TOWNSHIP OF MOUNT JOY

Lancaster County, Pennsylvania

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE MOUNT JOY TOWNSHIP CODE OF ORDINANCES, CHAPTER 135, ZONING, TO UPDATE AND REVISE REGULATIONS GOVERNING LANDSCAPING MAINTENANCE OF ANIMALS, AND AGRICULTURAL USE REQUIREMENTS AND TO MAKE TECHNICAL CORRECTIONS.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Mount Joy, Lancaster County, Pennsylvania, as follows:

Section 1. The Mount Joy Township Code of Ordinances, Chapter 135, Zoning, Article IV, Terminology, §135-32, Definitions, shall be amended by adding or amending the following definitions in alphabetical order:

ADULT-ORIENTED BUSINESS — A business or club which engages in one or more of the following areas of sales, services or entertainment:

* * *

C. ADULT MASSAGE ESTABLISHMENT — Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor, professional physical therapist, massage therapist licensed through the Pennsylvania State Board of Massage Therapy, or professional physical therapist licensed by the commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

* * *

CONSERVATION DISTRICT -- The Lancaster County Conservation District or any successor agency.

GROUP HOME — A dwelling unit operated by a reasonably responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the individual served due to age, emotional, mental or physical handicap. This definition shall expressly include facilities for the supervised

care of developmentally disabled persons and all persons subject to protection under the Federal Fair Housing Act Amendments of 1988. Group homes must be licensed where required by any appropriate government agencies, and a copy of any such license must be delivered to the Zoning Officer prior to the initiation of the use. Group homes shall be subject to the same limitations and regulations by the Township as the type of dwelling unit they occupy. It is the express intent of the Township to comply with all provisions of the Federal Fair Housing Act, as amended, and regulations promulgated thereunder, in the construction of this term.

A. A group home shall not include a treatment center.

B. See standards in §135-231.

Section 2. The Mount Joy Township Code of Ordinances, Chapter 135, Zoning, Article IX, A-Agricultural District, §135-86, Height and yard requirements of accessory buildings, Sub-section A, Maximum Height, shall be amended to provide as follows:

A. Maximum height. The maximum height shall be 25 feet, except that this restriction shall not be applicable to farm buildings and silos.

Section 3. The Mount Joy Township Code of Ordinances, Chapter 135, Zoning, Article XII, R-3 High Density Residential District, §135-112, Permitted by right uses, Subsection M, shall be amended to provide as follows:

M. No impact home based businesses in accordance with §135-234.B.

Section 4. The Mount Joy Township Code of Ordinances, Chapter 135, Zoning, Article XVII, LI-Light Industrial District, §135-166, Landscaping and screening requirements, Subsection A, Residential Buffer Strips, shall be amended to provide as follows:

A. Residential buffer strips. When an industrial use is located adjoining a residential district or a lot that is available for residential use, the required yards that share said boundary shall contain a residential buffer strip consisting of a mix of evergreen and deciduous trees to screen buildings, off-street parking and loading areas from view. The landscaping shall be planted in a minimum of two staggered rows for a more effective screening effect; the spacing of the trees shall be not more than one half the mature heights of the trees. No fewer than 60% of the trees planted shall be evergreen plantings. The minimum height of the trees at the time of planting shall be five feet and the minimum caliper of deciduous trees at the time of planting shall be two and a half inches. A comprehensive landscape plan showing the proposed landscaping elements shall be submitted with a Zoning Hearing Board application or an application for a subdivision and land development. If in the event a Zoning Hearing Board application or a subdivision and land development application is not required, the landscaping plan shall be submitted at the time for application of a zoning permit.

Section 5. The Mount Joy Township Code of Ordinances, Chapter 135, Zoning, Article XVIII, GI-General Industrial District, §135-176, Landscaping and screening requirements, Subsection A, Residential Buffer Strips, shall be amended to provide as follows:

A. Residential buffer strips. When an industrial use is located adjoining a residential district or a lot available for residential use, the required yards that share said boundary shall contain a residential buffer strip consisting of a mix of evergreen and deciduous trees to screen buildings, off-street parking and loading areas from view. The landscaping shall be planted in a minimum of two staggered rows for a more effective screening effect; the spacing of the trees shall be not more than one half the mature heights of the trees. No fewer than 60% of the trees planted shall be evergreen plantings. The minimum height of the trees at the time of planting shall be five feet and the minimum caliper of deciduous trees at the time of planting shall be two and a half inches. A comprehensive landscape plan showing the proposed landscaping elements shall be submitted with a Zoning Hearing Board application or an application for a subdivision and land development. If in the event a Zoning Hearing Board application or a subdivision and land development application is not required, the landscaping plan shall be submitted at the time for application of a zoning permit.

Section 6. The Mount Joy Township Code of Ordinances, Chapter 135, Zoning, Article XX, IN-Institutional District, §135-196, Supplemental use regulations, Subsection A, Buffer Yards, Paragraph (1), Residential Buffer Strips, shall be amended to provide as follows:

(1) Residential buffer strips. When a use in the IN District is located adjoining a residential district or a lot available for residential use, the required yards that share said boundary shall contain a residential buffer strip consisting of a mix of evergreen and deciduous trees to screen buildings, off-street parking and loading areas from view. The landscaping shall be planted in a minimum of two staggered rows for a more-effective screening effect; the spacing of the trees shall be not more than 1/2 the mature heights of the trees. No fewer than 60% of the trees planted shall be evergreen plantings. The minimum height of the trees at the time of planting shall be five feet, and the minimum caliper of deciduous trees at the time of planting shall be 2 1/2 inches. A comprehensive landscape plan showing the proposed landscaping elements shall be submitted with a Zoning Hearing Board application or an application for a subdivision and land development. If in the event a Zoning Hearing Board application or a subdivision and land development application is not required, the landscaping plan shall be submitted at the time for application of a zoning permit.

Section 7. The Mount Joy Township Code of Ordinances, Chapter 135, Zoning, Article XXII, Specific Use Regulations, §135-212, Agricultural uses, Subsection D, shall be amended to provide as follows:

D. Prior to any construction, development, erection, expansion, extension, or subdivision of an agricultural use, the landowner shall provide written evidence from the Conservation District and/or the DEP of:

(1) An administratively complete and technically correct, pending, or nonapplicable agricultural erosion and sedimentation plan in accordance with Section 102.4(a) of Chapter 102 of DEP regulations for operations conducting plowing and tilling activities and/or have Animal Heavy Use Areas (AHUAs) of 5,000 square feet or more.

(2) An administratively complete and technically correct, pending, or nonapplicable manure management plan (MMP) in accordance with Section 91.36(b) of Chapter 91 of DEP regulations, including any amendments made hereafter, for the subject farming operations in order to ensure that the generation, storage, and release of potential contaminates into surface or ground water, such as e-coli bacteria, nitrates, phosphorus, etc., are properly managed according to state law.

(3) An administratively complete and technically correct, pending, or nonapplicable nutrient management plan in accordance with Chapter 5, Nutrient Management and Odor Management of Title 3, Agriculture, of the Pennsylvania Consolidated Statutes for operations considered as a concentrated animal operation (CAO) under Section 83.262 of the DEP regulations.

(4) Confirmation from the Conservation District or DEP as to whether the activity is regulated as a concentrated animal feeding operation (CAFO) as per the Federal Clean Water Act. These include operations considered a CAO with greater than 300 AEUs, or maintain an animal population of greater than 1,000 AEUs, or is defined as a CAFO under EPA regulations at 40 CFR 122.23(b)(4).

Section 8. The Mount Joy Township Code of Ordinances, Chapter 135, Zoning, Article XXII, Specific Use Regulations, §135-217, Bed and breakfast, shall be amended by adding a new Subsection G which shall provide as follows:

G. Permit required.

(1) The owner of the premises used for bed and breakfast shall submit an application each year for a permit to authorize operation of short-term lodging, accompanied by any fee which the Board of Supervisors may establish by resolution. A permit shall be valid for the period of January 1 to December 31. The applicant shall provide sufficient information to demonstrate compliance with this section prior to issuance of the permit. If the Zoning Officer confirms that the application meets such requirements, the Zoning Officer may issue the permit for a one-year period.

(2) Operation of short-term lodging without the required annual permit is a violation of this chapter.

Section 9. The Mount Joy Township Code of Ordinances, Chapter 135, Zoning, Article XXII, Specific Use Regulations, §135-231, Group homes, shall be amended by inserting new Sub-sections J, K, and L which shall provide as follows:

J. A group home shall be permitted only in the type or types of dwelling units allowed in the district in which the group home is to be located.

K. A group home shall comply with all requirements for the type of dwelling unit in which the group home is to be located including, but not limited to, minimum lot size, setbacks, and density.

L. A group home shall not be occupied by persons who are referred by the criminal justice system in lieu of incarceration or persons who have been discharged from the criminal justice system.

Section 10. The Mount Joy Township Code of Ordinances, Chapter 135, Zoning, Article XXII, Specific Use Regulations, §135-235, Horse boarding facilities; including riding schools, academics and/or private riding clubs, shall be amended as follows:

* * *

B. No more than one horse per acre of land shall be permitted to be boarded on the property.

* * *

E. A manure management plan shall be submitted to and accepted by the Conservation District and/or DEP, which may further limit the number of horses kept on a property. The applicant is responsible for the implementation of requirements pertaining to the proper cleanup and disposal of manure to prevent odors and unsanitary conditions.

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Section 11. The Mount Joy Township Code of Ordinances, Chapter 135, Zoning, Article XXII, Specific Use Regulations, §135-237, Industrial parks, Subsection G, shall be amended to provide as follows:

G. Interior roadways shall have street trees set on forty-foot centers on both sides of the road.

Section 12. The Mount Joy Township Code of Ordinances, Chapter 135, Zoning, Article XXII, Specific Use Regulations, §135-263, Transient retail businesses, Subsection C, shall be amended to provide as follows:

C. Sales shall only be permitted between the hours of 9:00 a.m. and 10:00 p.m.

Section 13. The Mount Joy Township Code of Ordinances, Chapter 135, Zoning, Article XXIII, General Regulations, §135-299, Landscaping and screening requirements, shall be amended as follows:

* * *

D. Parking area landscaping.

* * *

(2) Interior landscaping.

(a) In any parking area containing 15 or more parking spaces (except a parking garage), 5% of the total area of the parking lot shall be devoted to interior landscaping. Landscaping islands shall be used to break up continuous rows of no greater than 15 parking spaces. Such interior landscaping may be used, for example, at the end of parking space rows and to break up rows of parking spaces at least every 15 parking spaces, and to help visually define travel lanes through or next to the parking lot. Landscaped areas situated outside the parking lot, such as peripheral areas and areas surrounding buildings, shall not constitute interior landscaping. For the purpose of computing the total area of any parking lot, all areas within the perimeter of the parking lot shall be counted, including all parking spaces and access drives, aisles, islands and curbed areas. Ground cover alone is not sufficient to meet this requirement. Trees, shrubs or other approved material shall be provided. At least one shade tree shall be provided for each 300 square feet (or fraction) of required interior landscaping area. These trees shall have a clear trunk at least five feet above finished-grade level.

* * *

E. General landscaping requirements.

* * *

(2) All plantings shall be so placed that, at maturity, it will not prevent passage on a sidewalk, trail or other pedestrian way. A clear sight triangle in accordance with Chapter 119, Subdivision and Land Development shall be maintained at all private accessways and all private and public street intersections.

* * *

G. A table shall be provided on a subdivision and/or land development plan or a plan required to be submitted to the Zoning Hearing Board that includes the following information, as applicable:

(1) Required and proposed landscape strip area and length (see §135-299.B(1)).

(2) Required and proposed shade and ornamental trees (see §135-299.B(2)).

(3) Proposed parking lot area and the required and proposed interior landscaping (see §135-299.D(2)(a)).

Section 14. The Mount Joy Township Code of Ordinances, Chapter 135, Zoning, Article XXIII, General Regulations, §135-302, Maintenance of domestic pets and other animals, shall be amended to provide as follows:

§135-302. Maintenance of domestic pets and other animals.

Domestic pets and other animals may be maintained in accordance with the following regulations:

A. In any zoning district, as an accessory use to a single-family dwelling, domestic pets may be maintained, provided that such maintenance does not create a nuisance or health or safety hazard, and provided further that not more than four dogs over six months of age may be maintained. If an outdoor shelter and/or exercise pen is maintained, such shelter and/or pen shall be located in the rear yard.

B. Slaughtering is prohibited on any lot that does not meet the definition of a farm.

C. In any zoning district, as an accessory use to a single-family detached dwelling, up to two saddle horses or ponies may be maintained if the following criteria are satisfied:

(1) The minimum lot area shall be one acre.

(2) Any barn, stable or corral is located at least 50 feet from any lot line and 100 feet from any dwelling other than the dwelling of the owner.

(3) A manure management plan shall be submitted to and accepted by the Conservation District and/or DEP, which may further limit the number of horses kept on a property.

D. In any zoning district, the following animals may be maintained as an accessory use to a single-family detached dwelling:

(1) The keeping of small farm animals such as sheep, goats, mules, donkeys, llamas, alpacas, and emus are subject to the following:

(a) The animals shall be contained within a fence designed for such purpose. The fence shall be at least 50 feet from any lot line and 100 feet from the nearest dwelling other than that of the owner.

(b) No more than two animals over the age of six months of age shall be maintained on a property less than two acres in size.

(c) No more than six animals may be maintained on a property which is greater than two acres in size.

(d) A manure management plan shall be submitted to and accepted by the Conservation District and/or DEP, which may further limit the maximum number of animals to be kept on a property.

(2) Fowl, such as chickens, turkeys, geese, ducks, and pigeons, may be kept in accordance with the following:

(a) No more than six fowl may be kept on lots less than 25,000 square feet.

(b) No more than twelve fowl may be kept on lots greater than 25,000 square feet.

(c) All fowl shall be securely fenced to prevent escape. Such fenced area shall be located at least 25 feet from any lot line and 50 feet from the nearest dwelling other than that of the owner.

(d) Roosters are not permitted.

(e) All fowl wastes shall be properly stored and disposed of so as not to be objectionable at the site's property line and in compliance with an accepted manure management plan.

(3) Pigs shall not be maintained as an accessory to a residential use.

(4) Noncommercial keeping of cattle may be permitted in the Agricultural District in compliance with the following regulations:

(a) Minimum lot area shall be five acres.

(b) A maximum of one head of cattle per acre may be kept on a lot, up to a maximum of ten heads of cattle, unless further restrictions are established by a manure management plan accepted by the Conservation District and/or DEP.

(c) Any barn, stable, or corral shall be located at least 100 feet from any lot line and 200 feet from any dwelling other than the dwelling of the owner.

(d) All structures used to house noncommercial cattle shall be prohibited from placement in the front yard.

(e) All outdoor pasture/recreation areas shall be enclosed with fencing to prevent the escape of the animals; such fencing must be set back at least 10 feet from all property lines.

(f) All animal wastes shall be properly stored and disposed of so as not to be objectionable at the site's property line and in compliance with an accepted manure management plan. All animals, their housing and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties.

E. Beekeeping shall be permitted by right in any zoning district as an accessory use to a single-family detached dwelling, subject to the following regulations:

(1) Minimum lot area shall be 21,789 square feet.

(2) It shall be the duty of the applicant to maintain each apiary so as to not create a public nuisance.

(3) Apiaries shall be maintained in movable frame hives.

(4) Hives shall be located only within the rear yard and shall be situated to maximize sunshine exposure and/or natural wind protection.

(5) In no case shall hives be located within 25 feet of any property line.

Section 15. All other sections, parts and provisions of the Mount Joy Township Code of Ordinances shall remain in full force and effect as previously enacted and amended.

Section 16. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 17. This Ordinance shall take effect and be in force from and after its enactment as provided by law.

DULY ORDAINED AND ENACTED this _____ day of _____, 202___, by the Board of Supervisors of the Township of Mount Joy, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF MOUNT JOY
Lancaster County, Pennsylvania

Attest:_____
(Assistant) Secretary

By:_____
(Vice) Chairman
Board of Supervisors

[TOWNSHIP SEAL]

[Section 135-212] Agricultural plans – Update the types of agricultural plans required to obtain a zoning permit for agricultural uses with language provided by the Lancaster County Conservation District

D. Prior to any construction, development, erection, expansion, extension, or subdivision of an agricultural use, the landowner shall provide written evidence from the Lancaster County Conservation District and/or the DEP of:

(1) An ~~approved~~administratively complete and technically correct, pending, or nonapplicable ~~conservation~~ Agricultural Erosion & Sedimentation plan, as per § 102.4(a), Chapter 102, Title 25 of the Pa. Code~~. The conservation plan is required to identify conservation practices, including site-specific best management practices that minimize the potential for accelerated erosion and sedimentation from those farming activities, such as~~ for operations conducting plowing and tilling~~,~~ activities and/or have Animal Heavy Use Areas (AHUAs) ~~upon land that has an area~~ of 5,000 square feet or more.

(2) An administratively complete and technically correct~~approved~~, pending, or nonapplicable ~~nutrient management~~Manure Management plan (MMP), as per § 91.36(b), Chapter 91, Title 25 of the Pa. Code~~Act 38 of 2005~~, including any amendments made hereafter, for the subject farming operations in order to ensure that the generation, storage, and release of potential contaminates into surface or ground water, such as e-coli bacteria, nitrates, phosphorus, etc., are properly managed according to state law.

(3) An administratively complete and technically correct, pending, or nonapplicable Nutrient Management plan, as per Act 38 of 2005, including any amendments hereafter, for operations considered as a Concentrated Animal Operation (CAO) as per § 83.262, Title 25 of the Pa. Code.

(~~3~~4) Confirmation from the delegated ~~county or state agency~~Conservation District or DEP as to whether the activity is regulated as a concentrated animal feeding operation (CAFO) as per the Federal Clean Water Act. These include operations considered a CAO with greater than 300 AEUs, or maintain an animal population of greater than 1,000 AEUs, or is defined as a CAFO under EPS regulations at 40 CFR 122.23(b)(4) ~~those activities regulated under the Pennsylvania law and are over 300 animal equivalent units; those operations that have over 1,000 animal equivalent units; or those operations that confine animals for at least 45 days in a twelve-month period and where there is no grass or other vegetation in the confinement area during the normal growing season~~.

[Sec. 135-32 & 135-231] Group homes – Correct section reference in definition and update standards

GROUP HOME — A dwelling unit operated by a reasonably responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the individual served due to age, emotional, mental or physical handicap. This definition shall expressly include facilities for the supervised care of developmentally disabled persons and all persons subject to protection under the Federal Fair Housing Act Amendments of 1988. Group homes must be licensed where required by any appropriate government agencies, and a copy of any such license must be delivered to the Zoning Officer prior to the initiation of the use. Group homes shall be subject to the same limitations and regulations by the Township as the type of dwelling unit they occupy. It is the express intent of the Township to comply with all provisions of the Federal Fair Housing Act, as amended, and regulations promulgated thereunder, in the construction of this term.

A. A group home shall not include a treatment center.

B. See standards in § 135-~~212~~231.

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§ 135-231. Group homes.

Group homes shall be subject to the following requirements:

A. A group home shall not include any use meeting the definition of a treatment center.

B. The facility shall have adequate staff supervision for the number and type of residents.

C. The applicant shall furnish evidence that an approved means of sewage disposal and a potable water supply in sufficient quantity will be provided.

D. The applicant shall provide evidence of any applicable federal, state or county licensing or certification to the Zoning Officer.

E. The group home shall register, in writing, its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer.

F. Any medical or counseling services shall be limited to a maximum of three nonresidents per day. Any staff meetings shall be limited to a maximum of five persons per day.

G. Parking areas shall be screened from view from neighboring properties located in a residential zone or properties that are available for residential use. Screening shall comply with § 135-299.

H. If a group home is in an agricultural or residential district, an appearance shall be maintained that is closely similar to nearby dwellings.

I. Signs shall comply with the requirements for home occupation signs contained in Article XXIV.

J. A group home shall be permitted only in the type or types of dwelling units allowed in the district in which the group home is to be located.

K. A group home shall comply with all requirements for the type of dwelling unit in which the group home is to be located including, but not limited to, minimum lot size, setbacks, and density.

L. A group home shall not be occupied by persons who are referred by the criminal justice system in lieu of incarceration or persons who have been discharged from the criminal justice system.

[Sec. 135-32] Adult massage establishment – Update definition

ADULT-ORIENTED BUSINESS — A business or club which engages in one or more of the following areas of sales, services or entertainment:

C. ADULT MASSAGE ESTABLISHMENT — Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor, professional physical therapist, massage therapist licensed through the Pennsylvania State Board of Massage Therapy, or professional physical therapist licensed by the commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

[Sec. 135-86] Accessory buildings in the Agricultural District – Increase maximum height

A. Maximum height. The maximum height shall be ~~20~~ 25 feet, except that this restriction shall not be applicable to farm buildings and silos.

[Sec. 135-112] R-3 District – Edit permitted use language for no impact home based businesses to be consistent with other residential districts (delete undefined term)

M. No-impact home-based businesses ~~and light home occupations~~ in accordance with § 135-234.B.

[Sec. 135-217] Bed-and-breakfast – Add provision to require annual short-term lodging permit

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G. The landowner shall obtain a permit to authorize operation of short-term lodging.

[Sec. 135-235] Horse boarding facilities – Update fence height standard & animal capacity

Horse boarding facilities; including riding schools, academies and/or private riding clubs shall be subject to the following requirements:

A. The minimum lot area shall be 10 acres.

B. No more than ~~five horses~~one horse per acre of land shall be permitted to be boarded on the property.

C. Any barn, stable, or corrals shall be located a minimum of 100 feet from any lot line and 200 feet from any dwelling, other than the dwelling of the owner of the animals.

D. All outdoor running areas, training, or pasture areas shall be enclosed with a minimum ~~six-foot~~54-inch-tall fence to prevent the escape of any animals. The fencing details should be submitted with the special exception application. The fence shall not be permitted to be a chain-link-type fence, unless evergreen plantings equal in height to the fence or proposed to fully screen the fence from view from neighboring properties. Such areas shall be at least 25 feet from neighboring properties.

E. ~~The applicant must provide a written plan or other evidence of the methods to be used to ensure that all animal wastes shall be regularly cleaned up and properly disposed of~~ A Manure Management Plan shall be submitted to and accepted by the Lancaster County Conservation District and/or DEP, which may further limit the number of horses kept on a property. The applicant is responsible for the implementation of requirements pertaining to the proper cleanup and disposal of manure to prevent odors and unsanitary conditions.

[Sec. 135-263.C] Transient retail businesses – Update hours of operation

C. Sales shall only be permitted between the hours of 9:00 a.m. and ~~9:00~~10:00 p.m.

Clean up/update various sections related to landscaping

[Sec. 135-166 – (LI) Light Industrial District]

A. Residential buffer strips. When an industrial use is located adjoining a residential district or a lot that is available for residential use, the required yards that share said boundary shall contain a residential buffer strip consisting of a mix of evergreen and deciduous trees to screen buildings, off-street parking and loading areas from view. The landscaping shall be planted in a minimum of two staggered rows for a more effective screening effect; the spacing of the trees shall be not more than one half the mature heights of the trees. No fewer than 60% of the trees planted shall be evergreen plantings. The minimum height of the trees at the time of planting shall be five feet and the minimum caliper of deciduous trees at the time of planting shall be two and a half inches. A comprehensive landscape plan showing the proposed landscaping elements shall be submitted with a Zoning Hearing Board application or an application for a subdivision and land development. If in the event a Zoning Hearing

Board application or a subdivision and land development application is not required, the landscaping plan shall be submitted at the time for application of a zoning permit.

[Sec. 135-176 – (GI) General Industrial District]

A. Residential buffer strips. When an industrial use is located adjoining a residential district or a lot available for residential use, the required yards that share said boundary shall contain a residential buffer strip consisting of a mix of evergreen and deciduous trees to screen buildings, off-street parking and loading areas from view. The landscaping shall be planted in a minimum of two staggered rows for a more effective screening effect; the spacing of the trees shall be not more than one half the mature heights of the trees. No fewer than 60% of the trees planted shall be evergreen plantings. The minimum height of the trees at the time of planting shall be five feet and the minimum caliper of deciduous trees at the time of planting shall be two and a half inches. A comprehensive landscape plan showing the proposed landscaping elements shall be submitted with a Zoning Hearing Board application or an application for a subdivision and land development. If in the event a Zoning Hearing Board application or a subdivision and land development application is not required, the landscaping plan shall be submitted at the time for application of a zoning permit.

[Sec. 135-196 – (IN) Institutional District]

A. Buffer yards.

(1) Residential buffer strips. When a use in the IN District is located adjoining a residential district or a lot available for residential use, the required yards that share said boundary shall contain a residential buffer strip consisting of a mix of evergreen and deciduous trees to screen buildings, off-street parking and loading areas from view. The landscaping shall be planted in a minimum of two staggered rows for a more-effective screening effect; the spacing of the trees shall be not more than 1/2 the mature heights of the trees. No fewer than 60% of the trees planted shall be evergreen plantings. The minimum height of the trees at the time of planting shall be five feet, and the minimum caliper of deciduous trees at the time of planting shall be 2 1/2 inches. A comprehensive landscape plan showing the proposed landscaping elements shall be submitted with a Zoning Hearing Board application or an application for a subdivision and land development. If in the event a Zoning Hearing Board application or a subdivision and land development application is not required, the landscaping plan shall be submitted at the time for application of a zoning permit.

[Sec. 135-237 – Industrial parks]

G. Interior roadways shall have street trees set on forty-foot centers on both sides of the road.

[Sec. 135-299 – Landscaping and screening requirements]

D. Parking area landscaping.

(2) Interior landscaping.

(a) In any parking area containing 15 or more parking spaces (except a parking garage), 5% of the total area of the parking lot shall be devoted to interior landscaping. Landscaping islands shall be used to break up continuous rows of no greater than 15 parking spaces. Such interior landscaping may be used, for example, at the end of parking space rows and to break up rows of parking spaces at least every 15 parking spaces, and to help visually define travel lanes through or next to the parking lot. Landscaped areas situated outside the parking lot, such as peripheral areas and areas surrounding buildings, shall not constitute interior landscaping. For the purpose of computing the total area of any parking lot, all areas within the perimeter of the parking lot shall be counted, including all parking spaces and access drives, aisles, islands and curbed areas. Ground cover alone is not sufficient to meet this requirement. Trees, shrubs or other approved material shall be provided. At least one shade tree shall be provided for each 300 square feet (or fraction) of required interior landscaping area. These trees shall have a clear trunk at least five feet above finished-grade level.

E. General landscaping requirements.

(2) All plantings shall be so placed that, at maturity, it will not prevent passage on a sidewalk, trail or other pedestrian way. A clear sight triangle in accordance with Chapter 119, Subdivision and Land Development shall be maintained at all private accessways and all private and public street intersections.

G. A table shall be provided on a subdivision and/or land development plan or a plan required to be submitted to the Zoning Hearing Board that includes the following information, as applicable:

(1) Required and proposed landscape strip area and length (see § 135-299.B(1))

(2) Required and proposed shade and ornamental trees (see § 135-299.B(2))

(3) Proposed parking lot area and the required and proposed interior landscaping (see § 135-299.D(2)(a)

Update standards for the keeping of animals on residential properties

[Sec. 135-302 – Maintenance of domestic pets and other animals]

Domestic pets and other animals may be maintained in accordance with the following regulations:

A. In any zoning district, as an accessory use to a single-family dwelling, domestic pets may be maintained, provided that such maintenance does not create a nuisance or health or safety

hazard, and provided further that not more than four dogs over six months of age may be maintained. If an outdoor shelter and/or exercise pen is maintained, such shelter and/or pen shall be located in the rear yard ~~and shall be at least 30 feet from any property line and shall be at least 50 feet from any residential dwelling on an adjoining property~~.

B. Slaughtering is prohibited on any lot that does not meet the definition of a farm.

~~B~~C. In any zoning district, as an accessory use to a single-family detached dwelling, up to two saddle horses or ponies may be maintained if the following criteria are satisfied:

(1) The minimum lot area shall be one acre.

(2) Any barn, stable or corral is located at least ~~100~~ 50 feet from any lot line and ~~200~~ 100 feet from any dwelling other than the dwelling of the owner.

(3) A Manure Management Plan shall be submitted to and accepted by the Lancaster County Conservation District and/or DEP, which may further limit the number of horses kept on a property.

~~C~~D. In any zoning district, the following ~~farm~~ animals may be maintained as an accessory use to a single-family detached dwelling, ~~provided that the following criteria are met~~:

(1) ~~Any barn, stable or corral is located at least 100 feet from any lot line and 200 feet from any dwelling other than the dwelling of the owner.~~The keeping of small farm animals such as sheep, goats, mules, donkeys, llamas, alpacas, and emus are subject to the following:

(a) The animals shall be contained within a fence designed for such purpose. The fence shall be at least 50 feet from any lot line and 100 feet from the nearest dwelling other than that of the owner.

~~(2)~~(b) No more than two ~~sheep or goats~~animals over the age of six months of age shall be maintained on a property less than two acres in size.

~~(3)~~(c) No more than six ~~sheep or goats~~animals may be maintained on a property which is greater than two acres in size ~~and less than five acres in size~~.

(d) A Manure Management Plan shall be submitted to and accepted by the Lancaster County Conservation District and/or DEP, which may further limit the maximum number of animals to be kept on a property.

(~~4~~2) ~~Up to 12 pigeons or fowl may be maintained if the area in which the pigeons or fowl are kept is enclosed by a fence which will contain such pigeons or fowl, all parts of which are at least 50 feet from any lot line and not closer than 100 feet to the nearest dwelling other than that of the owner.~~ Fowl, such as chickens, turkeys, geese, ducks, and pigeons may be kept in accordance with the following:

(a) No more than six fowl may be kept on lots less than 25,000 square feet.

(b) No more than twelve fowl may be kept on lots greater than 25,000 square feet.

(c) All fowl shall be securely fenced to prevent escape. Such fenced area shall be located at least 25 feet from any lot line and 50 feet from the nearest dwelling other than that of the owner.

(d) Roosters are not permitted.

(~~5~~3) Pigs shall not be maintained as an accessory to a residential use.

(~~6~~4) Noncommercial keeping of cattle may be permitted in the A district in compliance with the following regulations:

(a) Minimum lot area shall be five acres.

(b) A maximum of one head of cattle per acre may be kept on a lot, up to a maximum of ten heads of cattle, unless further restrictions are established by a Manure Management Plan accepted by the Lancaster County Conservation District and/or DEP.

(c) Any barn, stable, or corral shall be located at least 100 feet from any lot line and 200 feet from any dwelling other than the dwelling of the owner.

(d) All structures used to house noncommercial cattle shall be prohibited from placement in the front yard.

(e) All outdoor pasture/recreation areas shall be enclosed with fencing to prevent the escape of the animals; such fencing must be set back at least 10 feet from all property lines.

(f) All animal wastes shall be properly stored and disposed of so as not to be objectionable at the site's property line and in compliance with an accepted Manure Management Plan. All animals, their housing and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties.

~~D~~E. Beekeeping shall be permitted by right in any zoning district as an accessory use to a single-family detached dwelling, subject to the following regulations:

(1) Minimum lot area shall be ~~five acres~~21,780 square feet.

(2) It shall be the duty of the applicant to maintain each ~~colony~~ apiary so as to not create a public nuisance.

(3) ~~Colonies~~ Apiaries shall be maintained in movable frame hives.

(4) Hives shall be located only within the rear yard and shall be situated to maximize sunshine exposure and/or natural wind protection.

(5) In no case shall hives be located within 25 feet of any property line.

~~(6) All hives shall have access to an on-site water supply. Unless a natural water supply exists on the subject property, the applicant shall furnish a water-filled tank with a board or crushed rock for the bees to land on.~~

~~(7) Hives shall not be oriented to children's play areas or neighboring properties.~~

~~(8) Adequate techniques in handling bees, such as requeening and adequate hive space, shall be maintained to prevent unprovoked stinging 75 feet or more from the hive.~~