEA	SEA	SEA	SEA	SEA	SEA	
Buildings & Uses customarily Incidental to principal use	PA	PA	PA	PA	PA	PA	PA	PA	
Business and Professional Office						PP	PP		
Business Service Establishment						PP	PP	PP	
Camp & Campground		SEP	SEP						
Caretaker/Watchman Dwelling						PA	PA	PA	
Cemetery		SEP							
Child Day Care Center		SEP		SEP		SEP	SEP	PP	
Club				SEP		PP			
Communication Facility and Tower	SEP					PP	PP	SEP	
Community Center						PP			
Community Treatment Facility						SEP			
Composting Facility	SEP					SEP		PP	
Concrete & Asphalt Batch Plant								SEP	
Convenience Store						PP	PP	PP	
Conversion Apartments				SEP	SEP	SEP			
Correctional Facility							SEP	SEP	

USE/ZONE	A	RR	RRR	SR	SRR	CM	IC	I	CEA
Crematorium							SEP	SEP	
Cultural Facility		SEP		PP		PP			
Domiciliary Care Facility				PA		PA		PA	
Drive-thru Facility						PA	PA	PA	
Dwelling, Single Family Detached	PP	PP	PP	PP	PP				
Dwelling, Semi-detached	PP	PP	PP	PP	PP				
Electric Generating Facility	SEP					SEP	SEP	SEP	
Emergency Services						PP	PP	PP	
Entertainment Activity or Facility						SEP	SEP		
Equipment Service & Sales, Outdoor Power						PP	PP		
Exotic Wildlife		SEA	SEA	SEA		SEA		SEA	
Family Burial Ground	PA	PA				PA			
Family Day Care Home	PA	PA		PA	PA	PA			
Farm Equipment Sales/Service	SEP					PP	PP		
Farm Market and Farm Co-op	PA					PP			
Farm Occupation	PA								
Farm Processing Establishment	PA								
Feed & Grain Mills	SEP					PP		SEP	
Financial Institution						PP	PP	PP	
Forestry	PP	PP	PP	PP	PP	PP	PP	PP	PP
Gaming Establishment						SEP	SEP	SEP	
Garden Center	PA					PP	PP		
Golf Course				SEP		SEP			
Group Home < 8 Residents	PP	PP	PP	PP	PP	SEP			
Group Home > 8 Residents		SEP		SEP		SEP			
Group Quarters		SEP				SEP			
Heavy Equipment Sales, Service and Storage Facility							PP	PP	
Helipad						SEP	SEP	SEP	
Home Business (No-Impact)	PA	PA	PA	PA	PA	PA	PA	PA	
Home Occupations	PA	PA	PA	PA	PA	PA	PA	PA	
Hospital						SEP	SEP		
Hotel or Motel						PP	PP	PP	
House of Worship		SEP		SEP		PP			
Hunting & Fishing Preserve	SEP								PP
Infill Development	SEP								
Intensive Agricultural Operation (CAO, CAFO)	SEP							SEP	
Junkyard -Automobile Recycling Center								SEP	



USE/ZONE	A	RR	RRR	SR	SRR	CM	IC	I	CEA
Kennel						SEP		SEP	
Landfill and Resource Recovery Facility								SEP	
Laundry & Dry Cleaning							SEP	SEP	
Manufacturing, Heavy								SEP	
Manufacturing, Light							PP	PP	
Medical Laboratory or Clinic						PP	PP		
Mineral Extraction & Processing								SEP	
Mixed Use Building						PP	PP		
Mobile Home Park				SEP					
Mortuary/Funeral Home						PP	PP		
Multi-family or Row/Townhouse Dwelling				PP	PP				
Municipal Buildings Park, Playground and Recreational Facilities		SEP	PP	PP	PP	PP		PP	PP
Nursery	PP								
Nursery School		SEP		SEP		SEP		PP	
Nursing Home Personal Care Home		SEP		SEP		SEP			
Off-Road Vehicles	PA	PA		PA		PA		PA	
Outdoor Furnace and Heating Device	PA	PA							
Park, non-municipal		SEP	PP	PP					
Parking Garages lots, and other facilities						PP	PP	PP	
Personal Service's Facility						PP	PP		
Portable Storage Unit	PA	PA	PA	PA	PA	PA	PA	PA	
Produce Stand	PA					PP			
Public event (see Temporary Use)						SEP	PA		
Public Service Office						PP	PP		
Public Utility Building	SEP	SEP	SEP	SEP	SEP	PP	PP	PA	
Race Track							SEP		
Recreational Facility (indoor)				SEP		SEP	SEP	PP	
Recreational Facility (outdoor)						SEP	SEP		
Recreational Lodge	SEP								
Repair Shop						PP	PP		
Resource Recovery Facility								SEP	
Restaurants						PP	PP	PP	
Retail Store						PP	PP	PP	
Rooming House or Boarding Home						SEP			
Sawmill	PA							PP	
Schools, Commercial						SEP	PP		

USE/ZONE	A	RR	RRR	SR	SRR	CM	IC	I	CEA
Schools, Public and Private		SEP		SEP		SEP			
Shooting Range (outdoor)	SEP								
Shopping Center/Mall						SEP	SEP		
Stable	PA					SEP		SEP	
Stockyard							SEP	SEP	
Storage, Self						PP	PP	PP	
Stormwater BMP Facilities	PA	PA	PA	PA	PA	PA	PA	PA	PA
Swimming Pool, Private		PA	PA	PA	PA	PA		PA	
Tavern						SEP	PP		
Temporary Uses and Structures	SEA	SEA	SEA	SEA	SEA	SEA	SEA	SEA	SEA
Transportation and Motor Freight Terminals							SEP	SEP	
Veterinary Office or Animal Hospital						PP	PP	PP	
Warehousing and Distribution							PP	PP	
Waste Processing or Disposal								SEP	
Wildlife Preserve/Refuge	PP								PP
Winery	PA					PP	PP	PP	

PP - Principal Permitted Use by Right

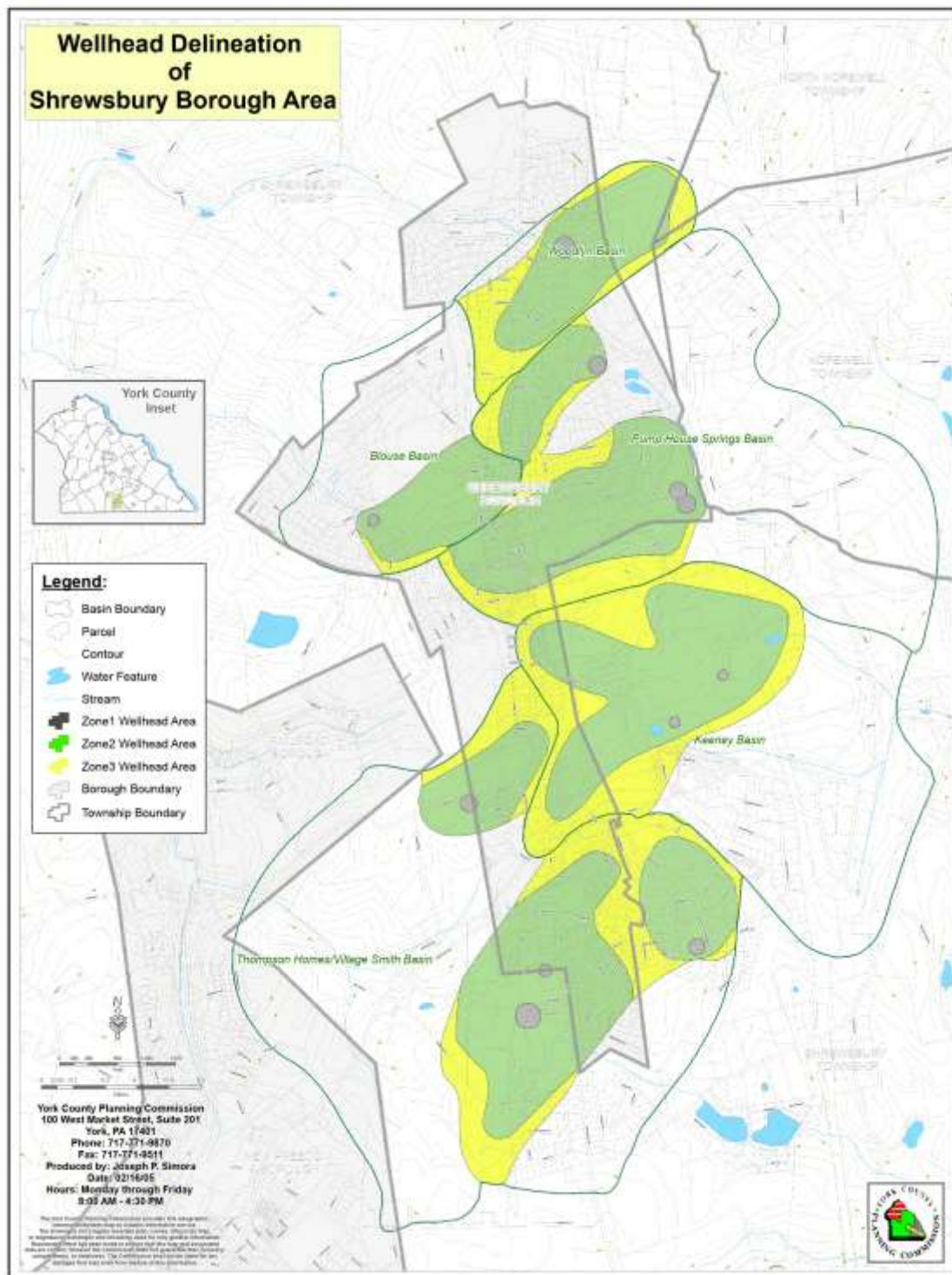
PA - Accessory Use to Principal Permitted Use by Right

SEP - Principal Permitted Use by Special Exception

SEA - Accessory Use to Principal Permitted Use by Special Exception

## APPENDIX B

### WELL HEAD PROTECTION ZONES MAP



## APPENDIX C

### DWELLING AND SETBACK DIAGRAMS

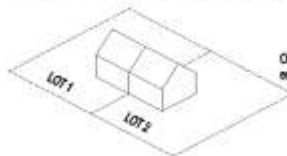
## SKETCHES OF RESIDENTIAL DWELLING TYPES

### SINGLE FAMILY DETACHED DWELLING



No party wall, one family, located on a single lot.

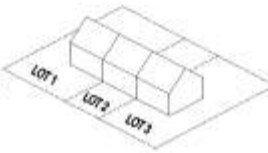
### SINGLE FAMILY SEMI-DETACHED DWELLING



One party wall, one family per dwelling; each dwelling located on a single lot.

### SINGLE FAMILY ATTACHED DWELLINGS (TOWNHOUSE)

Two or more party walls, one family per dwelling; each dwelling located on a single lot.



### TWO FAMILY DWELLINGS



No party wall, one unit per floor; building located on a single lot.



One party wall, one family per unit, both units on a single lot.

### MULTI-FAMILY



Two or more party walls, three or more families; all units located on a single lot.



One or more party walls, four or more families; all located on a single lot.

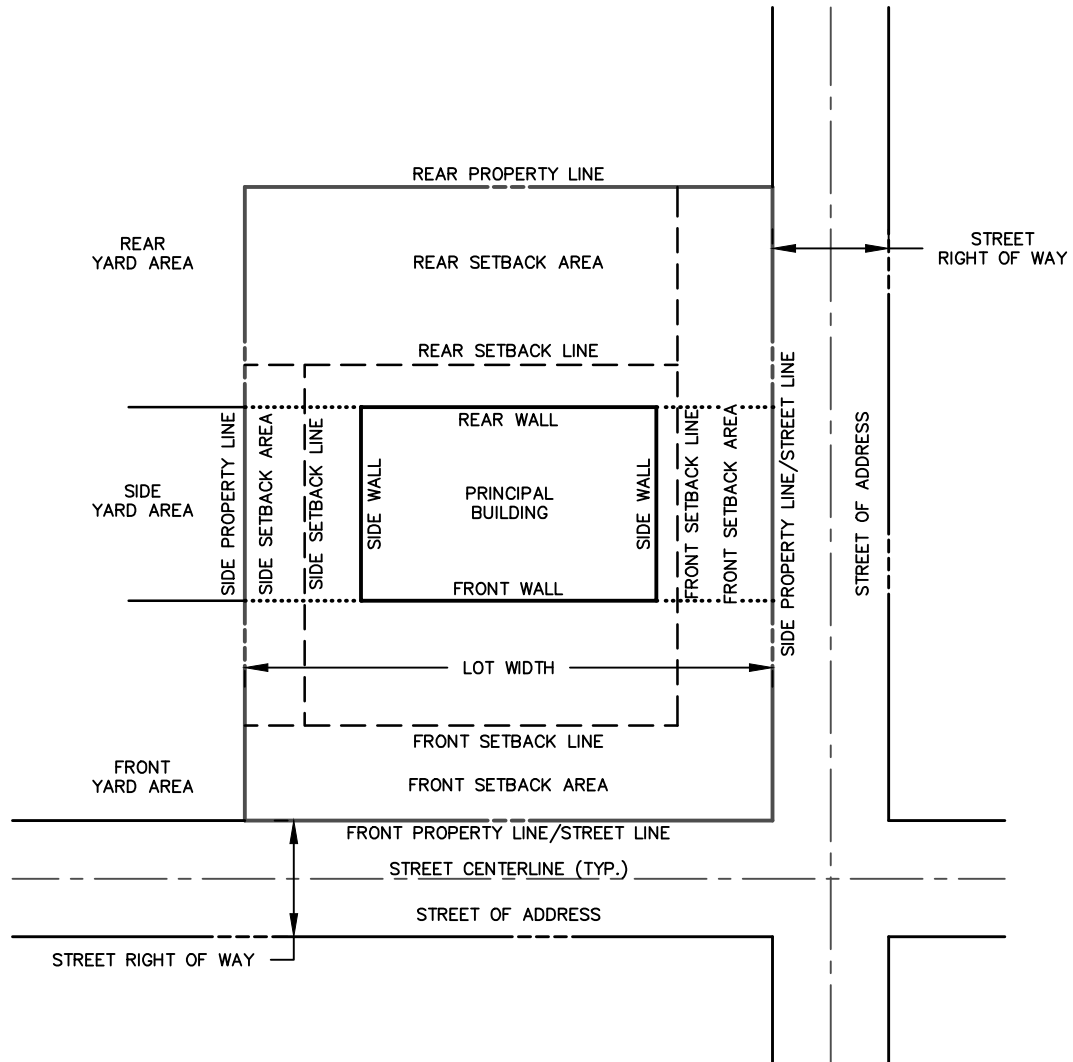


DIAGRAM DEPICTING SELECTED ZONING  
TERMS AS APPLICABLE TO CORNER LOTS

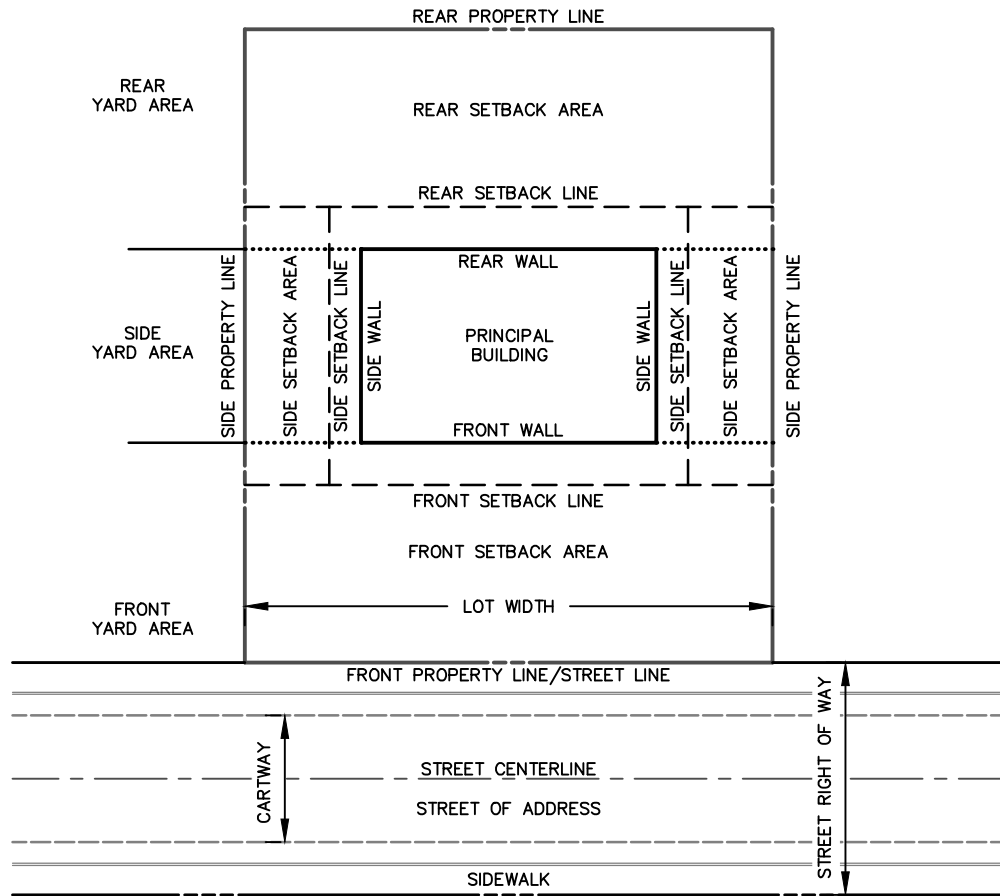


DIAGRAM DEPICTING SELECTED ZONING  
TERMS AS APPLICABLE TO INTERIOR LOTS

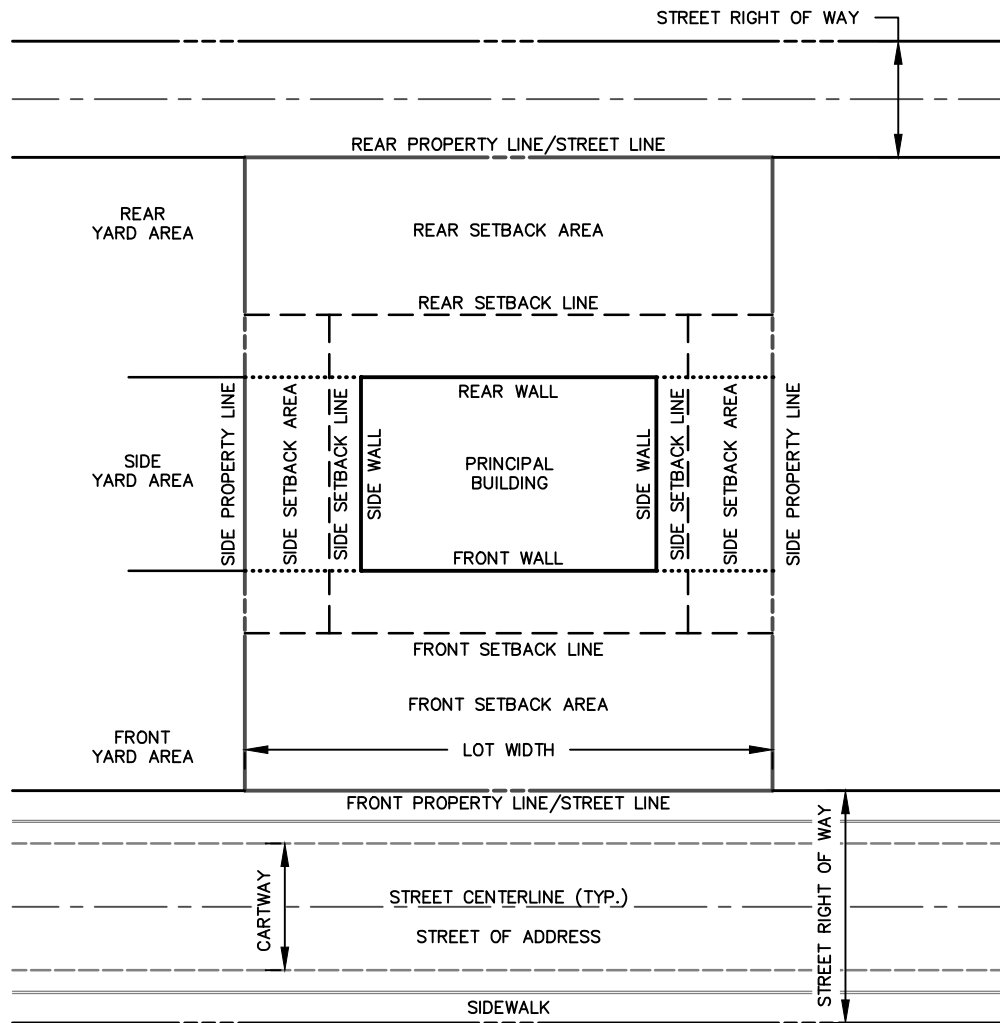


DIAGRAM DEPICTING SELECTED ZONING TERMS AS  
APPLICABLE TO DOUBLE OR REVERSE FRONTAGE LOT

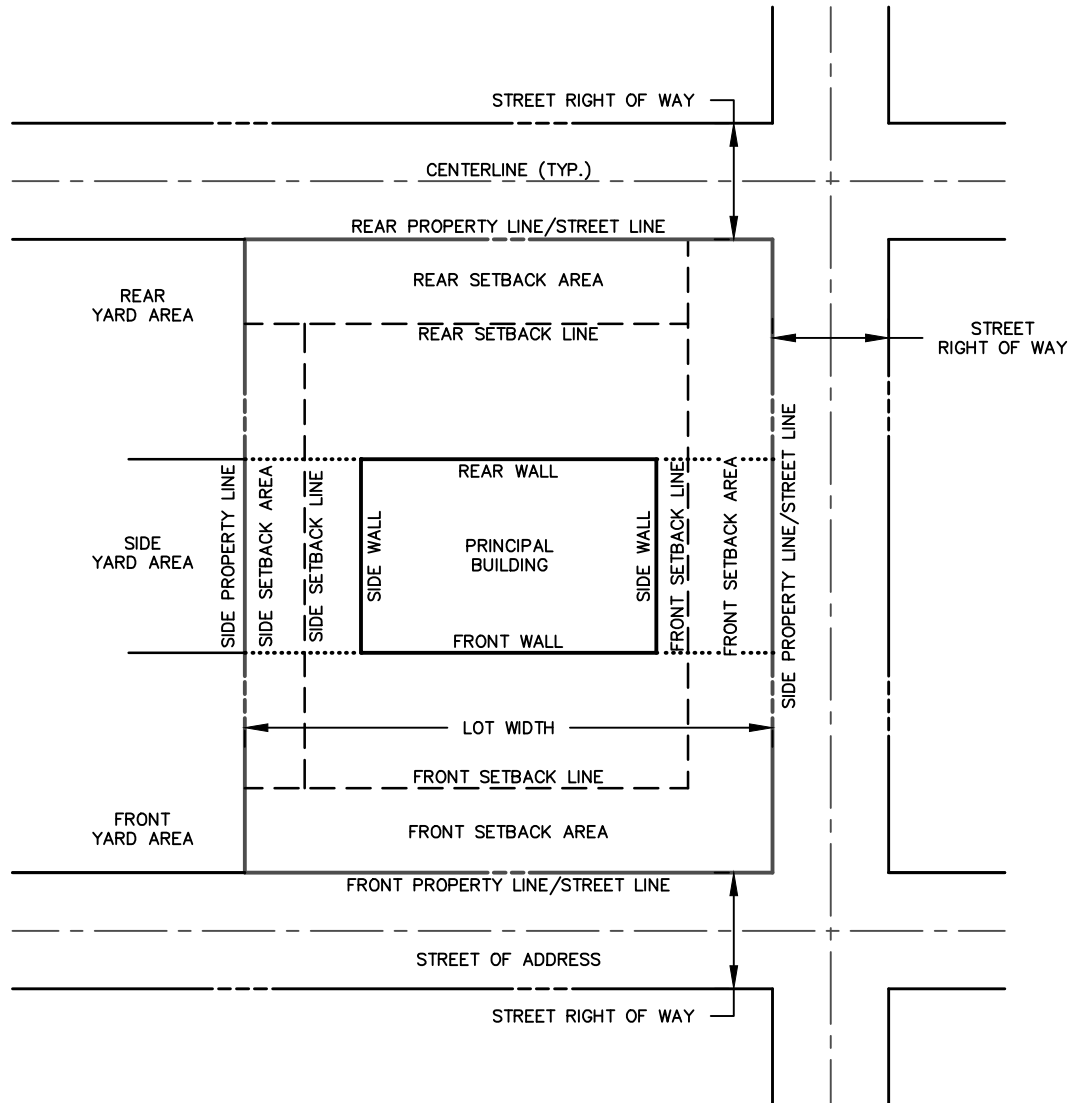
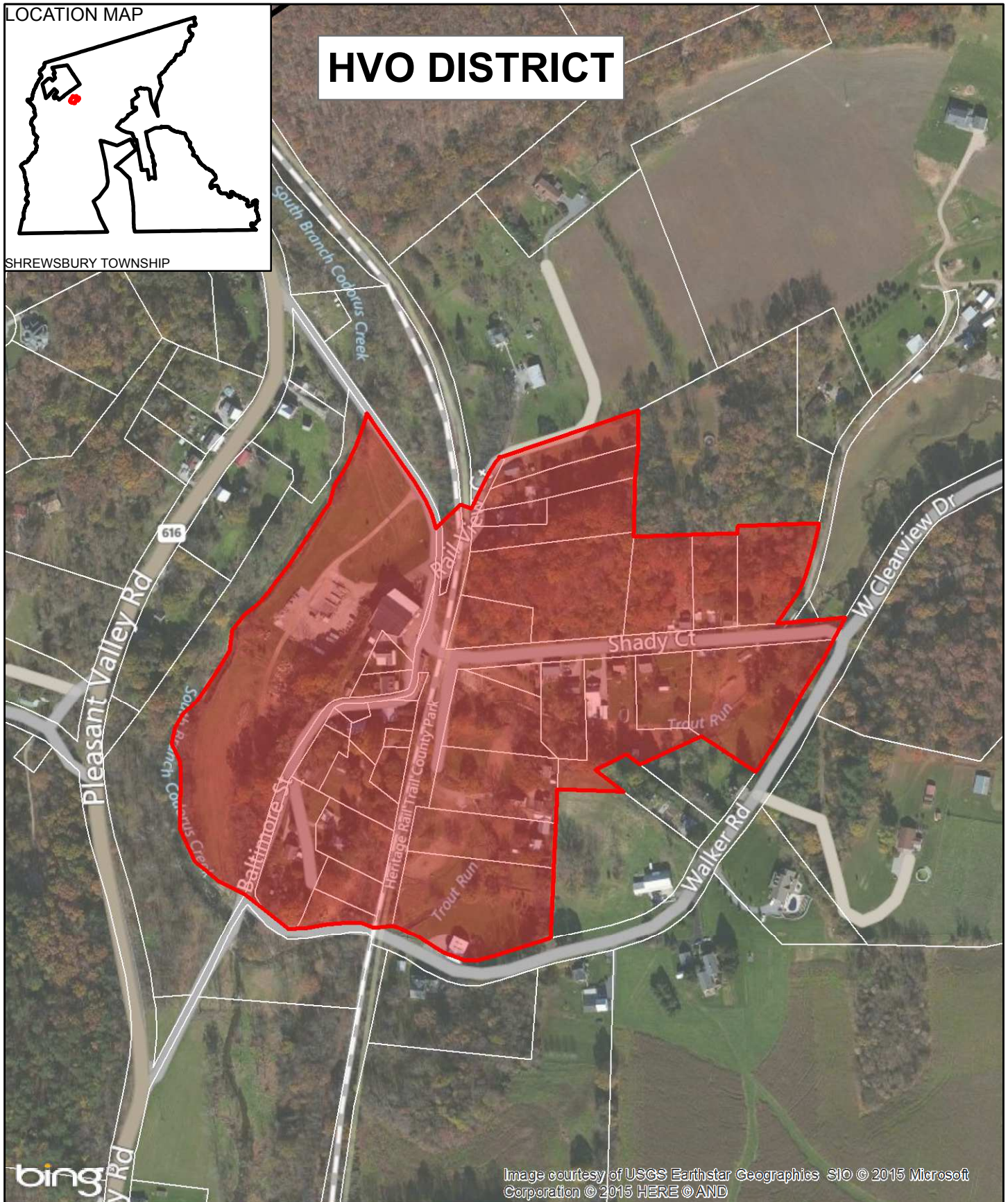




DIAGRAM DEPICTING SELECTED ZONING TERMS  
AS APPLICABLE TO TRIPLE FRONTAGE LOT

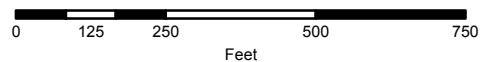


# APPENDIX D

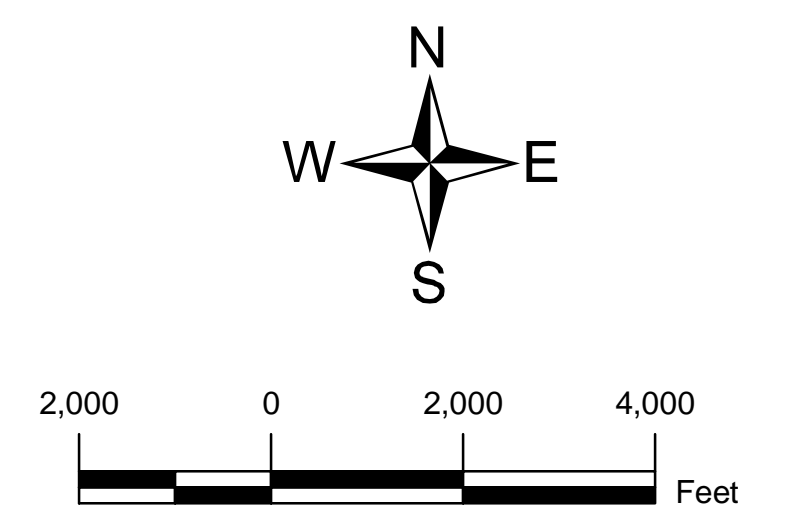
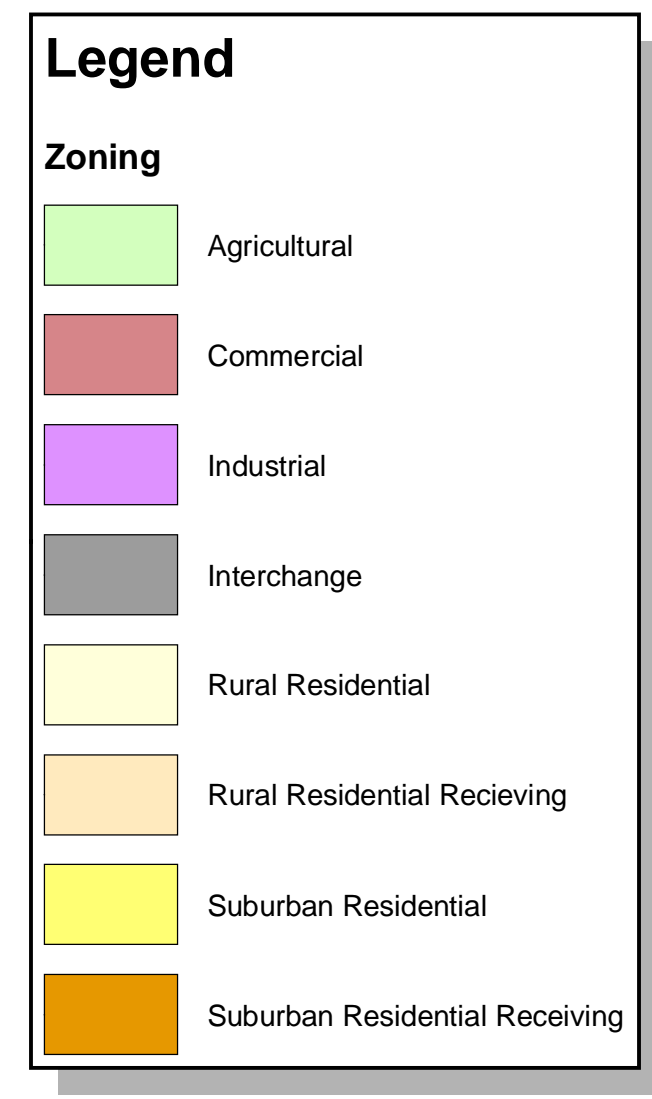
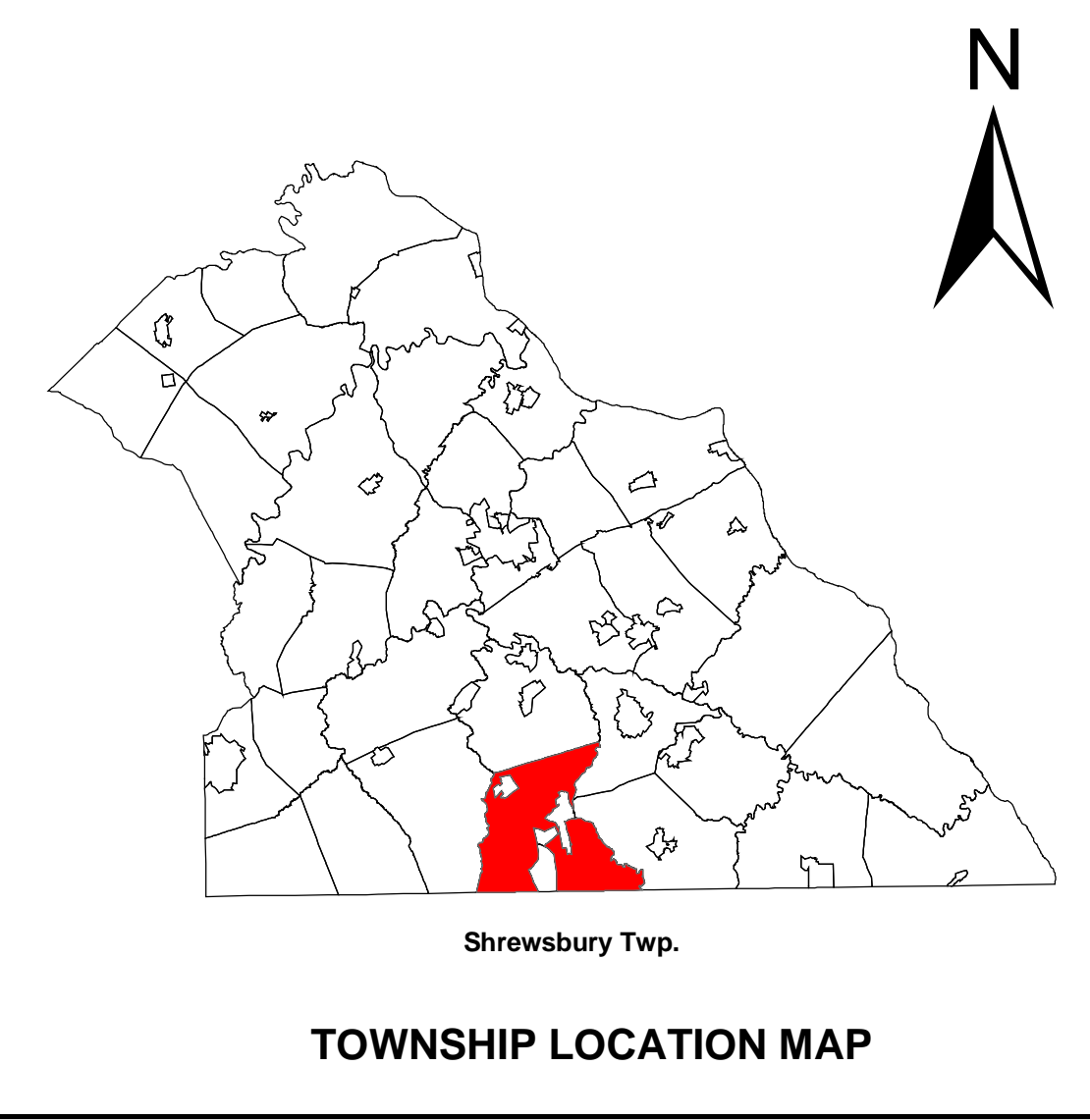
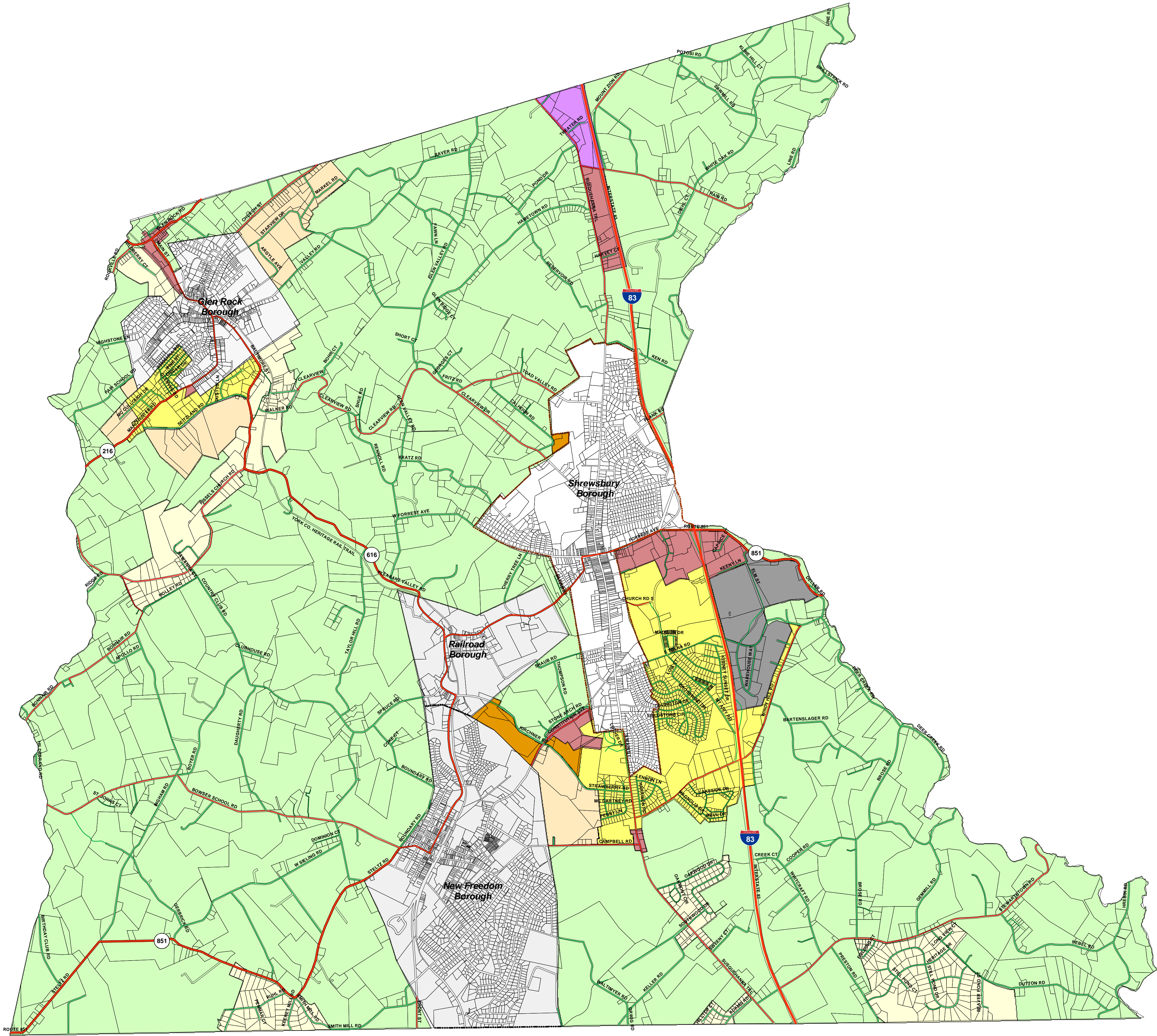


### Legend

-  HVO DISTRICT
-  Municipal Boundary







**SHREWSBURY TOWNSHIP**  
York County, Pennsylvania  
**ZONING MAP**  
Modified July, 2010



Base Map Source: York County Planning Commission