

ARTICLE 16

SUPPLEMENTARY DISTRICT REGULATIONS

SECTION 16.01 - VISIBILITY AT INTERSECTIONS: On a corner lot in any district a clear sight triangle shall be provided at all street and alley intersections. Within such triangles, no vision obstructing object other than utility poles shall be permitted which obscures vision above the height of thirty (30) inches and below ten (10) feet measured from the centerline grade of intersecting streets. Such triangle shall be established from a distance of:

- A. Seventy-five (75) feet from the point of intersection of the centerline of the intersecting streets, except that:
- B. Clear sight triangles of one hundred (100) feet shall be provided for all intersections with arterial and major streets as designated in the Township Comprehensive Plan.

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

SECTION 16.03 - ACCESSORY BUILDINGS: An accessory building attached to a principal building shall comply in all respects with yard requirements of this Ordinance for principal buildings. A detached accessory building shall not be allowed in any required front yard or side yard in any zoning district. In rear yards in the R-2 District accessory buildings shall not be allowed within the distance equivalent to the side yard setback, except where the vehicle entrance to a garage abuts a public street or alley. In such case the garage door shall be no less than ten (10) feet from the right-of-way of such street or alley. In rear yards in districts other than R-2 accessory buildings shall not be allowed within ten (10) feet of the rear lot line, except where the vehicle entrance to a garage abuts a public street or alley, in such case, the garage shall be no less than fifteen (15) feet from the right-of-way of such street or alley.

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

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

SECTION 16.06 - STRUCTURES TO HAVE ACCESS: Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to a private street approved pursuant to Millcreek Township Ordinance No. March 8, 1989-A, its amendments and supplements, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

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

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

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

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

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

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

SECTION 16.13 - PROJECTIONS INTO YARDS: The following projections shall be permitted into required yards and shall not be considered in the determination of yard size or lot coverage:

- A. Projecting architectural features - bay windows, cornices, eaves, fireplaces, chimneys, windows sills, or other architectural features, provided they do not extend more than five (5) feet into any required yard nor closer than five (5) feet to any adjacent property line.
- B. Uncovered stairs and landings.
- C. Open balconies or fire escapes provided such balconies or fire escapes are not supported on the ground and do not project more than five (5) feet into any required yard not closer than five (5) feet to any adjacent property line.

SECTION 16.14 - ACCESSORY USES:

- A. Private, non-commercial swimming pools that are designed to contain a water depth of twenty-four (24) inches or more must be located in a rear or side yard only. Such pools shall have a side and rear setback equivalent to the side yard setback for principal buildings in the use district within which the property lies. In cases where no side yard setback is specified, such as for Row Homes, such pools shall be set back not less than five (5) feet from side, party wall, and rear lot lines. With respect to fencing and other safety concerns all private, non-commercial swimming pools shall be installed in compliance with the Pennsylvania Uniform Construction Code and regulations promulgated thereunder by the Pennsylvania Department of Labor and Industry, as amended from time to time.
- B. Private tennis courts shall be permitted within side or rear yards provided that such facility shall not be less than ten (10) feet from side or rear property lines.
- C. Patios, paved terraces, or open porches shall be permitted in all yards provided that no impermeable surface shall be within five (5) feet of any property lines.
- D. Nothing in this section shall be construed to limit other uses not mentioned so long as they are clearly accessory to the principal permitted use of the land and do not create a threat to the public health, safety, and/or welfare of the community.

SECTION 16.15 - MUNICIPAL USES:

- A. In any district a building may be erected, altered, or extended and land may be developed that is arranged, intended, or designed for municipal recreation uses.
- B. In any district on any land owned by this Township or the Newmanstown Volunteer Fire Company the following shall be permitted uses:
 - 1. Communications Antennas mounted on to existing Public Utility Transmission Tower, building or other structure, including existing Communications Towers, and Communications Equipment Buildings, subject to the standards set fourth in Article 16, Section 16.22.

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

SECTION 16.16 - PUBLIC UTILITIES EXEMPT: The regulations of this Ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a Public Utility Corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. Township Supervisors and Planning Commission members shall receive proper notification of request prior to public hearing before the Public Utility Corporation.

SECTION 16.17 - HOME OCCUPATION REGULATIONS:

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

- A. Such occupation shall be clearly incidental or secondary to the use of the property as a residence and the use of the dwelling shall not change the character thereof or show any exterior evidence of such secondary use other than one (1) small name plate in accordance with Article 18 of this Ordinance.
- B. Home occupation shall be limited to the employment of not more than one (1) assistant.
- C. The home occupation shall be conducted wholly within the dwelling and shall not occupy more than twenty-five (25) percent of the area of the first floor of the dwelling nor more than five hundred (500) square feet.
- D. All parking shall be off-street and two (2) off-street spaces shall be provided in addition to that required of the residence unit.
- E. Any home occupation which may create objectionable noise, fumes, odor, dust, electrical interference, or more than normal residential traffic shall be prohibited.

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

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

SECTION 16.20 - DANGEROUS STRUCTURES: Upon notification and request by the Zoning Officer, any building or structure which has deteriorated to the state where it is dangerous and/or unsafe for human occupancy, constitutes a fire hazard, endangers surroundings buildings, shelter rats or vermin, or endangers the safety of children playing

thereabouts, shall be repaired, altered or removed to eliminate the dangerous conditions. Such action shall commence within ninety (90) days of notification by Zoning Officer.

SECTION 16.21 - SOLAR ENERGY SYSTEMS: The use of solar, wind, and alternate energy systems is encouraged within these regulations and permitted within any zoning district. Although installation of such systems is not mandatory, where they are utilized, the following standards shall apply:

- A. Solar energy systems, including solar energy collectors and related equipment, shall be permitted as attachments to a principal or accessory structure or freestanding, provided:
 - 1. The solar energy systems are installed and sited in the most aesthetic and architecturally compatible method possible; and
 - 2. The solar energy systems attached to principal structures project no more than five (5) feet into any required yard setback; and
 - 3. The solar energy systems attached to accessory structures or freestanding shall be a minimum of five (5) feet from any lot line.
 - 4. The maximum lot coverage of solar collectors and support structures shall not exceed 25% of the area of the ground floor of the principal structure.
- B. Residential wind energy systems shall be permitted, provided:
 - 1. There is no adverse affect upon the character of the neighborhood; and
 - 2. Climbing access to the tower is restricted to prevent unauthorized access; and
 - 3. The system does not cause television interference or violate Township Noise Ordinances; and
 - 4. Setback from property lines for the support shall be based upon wind rotor diameter, as per the following:
 - a. Wind rotor diameters of less than 20 feet shall require a tower setback of 275 feet minus 11 feet for each foot of rotor diameter less than 20 feet; and
 - b. Wind rotor diameter of 20 feet or more shall require a tower setback of 275 feet plus 6 feet for each foot of rotor diameter in excess of 20 feet.
- C. Protection of energy systems where a solar or wind energy system has been installed. It shall be the responsibility of the property owner to secure any easements or restrictive covenants necessary to protect the skyspace affecting the solar wind system. Such an agreement shall be negotiated between owners of affected properties, but is not a requirement for approval of a Building and Zoning Permit for the solar or wind energy system.
- D. Variances - the following factors shall be considered, in addition to those within Article

21, when reviewing petitions for variances:

1. Variances for energy systems shall allow for effective placement energy systems, provided the skyspace of adjoining property owners is not restricted; and
2. Variances shall be granted only for minimum relief and not for purely financial reasons.

SECTION 16.22 - REGULATIONS GOVERNING COMMUNICATIONS ANTENNAS AND COMMUNICATIONS EQUIPMENT BUILDINGS:

- A. Building mounted Communications Antennas shall not be located on any single family dwelling or two family dwelling.
- B. Irrespective of anything contained in Section 16.05 to the contrary, building mounted Communications Antennas shall be permitted to exceed the height limitations of the applicable Zoning District by no more than twenty (20) feet.
- C. Omnidirectional or whip Communications Antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
- D. Directional or panel communications Antennas shall not exceed five (5) feet in height and three (3) feet in width.
- E. Any applicant proposing Communications Antennas to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads, associated with, the antennas location.
- F. Any applicant proposing Communications Antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by the Township for compliance with applicable codes and laws.
- G. Any applicant proposing Communications Antennas to be mounted on a building or other structure shall submit evidence of agreements or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and Communications Equipment Building can be accomplished.
- H. Communications Antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- I. Communications Antennas shall not cause radio frequency interference with other communications facilities located in Millcreek Township, Lebanon County.

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

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

SECTION 16.23 – NO-IMPACT HOME-BASED BUSINESS REGULATIONS:

In those districts allowing no-impact based businesses, such businesses must satisfy the following requirements and a permit shall be issued therefore by the Zoning Officer:

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

B. The business shall employ no employees other than family members residing in the dwelling.

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

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

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

F. The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.

G. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.

H. The business may not involve any illegal activity.

SECTION 16.24:

A. A landscape buffer shall be provided between residential areas and all other nonresidential land uses and as otherwise required by this ordinance.

B. At the time of planting required buffer plantings shall have a minimum of four (4) feet in height for evergreen trees, a minimum caliper of one and three-quarters (1 ¾) inches for deciduous trees, and a minimum of two (2) feet in height for shrubs, and shall be of sufficient density to conceal residential buildings from casual observation from parking areas and all structures upon adjoining non-residential property.

- C. Buffer plantings shall consist entirely of living plant material. Nonliving decorative elements may be incorporated with the permission of the Board of Supervisors. The required height of plantings may include the height above average grade of an earthen berm when plantings are placed on top of such berm.
- D. Generally, a proportion of thirty-five (35) percent evergreen material mixed among deciduous material shall be deemed sufficiently opaque to meet the standards of this section. Flowering shrubs and trees are encouraged.
- E. All existing deciduous and evergreen trees above two (2) inches in caliper shall be preserved within the buffer planting area and may be included as part of the required buffer planting. Such existing trees may be removed if diseased or if such existing trees intrude within a required clear site area.
- F. No landscaping or buffer planting element shall be located within three (3) feet of any lot line.
- G. Buffer plantings shall be permanently maintained. Dead plants shall be replaced as soon as reasonably possible.

SECTION 16.25 – FRONT YARD EXCEPTIONS:

When an unimproved lot is situated between two improved lots with front yard dimensions less than those required for the zoning district in which the unimproved lot is located, the front yard required for the unimproved lot may be reduced to a depth equal to the average of the two adjoining lots; provided however, that this provision shall only apply in such cases where the improved lots in question were improved at the time of the adoption of this section, and the improvements are located within 100 feet of the unimproved lot. For the purpose of this section, an unimproved lot shall be the same as a vacant lot and an improved lot shall be one on which a principal building is erected.