

**TOWNSHIP OF EAST DONEGAL  
LANCASTER COUNTY, PENNSYLVANIA  
ORDINANCE NO.**

**AN ORDINANCE TO REPEAL CHAPTER 14 MOBILE HOMES AND MOBILE HOME PARKS AND  
AMENDING CHAPTER 27 ZONING OF THE EAST DONEGAL TOWNSHIP CODE OF ORDINANCES,**

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of East Donegal Township, Lancaster County, Pennsylvania, that the Code of Ordinances of the Township of East Donegal shall be amended in the following respects:

**SECTION 1: Chapter 14 Mobile Homes and Mobile Home Parks** of the Code of Ordinances of East Donegal Township is hereby repealed in its entirety and is replaced with Section 928.B of Chapter 27 as provided below.

**SECTION 2: Part 2, Definitions, Section 201** is amended to change the title of the Section to “Terms Defined”, to add new terms, to delete certain terms, and to amend certain terms, as follows:

**Section 201 – Terms Defined**

**A.** Add the following Terms:

**“Access Corridor”:** That portion of a parcel that provides access from a street to the “Flag” portion of a flag lot.

**“Access Drive”:** An improved cartway or paved service road designed to provide vehicular access between the public road and the off-street parking area for a designated use not including a one- and two-family dwelling, townhouse or single non-residential use.

**“Accessory alternative energy system”:** An alternative energy system that is accessory to a principal use and supplies energy primarily for on-site use, except that when a property upon which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company. This definition shall not in any way limit or preclude those accessory alternative energy systems conducted pursuant to and part of power purchase agreements.

**“Anaerobic Digestion”:** The process in which microorganisms in the absence of oxygen convert the energy stored in volatile acids in livestock and poultry manure or other organic materials into biogas.

**“Biogas”:** A fuel consisting of methane, carbon dioxide, and small amounts of water and other compounds produced as part of anaerobic digestion processes.

**“BMP (Best Management Practice)”** - Activities, facilities, control measures, planning or procedures used to minimize accelerated erosion and sedimentation and manage stormwater to protect, maintain, reclaim, and restore the quality of waters and the existing and designated uses of waters within this Commonwealth before, during and after earth disturbance activities. See also Non-structural BMP and Structural BMP.

**“Domestic Pet”**: The keeping and housing of non-farm animals as a non-commercial use, that are generally locally available for purchase as pets and not detrimental to the health, safety and welfare of the community. Examples include but are not limited to dogs, cats, fish, birds, rodents, pot-bellied pigs and miniature horses. Any animal which requires the issuance of a permit by the Pennsylvania Game

**“Exotic Animals”**: Any animal, including a mammal or reptile, not normally raised as livestock, for work, or breeding purposes, and not defined as a domestic pet, or any animal which is wild, fierce, dangerous, noxious or naturally inclined to do harm which represents a danger to life and limb. Examples include, but are not limited to, raccoons, lions, alligators, tigers, poisonous snakes, chimpanzees, bears, wolves and skunks

**“Geothermal Energy System, Closed-Loop”**. A type of geothermal heating and/or cooling system, not designed or used for the generation of power, that utilizes various devices and equipment in which the heat transfer fluid (potable water) is not exposed to the atmosphere. The heat transfer fluid may contain an approved antifreeze solution.

**“Closed-Loop Geothermal System, Horizontal”**. A mechanism for heat exchange which consists of various devices and equipment installed horizontally in the earth and are connected to the heat exchange system of the building in which the heat transfer fluid is circulated through the piping.

**“Closed-Loop Geothermal System, Vertical”**: A mechanism for heat exchange which consists of various devices and equipment installed vertically in the earth and are connected to the heat exchange system of the building in which the heat transfer fluid is circulated through the piping.

**“Group Home”**: A dwelling unit operated by a responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the persons served due to age, emotional, mental or developmental or physical disability. This definition shall expressly include facilities for the supervised care of persons with disabilities subject to the Federal Fair Housing Act as amended, including those under supervision for alcohol and/or drug abuse. Group Homes must be licensed where required by any appropriate government agency.

- A. Group homes shall be subject to the same limitations and regulations by the Township as the type of dwelling unit they occupy.
- B. It is the expressed intent of the Township to comply with all provisions of the Federal Fair Housing Act, as amended, and regulations promulgated thereunder in the construction of this term.
- C. A group home shall not include a treatment center.

**“Improvement”**: Those physical conditions and changes to the land and/or buildings and structures that may be necessary to produce usable and desirable parcels and developments.

**“Lot, Flag”**: An interior lot located generally to the rear of another lot, but with a narrow portion of the lot extending to the public street identified as an “Access Corridor”. The narrow portion of the lot that extends to the street shall be suitable for ingress and egress, and shall not be included in the calculation of the minimum lot area. The minimum lot area of a flag lot exclusive of the narrow portion of the lot used for ingress and egress shall be not less than that defined in the given zoning district. No part of the narrow portion of the lot shall be more than twenty-five (25) feet in width. The “Front Yard” of a flag lot shall be identified as the lot line closest, and most parallel to the street upon which the “Access Corridor” is located.

**“Outdoor Wood-Fired Boiler”**. A solid fuel-burning appliance, device or unit approved and/or listed by a nationally recognized testing agency, designed to heat a space and/or water through the transfer of a heated fluid via various devices and equipment.

**“Permanent Planted Riparian Buffer”** – A BMP that is an area of permanent vegetation along a watercourse.

**“Places of Worship”**: A building used for public worship and education by a congregation excluding buildings used exclusively for residential, burial, recreational and other uses not normally associated with worship.

**“Rehabilitation”**: Related to historic structures and resources. The process of making possible a compatible use for a property through use, repair, alternations and additions, while preserving those portions or features that convey what have been determined to be important cultural or architectural values.

**“Solar Energy System”**. A system of devices and equipment designed to collect solar energy from the sun and transform such energy into electrical current for use in a residential and non-residential capacity.

**“Swimming Pool”**: Any body of water designed or intended for swimming, bathing or wading having a potential of water depth of twenty-four (24) inches or greater. Exception: naturally existing streams, ponds and lakes.

**New “Wind Energy System”**. A system of devices and equipment designed to collect wind energy and transform such energy into electrical current for use in a residential and non-residential capacity.

- B. Delete the following Terms:  
    **“Church”**  
    **“Traditional Neighborhood Design”**

- C. Amend the following Terms to read as follows:

**“Airport”**. Add as last sentence “See Part 13 for additional definitions related to Airpark Zoning”.

**“Building”; “Utility Shed”:** An accessory building used for the storage of equipment, but too small to house an automobile, with maximum dimensions not to exceed 170 square feet in area and a height of ten (10) feet.

**“Campground”:** An outdoor amusement comprised of a lot or tract of ground on which may be placed tents, campers and travel trailers, or other recreational vehicles, where persons or families may live temporarily for a period not to exceed ninety (90) days, and which may include service and accessory structures that are incidental to the camping facility and are used solely by the occupants of the campground.

**“Campsite”:** Any plot of ground within a campground intended for the exclusive occupancy by a tent, camper, travel trailer or other recreational vehicle and including any appurtenances thereto.

**“Disabled”:** Someone who (1) has a physical, emotional or mental impairment that substantially limits one or more "major life activities", (2) has a record of such impairment, or (3) is generally regarded as having such an impairment.

**“Driveway”:** The improved vehicular cartway of ingress and egress to a lot for a one- and two-family dwelling, or townhouse dwelling or for one single non-residential use.

**“Dwelling”:** At the end of the first paragraph, add a reference to an “Appendix C”.

**“Multi-Family”:** a building which does not have a lot line between dwelling units and is designed to accommodate three or more dwelling units. A multi-family dwelling building shall not exceed two stories in height nor contain more than eight dwelling units.

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

**“Mobilehome”.** Amend term to identify “Manufactured Home”

**“Manufactured Home Lot”.** Amend to read, “a parcel in a manufactured home park, improved with necessary utility connections and other appurtenances necessary for the erections thereon of a single manufactured home.

**“Manufactured Home Park”.** Amend to read, “a parcel or contiguous parcels of land which has been so designed and improved that it contains two or more manufactured home lots for the placement thereon of manufactured homes.

**“Personal Service Shops and Professional Offices”:** A building or portion of a building in which the services of a person permitted to practice a specific profession are offered to the general public. Examples of such include, but are not limited to, real estate agents, barbers, beauticians, clothes cleaners, doctors, laundromats, lawyers, optometrists, photographers, ~~repairing~~, tailors, undertakers, utility collections offices, Pennsylvania licensed massage therapy and tattoo parlors, and small animal veterinary services not including kennels or other boarding arrangements for animals.

**“Township Engineer”:** A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer of record for the Township. This term shall also include any duly appointed alternate engineer of record for the Township.

(Under the definition of “Use”) add **“Temporary Use”:** A use that is established for a limited, fixed period of time with the intent to discontinue such use upon the expiration

of such time and, does not involve the construction or alteration of any permanent structure.

**“Urban Growth Boundary”** amended to substitute, **“Urban Growth Area”**

- D. To the extent not amended deleted above, all Terms and Definitions shall remain in full force and effect.

**SECTION 3: Part 3, Classification of Zoning Districts**, Section 305 is amended to read as follows:

**Section 305**

**Non-specified Uses.** Where a use is neither specifically permitted nor denied, it shall be assumed to be prohibited, unless and until approved by the Zoning Hearing Board, which shall determine through a special exception process, that the proposed use shall be of the same general character as the uses permitted in the specific zoning district and in no way conflict with the purpose of this Chapter and the intent purpose of the zoning district.

**SECTION 4: Part 4, Nonconforming Uses and Structures** is amended to change the title of Part 4 to **Nonconformities** and as follows to incorporate changes to Sections 401, 401, and 409, and to add a new Section 410:

**Section 401. Abandonment.**

No nonconforming lot, building, structure or use, except for an agricultural or horticultural lot, building, structure or use, may be reestablished after it has been discontinued for a period of one (1) year. Vacating the lot, building, structure or use, or non-operative status of such lot, building, structure or use for a period exceeding one (1) year shall be conclusive evidence of a discontinued use.

**Section 402. Continuance.**

Except as provided in this Part, any lot, building, structure or use existing as of January 8, 1975, or which became nonconforming by subsequent amendments to the zoning ordinance thereafter, may be continued although it is not in conformity with the regulations specified by this chapter absent discontinuance or abandonment of such use.

**Section 403 – Expansion.** Except as provided in §403.I, no expansion of a nonconforming structure or use shall hereafter be made unless an appeal has been filed with the Zoning Hearing Board and such expansion has been approved by such Board as a special exception, subject to the following limitations:

**New Section 403.I.** Any area, bulk or dimensional nonconformity may be reduced as a permitted by right use even if the reduction does not entirely eliminate the area, bulk or dimensional nonconformity. Furthermore, any structure that has one or more nonconforming setbacks may be extended along the same nonconforming setback line(s), up to a maximum of fifty percent (50%) of the total length of the structural nonconforming setback when it was originally became nonconforming or twenty (20) feet, whichever is less. However, in no case shall the expansion of the nonconformity be permitted to further decrease a vehicular line of sight or otherwise cause further danger to vehicular and/or pedestrian traffic.

**Section 409. Certificate of Nonconformity**

The Zoning Officer shall issue a Certificate of Nonconformity for such lot, building, structure and/or use upon request and after being provided with credible evidence of such legally established nonconformity.

**Section 410. Proof of Nonconformity.**

The burden of proof of establishing a legal nonconforming lot, building, structure and/or use, is the sole responsibility of the party asserting such nonconformity. Any existing use which was not lawfully established shall not have any right to continue as a nonconforming lot, use, building and/or structure.

**SECTION 5: Part 5 District Regulations** is amended as provided below:

**Section 501. Conservation District (C) is amended as follows:**

Section 501.2A.(5) is amended to read “Customary accessory uses and structures incidental to permitted, conditional and special exception uses and structures listed within this district, including the keeping of domestic pets, the keeping of fowl in accordance with Section 602.2 and livestock in accordance with Section 602.3, when customarily incidental to existing residential uses. “

Section 501.2.A.(6) is amended to add to the list of Permitted Uses and Structures “No-impact home occupations.

Section 501.2.A. is amended to add to the list of Permitted Uses and Structures “(7) Accessory Alternative Energy Systems” in accordance with Section 602.4.E.

Section 501.2.B.(1) is amended to change the Section reference to Section 938.

Section 501.2.B.(2) is amended to change the Section reference to Section 902.

Section 52.1.B.(3) is amended to change the Section reference to Section 934.

Section 501.2.B.(4) is amended to change the Section reference to Section 954.

Section 501.2.B.(5) is amended to change the Section reference to Section 952.

Section 501.2.B. is amended to add to the list of Conditional Uses and Structures new paragraph (10) “Adaptive Reuse of Historic Resources in accordance with Section 513.15.”

Section 501.2.C.(1) is amended to is amended to change the Section reference to Section 923.

Section 501.2.C.(2) is amended to change the Section reference to Section 924.

Section 501.2.C.(3) is amended to add to the list of special exception uses and structures “Temporary Uses subject t the provisions of Section 953.”

**Section 502 Agricultural District (A) is amended as follows:**

Section 502.2.A.(9) is amended to read “Single-family Detached and Semi-Detached Dwellings.”

Section 502.2.A.(11) is amended to read “Customary accessory uses and structures incidental to permitted, conditional and special exception uses and structures listed within this district, including the keeping of domestic pets, the keeping of fowl in accordance with Section 602.2

and livestock in accordance with Section 602.3, when customarily incidental to existing residential uses. “

Section 502.2.A.(15) is amended to add to the list of Permitted Uses and Structures “Accessory Alternative Energy Systems” in accordance with Section 602.4.E.

Section 502.2.B.(1) is amended to change the Section reference to Section 933.

Section 502.2.B.(3) is amended to change the Section reference to Section 914.

Section 502.2.B.(4) is amended to change the section reference to Section 946.

Section 502.2.B.(5) is amended to change the Section reference to Section 939.

Section 502.2.B.(9) is amended to change the Section reference to Section 951.

Section 502.2.B.(11) is amended to change the section reference to Section 942.

Section 502.2.B.(12) is amended to change the Section reference to Section 905.

Section 502.2.B.(13) is amended to change the Section reference to Section 915. It is also amended to add “Additional antennas and associated appurtenances associated with any such antennas to previously approved sites and installed on existing structures are permitted by right in accordance with Achieving Better Care by Monitoring All Prescriptions Program (ABC-MAP) – PA Act 191.”

Section 502.2.B. is amended to add to the list of Conditional Uses and Structures permitted “(14) Adaptive Reuse of Historic Resources in accordance with Section 513.15.”

Section 502.2.C.(1) is amended to change the section reference to Section 923.

Section 502.2.C.(2) is amended to change the Section reference to Section 924.

Section 502.2.C.(3) is amended to read “Manufactured Homes for Agricultural Uses” and to change the Section reference to Section 929.

Section 502.2.C.(4) is amended to change the Section reference to Section 920.

Section 502.2.C.(5) is added to the list of Special Exception Uses and Structures to include Regional Anaerobic Digesters subject to the provisions of Section 941.

Section 502.3.A.(8) is amended to add a new Section which reads “No lot within an agricultural zoning district currently used for an agricultural use as its principal use may be utilized as a residential use as its principal use unless such lot is no larger than two (2) acres in size.”

Section 502.3.B, Minimum, requirements is amended to change the reference to Dwelling Units to Single-family detached and semi-detached dwellings.

**Section 503. Low Density Residential District (R-1) is amended as follows:**

Section 503.2.A.(8) is amended to read “Customary accessory uses and structures incidental to permitted, conditional and special exception uses and structures listed within this district, including the keeping of domestic pets, the keeping of fowl in accordance with Section 602.2 and livestock in accordance with Section 602.3, when customarily incidental to existing residential uses. “

Section 503.2.A is amended to add to the List of Permitted Uses and Structures “(10) Accessory Alternative Energy Systems” in accordance with Section 602.4.E.

Section 503.2.B.(1) is amended to change the Section reference to Section 938.

Section 53.2.B.(5) is deleted in its entirety and the remaining sections are renumbered..

Section 503.2.B.(6) is amended to change the Section reference to Section 935.

Section 503.2.B is amended to add to the list of Conditional Uses and Structures “(8) Adaptive Reuse of Historic Resources in accordance with Section 513.15.”

Section 503.2.C.(1) is amended to change the Section reference to Section 923.

Section 503.2.C.(2) is amended to change the Section reference to Section 924.

Section 503.2.C is amended to add to the list of Special Exceptions Uses and Structures “(3) Temporary Uses subject to the provisions of Section 953.”

Section 503.5 is deleted in its entirety and the following is added:

Section 503.5. Modifications to area and bulk requirements for Residential Subdivisions and Land Developments utilizing stormwater management best management practices.

**A.** The Board of Supervisors may permit the modification of any of the standards set forth in section 503.3.A in order to encourage the use of innovative stormwater management design that strives to replicate pre-development hydrological function, exceed volume control requirements, implement on-lot runoff volume control measures and decrease public infrastructure.

**B.** No modification of area and bulk requirements shall be considered or approved by the Board of Supervisors unless the following requirements are met:

(1) The proposed Residential Subdivision or Land Development contains a minimum of five (5) residential lots or units.

(2) The total area of the proposed Residential Subdivision or Land Development equals or exceeds five (5) acres.

(3) Individual on-lot stormwater management Best Management Practices are implemented to disconnect lot runoff from the municipal stormwater management system.

(4) Post-development impervious surface runoff from individual lots within the development is reduced to an equivalent to 90% of the pre-development surface runoff.

**C.** Lot, Yard and Height Requirements.

(1) Minimum requirements are as follows:

	Min. Lot Area	Min. Lot Width at Street Ln.	Min. Lot Width at Setback Ln.	Max. Lot Coverage	Side Yard Setback	Rear Yard Setback
Single-family detached Dwelling; with Public Water and Sewer	7,500 sq. ft.	50 ft.	60 ft.	60%	10 ft.	25 ft.

(2) Minimum Lot Depth – 125 feet

(3) Setback regulations.



(a). Front Yard. Front Yard setback distances are determined by the street classification on which the lot abuts.

[1] Local access – 60 feet from the centerline of the existing or proposed street or 35 feet from the edge of the existing or proposed right-of-way, whichever is greater.

Section 503.6 is added and shall read as follows:

Section 503.6. Modifications to street design standards to reduce the volume and rate of stormwater runoff requirements for Residential Development utilizing stormwater management Best Management Practices.

A. In conjunction with Section 503.5. above, the following modifications may be implemented within Residential Subdivisions and Land Developments that meet the requirements of Section 503.B. subject to the following:

(1) The street design specifications contained in Chapter 22 of the Code shall govern except as indicated in this Section and approved as part of a preliminary subdivision or land development plan.

(2) Two-way local streets shall have two ten-foot minimum travel lanes.

(3) On-street parking shall be required on one side of local streets. On-street parking spaces shall be a minimum of 7 feet by 22 feet.

(4) Curbing may be eliminated in areas designed to implement stormwater management Best Management Practices.

(5) Local streets shall be designed for possible dedication to the Township and shall be a minimum of fifty-foot right-of-way.

Section 503.7 is added and shall read as follows:

Section 503.7 Standards.

A. Off-street parking regulations as contained in Part 7 except as prescribed in this Section.

B. Sign regulations as contained in Part 8.

C. Performance regulations as contained in Section 608

#### **Section 504. Suburban Residential District (R-2).**

Section 504.2.A.(8) is amended to read “Customary accessory uses and structures incidental to permitted, conditional and special exception uses and structures listed within this district, including the keeping of domestic pets, the keeping of fowl in accordance with Section 602.2 and livestock in accordance with Section 602.3, when customarily incidental to existing residential uses. “

Section 504.2.A is amended to add to the list of Permitted Uses and Structures “(10) Accessory Alternative Energy Systems” in accordance with Section 602.4.E.

Section 504.2.B is amended to add to the list of Conditional Uses and Structures “(5) Adaptive Reuse of Historic Resources in accordance with Section 513.15.”

Section 504.2.C.(1) is amended to change the Section reference to Section 923.

Section 504.2.C.(2) is amended to change the Section reference to Section 924.

Section 504.2.C. is amended to add to the list of Special Exception Uses and Structures "Temporary Uses subject to the provisions of Section 953.

**Section 505. Urban Extension Residential District (R-3).**

Section 505.2.A.(11) is amended to read "Customary accessory uses and structures incidental to permitted, conditional and special exception uses and structures listed within this district, including the keeping of domestic pets, the keeping of fowl in accordance with Section 602.2 and livestock in accordance with Section 602.3, when customarily incidental to existing residential uses. "

505.2.A. is amended to add to the list of Permitted Uses and Structures "(12) Accessory Alternative Energy Systems" in accordance with Section 602.4.E.

Section 505.2.B.(1) is amended to change the Section reference to Section 943.

Section 505.2.B is amended to add to the list of Conditional Uses and Structures "(5) Adaptive Reuse of Historic Resources in accordance with Section 513.15."

Section 505.2.C.(1) is amended to change the Section reference to Section 923.

Section 505.2.C.(2) is amended to change the Section reference to Section 924.

Section 505.2.C is amended to add to the list of Special Exception Uses and Structures "(3) Temporary Uses subject to the provisions of Section 953."

**Section 506. Village Center District (R-4).**

Section 506.2.A.(7) is amended to read as follows: "Customary accessory uses and structures incidental to permitted, conditional and special exception uses and structures listed within this district, including the keeping of domestic pets, the keeping of fowl in accordance with Section 602.2 and livestock in accordance with Section 602.3, when customarily incidental to existing residential uses. "

Section 506.2.A. is amended to add to the list of Permitted Uses and Structures "(8) No-impact home occupations."

Section 506.2.A. list of Permitted Uses and Structures is amended to add the following:

- (8) Retail stores for the conducting of any retail business and having a gross floor area of less than 2,000 square feet of gross floor area including, but not limited to, the retailing of food, confectionery, hardware, bakery products, clothing, household appliances, flowers or house plants, provided however, that no alcoholic beverages shall be consumed on the premises by patrons unless such establishment providing alcoholic beverage consumption holds a valid license to serve alcoholic beverages from the Pennsylvania liquor Control Board or are specifically exempted therefrom.

Section 506.2.A. is amended to add to the list of Permitted Uses and Structures "(9) Accessory Alternative Energy Systems" in accordance with Section 602.4.E.

Section 506.2.B. (18) is amended to read as follows: Restaurants, cafes, and other establishments serving food and/or beverages, provided however, that no alcoholic beverages shall be consumed on the premises by patrons unless such establishment providing alcoholic beverage consumption holds a valid license to serve alcoholic beverages from the Pennsylvania liquor Control Board or are specifically exempted therefrom, subject to the provisions of §944.

Section 506.2.C.(1) is amended to change the Section reference to Section 923.

Section 506.2.C.(2) is amended to change the Section reference to Section 924.

Section 506.2.C. Special Exception Uses and Structures is amended to add "Temporary Uses, subject to the provisions of Section 953."

**Section 507. Multi-Family Residential District (R-5).**

Section 507.2.A.(3) is amended to delete Garden Apartments and to substitute Multi-Family Dwellings.

Section 507.2.A.(9) is amended to read as follows: "Customary accessory uses and structures incidental to permitted, conditional and special exception uses and structures listed within this district, including the keeping of domestic pets, the keeping of fowl in accordance with Section 602.2 and livestock in accordance with Section 602.3, when customarily incidental to existing residential uses. "

Section 507.2.A. is amended to add to the list of Permitted Uses and Structures "(11) Accessory Alternative Energy Systems" in accordance with Section 602.4.E.

Section 507.2.C.(1) is amended to change the Section reference to Section 923.

Section 507.2.C. is amended to add to the list of Special Exception Uses and Structures "(2) Temporary Uses subject to the provisions of Section 953."

**Section 508. General Commercial District (GC).**

Section 508.2.A.(3) is deleted in its entirety and the following is substituted:

(3) Retail stores for the conducting of any retail business and having a gross floor area of under 20,000 square feet of gross floor area including, but not limited to, the retailing of food, confectionery, hardware, bakery products, clothing, household appliances, flowers or house plants, provided however, that no alcoholic beverages shall be consumed on the premises by patrons ~~unless said retail store holds~~ unless such establishment providing alcoholic beverage consumption holds a valid license to serve alcoholic beverages from the Pennsylvania liquor Control Board or are specifically exempted therefrom, subject to the provisions of §945.

Section 508.2.A.(6) is deleted in its entirety and the following is substituted:

(6) Restaurants, cafes, and other establishments serving food and/or beverages, provided however, that no alcoholic beverages shall be consumed on the premises by patrons unless such establishment providing alcoholic beverage consumption holds a valid license to serve alcoholic beverages from the Pennsylvania liquor Control Board or are specifically exempted therefrom, subject to the provisions of §944.

Section 508.2.A. is amended to add to the list of Permitted Uses and Structures "(20) Accessory Alternative Energy Systems" in accordance with Section 602.4.E.

Section 508.2.B is amended to add to the list of Conditional Uses and Structures:

6) Retail stores in excess of 20,000 square feet and shopping centers for the conducting of any retail business including, but not limited to, the retailing of food, confectionery, hardware, bakery products, clothing, household appliances, flowers or house plants in accordance with, and complying with the provisions of §1208.5; provided however, that no alcoholic beverages shall be consumed on the premises by patrons unless such

establishment providing alcoholic beverage consumption holds a valid license to serve alcoholic beverages from the Pennsylvania liquor Control Board or are specifically exempted therefrom, subject to the provisions of §945.

Section 508.2.C(1) is amended to change the Section reference to Section 923.

Section 508.2.C is amended to add to the list of Special Exception Uses and Structures “(2) Temporary Uses subject to the provisions of Section 953.”

**Section 509 Planned Commercial District (PC).**

Section 509.2.A (3) is deleted in its entirety and the following is substituted:

(3) Retail stores for the conducting of any retail business and having a gross floor area of under 20,000 square feet of gross floor area including, but not limited to, the retailing of food, confectionery, hardware, bakery products, clothing, household appliances, flowers or house plants, provided however, that no alcoholic beverages shall be consumed on the premises by patrons unless such establishment providing alcoholic beverage consumption holds a valid license to serve alcoholic beverages from the Pennsylvania liquor Control Board or are specifically exempted therefrom, subject to the provisions of §945.

Section 509.2.A.(6) is deleted in its entirety and the following is substituted:

(6) Restaurants, cafes, and other establishments serving food and/or beverages, provided however, that no alcoholic beverages shall be consumed on the premises by patrons unless such establishment providing alcoholic beverage consumption holds a valid license to serve alcoholic beverages from the Pennsylvania liquor Control Board or are specifically exempted therefrom, subject to the provisions of §944.

Section 509.2.A.(13) is amended to read as follows: “Customary accessory uses and structures incidental to permitted, conditional and special exception uses and structures listed within this district, including the keeping of domestic pets, the keeping of fowl in accordance with Section 602.2 and livestock in accordance with Section 602.3, when customarily incidental to existing residential uses. “

Section 509.2.A, Permitted Uses and Structures, is amended to add:

(16) No-impact home occupations.

(17) Accessory Alternative Energy Systems in accordance with Section 602.4.E.

Section 509.2.B.(1) is amended to read as follows: Shopping center, provided however, that no alcoholic beverages shall be consumed by a patron of any establishment within said shopping center unless such establishment providing alcoholic beverage consumption holds a valid license to serve alcoholic beverages from the Pennsylvania liquor Control Board or are specifically exempted 11) is amended to read as follows: therefrom., subject to the provisions of §948.

Section 509.2.B.(3) is amended to read as follows: Outdoor amusements (excluding country clubs, golf courses and riding academies); provided however, that no alcoholic beverages shall be consumed on the premises by patrons unless such establishment providing alcoholic beverage consumption holds a valid license to serve alcoholic beverages from the Pennsylvania liquor Control Board or are specifically exempted therefrom., subject to the provisions of §936.

Section 509.2.B.(6) is deleted and the following is substituted: Manufactured Home Parks subject to the provisions of Section 928.

Section 509.2.B is amended to add to Conditional Uses and Structures “(8) Adaptive Reuse of Historic Resources in accordance with Section 513.15.”

Section 509.2.C.(1) is amended to change the Section reference to Section 923.

Section 509.3.C is amended to add to Special Exception Uses and Structures the following: “(2) Temporary Uses subject to the provisions of Section 953.”

**Section 510. Industrial District (I).**

Section 510.2.A.(11) is amended to read as follows: “Customary accessory uses and structures incidental to permitted, conditional and special exception uses and structures listed within this district, including the keeping of domestic pets, the keeping of fowl in accordance with Section 602.2 and livestock in accordance with Section 602.3, when customarily incidental to existing residential uses. “

Section 510.2.A is amended to add to Permitted Uses and Structures “(12) Accessory Alternative Energy Systems” in accordance with Section 602.4.E.

Section 510.2.C.(1) is amended to change the Section reference to Section 923.

Section 510.2.C is amended to add to Special Exception:

- (2) Temporary Uses subject to the provisions of Section 953.
- (3) Wind Energy Systems, subject to the provisions of §955.
- (4) Solar Energy Systems, subject to the provisions of §949.

**Section 511. Airport Commercial District (AC).**

Section 511.2.A.(1) is deleted in its entirety and is replaced with the following:

- (1)“Structures and uses customarily associated with airport activities including, but not limited to, hangars and other buildings and structures for the storage and maintenance of aircraft, restaurants, cafes and other establishments serving food and/or beverages, provided however, that no alcoholic beverages shall be consumed on the premises by patrons unless such establishment providing alcoholic beverage consumption holds a valid license to serve alcoholic beverages from the Pennsylvania liquor Control Board or are specifically exempted therefrom.”

Section 511.2.A.(12) is amended to read as follows: “Customary accessory uses and structures incidental to permitted, conditional and special exception uses and structures listed within this district, including the keeping of domestic pets, the keeping of fowl in accordance with Section 602.2 and livestock in accordance with Section 602.3, when customarily incidental to existing residential uses. “

Section 511.2.A.(13) Accessory Alternative Energy Systems” in accordance with Section 602.4.E.

Section 511.2.C.(1) is amended to change Section reference to Section 923.

Section 511.2.C is amended to add to Special Exception Uses and Structures “(4) Temporary Uses subject to the provisions of Section 953.”

**Section 513 Historic Preservation Overlay District (HS).**

Section 513.2.A is hereby amended to read as follows: Identification. All historic resources identified in the Township shall be categorized. An official Historic Resources List of all historic

resources identified shall be prepared and all resources on the Historical Resources List shall be shown on the official Historic Resources Map. The Historic Resource Map shall be filed in the Township office and shall be maintained by the Township Manager/Secretary.

Section 513.2 is further amended to add the following:

E. For any historic property in the Historic Overlay District, the provisions of this §513 shall supersede conflicting provisions of the underlying zoning district or other zoning, subdivision and land development regulations which are applicable to the historic property. If this text amendment is silent on certain aspects which are addressed in the foregoing underlying ordinances, the provisions in the underlying ordinances apply.

Section 513.2.B.(2) is deleted in its entirety and the following is substituted: "Class II historic resources listed on, or determined by the Historic Preservation Trust of Lancaster County to be eligible to be listed on the Lancaster County Historic Files Register." (Ord. 2016-1)

Section 513.10.G is amended to read as follows: "The Zoning Officer may issue permits for an application for rehabilitation of historic resources without Planning Commission concurrence for the following:

(1) Is amended to read "In-kind replacement or replicative materials. "

Section 513.15 Adaptive Reuse is amended as follows:

- A. Change Section reference from Section 1208 to Section 1108.
- B. (2) Delete and replace with Multi-family dwellings.
  - (3) Change Section reference to Section 904.
  - (5) Change section reference to Section 939.
  - (6) Change Section reference to Section 905.
  - (7) Change Section reference to Section 937.
  - (8) Change Section reference to Section 944.
  - (9) Change Section reference to Section 945.

**SECTION 6: Part 6 General Regulations is amended as provided below:**

Section 602 Accessory Uses is deleted in its entirety and the following is substituted

Section 602.1 – Private, non-commercial swimming pools. Private, non-commercial swimming pools which are designed to contain a water depth of 24 inches or more shall be located between either the setback line or the building line of the principal building and the street right-of-way line, and shall not be located less than 15 feet from side or rear lot lines.

Section 602.2 – Residential Keeping of Fowl. The keeping of no more than six (6) total pigeons, (except as may be preempted by the State Carrier Pigeon Law), chickens, ducks, geese and/or similar fowl, not including guinea fowl, shall be permitted by right under the following conditions

- 1. Such use is permitted for single-family detached dwellings only
- 2. Such use is for the pleasure of the residents of the property and no commercial activity including retail sales involving such use is permitted;
- 3. Minimum Lot area of 7,500 square feet;

4. Any associated accessory structure shall have a minimum setback of ten (10) feet from any rear or side property line and further, no such structure is permitted within any front yard;
5. The keeping of such fowl shall be fully contained within the property; and,
6. No roosters or guinea fowl are permitted

Section 602.3 – Keeping of livestock. The keeping of livestock is permitted by right under the following conditions

1. Minimum lot area is two (2) acres;
2. A maximum of one (1) livestock animal shall be permitted for each contiguous whole acre of the lot on which the livestock are to be located exclusive of any dwellings, drives and other impervious surfaces not associated with the keeping of such animal(s);
3. No farm building in which livestock are kept shall be located within any front yard, nor closer than fifty (50) feet to any side or rear lot line.
4. All grazing or pasture areas shall be fenced. Said fence shall be located a minimum of three (3) feet from all lot lines.

Section 602.4 – Alternative Energy Systems. Accessory Alternative Energy Systems. Add new section reading, “Accessory alternative energy systems shall be permitted by right in all zoning districts, subject to the following conditions:

A. Solar Energy Systems.

1. In residential zoning districts and lots with residual uses as a principal use, only roof top photovoltaic systems may be installed.
2. In zoning districts other than residential zoning districts, either roof top or ground mounted photovoltaic systems may be installed.
3. Where ground mounted systems are permitted, all equipment shall be setback two (2) feet for every one (1) foot in height of panel height in addition to the prescribed setback for accessory structures in the identified zoning district. Adequate vegetative or solid screening shall be provided when ground mounted systems are installed adjacent to residential uses on adjacent properties. Note: screening is not required if the installation is installed in excess of 500 feet to the nearest residential use or property line. No ground mounted systems shall be installed in a front yard.
4. Roof top installed units may not exceed a height of thirty-six (36) inches above the roof peak of that portion of the roof on which the roof top panels are located. On flat roofs, solar panels may be installed at an angle necessary for peak efficiency, provided that such is installed in a manner that minimizes any visual impact.

5. Roof top and ground mounted photovoltaic systems are not permitted to be installed on identified Historic Resources.
6. Glare from solar voltaic installations are to be minimized with the use of anodized or similar finishes.

B. Wind Energy Systems.

1. Wind energy systems are permitted in any zoning district and only on lots greater than five (5) acres in size.
2. Only one (1) windmill shall be permitted per lot.
3. The maximum height of a windmill shall not exceed eighty (80) feet.
4. Windmills shall be located no closer to a property line that the total height of the windmill including the blade tip at its most vertical position plus twenty (25) feet and shall not be located within any front yard.
5. The windmill blade shall not be closer to the ground at its lowest point than fifteen (15) feet.

C. Geothermal Energy Systems.

1. Geothermal energy systems are permitted in any zoning district.
2. Only "closed-loop" geothermal energy systems are permitted. "Open-loop" geothermal energy systems are prohibited.
3. Only nontoxic, biodegradable circulating fluids shall be used.
4. Geothermal energy systems shall not encroach into any utility, roadway or other recorded easement.
5. Any associated above-ground appurtenances shall comply with all accessory use setback requirements of a zoning district.

D. Wood-Fired Boilers.

1. Wood-fired boilers are permitted in the Conservation, Agricultural, and Low Density zoning districts only.
2. Wood-fired boilers shall of the phase 2 type and shall incorporate a smoke stack with a minimum height of ten (10) feet and such boilers shall bear the stamp of a nationally recognized listing, approving or testing agency and such unit shall be installed per it's manufacturers installation instructions.



3. Wood-fired boilers shall only burn clean wood and/or wood pellets made from clean woods.
4. Wood-fired boilers shall not burn treated wood, painted wood, furniture, garbage, tires, lawn clippings or yard waste, materials containing plastic or rubber, waste petroleum products, chemicals, any hazardous waste or recyclable materials, salt water driftwood, manure or animal carcasses or any other material that may result in harmful or noxious emissions or residue.
5. Wood-fired boilers shall be setback a minimum of 150 feet from all property lines and shall not be located within any front yard.

#### E. Anaerobic Digesters.

Where permitted as an accessory use, manure digesters are permitted subject to the following standards:

1. The proposed use shall comply with all the requirements of the applicable district, except that all buildings, structures and facilities used as part of the manure digesting operations shall be setback two hundred (200) feet from any property line. Additionally, no building, structures, or facility shall be located nearer than three hundred (300) feet to an existing residential building on adjacent lots.
2. Accessory anaerobic digester systems. Accessory methane digester systems are permitted as an accessory use to farming operations in the Agricultural District.
3. The minimum lot area shall be 10 acres.
4. Accessory anaerobic digesters shall not be located within 50 feet of any side property line, 75 feet of any rear property line, 150 feet from any residential structure other than that of the property owner, and 100 feet from any street right-of-way.
5. There shall be no discharge of any type onto any adjoining properties or streets.
6. The applicant shall address and document performance standards for siting to minimize impacts on neighboring properties which shall include considerations of odor, prevailing wind patterns, proximity to nonagricultural properties, operational noise, and specific hours of operation.

7. Anaerobic digester systems shall be designed and constructed in compliance with the guidelines outlined in the DEP Bureau of Water Quality Management publication, and any revisions, supplements and successors thereto.
8. Anaerobic digester systems shall be designed and constructed in compliance with applicable local, state and federal codes and regulations. Evidence of all federal and state regulatory agencies' approvals shall be included with the application.
9. A certified professional, qualified to do such, shall furnish and explain all details of construction, operation, maintenance and necessary controls related to the anaerobic digester system.
10. The applicant shall either provide a letter from the Conservation District stating that the applicant's anaerobic digester system design has been reviewed and approved by the Conservation District and that all regulations and requirements of the state manure management program have been satisfied, or submit a letter from the Conservation District stating that it will not review the plan or that no review is required under applicable ordinances, or submit evidence that such a letter has been requested and the Conservation District has failed to respond.
11. No anaerobic digester system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

Section 605 – Projections into Required Yards is amended to delete the second sentence of Par. 1 and to add the following: “Such projections may include, but not limited to, overhanging eaves, gutters, cornices, bulkhead-type doors, window wells, HVAC and other utility appurtenances and/or chimneys. Such projections are not to extend beyond a maximum of five (5) feet into required setbacks.”

Section 608 is amended to change the title of the section to **Performance Standards** and is further amended as follows:

Section 608.1.A.(3) – Performance Standards. The Zoning Hearing Board may permit the expansion of existing kennels and poultry and livestock facilities closer to lot lines and street right-of-way lines than permitted above by special exception, provided the Zoning Hearing Board finds . . . .”

Section 608.1.A.(4)(a-d) are amended to read as follows: as follows:

- (a) At least 80% of such products, shall have been produced on the property on which they are offered for sale, based on all products offered throughout the year. Only agricultural products may be offered for sale;
- (b) A minimum of three (3) off-street parking spaces in accordance with Part 7 of this Chapter, shall be provided and located behind the street right-of-way;

(c) Sale of farm products shall be conducted from a portable stand, dismantled at the end of each growing season or from a permanent building not exceeding 400 square feet, located at least one hundred (100) feet from the street right-of-way line and complying with all other setback requirements;

(d) Signs identifying the sale of farm products shall be limited to one per property, not to exceed a total area of six (6) square feet. Such sign shall be located at least a minimum of twelve (12) feet from any lot line or street right-of-way

Section 608.1.B.(1) is amended to read, “. . . contiguous whole acre . . .”

Section 608.1.B.(3) the first sentence is to be amended to change “lit” to “lot”.

**SECTION 7: Part 7 Parking and Loading Standards**, is amended as provided below:

Section 702.2. is amended to read as follows: Parking lots shall be designed with the minimum required parking spaces and driveway dimensions as shown in Appendix “A” of this Chapter; however, parking spaces located parallel to a curb line shall have a width of eight (8) feet and a length of twelve (12) feet.

Section 702.14. is amended to add at the end of the Section the following, “(see Chapter 21, Part 2 of the East Donegal Township Code of Ordinances for additional driveway regulations)”.

Section 702.17 is further amended to add the following two subsections:

17. Unless provided by this or other chapters of the Code of Ordinances of East Donegal Township, all parking lots and facilities shall be illuminated during hours of operation and maintain a minimum of 0.75 footcandles at any point. In no case, shall parking lot lighting exceed 0.5 footcandles beyond a residential property line. The Township reserves the right to monitor lighting operations and require additional blocking of lighting.

18. Refer to section 607.3 for parking lot screening and landscaping requirements.

Section 703.2 is amended to read “All townhouse and multi-family dwelling units shall be required to have two and one half off-street parking spaces per dwelling unit”.

Section 705.A is amended to add “Vehicle spaces in front of fuel pumps are not to be considered as satisfying required parking spaces”

Section 705.F is amended to add, “Vehicle spaces in front of fuel pumps are not to be considered as satisfying required parking spaces”

**SECTION 8: Part 8 Sign Standards**, is amended to provide as follows:

Section 806 is amended to add the following:

F. Changeable Message Signs (including Billboards). Add definition of Changeable Message/Digital Sign to read, “Changeable Message: A sign (including a billboard) that can electronically display and/or change its message through lighting, lit-emitting diodes (LED) or other electronic format.” Add criteria 1-6 as follows to read:

(1) These signs shall have lighting levels of no more than 500 NITS (candelas per square meter), of surrounding ambient light conditions measured at a lot line;

- (2) The messages displayed shall change no more frequently than once every five (5) seconds;
- (3) No sign shall display animated messages, including flashing, blinking, fading, rolling, shading, dissolving, or any other effect that gives the appearance of movement;
- (4) No sign shall include any audio message;
- (5) Each message shall be completed in itself and shall not continue on a subsequent sign message; and,
- (6) All signs shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions

**SECTION 9:** Parts 9 and 10 have been combined into one part, now to be called **Part 9 – Specific Use Criteria**. In this part will be the specific uses that have specific criteria that must be met for special exception and conditional use approvals. The section numbers have been changed as reflected below.

The introductory paragraph to this Part is amended by adding a second paragraph which reads as follows:

Regarding those specific uses permitted as conditional uses. The Township Board of Supervisors may authorize the modification or waiving of any of the specific use criteria prescribed to a specific use during the conditional use process. The granting of such modification shall only be granted where the applicant can justify that such modification or waiver will not jeopardize any goals and objectives of this Chapter or any other chapter or ordinance, nor as set forth by the Donegal Region Comprehensive Plan.

Section 906.S is deleted in its entirety.

Section 919 is hereby amended to delete subsections I and J in their entirety. Subsections K through M shall be relabeled as subsections I through K.

Section 920 Farm Occupations shall be added. This section was previously numbered 1006. A new Section 920.N shall be added and provide as follows:

N. A farm occupation shall not include activities and uses considered amusements including but not limited to, amusement parks, Halloween and other holiday centered or seasonal attractions. See Temporary Uses below.

Section 923 Hospitals shall be renumbered Section 925.

Section 923 shall become Historical Buildings, Structures and sites is added. This section was previously numbered as Section 1001 and the text shall remain the same as the previous section.

Section 924 Junkyards shall be renumbered Section 926.

Section 924 shall be changed to Home Occupations and the previous text from Section 1002 shall become the text of Section 924.

Section 925 Livestock is deleted from Part 9 and shall be renumbered as Section 602.3.

Section 926 Livestock Holding Barn and Livestock Brokerage Business shall be renumbered as Section 927.

Section 927 Medical and Dental Clinics and Laboratories shall be renumbered as Section 930.

Section 928 is renamed to Manufactured Home Parks. The introductory paragraph is amended to read as follows:

“Within a zoning district in which a manufactured home park is a permitted by conditional use. The Board of Supervisors may approve such use, subject to the following requirements:

Section 928.B is deleted in its entirety and the following is added:

B. Manufactured Homes, Manufactured Home Parks shall further comply with the following:

1. It shall be unlawful within the Township for any person to operate, construct or maintain a Manufactured Home Park or to park or locate any Manufactured Home on any tract of land within the Township except in accordance with this Ordinance and without first securing a zoning permit, and in the case where a plan is involved, without first obtaining approval of the plan from the Board of Supervisors.
2. Manufactured Home Parks shall be established, maintained, constructed and operated in strict compliance with the rules and regulations of the Department of Environmental Protection (DEP) and in strict compliance with the Township Subdivision and Land Development Ordinance to the extent that such regulations have not been superseded by this Section.
3. Manufactured Home Parks in existence upon the effective date of this Section shall be required to meet only the applicable standards of the Pennsylvania Department of Environmental Protection as a prerequisite to any expansion or modification of the mobile home park, or creation of any nonconformity with respect to any existing manufactured home, upon obtaining a variance from the Zoning Hearing Board in accordance with this Ordinance.
4. No Manufactured Home may be parked in any street or alley for any period of time longer than that allowed for parking of vehicles upon such streets or alleys according to applicable state and local regulations. A modification of this limitation may be granted to permit parking upon any street or alley in the event the lot on which the manufactured home is to be located is not ready. Such a modification must be obtained from the Board of Supervisors and shall be for a period not to exceed 24 hours.
5. No person shall occupy any Manufactured Home for sleeping or living other than in accordance with this Ordinance.
6. A Manufactured Home Park shall contain a minimum of five (5) acres, of which no more than seventy (70) percent shall be covered with impervious

surface and a minimum of twenty (20) percent shall be dedicated to active and/or passive recreational facilities.

7. A Manufactured Home Park shall have a maximum density of seven (7) lots per acre when served by public water and/or sewer and a maximum density of two (2) lots per acre when served by an individual water and/or sewer system.

8. Each lot within a Manufactured Home Park shall be a minimum of five thousand (5,000) square feet if served by public water and/or sewer and 15,000 square if served by an individual water and/or sewer system.

9. Each lot within a Manufactured Home Park shall be a minimum of forty-five (45) feet in width.

10. Each lot, accessory or service structure, or common parking facility within a Manufactured Home Park shall be set back a minimum of fifty (50) feet from the lot of the Manufactured Home Park and set back from the street right of way line at least the minimum distance required by this Ordinance.

11. Each lot within a Manufactured Home Park shall be separated from other lots and from service or accessory buildings and any common parking facility by a minimum of twenty (20) feet.

12. All roads, streets, and access drives within a Manufactured Home Park shall be private, shall be lighted, shall be a minimum of at least twenty-four (24) feet wide with no on-street parking and an additional ten (10) feet in width for each lane of on-street parking, and shall be constructed in accordance with applicable Township Ordinances and regulations.

13. Each lot within a Manufactured Home Park shall be provided a minimum of two paved parking spaces located on the Manufactured Home lot and with a bituminous or concrete surface. In addition, a minimum of one-half additional parking space per lot within the Manufactured Home Park in a common visitor parking area. All parking areas shall be connected to interior roads or streets in the Manufactured Home Park and shall not be accessed from any adjoining public road.

14. Each Manufactured Home located within the Township shall be provided with a minimum 6-inch thick concrete pad or foundation, the length and width of which shall be at least equal to the length and width of the Manufactured Home, and shall be equipped with utility connections.

15. All areas within the Manufactured Home Park not covered with paving shall be covered in a manner consistent with the landscape requirements of this Ordinance.

16. All Manufactured Home Parks shall provide sidewalks permitting pedestrian access between individual lots, service and accessory buildings, and parking areas.

17. Each Manufactured Home lot may contain an outdoor patio area so long as such area does not intrude on the required setbacks established by this section or any other applicable ordinance or regulation.

18. Storage sheds, lean-tos or any other attachment to a Manufactured Home are permitted on each individual Manufactured Home Lot within a Manufactured Home Park, but must be a maximum of twenty-five (25) square feet and no greater than eight (8) feet in height. If any larger structure is required for storage for any Manufactured Home Lot within a Manufactured Home Park, such storage shall be provided for residents of the Manufactured Home Park in common storage facilities.

19. Each Manufactured Home Park shall contain a structure designed for and identified as the office of the Manufactured Home Park.

The following sections are renumbered and the titles renamed as noted:

Section 1003 to Section 929. Manufactured Homes for Agricultural Uses.

Section 927 to Section 930 – Medical and Dental Clinics and Laboratories

Section 937 to Section 931 – Mineral Extraction.

Section 948 to Section 932– Mini-Warehouses.

Section 929 to Section 933 – Municipal Buildings, including Fire Houses and Emergency Services.

Section 930 to Section 934 – Nature-based Sports Clubs.

Section 931 to Section 935 – Nursing or Retirement Care Facilities.

Section 932 to Section 936 – Outdoor Amusements.

Section 933 to Section 937 – Personal Service Shops and Professional Offices.

Section 934 to Section 938 – Public and Private Parks.

Section 935 to Section 939 – Public and Private Schools.

Section 936 to Section 940 – Public Libraries.

Section 941 is added and shall provide as follows:

Regional Anaerobic Digesters. Regional anaerobic digester systems are permitted by conditional use in the Agricultural District, subject to the following:

1. The minimum lot area shall be 25 acres.
2. A traffic impact study analysis shall be provided, showing the following:
  - (a) Existing traffic volume data for all roadways within 1,000 feet which provide access to the site.
  - (b) Anticipated traffic volumes for the area identified in § 240-151.1H(2)(a) above, resulting from the proposed use as well as background traffic growth.
  - (c) Analysis of current and future levels of service for all intersections within the study area.
  - (d) Physical analysis of all roadways identified in § 240-151.1H(2)(a) above, including cartway width, shoulder width, pavement condition, horizontal and vertical curves, anticipated stormwater drainage characteristics, and sight distances.
3. The applicant shall submit a transportation study, detailing the effect of the anaerobic digester system on local roadways, including effect of vehicle weight, congestion, and noise.
4. The applicant shall provide sufficiently long stacking lanes into the facility, so that vehicles waiting to be loaded/unloaded will not backup onto public streets.
5. The applicant shall provide a detailed description of the proposed use in each of the following topics:
6. The nature of the on-site activities and operations, the types of materials stored and used, the frequency and duration period of storage of materials and the methods for use and disposal of materials. In addition, the applicant shall furnish evidence that the use, handling, and disposal of materials will be accomplished in a manner that complies with state and federal regulations.
7. The general scale of operation in terms of its market area, specific space and area requirements for each activity, the total number of employees of each shift, and an overall needed site size.
8. Design and installation.
  - (a) The applicant shall address and document performance standards for siting to minimize impacts on neighboring properties which shall include considerations of odor, prevailing wind patterns, proximity to nonagricultural properties, operational noise, and specific hours of operation.
  - (b) Anaerobic digester systems shall be designed and constructed in compliance with the guidelines outlined in the publication Manure Management for Environmental Protection, Bureau of Water Quality Management Publication, and any revisions, supplements and successors thereto, of DEP.



(c) Anaerobic digester systems shall be designed and constructed in compliance with applicable local, state and federal codes and regulations. Evidence of all federal and state regulatory agencies' approvals shall be included with the application.

(d) A certified professional, qualified to do such, shall furnish and explain all details of construction, operation, maintenance and necessary controls related to the anaerobic digester system.

(e) The applicant shall either provide a letter from the Conservation District stating that the applicant's anaerobic digester system design has been reviewed and approved by the Conservation District and that all regulations and requirements of the state manure management program have been satisfied, or submit a letter from the Conservation District stating that it will not review the plan or that no review is required under applicable ordinances, or submit evidence that such a letter has been requested and the Conservation District has failed to respond.

9. Height and setback requirements. Except as otherwise provided for under the provisions of the Pennsylvania Nutrient Management and Odor Management Act,<sup>[1]</sup> no underground storage, in-ground storage, trench silo, earthen bank, stacking area or aboveground storage facility related to the anaerobic digester system shall be located within 200 feet from any property line. No building, structures, or facility shall be located nearer than 300 feet to an existing residential building unless the owner of such residence waives this restriction in writing to the Township.
10. Decommissioning. The applicant shall submit a plan for the removal of the manure digestion facility when it becomes functionally obsolete or is no longer in use. The regional anaerobic digester owner shall notify the Township immediately upon cessation or abandonment of the operation and shall be responsible for the removal of the manure within six weeks from the date operation ceases.

Section 939 Rental Storage Within Farm Buildings shall be renumbered as Section 942 and subsections 939.A-G shall be renumbered as 942 A-G.

Section 942 is amended as follows:

Section 942.C.(1) is deleted in its entirety and the following added: add the following exception, "An individual servicing, repairing, fabricating personal or business motor vehicles or equipment owned by the individual or company for which the unit(s) have been leased."

The following Section numbers have been changed:

Section 938 to Section 943 – Residential Conversion.

Section 940 to Section 944 – Restaurants, Cafes and Other Establishments Serving Food and Beverages.

Section 941 to Section 945– Retail Stores for the Conducting of any Retail Business.

Section 942 to Section 946 – Riding Academies.

Section 943 to Section 947 – Sales Offices and Lots for Retail Sales of Automobiles, Trucks, Boats, and Farm Equipment.

Section 944 to Section 948 – Shopping Centers

Section 949 is added and shall provide as follows:

Solar Energy Systems. Solar energy systems utilized as a principal use are subject to the following:

1. The layout, design, and installation of principal solar energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Township Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
2. For the purposes of this Ordinance, all ‘at grade’ or ‘above grade’ features and facilities relating to ground mounted and/or freestanding solar energy systems including solar photovoltaic cells, panels, or arrays, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing, and foundations shall be considered impervious surface and subject to the maximum lot coverage requirements of the underlying zone, unless the applicant can demonstrate by credible evidence that stormwater will infiltrate into the ground beneath the solar collection systems at a rate equal to that of the infiltration rate prior to placement of the system. Whenever practical, all principal solar energy systems in the A zone shall be attached to a building; or if ground mounted and/or freestanding, the applicant shall demonstrate by credible evidence that:
  - A. the area proposed for the principal solar energy systems does not predominantly consist of Class I, II and/or III soils, as identified in the soil survey, and is generally unsuitable for agricultural purposes; and,
  - B. such facilities cannot feasibly be attached to a building due to structural limitations of the building.
  - C. all on-site utility and transmission lines shall, to the extent feasible, be placed underground.
  - D. all principal solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street rights-of-way.

3. Principal solar energy production facilities mounted on the roof of any building shall be subject to the maximum height regulations specified within each the underlying zone.
4. For purposes of determining compliance with lot coverage standards of the underlying zone, the total surface area of all ground-mounted and freestanding solar collectors including solar photovoltaic cells, panels, arrays, and solar hot air or water collector devices shall be considered impervious.
5. All mechanical equipment of principal solar energy systems including any structure for batteries or storage cells, shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, and provided with screening in accordance with Section 607.5 of this Chapter.
6. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fence.
7. The applicant shall submit a plan for the removal of the principal solar energy systems when it becomes functionally obsolete or is no longer in use. The principal solar energy system owner is required to notify the Township immediately upon cessation or abandonment of the operation. The owner shall be responsible for the removal of the facility within twelve (12) months from the date the applicant ceases use of the facility or the facility becomes obsolete.

The following Section Numbers have been changed:

Section 1005 to Section 950 – Special Exceptions in the Conservation District.

Section 950.A is deleted in its entirety and the subsection B-I are changed to A-H.

Section 945 to Section 951 - Storage, Buying and Selling of Whole Grains.

Subsection C. is amended to read as “Maximum storage capacity for combined storage facilities which sole purpose is for the storage of grains (including silos, hoppers, grain bins, etc.) 700,000 bushels.”

Section 946 is renumbered as Section 952 Stream Improvements, Fish Hatcheries and Ponds.

Section 947 is renumbered to Section 954 – Water-Oriented Structures such as Docks, Piers, Wharves and Marinas.

Section 953 – Temporary Uses is added and shall provide as follows:

Uses which are not specifically permitted in a zoning district may be permitted on a temporary basis as authorized by the Zoning Officer under the following conditions:

1. The temporary use in no way exerts a detrimental effect upon the uses of land and activities normally permitted in the district;

2. The temporary use shall not be detrimental to the health and safety of the public including traffic and pedestrian safety; and,
3. The temporary use does not exceed a period of one (1) week.

Temporary uses that do not meet the above referenced criteria, may be considered by the Zoning Hearing Board by special exception.

Section 955 Wind Energy Systems is added and shall provide as follows:

Wind Energy Systems. Wind energy systems utilized as a principal use are subject to the following:

1. The layout, design, and installation of principal wind energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Township Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
2. Principal wind energy systems shall not generate noise which exceeds fifty-five (55) decibels nor ten (10) decibels above ambient noise in any one hour, whichever is higher. Noise is measured from the property line of the closest neighboring inhabited structure or nearest habitable structure setback on abutting property. The ambient sound measurement, known as "A-weighted sound level" is taken where the noise from the wind turbine cannot be heard, or with the wind turbine shut down. The ambient sound level shall be considered the level that is exceeded ninety (90) percent of the time when the noise measurements are taken. The fifty-five (55) decibel or ten (10) decibel level may be exceeded during short-term events such as utility outages and/or severe wind storms.
3. All on-site utility and transmission lines shall be placed underground.
4. All principal wind energy systems shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Manual regulation by wind energy system personnel shall not be considered a sufficient braking system for overspeed protection.
5. Principal wind energy systems shall not be artificially lighted, except to the extent required by the Federal Aviation Administration (FAA).

6. Wind turbines and towers shall not display advertising, except for reasonable identification of the principal wind system's manufacturer. Such sign shall have an area of less than four (4) square feet.

7. Wind turbines and towers shall be a non-obtrusive color such as white, off-white or gray.

8. All principal wind energy systems shall, to the extent feasible, be sited to prevent shadow flicker on any occupied building on adjacent property.

9. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fence.

10. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

11. No portion of any principal wind energy system shall extend over parking areas, access drives, driveways or sidewalks.

12. All principal wind energy systems shall be independent of any other structure and shall be located a minimum distance of one and one tenth (1.1) times the turbine height from any inhabited structure, property line, street right-of-way, or overhead utility line.

13. The minimum height of the lowest position of the wind turbine shall be thirty (30) feet above the ground.

14. All mechanical equipment of principal wind energy systems including any structure for batteries or storage cells, shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, and provided with screening in accordance with Screening and Landscaping requirements of this Ordinance (see Section 321), and the wind turbines' climbing apparatus shall be limited to no lower than twelve (12) feet from the ground or the wind turbines' climbing apparatus shall be fully contained and locked within the tower structure.

15. The applicant shall submit a plan for the removal of the principal wind energy system when it becomes functionally obsolete or is no longer in use. The principal wind energy system owner is required to notify the Township immediately upon cessation or abandonment of the operation. The owner shall be responsible for the removal of the facility within twelve (12) months from the date the applicant ceases

use of the facility or the facility becomes obsolete.

**SECTION 10:** Part 10. Special Exception is deleted in its entirety, and is incorporated into Part 9, as amended.

**SECTION 11:** Part 11 Enforcement Procedures and all its sections shall be changed to Part 10 and the title of the Part changed to **Administrative Procedures**.

Section 1104.5, is renumbered to Section 1004.5 shall be amended to add the following to the end of the paragraph: “

Any permit having been authorized for issuance, shall be deemed abandoned if such permit is not picked up and paid for within thirty (30) business days of being notified of such authorization and such application shall be returned to the applicant.”

**SECTION 12:** Part 12 shall be renumbered to Part 11 and the title of the same shall be changed to **Zoning Hearing Board and Board of Supervisors Functions**.

**SECTION 13: Part 13 Amendments** shall be renumbered to Part 12.

Section 1202.2 is hereby amended to change the section referenced to Section 1201 and Section 1204(4).

Section 1202.7 is amended to change the section referenced to Section 1103.

Section 1303.C is amended to change section references therein to Section 1202, 1104 or 1212, 1203(A)(1), and 1202 or 1112.

**SECTION 14: Part 14 Airpark Zoning** and its sections shall be renumbered Part 13.

Section 1304 (previously Section 1404), definition of “Airport” shall be deleted in its entirety and the following definition shall be added:

A place where aircraft can land and takeoff, usually equipped with hangar, facilities for refueling and repair, and related terminal services and offices for accommodating goods and passengers specifically intended to be transported by aircraft.”

**SECTION 15:** Appendix C Dwelling Types and Appendix D Lot Configurations are hereby added.

**SECTION 16:** TO THE EXTENT NOT AMENDED AS STATED ABOVE, CHAPTER 27 SHALL REMAIN IN FULL FORCE AND EFFECT.

**SECTION 17.** In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

**SECTION 18.** This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the East Donegal Township as provided by law.

**DULY ORDAINED AND ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by the Board of Supervisors of the East Donegal Township, Lancaster County, Pennsylvania, in lawful session duly assembled.

EAST DONEGAL TOWNSHIP  
Lancaster County, Pennsylvania

Attest: \_\_\_\_\_  
(Assistant) Secretary

By: \_\_\_\_\_  
(Vice) Chairman  
Board of Supervisors

[TOWNSHIP SEAL]