

## ARTICLE V. SUPPLEMENTARY DISTRICT REGULATIONS

The provisions of this Article shall apply to all uses and structures in the Township, regardless of district, and shall be considered as additional conditions or restrictions to any other provisions in this Ordinance. To the extent anything contained in this Article conflicts with any other provision of the Zoning Ordinance, the most stringent and restrictive provision shall apply. These provisions shall only not apply where they are applicable and clearly inapplicable by virtue of them resulting in an absurd or impossible result. These Supplemental District Regulations shall apply in all Zoning Districts including, but not limited, to the FP–Floodplain Zoning District. However, to the extent that there are inconsistent provisions in the FP–Floodplain Zoning District regulations in Section 308 hereof that apply to any of these Supplemental District Regulations, the more restrictive in Section 308 shall prevail. *[Amended by Ord. 032216; 03/22/16; §IV]*

### SECTION 501. ACCESSORY BUILDINGS OR STRUCTURES

A. In the R-2 District a swimming pool may be located within ten (10) feet of side yard and rear yard lot lines. *[added per Ordinance No. 061410A, §1, 6/14/10]*

B. In the Limited Industrial District, an accessory building or structure shall comply in all respects with the yard requirements of this Ordinance for the principal building.

C. In all other districts, an accessory building or structure shall comply in all respects with the yard requirements of this Ordinance for the principal building, except that any accessory building or structure of less than one hundred eighty (180) square feet of floor area may be located within ten (10) feet of side or rear lot lines. On lots containing a Lot Area of 22, 500 square feet or more, the setback of any accessory building or structure to a principal residential use shall be no less than three (3) feet. The setback for any accessory building or structure to a principal residential use for lots containing a Lot Area of less than 22, 500 square feet shall also be no less than (10) feet. *[Amended by Ord. 02-61190, 6/11/90, §5.]*

D. In the Agricultural and Agricultural Transition Zoning Districts, no lot that contains Class I, II or III Prime Agricultural Soils shall be used for the purpose of off-lot storm water detention facilities or for the purpose of any form of street, road, or highway that is for a use that is not located on the same lot. *[Ord. 12-13-00-B, 12/13/00, § 1] [Amended by Ord. 03-121487, 10/8/01, §1.a.] [Amended by Ord. 060903, §2, 6/9/03] [Ord. 071095A, 7/10/95, § V]*

### SECTION 502. ERECTION OF MORE THAN ONE PRINCIPAL BUILDING ON A LOT

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

## **SECTION 503. STRUCTURE TO HAVE ACCESS**

Every building hereafter erected or placed shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be so located on lots so as to provide safe and convenient access for servicing, fire protection, and required off-street parking. The minimum width of access measured at the right-of-way line of the street shall be twenty-five (25) feet. [Amended by Ord. 01-3-25-85, 3/25/85, §II.]

## **SECTION 504. SIGNS**

Signs may be erected and maintained only when in compliance with the provisions of this ordinance and all Other Provisions relating to the erection, alteration or maintenance of signs and similar devices.

### **A. General Regulations for all Districts**

1. Religious symbols displayed on property being used for religious purposes shall not be regulated by this Section 504 (and shall not require a permit) except that in all events such symbols must conform with the provisions of (renumbered) Section 504.A.2., 3., 4., 7., and 11. hereof. [Added by Ord. 060903, §10, 6/9/03.]
2. All signs (including projecting signs), except official signs or directional signs erected by the Township, shall be setback the greater of the edge of the public road right-of-way or easement or fifteen (15) feet from a street cartway. [Amended by Ord. 01-3-25-85, 3/25/85, §II.]
3. No advertisement, advertising structure, billboard, building structure or other object shall be erected, used or maintained which in any way simulates official, directional or warning signs erected or maintained by the State, County, or Township or by any railroad or public utility or similar agency concerned with the protection of public health or safety. [Added by Ord. 04-81, 11/23/81, §1.]
4. No sign or advertising device shall be erected or maintained at the intersection of roads in such a manner as to obstruct free and clear vision at the intersection. [Added by ord. 04-81, 11/23/81, §1.]
5. The following advertisements are specifically prohibited: any advertisement which uses a series of two (2) or more free-standing signs placed in a line parallel to the highway, or in a similar fashion each carrying a word or words which are parts of a single advertising message. [Added by Ord. 04-81, 11/23/82, §1.]
6. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving, fluttering, or revolving devices. These devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not a part of a sign. [Added by Ord. 04-81, 11/23/81, §1.]

7. Any illuminated sign or lighting device shall employ glare shields and guards to prevent light from interfering with adjacent properties or roads, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be so placed or directed as to permit beams or illumination therefrom to be directed or beamed upon a public road, highway, or adjacent lot so as to cause glare or reflection that may constitute a traffic hazard or nuisance. Any lit signs shall be lighted from the structure and not from off-structure spotlights. *[Added by Ord. 04-81, 11/23/81, §1.]*

8. No free standing signs shall be placed on the roof of any residential building. No free-standing signs shall be placed on the roof of any non-residential building, except by Special Exception from the Zoning Hearing Board. *[Added by Ord. 04-81, 11/23/81, §1.; Amended by Ord. 071095A, 7/10/95, §VI.]*

9. No sign shall be higher (measured from the ground level) than the height limitations of the particular district in which it is located. *[Added by Ord. 04-81, 11/23/81, §1.]*

10. The area of a sign shall be computed by measuring the largest side used for advertising.

11. Signs shall not be erected which will obstruct entrance to or exit from a door, window, fire escape, or other exit way or from a driveway or access way.

12. Unless specifically provided herein to the contrary, no signs shall be permitted to advertise uses not undertaken on the lot on which the sign is erected.

13. The following signs are allowed in all district:

a. Legal notices, identification information, or directional signs erected by governmental bodies.

b. One (1) sign for each lot not exceeding three (3) square feet in area and bearing only property numbers, post office numbers, names of occupants of premises, or other identification not having commercial connections.

c. Flags and insignia of any government. When displayed in connection with commercial promotion, they shall be considered as signs.

d. Two (2) on-premises signs directing and guiding traffic and parking on private property not exceeding ten (10) square feet in area, bearing no advertising matter.

e. Directional Signs complying with the provisions of SECTION 534 and other relevant provisions hereof.

f. In advertising on-lot property for development, sale, rent or lease, any property is permitted one (1) temporary sign not exceeding sixteen (16) square feet in area. Such

sign shall not be placed closer than fifteen (15) feet to any street cartway or twenty-five (25) feet to any side or rear property line. "Temporary" shall be for a period not to exceed three (3) months. *[Added by Ord. 04-81, 11/23/81, §2.]*

*[Amended by Ord. 01-3-25-85, 3/25/85, §II.]*

14. One (1) temporary (until issuance of certificate of occupancy) identification sign (not-exceeding thirty-six (36) square feet) is permitted on each lot actively undergoing construction activity. No permit shall be issued for more than twelve (12) months and all such signs shall in all other respects comply with setback and other requirements of this ordinance. *[Added by Ord. 01-3-25-85, 3/25/85, §II.]*

15. Temporary signs advertising a sale or event for a civic or religious group or a neighborhood commercial use in the Neighborhood Commercial District shall be permitted, provided that such signs shall not be displayed in excess of one month and shall be removed promptly after such event. *[Added by Ord. 02-061190, 6/11/90, §14.]*

16. All signs shall be constructed of durable materials and kept in good condition and repair, safe from hazards, nuisances and collapse. When any sign becomes dilapidated, structurally unsafe or endangers the public safety, or the safety of a building or premises, the Township shall give written notice to the owner of the sign or the owner of the premises on which the sign is located that such sign be made safe or removed within thirty (30) days. Should the remedy not occur within this time frame, it shall be considered a violation of this Ordinance. *[Added by Ord. 071095A, 7/10/95, §VII.]*

17. If a use ceases for a period of six (6) months, signs advertising the ceased business, or businesses, must be removed by the owner of the property or the owner of the sign. If not removed within thirty (30) days of written notice to the owner from the Township, it shall be considered a violation of this Ordinance. *[Added by Ord. 071095A, 7/10/95, §VII.]*

18. All signs shall be made a harmonious part of the architectural design and character of the building(s) located on the same lot and of the district in which the sign is located. *[Added by Ord. 071095A, 7/10/95, §VII.]*

19. All signs shall be securely mounted or fastened to the building upon which they are erected, or, if freestanding, must be securely and safely installed in the ground. *[Added by Ord. 071095A, 7/10/95, §VII.]*

20. Projecting, freestanding, or wall signs shall have a minimum clearance of ten (10) feet from the finished grade of any sidewalk or fourteen and one-half (14 ½) feet above any parking area or drive. *[Added by Ord. 071095A, 7/10/95, §VII.]*

B. Specific District Regulations

In addition to the signs permitted under the General Regulations for all Districts, the following additional signs shall be permitted.

1. Residential-1, Residential-2, Agricultural Transition and Agricultural Districts  
*[Amended by Ord. 060903, §2, 6/9/03]*

a. One (1) sign advertising a permitted home occupation, provided such sign shall not exceed four (4) square feet in area. *[Added by Ord. 04-81, 11/23/81, §2.]*

b. One (1) sign or bulletin board of religious institutions, schools, colleges, farms, hospitals, nursing homes, medical and dental clinics, private park and recreation area, libraries and other special exception uses (other than Home Occupations) shall be permitted subject to the following:

i. One (1) sign for each lot not exceeding twenty (20) square feet in area. Such sign is not to be placed closer than fifteen (15) feet to any street cartway or twenty-five (25) feet to any side or rear lot line.

*[Added by Ord. 04-81, 11/23/81, §2.]*

2. Neighborhood Commercial [101298-A]

a. Any sign permitted under the foregoing two paragraphs (B-1 and 2 hereof.).

b. A free-standing sign advertising a business or other activity that is conducted on the premises shall be permitted subject to the following:

i. One (1) sign not exceeding forty (40) square feet in area.

ii. Such sign shall not be placed closer than fifteen (15) feet to any street cartway or twenty-five (25) feet to any side or rear property line.

*[Added by Ord. 04-81, 11/23/81, §4.]*

c. In cases where two (2) or more separately owned and/or leased businesses, on one (1) site, have been authorized in accordance with the regulations of this Zoning Ordinance, the Zoning Hearing Board as a Special Exception, may permit a permanent sign not to exceed one hundred twenty-five (125) square feet in area upon the presentation of sufficient documentation by the owners for a demonstrated need. *[Added by Ord. 04-81, 11/23/81, §4.]*

d. One (1) additional sign is permitted, if such sign shall be attached to a building and shall advertise a business or other activity that is conducted on the premises. The maximum square footage of this sign shall not be greater than the distance that the building is set-back from the fronting street (the closest street from which ultimately the sign will be seen) right-of-way line {i.e. a fifty (50) feet set-back permits a fifty (50) square feet sign. *[Added by Ord. 12-09-91A, 12/9/91, §2.; Ord. 04-13-92A, 4/13/92, §4.]*

3. Limited Industrial District

a. One (1) wall sign or one (1) ground sign shall be permitted for each business, as follows:

i. Wall signs shall not exceed fifty (50) square feet in area, or an area equal to ten (10) percent of the surface area of the wall of the building fronting on the road or street, whichever is greater.

ii. Ground signs shall not exceed thirty-two (32) square feet, with a maximum height to five and one-half (5.5) feet above the ground.

iii. Freestanding signs, projecting signs and neon signs are expressly prohibited.

b. In addition to the above, in industrial parks having two (2) or more individual businesses, one (1) ground sign which bears the name of the industrial park together with the name of each industrial park occupant may also be erected upon the lands occupied by the park, subject to the following:

i. Said ground sign shall not exceed forty-eight (48) square feet, with a maximum height of five and one half (5.5) feet.

ii. Any ground sign hereafter erected shall be centrally located within a planted green area at least equal to two (2) times the allowable area of the sign. Said planting area shall also include ornamental evergreen shrubbery to minimize the visibility of any structural supports of such sign.

*[Amended by Ord. 071095A, 7/10/95, § VIII.]*

C. Administration and Enforcement

1. No sign exceeding twenty (20) square feet shall be erected prior to the issuance of a building permit from the Township Building Permit Clerk.

2. The following operations shall not require a permit.

a. Replacing Copy. The changing of the advertising or message on an approved painted or printed sign which is specifically designed for the use of replaceable copy, as long as the sign is not made non-conforming by such action.

b. Maintenance, Painting, Repainting, Cleaning, and other normal maintenance and routine repair of sign or a sign structure unless a structural change is made or unless the sign is non-conforming.

2. No sign, whether new or existing, shall hereafter be erected or altered, except in conformity with the provisions of this Ordinance. All signs must be kept clean, neatly painted and free from all hazards, such as but not limited to, faulty wiring, loose fastenings, and must be maintained at all times in such safe condition so as not to be detrimental to the public health and safety.

3. Any signs existing on or after the effective date of this Ordinance relating to a development, business or product that no longer exists or which violates the provisions of this Ordinance otherwise, shall be removed by the owner or lesser of the sign or the owner of the lot on which the sign is located after receipt of a written notice from the Township Zoning Officer. The Zoning Officer, upon determining that any such sign exists, shall notify the owner of the lot in writing to remove said sign within sixty (60) days from date of such notice. Upon failure to comply with such notice within the prescribed time, the Zoning Officer is hereby authorized to remove or cause removal of such sign, and shall assess all costs and expenses incurred in said removal or repair against the landowner and/or owner of lessee of the sign. The Zoning Officer may cause any sign which is a source of immediate peril to persons or property to be removed summarily and without notice.

4. The foregoing remedies are in addition to and not in limitation of, other remedies provided in this zoning ordinance, including prosecution.

D. Neighborhood Commercial District

In the Neighborhood Commercial (NC) District, where two or more separately owned and/or leased businesses have been authorized in accordance with the regulations of this Ordinance and the Clay Township Subdivision and Land Development Ordinance, or a shopping center has been approved in accordance with the regulations of this Ordinance, each separately owned and/or leased business shall be permitted one (1) sign attached to the facade of the business and/or building of the shopping center, not exceeding twenty (20) square feet in area. Should the owner of the shopping center, or an owner/lessee of a separate business desire more than one (1) sign at his business location, the Zoning Officer will permit each user one more sign not to exceed eight (8) square feet of area upon presentation of sufficient documentation by the applicant for demonstrated need, and said sign shall be placed where it cannot be seen from the public street. *[Added by Ord. 02-061190, 6/11/90, §7.; Amended by Ord. 071095A, 7/10/95, § IX.]*

E. Shopping Centers

In the Neighborhood Commercial (NC) District, if a separately owned and/or leased business or shopping center has a setback of its building of over one hundred (100) feet from the edge of the street right-of-way and the sign for the tract is located on the building at least such minimum setback, the permitted size of such a sign may be increased from twenty (20) square feet in area to a maximum of thirty-five (35) square feet in area. *[Added by Ord. 02-061190, 6/11/90; §8.; Amended by Ord. 071095A, 7/10/95, § X.]*

F. Special Exception

Signs for schools, colleges, churches, hospitals, and other public institutions, as well as directional signs and signs indicating the nature of a particular organization, home for aging, nursing or convalescent home, etc., may be permitted as a Special Exception by the Zoning Hearing Board. The Zoning Hearing Board shall place limitations on the size, location, design, and types of signs so as to protect the appearance and character of the district. [*Added by Ord. 02-061190, 6/11/90, §9.*]

## **SECTION 505. OFF-STREET PARKING AND LOADING REQUIREMENTS GENERAL REQUIREMENTS.**

### **A. General Requirements**

1. Off street parking shall be required in accordance with the provisions of this Ordinance as a condition precedent to occupancy of any building or use so as to alleviate traffic congestion on streets. Parking facilities shall be provided whenever:

- a. A building is to be constructed or a new use is to be established.
- b. The use of an existing building is changed to a use requiring more parking facilities.
- c. An existing building or use is altered or enlarged so as to increase the amount of parking space required under this Ordinance.

2. Vehicles or trailers of any kind or type, or parts thereof, without current license plates and/or current inspection stickers shall not be parked or stored other than in completely enclosed accessory building. This requirement shall not be applicable to implements and other agricultural vehicles not originally built to be customarily used as conveyances on the public highways.

3. All parking spaces required shall be located at least ten (10) feet from any property line or edge of public road cartway. [*Amended by Ord. 01-3-25-85, 3/25/85, §III.*]

4. Required off-street parking facilities shall be reserved and used for automobile parking only, with no sales, storage, repair work, dismantling, or servicing of any kind, other than immediate emergency service. [*Added by Ord. 071095A, 7/10/95, § XI.*]

### **B. Schedule of Required Off-Street Parking Spaces**

The following schedule of off-street parking spaces shall be cumulative, so that if there is more than one (1) use of any premises, the total number of parking spaces shall be computed by adding together the total number for each use.

1. Residential



a. Two (2) spaces for each dwelling unit.

2. Institutional

a. Church, auditorium, theater, recreational establishment, places of public assembly, and the like: one space for each three (3) seats of seating.

b. School: One (1) space for each teacher, employee, or administrator, and in high schools one (1) space for each ten (10) students.

c. Nursing Homes, convalescent homes, group homes, retirement homes, and the like: one (1) space for each bed, or if individual dwelling units, two (2) spaces per dwelling unit.

d. Municipal Building or Offices: One (1) space for each two hundred (200) square feet of office floor area plus one (1) space for each four (4) seats in the assembly room.

3. Commercial

a. Retail business establishment: One (1) space for each four hundred (400) square feet of total floor space.

b. Personal or household service establishments (except Laundromats): One (1) space for each two hundred (200) square feet of total floor area.

c. Motel, Hotel, Boarding House and the like: One (1) space for each rental unit plus one (1) additional space for every two (2) employees.

d. Banks and Financial Institutions: One (1) space for each one hundred (100) square feet of total floor area.

e. Shopping Center: Five (5) spaces per each one thousand (1,000) square feet of floor area or part thereof.

f. Eating and Drinking Establishments: One (1) space for each one hundred (100) square feet of total floor area or one (1) space per three (3) seats, whichever requires the greater.

g. Laundromats: One (1) space for each two (2) washing or drying machines.

h. Automobile Service Station: One (1) space for each three hundred (300) square feet of total floor area.

i. Professional: Three (3) spaces for every professional or par-professional using the premises.

j. Recreation areas or uses, including swimming pools, skating arenas and the like: One (1) space for each one hundred (100) square feet of area devoted to patron use.

k. Funeral Homes: One (1) space for each fifty (50) square feet of floor area.

l. Parks, playgrounds and the like: One (1) space for each five thousand (5,000) square feet of playing field area, plus one (1) space for each four (4) seats, permanent or temporary.

m. Offices, Arcades and the like: One (1) space for every two hundred (200) square feet of total floor area.

n. Bed and Breakfast Inns: One and one-half (1½) parking spaces for each bedroom within the building. [*Added by Ord. 01-3-25-85, 3/25/85, §II.*]

o. In any event a minimum of four (4) spaces shall be required for each use.

p. Adult bookstore, adult theater, massage establishment, or other adult oriented retail, commercial service or entertainment establishment, One (1) space for every seventy-five (75) square feet (or portion thereof) of total floor area. [*Added by Ord. 01-121487, 12/14/87, §II.*]

#### 4. Industrial

a. There shall be sufficient off-street parking spaces provided so that there is a minimum of one (1) space for each employee on the shift of greatest employment, plus additional spaces to be provided depending on the proposed use, as follows:

1. Manufacturing, printing, or publishing and other industrial establishments: One (1) space for each five hundred (500) square feet of gross floor area.

2. Research, engineering or testing laboratories or facilities: each facility shall provide one (1) visitor parking space for each two hundred (200) square feet of company office gross floor area, or a minimum of four (4) spaces, whichever is greater.

3. Wholesale storage or distribution: one (1) parking space for each one thousand (1,000) square feet of storage area.

4. Retail outlets accessory to permitted industrial uses: one (1) parking space for each two hundred (200) square feet of customer service and sales area.

5. Offices accessory to permitted uses: one (1) parking space for every three (300) hundred square feet of floor area of office space.

b. A minimum of ten (10) off-street parking spaces shall be provided for each use.

c. In a district, no employee parking, loading, or service area shall be located within front yard areas.

*[Amended by Ord. 71092A, 7/10/98, § XII.]*

C. Additional Regulations

1. Parking spaces shall be on the same lot as the principal building, except when authorized as a special exception by the Zoning Hearing Board.

2. The Zoning Hearing Board may authorize as a special exception a reduction in the number and size of off-street parking spaces in cases where the applicant can justify the reduction and still provide adequate facilities.

3. For any specific building or use which is not contained in the schedule set forth in Subsection B hereof, the Zoning Officer or Zoning Hearing Board, as the case may be, shall apply the unit of measurement deemed to be the most similar to the proposed building or use.

4. One or more parking lots may, be Special Exception be designed to service a multiple number of commercial industrial, or institutional uses so long as the total requirements shall be equal to the sum of the requirements of the component uses computed separately.

5. The design standards for parking shall be in conformance with the requirements of the Subdivision and Land Development Ordinance of Clay Township.

D. Loading Areas

1. Adequate off-street loading and unloading space, with proper access from a street, common driveway or alley, shall be provided on any lot on which a building for trade, business, institutional use, industrial use, or manufacturing is hereafter erected or substantially altered. All such areas for the loading or unloading of vehicles, and for the servicing of establishments or shops by refuse collection, fuel and other service vehicles, shall be of such size, design and arrangement that they may be used without blocking or otherwise interfering with the use of automobile accessways, parking facilities, or pedestrian ways. All such spaces shall conform to dimensions of not less than a minimum of fifteen (15) feet wide and seventy (70) feet long, with a vertical clearance of not less than sixteen (16) feet in height. The design standards for loading areas shall be in conformance with the requirements of the Subdivision and Land Development Ordinance of Clay Township.

2. At least one (1) loading space shall be required for each use or building involving the receipt or distribution of materials or merchandise by trucks or similar vehicles.

*[Amended by Ord. 071095A, 7/10/95, § XIII.]*

## **SECTION 506. STORAGE OF EXPLOSIVES**

No Explosives, other than small supplies of gunpowder for personal reloading of firearms, shall be stored in residential or commercial districts. Explosives may be stored in all other districts, provided the storage area is no closer than two hundred (200) feet to any property line, and provided the requirements of all Other Provisions have been previously met.

## **SECTION 507. MOBILE HOMES**

Individual mobile homes will be considered single family detached dwellings if they conform with all lot and yard requirements for single family detached dwellings and with the following additional criteria:

A. All mobile homes shall be set upon and securely fastened to a permanent foundation of block or concrete, with concrete footings extending at least thirty-six (36) inches below finished grade that will not heave, shift, settle, or move due to frost action, inadequate drainage, or other forces acting on the superstructure. In addition to the foregoing the mobile home foundation will be provided with devices for anchoring the mobile home to the foundation to prevent overturning or uplift of the mobile home the anchoring device should be in the form of anchor bolts, fastened securely to the base frame of the mobile home and anchored to the concrete footing with adequate anchor plates or hooks. *[Amended by Ord. 03-81, 11/23/81, §1.]*

B. All axles, wheels, and any hitch shall be removed from the mobile home and either removed from the lot or placed within a building. *[Amended by Ord. 03-81, 11/23/81, §1.]*

C. The construction of all mobile homes shall conform to requirements of Act No. 192 of the General Assembly of the Commonwealth of Pennsylvania, 1982, as amended, and any other state or federal laws and regulations and no mobile homes shall be modified or improved without strict compliance with this Act and Other Provisions. *[Amended by Ord. 03-81, 11/23/81, §1.; Amended by Ord. 01-3-25-85, 3/25/85, §II.]*

D. An enclosure of compatible design and materials shall be erected around the entire base of the mobile home. Such enclosures shall provide sufficient ventilation to inhibit decay and deterioration of the structure. *[Amended by Ord. 03-81, 11/23/81, §1.]*

E. The mobile home shall be connected to public water and sewer system if available. If not, the mobile home shall be permanently connected to a portable water supply and a septic system that shall meet all of the standards of the Pennsylvania Department of Health, and the Pennsylvania Department of Environmental Resources. *[Amended by Ord. 03-81, 11/23/81, §1.]*

F. No mobile home shall be removed from the lot without first obtaining a certification from the Township's tax collector that all Township taxes assessed against the home are paid. Such certification shall be issued upon payment of a fee of Two Dollars. (\$2.00) *[Amended by Ord. 03-81, 11/23/81, §1.]*

G. All piping from outside fuel storage tanks or cylinders to mobile homes shall be securely and permanently fastened in place. All fuel oil supply systems provided for mobile homes shall have shut-off valves located within five (5) inches of storage tanks. All fuel storage tanks or cylinders shall be securely placed and shall not be less than five (5) feet from any mobile home exit. All fuel storage tanks or cylinders which are buried shall not be placed beneath the mobile home. *[Amended by Ord. 03-81, 11/23/81, §1.]*

H. All exposed non-current carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor run with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for mobile homes or other equipment. *[Amended by Ord. 03-81, 11/23/81, §1.]*

#### **SECTION 508. MOBILE HOME PARKS**

Each mobile home park shall be established, maintained, conducted and operated in strict compliance with this Ordinance, Ordinance No. 11 of Clay Township and all Other Provisions and shall only be located in a R-2 District.

#### **SECTION 509. PRIVATE AND PUBLIC PARK AND RECREATION AREAS**

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

#### **SECTION 510. EXTRACTION OF NATURAL RESOURCES**

In addition to compliance with this Ordinance and Other Provisions, the following additional standards are applicable for the extraction of natural resources:

A. A buffer zone shall exist or be created to screen off the operation. Adequate screening shall be provided.

B. Control of the emission of air pollutants shall be provided. This shall include but not be limited to, a requirement that water be sprinkled on the area to be cut, drilled or worked.

C. Trucks loaded with quarry material shall have their loads washed or covered to remove the dust in a reasonable manner.

D. All access road must be of a paved or treated surface in order to limit the emission of dust.

E. Any pit or well shall not extend or be closer than five hundred (500) feet from all property and street ultimate right-of-way lines.

F. All accessory buildings, and uses including, but not limited to, crushers, maintenance buildings, truck storage, weighting scales, etc., shall not be closer than one hundred (100) feet from all property and street ultimate right-of-way lines.

#### **SECTION 511. AUTOMOBILE SERVICE STATION**

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

#### **SECTION 512. JUNK YARDS**

All junk yards shall be established, maintained, conducted and operated in strict compliance with all Ordinances of Clay Township and Other Provisions.

#### **SECTION 513. SLOPE**

In those areas of the township where the natural slope of land exceeds twenty percent (20%) no structure will be erected, except on special exception granted, which shall find that the use will not unduly disturb existing grades and natural soil conditions. A statement must be prepared by a registered architect, engineer, or landscape architect in regard to the building method used in overcoming foundation problems, the maintenance of the natural water shed, and the means of preventing soil erosion. Such statement must be approved by the Zoning Hearing Board and a sewage permit must be presented to the Zoning Hearing Board prior to issuance of any special exception for construction.

#### **SECTION 514. DETACHED PRIVATE GARAGES**

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

- A. Maximum Capacity – three (3) cars.
- B. Maximum Height – twenty (20) feet
- C. No structure shall be permitted within any yards.

#### **SECTION 515. DWELLING RECREATIONAL ACCESSORY STRUCTURES**

A. Swimming Pools - All swimming pools shall be completely surrounded by a fence or a barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the

side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Indoor swimming pools and spas are not subject to the requirements of this section. Swimming pools with a permanent maintained safety cover that complies with ASPMF 1346 or equal requirement shall be exempt from this requirement.

B. Tennis Courts, Basketball Courts, and similar accessory structures shall be well maintained and kept free from weeds.

*[Amended per Ord. No. 061410A; §3; 6/14/10]*

#### **SECTION 516. STORAGE – COMMERCIAL**

*[title changed by Ord. 071095A, 7/10/95, § XIV.]*

Provision shall be made for the storage of all merchandise, waste and service materials in an enclosed structure. No such storage shall be permitted in any open yard of lot area.

#### **SECTION 517. STORAGE – INDUSTRIAL**

Provisions shall be made for the storage of all products, by-products, service materials or wastes in a structure(s) enclosed on all sides. No storage shall be permitted within any required yard areas or closer to the front property line than the front façade of the principal building. All storage areas shall be suitably enclosed and protected by a permanent fence at least six (6) feet high, which shall be constructed to screen the storage area so as to not be visible from the street.

*[Amended by Ord. 071095A, 7/10/95, § XV.]*

#### **SECTION 518. ACCESSORY BUILDINGS AND STRUCTURES / ANIMAL STRUCTURES.**

As an accessory building or structure in any Zoning District, an animal shelter for domesticated animals owned by the occupant may be maintained by the occupant for noncommercial purposes, provided the area on which a shelter and/or exercise yard is maintained is suitably greater of ten (10) feet from property lines or fifty (50) feet from the nearest dwelling (other than the dwelling of the occupant). In any residential district, up to two (2) saddle horses may be maintained by occupant, providing no building, corral, or stable is located the closer than the greater of one hundred (100) feet from the property line or two hundred (200) feet from the nearest dwelling (other than the dwelling of the occupant). No more than four (4) animals shall be permitted on any lot in any residential district. The foregoing provisions shall not apply to farms. *[Amended by Ord. 01-3-25-85, 3/25/85, §II.]*

#### **SECTION 519. POLLUTION CONTROL**

No building or structure may be erected, altered or used, and no lot or premises may be used for any activity that is noxious, injurious or offensive by reason of dust, smoke, refuse matter, odor, gas, fumes, noise, vibration, electronic interference, illumination, or similar substances or conditions.

#### **SECTION 520. VISUAL OBSTRUCTIONS**

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

#### **SECTION 521. LAND FILLS**

A. No land fill shall be located on land mapped by the soil conservation service as having a high-water table or seasonal high water table, or being subject to flooding, or actually subject to any of the foregoing.

B. No burning or scavenging shall be permitted.

C. All weather access roads shall be provided to the land fill sites.

D. All land fill sites shall be located a minimum of two hundred (200) feet from any public street and three hundred (300) from any adjoining property line.

E. Minimum lot size shall be twenty (20) acres.

F. A fence shall be maintained along all property lines. This fence shall have a minimum height of six (6) feet and shall have locks at all entrance gates which are locked except during business hours. Such fence shall be constructed so that no operations can be viewed from the lot boundaries.

G. Landfills shall conform to all Other Provisions.

**SECTION 522.** *[Deleted per Ord. No. 061107, 6/11/07, §1]*

#### **SECTION 523. DISPOSAL OF JUNK**

A. The term "Junk", as used in this Section only, shall include, but not be limited to, old iron, steel, brass, cooper, tin, lead, or other base metal: old cordage, ropes, rags, fibers or fabric, rubber, old bottles or other glass; bones, motor vehicles; waste paper, appliances, machinery, building materials and other waste or discarded material or which might be prepared to be used again in some form and all materials commonly referred to as garbage, the same being animal, human or vegetable waste for products associated with the processing or use of animal, human, or vegetable waste or product, or any parts of any of the foregoing, junk, for the purpose of this definition, also specifically includes any vehicles or parts thereof, that by the laws of this Commonwealth, cannot be used legally upon the roads of this Commonwealth, other than usable farm machinery on farms.

B. As used herein, the term "Junked" shall mean that the items or materials so described are no longer in current usage for their intended purpose, as evidenced by an apparent, continued disuse.



C. No junk shall be stored, placed, or accumulated on property, unless in a building which can be closed and locked. It shall be unlawful for the owner of any junk or the occupant of any property to allow, permit, or suffer junked materials to be left upon any property, unless the same be authorized in connection with a business property complying with and operated pursuant to this ordinance and all Other Provision.

#### **SECTION 524. ON-LOT SEWAGE DISPOSAL**

A. Any lot in the Township that is not serviced by public sewer shall, prior to the issuance of any building permit for any construction of a building intended to be occupied by humans or expansion of such a building that would increase sewage flow, be tested for and pass all certifications required to establish, by clear and convincing evidence, that there is a full size area available on the lot for the installation of a full-size fully functioning alternative on-lot sewage disposal system fully capable of being used so to provide a complete backup in the event of failure of the original on-lot sewage disposal system.

B. No soil shall be disturbed in or upon any lot (including, but not limited to, any grading of any type) at any location above or within five feet of any proposed site of the proposed alternate system.

C. The Township's Zoning Officer shall be provided, in the advance of the issuance of any permit, with full plans and specifications showing the location of the on-lot system and the alternative system. [*Amended by Ord. 12-09-91-A, 12/9/01, §2.*]

#### **SECTION 525. WATER SUPPLY**

A. No land use shall be permitted in any district which could excessively use ground water or affect the availability of ground water to adjoining property. For purposes of this provision, any land use which is anticipated to use more than one thousand (1,000) gallons of water a day per acre of land shall be considered a land use that must comply with the terms and conditions of this provision.

B. If any land use exceeds the criteria described in Paragraph A, applicant shall submit suitable testing and technical evaluation on the effect of such water withdraw proposed by competent professionals to the Zoning Officer or the Zoning Hearing Board, as the case may be, before the issuance of any permit.

C. Such testing shall be done at the expense of the applicant, who shall bear the burden of proof that the use of ground water shall not interfere with adjoining property use. The submission of a hydrological study certified by a certified hydrogeologist which draws the adjoining property use or be burdensome to ground water supplies, shall be accepted as establishing a rebuttable presumption that the property will not use excessive ground water.

D. Where excessive use is anticipated, the applicant, before any approval can be granted, shall present plans and specifications showing in detail the ultimate method of ground water supply or action that will be taken to insure continued ground water supply to all uses to be affected.

*[Added by Ord. 01-121487, 12/14/87, §II.]*

E. All wells shall be set back a minimum of one hundred (100) feet from any on-site or off-site sanitary sewage disposal system (other than a public system). Further, all wells shall be located a minimum of twenty-five (25) feet from the boundaries of all properties.

F. The terms of this Section 525 shall not apply to Concentrated Animal Feeding Operations, Concentrated Animal Operations, or Manure Management Facilities.

*[added per Ord. No. 061107, 6/11/07, §4]*

#### **SECTION 526. CHILD DAY CARE CENTERS**

A. A child day care center can be considered as a customary home occupation only if six or fewer children, not members of the family-residing in a single-family detached dwelling, are cared for in such single-family detached dwelling. *[Amended by Ord. 01-121487, 12/14/87, §II,]*

B. All child day care centers shall comply with all Other Provisions and all children thereon shall be properly supervised by a resident adult and shall be property controlled so as to not interfere with enjoyment of neighboring residential buildings.

C. All properties containing child day care centers shall contain a suitable fence for restriction of the children.

D. Child day care centers involving seven or more children not members of the family residing therein shall be considered a commercial use and subject to the provisions of this Ordinance relating to commercial use. *[Amended by Ord. 01-121487, 12/14/87, §II.]*

#### **SECTION 527. RESIDENTIAL NON-CONFORMING STRUCTURES-ADDITIONS**

Notwithstanding anything else in this Ordinance to the contrary, a single-family detached dwelling or a single-family semi-detached dwelling, that is a non-conforming structure under the terms of this Ordinance because of front yards, may be expanded otherwise in conformance with this Ordinance, except that the front yards for the addition may only be reduced to the current location on the building.

#### **SECTION 528. FARMS**

The following criteria shall apply to all farms, other than those located in the Agricultural District:

A. No farm building other than a dwelling unit may be erected closer to a neighboring residential building or property line than allowed by the Nutrient Management Act and the regulations adopted thereunder. *[Amended by Ord. 01-81, 4/13/81, §1.] [Amended per Ord. No. 061107, 6/11/07, §1]*

*[Former §528.B. deleted per Ord. No. 061107, 6/11/07, §1]*

## **SECTION 529. FARMS HOUSE CONVERSIONS**

Notwithstanding anything else in this Ordinance to the contrary, any dwelling existing at the time of the adoption of this Ordinance on a farm existing at the time of the adoption of this Ordinance, can be converted to two (2) apartments.

## **SECTION 530. BUSINESS RESIDENCE**

### **A. Conditions**

Only one (1) business residence shall be allowed per lot. A business-residence shall only be allowed where the commercial or industrial use does not involve the handling or use of explosives, volatile liquids, poisonous chemicals, biological, or where toxic fumes will not be generated or where applicant has presented proof satisfactory to the Zoning Hearing Board that full and adequate protection to inhabitants from the foregoing can be acquired through the use of particular construction standards, sprinkler devices, smoke or heat detectors, compliance with Labor and Industry or BOCA requirements, or the like. The Zoning Hearing Board may impose specific conditions relating to the safety of the inhabitants of the business-residence from dangers associated with any particular commercial or industrial uses.

*[Added by Ord. 01-3-25-85, 3/25/85, §II.]*

## **SECTION 531. SPECIAL REQUIREMENTS FOR PRIVATE COMMUNICATION STRUCTURES**

Private Communication Structures are allowed, in all districts. Each private communication structure must be located a distance from any property line equal to or greater than the total height of the structure. Additionally, no private communication structures may be located within the front of any dwelling and all private communication structures must meet all setback requirements for structures in the Zoning District. However, any person may apply to the Zoning hearing Board for a Special Exception to allow a private communication structure in either the front of the dwelling or in violation of setback requirements, if, the Applicant is successful in carrying the burden of proving to the Zoning Hearing Board that the private communications structure cannot be properly operated unless located as requested and than adequate provisions shall be made for screening and protecting neighboring properties from any dangers. *[Added by Ord. 01-3-25-85, 3/25/85, §II.]*

## **SECTION 532. TEMPORARY CONSTRUCTION STRUCTURES.**

During the course of active construction and prior to the issuance of any certificate of occupancy, the Zoning Officer may issue a temporary permit (which shall be valid for no longer than the period for which the building permit is valid) allowing for the placement on property upon which construction is taking place of temporary storage or office trailers, or portable sanitary facilities as are necessary for completion of the project. The Zoning Officer shall require that all such structures and facilities comply with yard requirements for structures otherwise set forth herein and shall have discretion to limit occupancy inconsistent with the health, safety, and welfare of the community. All such structures shall be sufficiently secured to the ground to prevent turn over from the storms. All such structures shall only be used for storage and uses relating to property upon which they rest and the number may be limited by the Zoning Officer, to prevent abuse or reduce dangers. *[Added by Ord. 01-3-25-85, 3/25/85, §II.]*

### **SECTION 533. BED AND BREAKFAST INNS BY SPECIAL EXCEPTION.**

Wherever herein Bed and Breakfast Inns are permitted by special exceptions, the following additional conditions shall be considered by the Zoning Hearing Board in rendering its decision:

- A. The Bed and Breakfast Inn must be an owner-occupied structure.
- B. No more than ten (10) units (one-bedroom facilities) shall be permitted in any Bed and Breakfast Inn.
- C. Such meals as are served shall be limited to guests only.
- D. Guests shall be limited to transients and Bed and Breakfast Inns shall not serve as weekly or monthly homes for persons without other accommodations.
- E. All Bed and Breakfast Inns shall have adequate provision for sewage and water supply and there shall be one and one-half (1 ½) parking spaces for each bedroom within the building.
- F. Bed and Breakfast Inns shall be uses permitted by special exception in all Zoning Districts.

*[Added by Ord. 01-3-25-85, 3/25/85, §II.]*

### **SECTION 534. DIRECTIONAL SIGNS AND STANDARDS.**

- A. No Directional Sign Standards shall be located in the Township within one hundred (100) feet of any other Directional Sign Standard.
- B. More than one (1) Directional Sign can be erected on any Directional Sign Standard, as long as the number or location of Directional Signs on each Standard does not interfere with the health or safety of the traveling public.

C. Directional Sign Standards shall be made of 4 X 4 pentotreated wood, shall be erected outside the ultimate right-of-way line of all roads and shall be erected so as to not interfere with any clear site distances. Each standard shall be no more than 8 feet nor less than 6 feet in height from ground level and shall be the natural color of wood.

D. Each Directional Signs shall also meet the following standards:

1. The size of the Directional Sign shall be 24 inches long by 6 inches wide.
2. The Directional Sign shall be constructed of 12 gauge or thicker metal or ¾ inch wood only.
3. The color of the Directional Sign shall be white on green only.
4. Printing appearing on the Directional Sign shall only name the name of the institution to which directed, contain an arrow, and may show a distance.

E. Any Directional Sign or Standard that is not property maintained in a good and attractive state may, following thirty (30) days written notice by Township to the owner of the property on which it is erected or to the erector of the Directional Sign, be removed by the Township.

[added by Ord. 01-3-25-85, 3/25/85, §II.]

**SECTION 535.** [Formerly added by Ord. 021491, 1/14/91, §2.2 & Deleted per Ord. No. 061107, 6/11/07, §1]

**SECTION 535. NUTRIENT MANAGEMENT ACT.**

A. The following provisions shall apply to all uses covered by the Nutrient Management Act (as hereinafter described) in the Township of Clay. The Nutrient Management Act, 3 P.S. § 1701 et. seq., as amended at 3 Pa.C.S.A. § 501 et. seq., copies of which are on file and available for review at the Clay Township Building, is hereby adopted as the provisions in the Township of Clay for regulating the nutrient management planning requirements and the implementation of a schedule for the application of nutrient management measures on certain agricultural operations which generate or utilize animal manure. All regulations, provisions, conditions, and terms of the Nutrient Management Act and its regulations not specifically excluded by this Ordinance, are hereby referred to, adopted and made part hereof as if fully set forth in this Ordinance.

B. The Administrative Provisions contained in 3 Pa. C.S.A. § 504 of the Nutrient Management Act relating to the power and duties of the State Conservation Commission to the extent the provisions are not applicable to Clay Township are not adopted as part of this Ordinance. However, all regulations and procedures properly developed by the State Conservation Commission and enforceable under the Nutrient Management Act are hereby incorporated by reference and shall be in effect in Clay Township.

C. The Administrative Provisions contained in 3 Pa. C.S.A. § 505 of the Nutrient Management Act relating to the power and duties of the department of Environmental Protection that are not applicable to Clay Township are not adopted.

D. The Administrative Provisions contained in 3 Pa. C.S.A. § 508 of the Nutrient Management Act relating to the Nutrient Management Certification Program and Odor Management Certification Program to the extent they are not applicable to Clay Township are not adopted. Any person operating in the capacity of Nutrient Management Specialist or Odor Management Specialist within the Township of Clay must meet the Department of Agriculture's certification requirements, including any subsequent revisions or regulations.

E. The Administrative Provisions contained in 3 Pa. C.S.A. § 510 of the Nutrient Management Act relating to the creation and duties of the Nutrient Management Advisory Board to the extent they are not applicable to Clay Township are not adopted.

F. The Administrative Provisions contained in 3 Pa. C.S.A. § 511 and § 512 of the Nutrient Management Act relating to the creation of a Nutrient Management Fund and the providing of financial assistance by the State Conservation Commission, to the extent they are not applicable to Clay Township are not adopted.

G. Although the Clay Township Board of Supervisors is not directly able to grant financial assistance from the Nutrient Management Fund, upon written request by an applicant believed to qualify, the Township may support the applicant's request by providing a letter of support or other assistance deemed appropriate by the Board of Supervisors.

H. As stated in 3 Pa. C.S.A. § 506(e) of the Nutrient Management Act, all Nutrient Management plans shall be submitted to the local conservation district for approval. Pursuant to this Ordinance a copy of any Nutrient Management Plan in Clay Township must be submitted to the Lancaster County Conservation District for approval. Following approval by the Lancaster County Conservation District, a copy must also be submitted to the Clay Township Zoning Officer for review by the Clay Township Planning Commission and the Clay Township Board of Supervisors.

I. In addition to the civil penalties and remedies outlined in 3 Pa. C.S.A. § 514 of the Nutrient Management Act, the Township of Clay may assess penalties as set forth in Section 703 of this Ordinance. No penalty shall be assessed under this ordinance for any violation for which a penalty has been assessed under the Nutrient Management Act.

J. In addition to duly authorized members of the Lancaster Conservation District, the Clay Township Zoning Officer, or other person appointed by the Board of Supervisors by Resolution, shall have the enforcement authority referenced in 3 Pa. C.S.A. § 514 of the Nutrient Management Act. The Clay Township Board of Supervisors shall have the authority to issue orders necessary to aid in the enforcement of the Nutrient Management Act.

K. All Farms, Concentrated Animal Feeding Operations, Concentrated Animal Operations and Manure Management Facilities shall comply with the terms and conditions of this Section 535. All applications for permits and applications before the Zoning Hearing Board shall prove full compliance with each and every provision thereof and with all "Other Provisions." [added per Ord. No. 061107, 6/11/07, §5]

## **SECTION 536. INDUSTRIAL PERFORMANCE STANDARDS.**

No land or building in the LI-Limited Industrial District shall be developed, used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration; smoke, dust, odor, or other form of air pollution; heat, cold, dampness, electromagnetic or other substance, condition or element in such manner or in such amount as to adversely affect the reasonable use of the surrounding area or adjoining premises (referred to herein as "dangerous or objectionable elements"); provided that any use permitted or not expressly prohibited by this Ordinance may be undertaken and maintained if it conforms to the regulations of this Section limiting dangerous and objectionable elements at the point of the determination of their existence.

### **A. Air Quality**

There shall be no emission of smoke, ash, fumes, vapor, gases, or other matter toxic, corrosive, or noxious into the air which violates the Pennsylvania Air Pollution Control Laws, including but not limited to, the Chapter 131 (Ambient Air Quality Standards), Article III, Title 25, Pennsylvania Department of Environmental Resources, Rules and Regulations. No user shall operate or maintain or be permitted to operate or maintain any equipment, installation, or device which by reason of its operation or maintenance will discharge contaminants to the air in excess of the limits prescribed herein unless he shall install and maintain in conjunction therewith such control as well prevent the emission into open air of any air contaminant in a quantity that will violate any provision of this Ordinance.

### **B. Fire and Explosive Hazards**

All activities and all storage of flammable and explosive material shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate fire-fighting and fire-suppression equipment and devices as detailed and specified by the laws of the Commonwealth of Pennsylvania. All buildings and structures and activities within such buildings and structures shall conform to the BOCA Code, and other applicable Township ordinances. Any explosive material shall conform to the requirements of Chapter 211, Title 25, Rules and Regulations Pennsylvania Department of Environmental Resources, for Storing, Handling and Use of Explosives. A list of such solids, liquids, or gases stored on site shall be supplied to the appropriate fire companies serving the Township.

### **C. Glare and Hear**

No direct heat or sky-reflected glare, whether from floodlights or high temperature processes such as combustion or welding or otherwise, so as to be visible at the lot line, shall be permitted. These regulations shall not apply to signs or floodlighting of parking areas otherwise permitted by this Ordinance. There shall be no emission or transmission of heat or heated air so as to be discernible at the lot line.

D. Liquid and Solid Waste

There shall be no discharge at any point into any public sewerage system or watercourse or into the ground, except in accordance with standards approved by the Pennsylvania Department of Environmental Resources or other regulating department or agency, of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements. There shall be no accumulation of solid wastes conducive to the breeding of rodents or insects.

E. Noise

No person shall operate or cause to be operated on private or public property any source of continuous sound (any sound which is static, fluctuating, or intermittent with a recurrence greater than one time in any 15 second interval) in such a manner as to create a sound level which exceeds the limits set forth in the following table when measured at or within any adjacent property boundary:

Maximum sound pressure in decibels –0.002 dynes per square centimeter:

<u>Octave band in hertz per second</u>	<u>7 a.m. to 11 p.m.</u>	<u>11 p.m. to 7 a.m.</u>
0-75	74	69
75-150	59	54
150-300	52	47
300-600	46	41
600-1,200	42	37
1,200-2,400	39	34
2,400-4,800	36	31
above 4,800	33	28

1. For any source of sound which emits a pure tone, the maximum sound level limits set forth in the above table shall be reduced by 5 dBA. For any source of sound which emits an impulsive sound (a sound of short duration, with an abrupt onset and rapid decay and/or occurrence of not more than one time in any 15 second interval) the excursions of sound pressure level shall not exceed 20 dBA over the ambient sound level, regardless of the time of day or night, using the “fast” meter characteristics of a Type II meter meeting ANSI specification S1.4-1971.



2. The maximum permissible sound levels as listed in the previous table shall not apply to any of the following noise sources:

a. The emission of sound for the purpose of alerting persons to the existence of an emergency or associated practice drills.

b. Emergency work to provide electricity, water, or other public utilities when public health or safety are involved.

c. Domestic power tools.

d. Excavation and construction operations carried on during normal business hours.

e. Agriculture.

f. Public celebrations specifically authorized by the Township.

F. Odors

No uses, except agricultural operations, shall emit odorous gases or other odorous matter in such quantities to be perceptible at any point on or beyond the property lines.

G. Vibration

No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or at any point beyond the property lines.

H. Radioactivity or Electrical Disturbances

There shall be no activity which emits dangerous radioactivity at any point. There shall be no electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of the disturbance.

I. Fly Ash, Dust and Smoke

No emission shall be permitted which can cause any damage to health, to animals, vegetation, or other forms of property or which can cause any soiling at any point on the property of others.

*[Ord. 071095A, 7/10/95, §XVIII]*

**SECTION 537. FLAG LOT SETBACKS**

Flag Lots. Flag lots shall not be created except:

1. When the flag lot is being created to serve one home site in the back of an existing tract of land where there is no potential of street access to the proposed lot.
2. The flag lot is the result of the division of agricultural land to create an additional building site on the least suitable portion of the property for continued agricultural use.
3. There are no more than two (2) continuous flag lots.
4. The “flagpole” or access portion of the flag lot shall maintain a minimum width of twenty-five (25) feet and shall not change direction more than once. The area of the flagpole shall not be included with the area of the “flag” or the body of the lot in satisfying Township zoning standards for minimum lot size.

*[Ord. 071095A, 7/10/95, § XIX.]*

#### **SECTION 538. PUBLIC UTILITY STRUCTURES.**

Public Utility Structures may be erected by businesses regulated by the Pennsylvania Public Utility Commission (if the particular business relating to a structure is one of those regulated businesses) or by a municipal government, only for providing absolutely necessary utility services to the public. Public Utility Structure erection shall be limited to the minimum structures necessary to provide said services. Public Utility Structures do not include sewage treatment plants, water treatment plants, County wide communication centers and the like, which shall all be separately considered structures and must meet all the use, building, lot, etc., criteria of the respective zoning district. Public utility structures that are also communication antennas or communication antenna sites shall be subject to the provisions of Section 606 hereof, unless specific authority for location and erection of the structure and site has been received in advance from the Pennsylvania Public Utility Commission by the public utility. [Ord. 051198, 5/11/98, §17.]

#### **SECTION 539. DIVISION OF FARMS.**

No farm of less than one hundred fifty (150) acres shall be divided into more than a total of two (2) separate farms. Farms of a total of one hundred fifty (150) acres or more may be divided into no more than three (3) separate farms. [Ord. 12-13-00-D, 12/13/00, § III.]

#### **SECTION 540. FORESTRY.**

Forestry activities, including, but not limited to timber harvesting, shall be a permitted use in all Zoning Districts of Clay Township. Forestry activities shall be conducted in accordance with the following requirements, conditions, and/or approvals:

- A. A Zoning Permit shall be obtained from the Clay Township Zoning Officer prior to harvesting or otherwise removing forty (40) or more trees with a trunk diameter of three (3) inches or more at a height of three (3) feet above the average ground level on any tract of land larger than two (2) acres;

B. A Forestry Management Plan shall be prepared and filed when harvesting forty (40) or more trees involving more than two (2) acres. This Plan shall be prepared by a qualified forester or forest technician;

C. The Forestry Management Plan shall be consistent with the Timber Harvesting Guidelines of the Pennsylvania Forestry Association;

D. Prior to the issuance of a Zoning Permit, an Erosion and Sedimentation Control Plan shall be submitted by the Applicant to the Lancaster County Conservation District for review, recommendation, and approval;

E. Clear cutting shall be prohibited except on tracts of less than two (2) acres;

F. When harvesting or otherwise removing forty (40) or more trees on tracts larger than two (2) acres, at least thirty percent (30%) of the forest cover (canopy) shall be kept and the residual trees shall be well distributed. At least thirty percent (30%) of these residual trees shall be composed of highest value species as determined by a forester and pursuant to the Forestry Management Plan;

G. Clear cutting is prohibited on areas with slopes greater than fifteen percent (15%) or within the one hundred (100) year floodway.

*[Added by Ord. 060903, §11, 6/9/03]*

#### **SECTION 541. ECHO HOUSING.**

ECHO Housing, where listed as a permitted use, and ECHO Housing in single-family residential structures that are nonconforming as to use in districts where single family residential structures are not a permitted use or a special exception use, shall in all events be allowed as a permitted use in all such structures in all such districts. All ECHO House is subject to the following criteria:

A. If the addition is of portable construction, it may not exceed 1,600 square feet of floor area.

B. The total building coverage for the principal dwelling, any existing accessory structures, and the ECHO Housing Structure together shall not exceed the maximum lot coverage requirement for the respective Zoning District.

C. The ECHO Housing shall be occupied by a maximum of two persons.

D. All property owners must execute an Agreement with the Township governing the ECHO Housing, which Agreement shall be in a form adopted by Resolution of the Board of Supervisors from time to time. Such an Agreement must be recorded in the Office of the Recorder of Deeds for Lancaster County before the issuance of any permits.

E. (1) For sewage disposal, water supply and all other utilities, the ECHO Housing shall be physically connected to those systems serving the principal dwelling. No separate utility systems or connections shall be constructed or used. All connections shall meet the applicable municipal or utility company standards and utility approval shall be provided with the application for permit.

(2) If onsite sewer or water systems are to be used, the applicant shall submit evidence to the Zoning Officer showing that the total number of occupants in both the principal dwelling and the ECHO Housing will not exceed the maximum capacities for which the one-unit systems were designed, unless those systems are to be expanded, in which case the expansion approvals are to be submitted. Any connection to or addition to an existing onsite sewer system shall be subject to the review and approval of the Sewage Enforcement Officer.

(3) All construction shall comply with all applicable codes.

F. A minimum of one all-weather, off-street parking space, with unrestricted ingress and egress to the street, shall be provided for the ECHO Housing, in addition to those parking spaces required for the principal dwelling and other uses on the lot.

G. The ECHO Housing shall adhere to all yard setback requirements for principal uses. However, the ECHO Housing unit shall not be considered another dwelling for minimum lot size requirements.

H. As to portable construction of ECHO Housing, the structure shall be removed from the property within 3 months after it is no longer occupied by a person who qualifies for the use.

I. In the case of ECHO Housing that consists of a permanent addition to a single-family dwelling, within three months after it is no longer occupied by persons who qualify for the use, any additional kitchen facilities shall be removed, and the property thereafter shall be used solely for single-family residential dwelling purposes.

J. Upon the proper installation of the ECHO Housing, the Zoning Officer shall issue a temporary zoning permit. Such permit shall be renewed by the property owner's application to the Zoning Officer, with no additional fee paid, every 12 months until such time as the ECHO Housing is required to be removed.

K. Property owner shall immediately notify the Township when the property is changing ownership or when all residents of the ECHO Housing have either died or moved.

L. All initial applicants for an ECHO Housing permit shall initially pay a fee, to be set from time to time by Resolution of the Board of Supervisors. *[Added by Ord. 060903, §11, 6/9/03]*

## **SECTION 542. COMPACT NEIGHBORHOOD DEVELOPMENT**

A. The provisions for Compact Neighborhood Development have been enacted for the following purposes:

1. Implement the Clay Township Comprehensive Plan, the Lancaster County Growth Management Plan, and the Lancaster County Housing Plan.

2. Promote Compact Neighborhood Development with features such as greens, civic buildings, civic art, and outdoor recreational facilities.

B. Conditions of Eligibility and Applicability

1. The minimum tract size shall be 50 acres.

2. Public sewer and public water shall be provided.

3. An Application for Conditional Use by the Board of Supervisors and the appropriate fee shall be submitted.

4. All of the provisions of the Clay Township Zoning Ordinance shall apply except as clearly preempted by this Section 542.

C. General Design Standards - Design and development of a Compact Neighborhood Development shall comply with the Special Design Standards for Neighborhood Development in the Clay Township Subdivision & Land Development Ordinance, Article VI-A (SLDO), and the following:

1. Street and Alley Network. Refer to Article VI-A, Special Design Standards for Compact Neighborhood Development of the Clay Township Subdivision & Land Development Ordinance.

2. Alley. Refer to Article VI-A, Special Design Standards for Compact Neighborhood Development of the Clay Township Subdivision & Land Development Ordinance, and the following:

a. At least thirty-five percent (35%) of the single-family detached dwelling lots shall have vehicular access from alleys, and any garage not accessed from an alley shall be setback at least twenty (20) feet from the street right-of-way, or rotated so that the garage doors do not face any street.

b. No more than fifteen percent (15%) of the total dwelling units shall be accessed by single-access alleys, and no more than ten (10) dwellings may be accessed by any single-access alley.

3. Building Height

- a. No principal building shall exceed thirty-five (35) feet in height.
- b. Principal buildings shall be a minimum of twenty (20) feet in height.

4. Streetscape. Refer to Article VI-A, Special Design Standards for Compact Neighborhood Development of the Clay Township Subdivision & Land Development Ordinance.

5. Building Location and Street Wall. Building location is critical to the creation of the “public realm” of a Compact Neighborhood Development. The streetscape character of the place is formed by buildings located close to the sidewalk to promote a pedestrian-friendly frontage. Other structures, such as a low masonry wall, could be placed at the Street Wall.

a. Except for offsets as described below, the Street Wall of any building shall be the same as the adjoining buildings on the block, to promote a continuation of the streetscape character and space. However, if any offsets to the Street Wall are designed, such as recesses or projections, such offsets shall not exceed eight (8) feet, in order to provide variety and diversity in building location relative to the street.

b. At least thirty-five percent (35%) of all single-family detached dwellings shall have front porches.

c. Buildings shall anchor corners where streets and/or alleys intersect unless a pedestrian-accessible Greens, with Civic Art at street corners is provided.

d. Adjoining single-family dwelling lots may have attached garages in the rear yard accessed off an alley, in order, for example, to allow for more useable rear yards.

e. All other accessory buildings or accessory structures shall be setback at least five (5) feet from a property line, except for boundary fences, trellises, arbors, sidewalks, crosswalks, access drives, and the like.

#### 6. Off-Street Parking

a. Off-Street Parking lots with five (5) or more vehicles shall be screened with a hedge of 24 to 30 inches in height measured from the height of the center line of the adjoining street.

b. Surface off-street parking lots, (i.e., parking not located in a structure) shall not be located at a street corner, unless screened with a hedge of 24 to 30 inches in height, measured from the height of the centerline of the adjoining street.

c. All required off-street parking spaces shall be located at least three (3) feet from any property line.

#### 7. Off-Street Parking Lots and Loading

a. Parking lots shall be landscaped so that their interiors have at least one (1) shade tree for every ten (10) parking spaces. Parking lot shade trees shall be a minimum of 2 inch caliper at the time of planting.

b. Off-street parking lots shall be setback at least five (5) feet from a property line or right-of-way in Compact Neighborhood Developments.

c. Off-street parking required for non-residential uses shall be computed on the basis of 4.0 spaces per 1,000 gross square feet of building floor area.

d. Off-street parking for residential uses shall be computed on the basis of two (2) off-street parking spaces per dwelling unit.

e. Civic Uses shall not be required to provide loading areas as per Section 505.D.1.

8. On-Street Parking.

a. On-street parking shall be placed along curbs.

b. On-street parking stalls shall be a minimum of seven (7) feet wide and twenty-two (22) feet long, whenever such parking is parallel to the curb. If angled parking is utilized, parking spaces shall be at least eight (8) feet wide by nineteen (19) feet long, and the angle shall not be less than 45° nor more than 60° measured from the curbline.

c. One (1) on-street parking space shall be provided for every five (5) dwelling units, in addition to the required off-street parking.

d. Parking shall be prohibited on the cartway of an alley.

e. On-street parking shall be utilized as guest parking and overflow parking.

9. Sidewalks, Walkways, Crosswalks, and Pedestrian Paths. Refer to Article VI, Special Design Standards of the Clay Township Subdivision & Land Development Ordinance.

10. Street Lights. Refer to Article VI, Special Design Standards of the Clay Township Subdivision & Land Development Ordinance.

11. Street Trees and Other Landscaping. Refer to Article VI, Special Design Standards of the Clay Township Subdivision & Land Development Ordinance.

12. Signage

- a. Signage shall be in accordance with Section 504. Signs, unless preempted below.
- b. Freestanding signs shall be setback at least five (5) feet from the cartway.
- c. No sign or part thereof shall contain or consist of posters, pennants, ribbons, streamers, spinners, or other similar moving, fluttering, or revolving devices. These devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign. Vertical pole mounted banners on light posts or free-standing posts may be installed and maintained in a Compact Neighborhood Development.
- d. Any illuminated sign or lighting device shall employ glare shields and guards to prevent light from interfering with adjacent properties or roads, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be so placed or directed as to permit beams or illumination therefrom to be directed or beamed upon a public road, highway, or adjacent lot so as to cause glare or reflection that may constitute a traffic hazard or nuisance. Any lit signs shall be lighted from the structure. In a Compact Neighborhood Development, shielded off-structure ground lights may be used, provided they are up-lit or down-lit. Back lit and electronic message signs shall be prohibited.
- e. Ten (10) on-premises signs directing and guiding traffic and parking on private property not exceeding ten (10) square feet in area, bearing no advertising matter, may be installed and maintained as directional signs in a Compact Neighborhood Development.
- f. In advertising on-lot property for development, sale, rent, or lease, any property is permitted one (1) temporary sign not exceeding sixteen (16) square feet in area. Such sign shall not be placed closer than five (5) feet to any street cartway or ten (10) feet to any side or rear property line. "Temporary" shall be for a period not to exceed three (3) months.

13. Compact Neighborhood Development Open Space and Recreational Facilities

- a. At least fifteen percent (15%) of the gross tract area shall be devoted to Compact Neighborhood Development Open Space as per Section 542.E.2.b.
- b. A maximum of fifty percent (50%) of the Compact Neighborhood Development Open Space may be comprised of earthen stormwater management facilities.
- c. Such open space may be directly adjacent to any property line; provided, however, buildings and accessory structures shall be setback at least five (5) feet from property lines, except for boundary fences, trellises, arbors, sidewalks, crosswalks, access drives and the like.
- d. Greens shall be at least 2,000 square feet in area.



e. At least one (1) gazebo or pavilion shall be provided for every twenty-five (25) acres of development.

f. All Greens shall be constructed and maintained as level areas not to exceed five percent (5%) slope.

g. Swimming pools, clubhouses, or other similar recreational areas of high use or noise potential shall be located not less than one hundred (100) feet from perimeter property lines and twenty (20) feet from any internal property line. Where park or recreational areas are adjacent to an existing residential use or recorded subdivision, adequate screening is required, and lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties.

#### 14. Other Lot Requirements

a. Every building hereafter erected or placed shall be on a lot adjacent to a public street or with access to an approved private street or alley, and all structures shall be so located on lots so as to provide safe and convenient access for servicing, fire protection, and required off-street parking. The minimum width of access measured at the right-of-way line of the street or alley shall be ten (10) feet.

#### D. Use Regulations

##### 1. Principal Uses

- a. Single-family detached dwelling.
- b. Daycare Center.
- c. Civic use.
- d. Outdoor recreational facilities.

##### 2. Accessory Uses

- a. Uses and structures which are customarily associated with the permitted uses, such as yards, gardens, garages and parking areas.
- b. No-impact home-based business.
- c. Office for civic use in the Compact Neighborhood Development.

#### E. Density, Use Composition, and Open Space Requirements

1. The maximum gross base density shall not exceed 7.5 dwelling units per gross acre (du's/ac).

2. Use Composition.

a. No less than two percent (2%) of the total tract area shall be devoted to civic uses.

b. A minimum of fifteen percent (15%) of the gross tract area shall be designated and maintained as Compact Neighborhood Development Open Space as follows:

i. A minimum of two percent (2%) of the gross tract area shall be for Greens.

ii. A minimum of two percent (2%) of the gross tract area shall be for community center, tennis courts, walkways, trails, swimming pool and the like.

iii. A minimum of five percent (5%) of the gross tract area shall be passive open space areas and/or natural resource conservation areas.

F. Area and Bulk Regulations

1. The following lot size, lot width, yards, and lot coverage regulations shall apply, and be governed by the maximum gross density set forth in Section 542.E.1.

a. Lot Size (minimum required).

i. Single-Family Detached Dwelling: 4,000 square feet.

ii. Civic uses: 20,000 square feet.

b. Lot Width (minimum required).

i. Single-Family Detached Dwelling: 30 feet.

ii. Civic uses: 64 feet.

c. Yard Requirements.

	Front Yard Setback	Minimum Either Side (feet)	Total Two Side(s) (feet)
i. Single-Family Dwelling	5' min. 15' max.**	3	10*
ii. Civic Uses	10' min.	10	20

Note: \*There shall be a minimum separation distance of ten (10) feet between all single-family dwellings.

\*\* The front yard setback may exceed fifteen (15) feet for no more than ten percent (10%) of the total number of dwelling units.

d. Maximum Lot Coverage: 75% of an individual lot, but no more than 55% for the overall tract.

e. Building Height

i. The minimum for all principal buildings shall be twenty (20) feet.

ii. The maximum height for principal residential and civic buildings shall be thirty-five (35) feet and three (3) stories.

iii. The maximum height for accessory buildings shall be ten (10) feet less than the principal building.

f. Minimum Floor Area.

i. Each dwelling unit shall have at least 1,000 square feet of floor area.

G. Procedures for Approval of Development of a Compact Neighborhood Development.

1. All Applicants shall submit a Sketch Plan at the time of Application for Conditional Use approval.

2. The Applicant shall include the following information during the Conditional Use approval process:

a. Project Narrative

i. A statement with graphics and exhibits indicating how the proposed Application complies with the Compact Neighborhood Development regulations.

b. Conceptual Building Plan

i. A separate plan sheet shall be submitted to depict the proposed buildings. Said plan shall indicate the proposed principal and accessory uses, the gross square footages of all uses, and the building heights. The Conceptual Building Plan shall also indicate the total lot area and lot coverage, existing and proposed.

ii. Such plan shall include conceptual building elevations for all proposed building types and shall indicate building materials, windows and doors, roof pitch,

dormers, pilasters, piers, green building design, and the like, to the extent known at the time of application for Conditional Use approval.

iii. Such plan shall include color sketches and renderings depicting the proposed architectural character and streetscape character.

c. Street, Alley, and Streetscape Plan

i. A separate plan sheet shall be submitted to depict the proposed interconnected street and alley network. Such Plan shall indicate all street widths and rights-of-way widths, and alley widths.

ii. Such plan shall indicate all materials and depths of pavement courses.

iii. Such plan shall also indicate the locations for all proposed street furniture, such as benches, planters, and waste receptacles.

d. Pedestrian Access Plan

i. A separate plan sheet shall be submitted to depict the proposed interconnected network for pedestrian access including sidewalks, crosswalks, and other pathway.

ii. Such plan shall indicate all sidewalk, crosswalk, and path widths, materials and gradients.

e. Compact Neighborhood Development Open Space and Recreational Facilities Plan

i. A separate plan sheet shall depict all proposed Compact Neighborhood Development Open Space, greens, recreational facilities, civic art, civic uses, and other open space areas.

f. Landscape Plan

i. A separate plan sheet shall be submitted to depict all proposed landscape features and landscaped areas for open space areas, recreational areas, greens, civic art, civic uses, common areas, off-street parking lots, and the like.

ii. The Landscape Plan shall indicate all plant types, sizes and quantities as well as the types, sizes, and materials for all paving, benches, walls, and other structures along streets, and within all common areas.

g. Parking Plan

i. A separate plan sheet shall be submitted to depict proposed location and materials for all surface parking. Such plan shall list the number of parking spaces proposed in relation to the proposed use(s).

ii. The Parking Plan shall illustrate a dispersal of parking areas to the maximum extent possible in order to minimize large expanses of parking lots.

3. After receipt of Conditional Use Approval, the Applicant shall apply for Preliminary and Final Plan Approval in accordance with the Clay Township Subdivision & Land Development Ordinance.

*[added per Ord. No. 042408, §5, 4/24/08]*

### **SECTION 543. ACCESSORY SOLAR ENERGY SYSTEMS**

Section 543. Accessory Solar Energy Systems when permitted shall be subject to the following regulations:

1. A system is considered an accessory solar energy system only if it supplies electrical or thermal power primarily for on-site use.

a. When a property upon which the accessory solar 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 (sold) by the utility company provided it is not the primary purpose.

b. The owner of the accessory solar energy system shall provide written confirmation that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such connection.

c. Off-grid system operators shall provide written verification in a form acceptable to the Township that the owner is operating off grid and will notify the Township upon a change in status.

2. a. The systems installed shall provide for the ability to disconnect the system and disable the production of electricity to avoid potentially hazardous conflicts between the system and firefighters and their respective firefighting apparatuses. The manufacturer specifications and a detailed sketch showing the location of all disconnects shall be submitted to the Township with a copy to the local fire department responsible for coverage of the site as part of the application. The systems shall be subject to the review of the local fire chief/marshal prior to the issuance of a building permit.

b. The design and installation of solar energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), 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.

c. There will be a minimum of thirty-six inches (36") of clearance at the ridge line where Solar Photovoltaic Energy Systems are installed on roofs. Systems are allowed to be installed down to the eave, if there remain three (3) access points from the ground to the ridge. If there are less than three (3) access points to the roof ridge, then there shall remain a (thirty-six inch) 36" perimeter of walking area around the System.

3. All solar energy systems shall be attached to a building with the exception of those granted a Special Exception pursuant to Article V, Section 545.

4. All solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street rights-of-way.

5. All on-site utility and transmission lines shall be placed underground.

6. No part of any solar energy system shall be located within or above any front yard, along any street frontage, nor within any required setback of any property.

7. Solar energy systems mounted on the roof of any building shall be subject to the maximum height regulations specified within the underlying Zoning District.

8. The owner shall, as part of the initial application, submit a plan for the removal of the accessory solar energy system when it becomes functionally obsolete or is no longer in use. The owner shall be responsible for the removal of the system within six (6) months from the date the owner ceases use of the system or the system becomes obsolete. It shall be presumed that the solar energy system is obsolete or is no longer in use if no electricity is generated for a continuous period of six (6) months.

*[Added by Ord. 091211; §8.A; 9/12/12]*

#### **SECTION 544. PRINCIPAL SOLAR ENERGY SYSTEMS**

Section 544 Principal Solar Energy Systems when permitted shall be subject to the following regulations:

1. Principal Solar Energy Systems shall fully comply with the requirements of Section 543 regarding Accessory Solar Energy Systems in addition to the requirements of this section. Should there be a discrepancy in the requirements, the stricter of the two shall apply.

2. All mechanical equipment of principal solar energy systems including any structure for batteries or storage cells, shall be completely enclosed by a minimum five (5) foot high fence with a self-locking gate.

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

4. The applicant, as part of its initial application, 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 six (6) months from the date the applicant ceases use of the facility or the facility becomes obsolete. At the time of issuance of the permit for the construction of the principal solar energy system, the owner shall provide financial security in form and amount acceptable to the Township to secure the expense of dismantling and removing said structures.

[Added by Ord. 091211; §8.B; 9/12/12]

#### **SECTION 545. GROUND MOUNTED/FREESTANDING SOLAR ENERGY SYSTEMS**

Section 545 Ground Mounted/Freestanding Solar Energy Systems, where permitted by Special Exception pursuant to this Zoning Ordinance, are subject to the following additional standards:

1. All ground mounted and/or free standing solar energy systems shall comply with the applicable provisions of Section 543 and 544 (i.e., ground mounted/free standing accessory solar systems shall comply with Section 543 and ground mounted/free standing principal solar systems shall comply with Section 544 in addition to this section). Should there be a discrepancy in the requirements, the stricter of the two shall apply.

2. All ground mounted and/or freestanding accessory solar energy systems including all features and facilities related thereto shall be located a minimum distance of 20 feet or one and one half (1.5) times the height of the highest point of the solar collection system, whichever is greater, from any inhabited structure not located on the lot on which the accessory solar energy system is proposed, property line, street right-of-way, or overhead utility line.

3. Accessory solar energy systems which are ground mounted or freestanding detached from the principal or accessory structure shall not exceed fifteen (15) feet in height.

4. For the purposes of this Ordinance, 'at grade' or 'above grade' features and facilities relating to ground mounted and/or freestanding solar energy systems include, but are not limited to, solar photovoltaic cells, panels, or arrays, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing, and foundations.

5. The applicant shall demonstrate by credible evidence that in Agricultural (AG) and Agricultural Transition (AT) Districts:

a. the area proposed for the 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. The proposed solar energy system cannot feasibly be attached to a building.

6. 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 in accordance with Pennsylvania Department of Environmental Protection guidelines.

7. Ground Mounted/Freestanding Solar Energy Systems shall be erected in areas clear of combustible vegetation. A minimum vegetation clearance or mowed perimeter of ten feet (10') shall be maintained.

*[Added by Ord. 091211; §8.C; 9/12/12]*

#### **SECTION 546. ACCESSORY MANURE DIGESTERS**

Section 546 Accessory manure digesters when permitted shall be subject to the following regulations:

1. A system is considered an Accessory manure digester system only where livestock and poultry manure generated on-site is used to generate and supply electrical or thermal power exclusively for on-site use by the agricultural and/or farm use.

a. When a property upon which the accessory manure digester 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 (sold) by the utility company, provided it is not the primary purpose.

b. The owner of the accessory manure digester system shall provide written confirmation that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such connection.

c. Off-grid system operators shall provide written verification in a form acceptable to the Township that the owner is operating off-grid and will notify the Township upon a change in status.

2. The applicant shall provide a detailed description of the nature of the on-site activities and operations, the types of materials stored, used and generated, the frequency and



duration period of storage of materials and the methods for use and disposal of materials of the proposed use and a complete land development application shall be submitted to the Township.

3. Manure 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.

4. In addition, the application shall furnish evidence that the use, handling and disposal of materials will be accomplished in a manner that complies with State and Federal Regulations.

5. Except as otherwise provided for under the provisions of the Pennsylvania Nutrient Management Act, no underground storage, in ground storage, trench silo, earthen bank, stacking area or above ground storage facility related to the manure digester system shall be located within 200 feet of any property line. Additionally, 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.

6. All mechanical equipment for manure digesters, including any burn off value, shall be locked and/or fenced, as necessary, to prevent entry by nonauthorized persons.  
[Added by Ord. 091211; §8.D; 9/12/12]

#### **SECTION 547. PRINCIPAL MANURE DIGESTERS**

Section 547 Principal Manure Digesters when permitted shall be subject to the following regulations:

1. All principal manure digester systems shall fully comply with the requirements of Section 546 Accessory Manure Digesters in addition to the requirements of this Section. Should there be a discrepancy in the requirements, the stricter of the two shall apply.

2. Minimum lot area - Ten (10) acres.

3. A traffic impact study analysis shall be provided, showing the following:

a. Existing traffic volume data for all roadways with 1,000 feet, which provide access to the site;

b. Anticipated traffic volumes for the area within 1,000 feet of the proposed use as well as background traffic growth;

c. Analysis of current and future levels of service for all intersections within 1,000 feet of the proposed use.

d. Physical analysis of all roadways within 1,000 feet of the proposed use, including cartway width, shoulder width, pavement condition, horizontal and vertical curves, anticipated storm water drainage characteristics, and sight distances;

e. The traffic analysis shall be reviewed by the Township Engineer.

f. 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.

g. All uses shall provide sufficiently long-stacking lanes into the facility, so that vehicles waiting to be loaded/unloaded will not back up onto public roads.

4. All principal manure digester systems also shall comply with the requirements of Article XII.

5. The Board of Supervisors can attach conditions which it feels are necessary to protect nearby properties, the intent of the Zoning Ordinance and/or the general public welfare.

6. 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.

7. DESIGN AND INSTALLATION:

a. Manure 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 the Pennsylvania Department of Environmental Protection.

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

c. The applicant shall address and document performance standards which try to minimize impacts on neighboring properties. These standards shall include considerations of odor, prevailing wind patterns, proximity to non-agricultural properties, operational noise, and specific hours of operation.

d. The applicant shall provide one of the following:

1. A letter from the Lancaster County Conservation District stating that the applicant's manure digester system design has been reviewed and approved by the Lancaster County Conservation District and that all regulations and requirements of the State manure management program have been satisfied; or

2. A letter from the Lancaster County Conservation District stating that it will not review the plan or that no review is required under applicable ordinances; or

3. Evidence that such a letter has been requested and the Lancaster County Conservation District has failed to respond.

8. 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 principal manure digester 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 six (6) months from the date the applicant ceases use of the facility or the facility becomes obsolete. At the time of issuance of the permit for the construction of the principal manure digester facility, the owner shall provide financial security in form and amount acceptable to the Township to secure the expense of dismantling and removing said structures.

*[Added by Ord. 091211; §8.E; 9/12/12]*

#### **SECTION 548. GEOTHERMAL SYSTEMS**

Section 548. Geothermal Systems when permitted shall be subject to the following regulations:

1. The design and installation of geothermal systems and related boreholes for geothermal heat pump systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), the International Ground Source Heat Pump Association (IGSHPA), the American Society for Testing and Materials (ASTM), the Air-Conditioning and Refrigeration Institute (ARI), or other similar certifying organizations, and shall comply with Chapter 4 of the Code of Ordinances, “the Clay Township Building Code,” and with all other applicable Township requirements. The manufacturer specifications shall be submitted as part of the application.

2. Only closed loop geothermal energy systems shall be permitted.

3. Unless otherwise specified, geothermal system shall be located a minimum distance of ten (10) feet from any property line.

4. For all closed loop geothermal systems relying upon circulating fluids, only nontoxic, biodegradable circulating fluids such as food grade propylene glycol shall be permitted.

5. All horizontal closed loop systems shall be no more than twenty (20) feet deep.

*[Added by Ord. 091211; §8.F; 9/12/12]*

#### **SECTION 549. OUTDOOR HYDRONIC HEATERS**

Section 549. Outdoor Hydronic Heaters when permitted as accessory uses and accessory structures shall be subject to the following regulations:

1. The design and installation of outdoor hydronic heaters shall conform to applicable industry standards, including those of the US Environmental Protection Agency (EPA), American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with Chapter 4 of the Code of Ordinances, "The Clay 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. All outdoor hydronic heaters shall be located a minimum distance of one hundred fifty (150) feet from any property line, street right-of-way, or any inhabited dwelling not located on the lot on which the outdoor hydronic heater is proposed.

3. All outdoor hydronic heaters shall have a permanent attached stack. The minimum height of all stacks shall be twenty (20) feet above the ground and otherwise installed according to the manufacturer's specifications.

4. The owner of the outdoor hydronic heater shall provide evidence indicating that the maintenance and operation of the outdoor hydronic heater is in compliance with all emissions of air quality standards promulgated by the US Environmental Protection Agency (EPA), PA DEP, or other relevant state or federal agency including emissions of dust and particulates.

*[Added by Ord. 091211; §8.G; 9/12/12]*

## **SECTION 550. ACCESSORY WIND ENERGY SYSTEMS**

Section 550. Accessory wind energy systems when permitted as accessory uses and accessory structures shall be subject to the following regulations:

1. A system is considered an accessory wind energy system only if it supplies electrical power primarily for on-site use.

a. When a property upon which the accessory wind 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 (sold) by the utility company provided it is not the primary purpose.

b. The owner of the accessory wind energy system shall provide written confirmation that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such connection.

c. Off-grid system operators shall provide written verification in a form acceptable to the Township that the owner is operating off grid and will notify the Township upon a change in status.

2. The design and installation of all 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 Chapter 4 of the Code of Ordinances, “the Clay Township Building Code,” and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.

3. 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 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.

4. All on-site utility and transmission lines shall be placed underground.

5. No part of any wind energy system shall be located within or above any front yard, along any street frontage, nor within any required setback of any property.

6. All accessory wind energy systems shall be located a minimum distance of one and one tenth (1.1) times the turbine height from any inhabited structure not located on the lot on which the accessory wind energy system is proposed, property line, street right-of-way, or overhead utility line.

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

8. The minimum height of the lowest position of the wind turbine shall be fifteen (15) feet above the ground. If the wind turbine proposed is a Vertical Axis Wind Turbine (also referred to as a ‘helix type’ turbine or VAT), the height between the lowest point of the turbine and the ground may be reduced to eight (8) feet.

9. The maximum height of the highest position of the wind turbine shall be determined by the wind turbine’s distance from the property line. The wind turbine shall be a minimum distance of 1.1 times the height of the highest position of the wind turbine from the property line.

10. Wind energy systems shall not display advertising, except for reasonable identification of the accessory wind energy system’s manufacturer. Such sign shall have an area of less than four (4) square feet.

11. When an accessory building is necessary for storage cells or related mechanical equipment, the accessory building shall not have a floor area exceeding two hundred (200) square feet, and shall comply with the accessory building requirements specified within the underlying zone.

12. Accessory buildings shall not be located within any front yard or along any street frontage, nor within any required setback of any property.

13. The applicant shall submit a plan for the removal of the accessory wind energy system when it becomes functionally obsolete or is no longer in use. The owner shall be responsible for the removal of the system within six (6) months from the date the applicant ceases use of the system or the system becomes obsolete. It shall be presumed that the wind turbine is obsolete or is no longer in use if no electricity is generated for a continuous period of six (6) months.

*[Added by Ord. 091211; §8.H; 9/12/12]*

## **SECTION 551. PRINCIPAL WIND ENERGY SYSTEMS**

Section 551. Principal Wind Energy Systems when permitted shall be subject to the following regulations:

1. Principal Wind Energy Systems shall fully comply with the requirements of Section 550 regarding Accessory Wind Energy Systems in addition to the requirements of this section. Should there be a discrepancy in the requirements, the stricter of the two shall apply.

2. 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.

3. Principal wind energy systems shall not be artificially lighted, except to the extent required by the Federal Aviation Administration (FAA).

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

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

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

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

8. All principal wind energy systems shall be independent of any other.

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

10. The maximum height of the highest position of the wind turbine shall be determined by the wind turbine's distance from any property line. The wind turbine shall be a minimum distance of 1.5 times the height of the highest position of the wind turbine from the property line.

11. 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 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.

12. 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 six (6) months from the date the applicant ceases use of the facility or the facility becomes obsolete. At the time of issuance of the permit for the construction of the principal wind energy system, the owner shall provide financial security in form and amount acceptable to the Township to secure the expense of dismantling and removing said structures.

*[Added by Ord. 091211; §8.I; 9/12/12]*

## **SECTION 552. STORMWATER MANAGEMENT ORDINANCE APPLICABILITY**

552. Stormwater Management Ordinance Applicability. All uses shall comply with the SWMO. Additionally, facilities mandated by the SWMO shall be considered accessory uses and accessory structures for the purposes of this Ordinance in all Zoning Districts. The limitation on location of SWMO facilities constructed on any site, as relates to yards and setbacks, need not apply to SWMO facilities. In the case of SWMO facilities, they shall nevertheless be designed, constructed and maintained so that the visual impact upon neighboring properties is minimized.

*[Added by Ord. 051214A; 05/12/14 §10]*

## **SECTION 553. OFFSITE MUNICIPAL STORMWATER MANAGEMENT IMPROVEMENTS**

553. Offsite Municipal Stormwater Management Improvements. In the case of public utility structures, municipal buildings, streets, parks, and other municipal uses, offsite stormwater management and treatment facilities required by the SWMO shall be considered permitted uses in all Zoning Districts, even if the site is not adjacent to the regulated use and/or if the SWMO facilities are the principal use on the lot. *[Added by Ord. 051214A; 05/12/14 §11]*