

# ZONING ORDINANCE



*Founded 1756 - Incorporated 1888*

*Adopted: April 27, 2010  
Last Amended: May 30, 2023*

## **BOROUGH OF LITITZ**

7 SOUTH BROAD STREET LITITZ, PA 17543  
PHONE (717) 626-2044 FAX (717) 626-1329

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LANCASTER COUNTY, PENNSYLVANIA

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**BOROUGH OF LITITZ**

**ZONING ORDINANCE**

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## ARTICLE I

## GENERAL PROVISIONS

**SECTION 100. Short Title.** This Ordinance shall be known as the “LITITZ BOROUGH ZONING ORDINANCE.”

**SECTION 101. Purpose.** This Zoning Ordinance has been prepared in consideration with the Borough Comprehensive Plan as amended, and with consideration for the character of the municipality, its various parts, and the suitability of the various parts for particular uses and structures, and in consideration with the Downtown Lititz Master Plan, and is enacted for the following purposes:

1. To promote, protect, and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities, the provision of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
2. To prevent one or more of the following: Overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
3. To provide for the use of land within the Borough for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multi-family dwellings in various arrangements.
4. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

**SECTION 102. Community Development Objectives.** This Zoning Ordinance is to render a legal basis and framework to the future land use plan and development goals established in the Comprehensive Plan and other planning studies undertaken by the Lititz Borough Planning Commission. The objectives of guiding future growth and improvement of existing development within the Borough of Lititz are to enable the most economical and efficient provision of municipal services; eliminate hazardous and detrimental land uses while encouraging beneficial

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and compatible land uses; maintain a desirable residential environment with adequate recreational, commercial and industrial supporting areas; promote the context-sensitive form of the Borough; be compliant with the Form-Based Code Regulations, protect historic resources; and, in general, avoid the problems which arise when growth occurs at random without any municipal-wide goals or coordination.

**SECTION 103. Borough Ordinances.** No uses shall be permitted in any district which directly violate any Borough ordinance.

**SECTION 104. Rules of Interpretation.**

- A. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of health, safety, morals, and the general welfare of the Borough and its citizens. It is not intended by this Ordinance to interfere with or abrogate or annul any rules or regulations previously adopted or permits previously issued by the Borough which are not in conflict with any provisions of this Ordinance, nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, building restrictions, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of the buildings or premises or upon the height of the building, or requires a larger open space than is imposed or required by such ordinances, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the provisions of this Ordinance shall control. Where, due to inherent ambiguity, vagueness or lack of clarity in the language of this Ordinance, a reasonable doubt exists as to the meaning of any restriction upon the use of land, said doubt shall be resolved in favor of the property owner and against any implied extension of a restriction.
- B. For the purpose of this Ordinance, the terms and words listed in this Section shall have the meaning herein defined. Words not herein defined shall have the meanings given in Webster's Unabridged Dictionary and shall be interpreted so as to give this Ordinance its most reasonable application. For the purpose of this Ordinance, the following rules of interpretation shall apply:
- Words in the present tense include the future tense.
  - Words in the singular include the plural and words in the plural include the singular.
  - The words "used" and "occupied" shall be construed to include the words "or intended, arranged or designed to be used or to be occupied, or offered for occupancy".
  - The term "such as" shall be considered as introducing a typical or illustrative

designation of items, and shall not be interpreted as constituting a complete list.

- The words "person" and "owner" shall be deemed to include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual.
- The words "building" and "structure" shall be construed as if followed by the phrase "or part thereof".
- The word "lot" includes the words "plot" and "parcel".
- The word "watercourse" includes channel, creek, ditch, dryrun, spring, stream and river.
- The word "erect" shall mean to build, construct, alter, repair, display, relocate, attach, hang, place, suspend, affix or maintain any structure or building and shall also include the painting of exterior wall signs.
- References to the male gender shall include the female gender and vice versa.

**SECTION 105. Terms Defined.** Other terms or words used herein shall be interpreted or defined as follows:

**Access Drive.** An area on a non-residential lot of not less than the width required herein which provides vehicular access from a street or private road to the main building on a lot.

**Accessory Apartment.** An independent living unit with provisions within the unit for cooking, eating, sanitation and sleeping. Such a dwelling is an Accessory Use to the principal building. Accessory apartments may be within, attached to, or freestanding of the principal use.

**Accessory Use.** A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use.

**Active Play Area.** An area designed and constructed for outdoor recreational use including playground equipment such as slides, swings and climbing apparatus.

**Adaptive Re-Use of Buildings.** The use of an existing building for a purpose other than the use for which it was originally constructed, that conserves a substantial portion of the original/existing exterior walls of the building and any portion of the roof integral thereto, and that conserves a substantial portion of the footprint of the building, consistent with the uses and the dimensional requirements permitted in the District.

**Addition.** Any construction which increases the size of a building or adds to a building.

**Adult Day Care.** See "**Child or Adult Day Care**".

**Adult-Oriented Business.** A business or club which engages in one (1) or more of the following areas of sales, services or entertainment:

A. **Adult Bookstore.** Any establishment or place:

1. Which has a substantial or significant portion of its stock-in-trade consisting of the following items:
  - Books, magazines or other periodicals, films or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction, description or display of sexual activities or conduct or uncovered male or female genital areas; and/or
  - Instruments, devices or paraphernalia which is designed primarily for use in connection with sexual activities or conduct.
2. To which the public is permitted or invited wherein coin- or slug-operated or electronically or mechanically controlled still- or motion-picture machines, projectors or other image-producing devices are maintained to show images, with or without sound, where the images so displayed are distinguished or characterized by an emphasis on depiction, description or display of sexual activities or conduct or uncovered male or female genital areas.

B. **Adult Theater.** Any theater, auditorium, concert hall or other place of assembly presenting any form of audio and/or visual material, and in which a substantial portion of the total presentation time measured over any consecutive twelve-month period is or will be devoted to the showing of material which is distinguished or characterized by emphasis on depiction, description or display of sexual activities or by exposure of uncovered male or female genital areas for observation by patrons.

C. **Massage Establishments.** 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 or professional physical therapist licensed by the Commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reduction salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

D. **Other Adult-Oriented Retail, Commercial Service or Entertainment Establishment.**

Any other business or club which primarily offers its patrons or members retail goods, commercial services or entertainment which is characterized by an emphasis on matter or activities relating to, depicting, describing or displaying sexual activity or conduct or uncovered male or female genital areas.

**Affordable Housing.** A household that has an income of less than 80 percent of the Lancaster County median income for households as determined by the most recent data issued by the United States Census Bureau. The Census median income data shall be increased by a standard U.S. government measurement of inflation to update the median income to the present.

**Agriculture.** The use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture, fish culture, animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the principal agricultural activities.

**Alley (or Lane).** A minor right-of-way, publicly or privately owned, primarily for service access to the back or side of properties.

**Alter or Alteration.** Construction which may change the structural parts, mechanical equipment or location of openings of a building but which does not increase the size of the building; or a change in the appearance of a building, structure, site, or object.

**Amendment.** A change in use in a district which includes revisions to the zoning text and/or the official zoning map, whereby the authority for any amendment lies solely with the Borough Council.

**Amusement Arcade.** A building or part of a building in which three or more pinball machines, video games, or other similar player-operated amusement devices are maintained.

**Animal Hospital.** A building for the treatment and related temporary housing or boarding of small domestic animals such as dogs, cats, rabbits, and birds or fowl by a veterinarian.

**Animal Shelter.** A structure which is constructed for the confinement and/or use of animals, including but not limited to dog houses, stables, fenced enclosures, exercise pens, chains and tethers, and similar structures.

**Antenna** - any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or any other wireless antenna.

**Antenna Height.** The vertical distance measured from the base of the antenna support structure at grade to the highest point of the incorporated structure, which shall include all appurtenances connected thereto (support brackets, antennas, etc.). If the support structure is on a sloped grade,

then the average height between the highest and lowest grade, at the ground connection points, shall be used in calculating the antenna height.

**Antique Business.** A business for purchase and sale of antiques at retail. Specifically excluded are flea markets, multiple antique dealer ventures, and garage sales of a permanent or quasi permanent nature, except as are authorized by the Borough for charitable institutions or civic organizations for nonprofit fund raising purposes as otherwise may be provided by laws of this Ordinance.

**Apartment, Conversion.** A multi-family dwelling constructed by converting an existing building into apartments for more than one family, without substantially altering the exterior of the building.

**Apartment House (or Apartment Building).** A building designed and constructed to contain three (3) or more dwelling units.

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

**Application for Development.** Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development including but not limited to, an application (1) for a building permit, (2) for the approval of a subdivision, plat or plan or (3) for the approval of a development plan.

**Appointing Authority.** Borough Council.

**Archaeology.** The scientific study of material remains of past human and animal life and activities.

**Archaeologist.** An individual with a degree from a recognized university in the science of archaeology. (A Masters degree is usually required for professional purposes in this field.)

**Architectural Screening.** A manmade structure designed for the sole purpose of providing a barrier to the view of an architectural or landscape element to or from a neighboring development.

**Architecture.** The art/science of building design and construction; a method or style of building; the product of construction; the recognizable features for any kind of structure; the materials and methods used to produce a structure.

**Architect.** An individual with a degree from a recognized university and registered in the Commonwealth of Pennsylvania in the profession of design and construction of buildings and structures.

**Assembling.** The fitting together of parts and supplies to produce a completed product.

**Attached Dwelling Unit Over Shops and Offices.** A dwelling unit, whether as a condominium or apartment, that is located above the first floor of a building with its first floor devoted to a business or office use. Also, see Live-Work Unit.

**Authority.** A body politic and corporate created pursuant to Act 2 of 2001 (53 P.S. §5601 et seq.).

**Automobile.** See Motor Vehicle.

**Axis of a Lot.** A line joining the midpoints of the front and rear lot lines. A corner lot shall have two axes, each of which shall be defined as a line joining the midpoints of a front lot line and the opposite side lot line. In the event that a front or rear lot line is not a straight line, the midpoint of such lot line shall be determined as the midpoint of a straight line drawn between each terminus of the front or rear lot line. (See Appendix).

**Babysitting.** Any of the following types of child or adult day care activities (See "**Child or Adult Day Care**"):

- A. The temporary or occasional care of any number of children or adults not related to the person giving care which takes place at the home of the person giving care.
- B. The temporary or occasional care of any number of children or adults at a dwelling unit customarily and regularly occupied by the children or adults as their residence, where such care is provided by a non-resident of the dwelling unit.
- C. The regular care of one, two, or three children or adults per day not residing on the premises which takes place at the home of the person giving care.

**Basement.** Any area of the building having its floor below ground level on all sides.

**Bed and Breakfast Inn.** An owner-occupied dwelling in which a room or rooms are rented on a nightly basis for periods of not more than thirty (30) consecutive days to a guest. Meals may or may not be provided.

**Bed and Breakfast Unit.** A room or group of rooms in a Bed and Breakfast Inn forming a single habitable unit used or intended to be used for living and sleeping, but not cooking or eating purposes.

**Bentonite.** A highly plastic, colloidal clay composed largely of the mineral montmorillonite. Used in grout to seal wells or boreholes after they have been drilled, bored, or otherwise excavated.

**Berm.** An earthen mound designed to create a visual and sound barrier between a use and adjoining properties, streets, and uses.

**Block.** An area of land surrounded by streets, or surrounded by streets and alleys.

**Boreholes.** A penetration of soil and/or rock that is augured, drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed which is generally cylindrical in shape and whose diameter is generally smaller than its depth of penetration.

**Borough.** The Borough of Lititz, Lancaster County, Pennsylvania, the Borough Council and its designated representatives.

**Buffer Area.** A landscaped area, or an area of preserved vegetation, intended to be used as a means of limiting the potentially adverse effects created by a use, on adjoining properties, streets and uses. (See Appendix).

**Build-To Line.** The line which defines the placement of the building from the curb edge or sidewalk edge close to the street on which the building fronts. The build-to line of the building forms the street wall line. On a corner lot, the build-to line is located on each side of a lot abutting a street.

**Building.** A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes to be used for human habitation.

**Building, Accessory.** See " Structure, Accessory".

**Building Area.** The aggregate of the maximum horizontal cross-section areas of all buildings on a lot, excluding cornices, eaves, and gutters projecting not more than eighteen (18) inches.

**Building Code.** The Building Code as adopted and amended by Lititz Borough Council.

**Building Official or Building Code Official.** The official, appointed by Lititz Borough Council, in charge of enforcement and administration of the Building Code.

**Building Coverage.** That portion of a lot covered or occupied by buildings. For the purpose of computation, building coverage excludes fences, free-standing walls, retaining walls, decks extending no more than eight feet from the building wall, playground equipment, wading pools no more than 30 inches above grade, cornices, eaves, gutters, unenclosed porches, stoops, terraces, balconies, fire escapes, and unenclosed steps.

**Building Height.** The vertical dimensions measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling at the top story in the case of a flat roof, to the deck line of a mansard roof and to the average height between the plate and ridge of a gable, hip or gambrel roof. (See Appendix). The grade shall not be altered for the purpose of increasing the elevation of an object.

**Building Line.** A line formed by the intersection of a horizontal plane and a vertical plane that coincides with the exterior surface of a building or structure on any side. In the case of a cantilevered or projected section of a building, except overhanging eaves, gutters and cornices, the vertical plane will coincide with the most projected surface. (See Appendix).

**Building Location.** The required building position specified as a Build-To Line in certain districts.

**Building Mass.** The three dimensional bulk of a building: height, width and depth.

**Building, Principal.** A building or buildings in which is conducted the main or principal use of the lot on which said building is situated. (See Appendix).

**Building Set-back Line.** The line within a property usually parallel to the right-of-way or property line), defining the required minimum distance between any enclosed structure and the adjacent street right-of-way or property line. (See Appendix).

**Front set-back line:** The line across and nearest the front of a lot establishing the minimum open space to be provided between the front façade of buildings and the front line of structures, and the front lot line.

**Side set-back line:** The line across and nearest the side of a lot establishing the minimum open space to be provided between the side line of buildings and structures and the side lot line.

**Rear set-back line:** The line across and nearest the rear of a lot establishing the minimum open space to be provided between the rear line of buildings and structures and the rear lot line.

**Business.** Any enterprise, occupation, trade or profession engaged in, either continuously or temporarily, for profit. The term "business" shall include the occupancy or use of a building or premises or any portion thereof for the transaction of business or the rendering or receiving of professional or personal service (See "**Home Business**" and "**Home Occupation**").

**Business Conversion.** Conversion of an entire existing residential structure to a non-residential use, or a conversion of only a portion of the premises, with the retention of one or more dwelling units. (A first-floor retail or office use with an apartment(s) on the second and higher floors is one such example.)

**Business (Professional) Office.** A building or portion of a building wherein services are performed involving predominantly business, professional, administrative or clerical functions.

**Business Services.** Includes such uses as banks, credit unions, loan and insurance agencies, utility offices, government, business and professional offices, medical or dental office facilities.

**Car Wash.** See Motor Vehicle Wash.

**Cartway.** The motor vehicle travel lane of a street or alley.

**CCRC (Continuing Care Retirement Community).**

**Channel.** A natural or artificial watercourse with a definite bed and banks which confine and conduct continuously or periodically flowing water.

**Channel Flow.** That water which is flowing within the limits of a channel.

**Cell Site.** A tract or parcel of land that contains a wireless or cellular phone antenna, its support structure, accessory buildings, and parking and may include other uses associated with and ancillary to wireless and cellular phone transmission.

**Cemetery.** Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including chapels, mausoleums, crematories and caretaker residences when operated in conjunction with and within the boundaries of such cemetery.

**Center Line of Street or Road.** A line located midway between, and parallel to, the right-of-way lines of any street or road.

**Certificate of Occupancy.** A certificate issued by the Zoning Officer upon completion of the construction of a new building or upon a change or conversion of the structure or use of a building, which certifies that all requirements and regulations as provided herein, and within all other applicable requirements, have been complied with. No structure or building may be occupied or used without a Certificate of Occupancy.

**Child or Adult Day Care.** The temporary or occasional care of any number of children or adults not related to the person giving care which takes place at the home of the person giving care, or in a non-residential facility.

**Child or Adult Day Care Facility.** Any dwelling, building, or portion thereof which child or adult day care services other than "babysitting" are provided, including any on-site outdoor play area. Child and adult day care facilities shall be further differentiated by the following two classifications:

**Day Care Home.** Any premises or dwelling unit, other than the home of the child or adult, where a family residence is being used as a day care area, operated for profit or not for profit, in which day care is provided at any one time for a maximum of six (6) non-dependent children or adults per day. (For differentiation, see definition of "**Babysitting**".)

**Day Care Center.** A facility which provides care for a combined total of seven (7) or more children or adults per day, where the child or adult care areas are not being used as a residence.

**Civic Space.** Features such as greens, parks, pocket parks, pedestrian gathering areas, tot lots, playgrounds, plazas, squares, pedestrian pockets, and the like that are used as common open space.

**Clear Sight Triangle.** An area of unobstructed vision at the intersection of two (2) or more streets, access drives or alleys. It is defined depending on street types by lines of sight between points at a specific distance from the intersection of the centerlines of both streets. No obstructions lower than seven (7) feet nor higher than four (4) feet as measured from the nearest street shall be permitted.

**Clinic/Medical Center.** The use of land and/or a building for examination, diagnosis, and treatment of ill or afflicted human outpatients, including office, laboratory and dispensaries for the use of physicians, dentists, technicians and pharmacists.

**Close.** An accessway for counterclockwise vehicular travel, within which a green is centered, and around which buildings are located on three sides, and on-street parking is located either parallel to the curb line or in an angled parking arrangement.

**Club.** An organization established for social or fraternal purposes whose buildings and services are for the use of members and their guests only (including service organizations).

**Club, Non-Profit.** Buildings or facilities owned and/or operated by a corporation, association, or persons for a social, educational, or recreational purpose; but not primarily for profit or to render a service that is customarily carried on as a business. A non-profit club shall not include churches, synagogues, or other places of worship.

**Co-location.** The mounting of one or more Wireless Communications Facilities, including antennas, on an existing Telecommunications Tower, or on any structure that already supports at least one Telecommunications Antenna.

**Commercial Kennel.** See "Kennel, Commercial".

**Commercial Recreation.** A business such as a theater, bowling alley, pool hall, golf driving range, miniature golf courses, swimming pool or skating rink which offers recreational activities to the general public and which is operated for a profit.

**Commercial Use.** A use of land or improvements thereto for the purpose of engaging in retail, wholesale, or service activities for profit.

**Common Open Space.** A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of

residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities, and including civic space, greens, recreational facilities, and the like.

**Completely Dry Space.** A space which will remain totally dry during flooding; due to its design and construct to prevent the passage of water and water vapor.

**Comprehensive Plan.** The Comprehensive Plan adopted by Borough Council pursuant to Article III of the Pennsylvania Municipalities Planning Code which indicates the general locations recommended for the various functional classes of public works, places and structures and for the general physical development of the Borough, and includes any unit or part of such plan separately adopted and any amendment to such plan or part thereof.

**Condominium.** Real estate consisting of privately-owned portions and other areas designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

**Conservation Plan.** A plan including a map(s) and narrative that, at the very least, outlines an erosion and sedimentation control plan for an identified parcel of land.

**Context-Sensitive infill development and redevelopment.** The improvement of land with buildings and structures that enhance the traditional character of the Lititz Borough.

**Continuing Care Retirement Community (CCRC).** A planned development that provides for a continuum of licensed accommodations and care, from independent living, to assisted living, to skilled nursing for both long-term and short-term care of age qualified or physically handicapped individuals. CCRCs may also provide for on-site medical care, accessory commercial, and social uses, so long as those uses are primarily scaled to serve the inhabitants of the campus. CCRCs may be a component of a Traditional Neighborhood Development (TND).

**Convenience Store.** Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.

**Corner Lot.** A lot fronting on two streets at their intersection. (See Appendix).

**County.** The County of Lancaster, Commonwealth of Pennsylvania.

**County Planning Commission.** The Lancaster County Planning Commission and its professional staff.

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

**Curb Cut.** A depression of the curb that allows for vehicular or pedestrian circulation onto a sidewalk, driveway, street, or alley.

**Curb Cut, Mid-Block.** A curb cut that is not located at the intersection of streets and alleys, unless located opposite a T-intersection or an adjoining public pathway, sidewalk, or walkway.

**Customary Incidental Home Occupations.** See "Home Occupation".

**Day Care.** See "Child or Adult Day Care".

**Day Care Center.** See "Child and Adult Day Care Facility".

**Day Care Facility.** See "Child and Adult Day Care Facility".

**Day Care Home.** See "Child and Adult Day Care Facility".

**Dedication.** The deliberate offering, and formal acceptance thereof by the Borough, of land by its owner for any general and public, or limited public, use, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

**Demolition.** To tear down, raze, destroy, do away with, to remove, or relocate from the site in part or its entirety.

**Demolition by Neglect.** The absence of routine maintenance and repair which leads to structural weakness, decay and deterioration in a building to structure.

**Density.** A measure of the number of dwelling units which occupy, or may occupy, an area of land, typically expressed as dwelling units per acre.

**Density, Gross Residential.** The number of dwelling units in relation to an area of land actually in use or proposed to be used for residential purposes, excluding public rights-of-way, whether exterior or interior, but including interior parking areas and access lanes, sidewalks, parks, playgrounds, and common open spaces.

**Density, Net Residential.** The number of dwelling units in relation to the land area actually in use or proposed to be used for residential purposes, exclusive of public rights-of-way, streets, sidewalks, parks, playgrounds and common open spaces.

**Dental Clinic.** See "Clinic/Medical Center".

**DEP.** The Pennsylvania Department of Environmental Protection.

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

**Development.** Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of

buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

**Development Plan.** The provisions for development including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking

facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

**Development Strategy Plan.** The Downtown Lititz Master Plan, which is intended to guide redevelopment and infill development in Downtown Lititz.

**Domestic Pets.** Animals, such as dogs and cats, that have been bred and/or raised to live in or about the habitation of humans and is dependent on people for food and shelter.

**Downtown.** The area designed as the central business district in the Downtown Lititz Master Plan.

**Downtown Lititz Master Plan.** The plan prepared by Derck & Edson, dated September 2008, appears as an Appendix to the Subdivision & Land Development Ordinance.

**Downtown Overlay District.** The Downtown area of Lititz Borough, as shown in the Downtown Lititz Master Plan.

**DPW.** The Pennsylvania Department of Public Welfare.

**Drive-in Facility.** Any portion of a building or structure from which business is transacted, or capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

**Drive-In Service Place.** An establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises or to be entertained while remaining in a motor vehicle. Accessory services provided for customers which do not require the direct assistance of personnel of the establishment outside of the confines of the building (e.g. self-service gasoline pumps, vending machines, automatic teller machines and similar services) shall not be encompassed in this definition.

**Driveway.** A private drive on a residential lot providing access between a public or private street or service lane and a permitted use, building or structure.

**Dwelling.** A house, apartment building or other building designed or used primarily for human habitation. (See Appendix). The word "dwelling" shall not include boarding or rooming houses, hotels, motels, tents, trailers or any structure designed or used exclusively for transient residence.

**Dormitory:** A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group.

**Dwelling, Apartment.** A dwelling unit with provisions within the unit for cooking, eating, sanitation, and sleeping. Such units can be within Multiple Family Dwellings, as an Accessory Apartment to a permitted Primary Use, or co-located with other allowable uses in the same structure.

**Dwelling, Attached (Townhouse or Row).** A building used by one family and having two party walls in common with other dwellings, except in the case of an end-of-row unit which only has one side wall which is a party or lot-line wall.

**Dwelling, Multiple Family.** A building (apartment house or condominium with flats) designed for or used exclusively for residence purposes by more than two (2) families.

**Dwelling, Single Family, Detached.** A detached building designed for or occupied by one family.

**Dwelling, Single Family, Semi-Detached (Twin).** A dwelling containing two (2) dwelling units which are attached side by side by the use of a common wall.

**Dwelling, Two Family, Detached (Duplex).** A dwelling containing two (2) dwelling units, one of which is located above the other.

**Dwelling, Two Family, Semi-Detached.** A building used by two families, with one dwelling unit arranged over the other, having one side yard, and one party wall in common with another building.

**Dwelling Unit.** One or more rooms providing living and sanitary facilities for one family, including equipment for cooking or provisions for same.

**Easement.** The authorization by a property owner of a right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose, within which the owner of the property shall not erect any permanent structures, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee of the easement.

**Eaveline.** The point at which the roof converges with the side of the building.

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**Electric Vehicle Charging Station.** A permanent device, facility or structure that has the primary purpose to transfer electric energy from an electrical source to a battery or other energy storage device that serves an electric or plug-in hybrid vehicle. This definition shall not apply to permitted outdoor power receptacles at residential properties, into which a removable electric vehicle charger may be plugged.

**Emergency.** A condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided.

**Engineer, Borough.** The Borough Engineer or any consultant designated by Borough Council to review a subdivision plan and perform the duties of engineer in behalf of the Borough.

**Engineer, Professional.** A person duly licensed as a professional engineer by the Commonwealth of Pennsylvania.

**EPA.** The United States Environmental Protection Agency.

**Essential Services.** The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies of gas, electrical, telephone, steam or water transmission or distribution systems, and sewage disposal systems, including buildings, enclosures, wells, pumping stations, storage facilities, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic light signals, hydrants, and other similar equipment and accessories and services in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies, including fire houses or fire companies and emergency services under agreement with the municipality or for the public health or safety or general welfare. Wireless and cellular communications are not considered to be Essential Services.

**Essential Services Building.** An essential services facility intended for human occupancy.

**Essential Services Structure.** An essential services facility not intended for human occupancy.

**Essentially Dry Space.** A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

**Event Space.** A building or portion thereof that is designed for public or private assembly for special events or regularly scheduled programs. Such events may include, but are not limited to, lectures, performances, weddings, receptions, banquets, and fundraisers. Live music performances shall not present a nuisance to neighboring properties.

**Excessive Glare.** The spillover of nighttime illumination in excess of 1.0 footcandle beyond a property line onto an adjoining property.

**Exterior Features.** The architectural style, design and general arrangement of the various parts of a building, structure or object. This may include the color, nature and texture of building materials, and the type of style of all windows and doors, ornamental application, and the like.

**Family.** One (1) or more persons occupying a dwelling and living as a single nonprofit housekeeping unit.

**FCC.** Federal Communications Commission

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

**Fill.** Material placed or deposited so as to form an embankment or to raise the surface elevation of the land, including but not limited to levees, bulkheads, dikes, jetties, embankments, and causeways.

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

**Flood-Fringe Area.** That portion of the 100-year floodplain outside of the floodway area.

**Flood of Record.** The flood which has reached the highest flood elevation above mean sea level at a particular location.

**Floodplain area.** A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

**Floodproofing.** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Floodway.** The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

**Floor Area, Habitable.** The sum of the gross horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen or bedroom, but not including hallways, stair-ways, cellars, attics, service rooms or utility rooms, bathrooms, closets or unheated areas such as enclosed porches or rooms without at least one window or skylight opening onto an outside yard or court. At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven (7) feet, and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the habitable floor area.

**Floor Area, Total.** The area of all floors measured from the exterior face of the structure of a building, including finished attics and finished basements.

**Funeral Home.** A building devoted to the care, embalming, and holding of services for the dead, including the sale of funeral equipment as an accessory activity.

**Garage, Private.** A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

**Garage, Public.** A building designed and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.

**Garage Sale.** The sale or offering for sale to the general public of items of personal property, not involving items purchased for resale, used in conjunction with a residential dwelling by the owner or tenant of an improved lot at a residential use in a residential district, whether within or outside any building.

**Gardening.** The cultivation of herbs, fruits, flowers, or vegetables, excluding the keeping of livestock.

**Gateway.** The entry to Lititz Borough in the General Business Gateway District along Broad Street.

**Geothermal Energy Systems.** An energy generating system that uses the Earth's thermal properties in conjunction with electricity to provide greater efficiency in the heating and cooling of buildings. Geothermal heating and/or cooling systems consist of the following basic elements: underground loops of piping; approved, nontoxic heat transfer fluid; a heat pump; and an air distribution system. An opening is made in the earth and a series of pipes are installed into the opening and connected to a heat exchange system in the building.

**Closed Horizontal Loop Geothermal System.** A type of geothermal system where the pipes are installed horizontally with the surface and form a closed loop. The pipes are filled with a heat transfer fluid that is potable or beneficial reuse water and may have approved nontoxic antifreeze, such as propylene glycol, added. The fluid is circulated through the piping from the opening into the heat exchanger and back.

**Closed Vertical Loop Geothermal System.** A type of geothermal system where the pipes are installed vertically below the surface and form a closed loop. The pipes are filled with a heat transfer fluid that is potable or beneficial reuse water and may have approved nontoxic antifreeze, such as propylene glycol, added. The fluid is circulated through the piping from the opening into the heat exchanger and back.

**Open Loop Geothermal System.** A type of geothermal system that utilizes a water-supply well, or other source, and a pump to deliver groundwater to a heat exchanger. The discharge water from the heat exchanger is then returned to the subsurface through a recharge well or discharged to a surface water body.

**Governing Body.** Borough Council of the Borough of Lititz, Lancaster County, Pennsylvania.

**Grade, Finished.** The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

**Green.** A plaza, square, courtyard, pedestrian pocket, pedestrian gathering area, promenade, lawn area, or other outdoor space in which features such as pavers, benches, gazebos, pergolas, trellises, planters, plantings, lighting, sculpture, and the like, are installed and maintained, and in which public seating takes place.

**Green Area.** The portion of a lot which may not be occupied or covered by buildings or paved areas.

**Green Infrastructure.** All landscaping, greens, and other like type features that protect or conserve natural resources; other resources that are referenced in the Lancaster County “Greenscapes” Plan of 2009; and other civic space.

**Gross Floor Area.** The sum of the horizontal areas of all enclosed floors of a building, including cellars, basements, corridors, and lobbies, from the exterior face of exterior walls, or from the centerline of a common wall separating two buildings, but excluding any space with a floor to ceiling height of less than 7 feet.

**Hazardous Material.** Materials which have the potential to damage health, endanger human life or impair safety, including, but not limited to, hazardous material as defined by state statute and DEP rules and regulations.

**Height of a Telecommunications Tower.** The vertical distance measured from the ground level, including any base pad, to the highest point on a Telecommunications Tower, including antennas mounted on the tower and any other appurtenances.

**Herbicide.** A chemical substance used to destroy or inhibit the growth of plants, especially weeds.

**Historic Area Advisory Committee.** An advisory board designated by Lititz Borough Council under the authority of the Borough Code for the purpose of dealing with matters pertaining to the Borough’s identified historic and cultural resources.

**Historic Context.** The geographical location, time period, and function(s) that existed within the period of significance of a historic resource.

**Historic Property.** A parcel of land containing one or more historic resources.

**Historic Resource.** Any building, structure, site, object or district that is listed in the National Register of Historic Places; designated as a historic property under local or state designation law or survey; certified as a contributing resource within a National Register listed or locally designated historic district; or with an opinion of certification that the property is eligible to be

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listed on the National Register of Historic Places either individually or as a Contributing Resource to a historic district.

**Historic structure.** Any historic resource that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - By an approved state program as determined by the Secretary of the Interior, or
  - Directly by the Secretary of the Interior in states without approved programs.

**Historic Resources Map.** A map of Historic Resources included in the Form-Based Code Regulations of this Ordinance.

**Historic Resources Survey.** A map of Historic Resources as described and referenced in Section 214.

**Historic Significance Review** – A report that provides a comprehensive historic narrative for the structure in question. Such a report shall include but not be limited to, the estimated year of construction, previous owners, notable residents or events associated with the structure, the method of construction and architectural style, current interior and exterior photographs, and historic photographs if available. Where the structure in question potentially qualifies as a Historic Resource as defined in Section 105 of the Zoning Ordinance, the report shall be authored by either a historical preservation specialist or an individual with similar training and expertise.

**Home Business.** An occupation, profession, commercial activity or use conducted within a residential dwelling unit or accessory building by the resident-operator and not more than one (1) non-resident employee. Home business uses shall be of a service or limited retail nature. The use shall be clearly incidental and secondary to the residential use of the dwelling and the exterior appearance of the structures and premises shall remain residential in character. For the purpose of this Zoning Ordinance, a home business shall not include child or adult day care facilities which are regulated as a separate use.

**Home Occupation.** An occupation, profession, commercial activity or use conducted within a residential dwelling unit solely by the residents thereof. The use shall be clearly incidental and secondary to the residential use of the dwelling and the exterior appearance of the structure and premises shall remain residential in character. For the purpose of this Zoning Ordinance, a home

occupation shall not include child or adult day care facilities which are regulated as a separate use.

**Horticulture.** See "Gardening".

**Hospital.** An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by state law to provide facilities and services in surgery, obstetrics, and general medical practice.

**Hotel.** A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building as an accessory use.

**Housing Type.** A form of dwelling unit, such as a single-family detached building, a two-family building, an attached building, an apartment or condominium, or a variation in building height and/or façade to provide variety to a building design.

**Identified floodplain area.** The floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood.

**Impervious Area.** Any portion of a lot covered by impervious surfaces.

**Impervious Surface.** Any surface that has been compacted or covered over with a building, structure, swimming pool, pond, or layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, rock, or clay, as well as driveways and parking areas and most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures and paved areas. (See Appendix).

**Incident Ray.** Light which falls upon or strikes a sign or other object.

**Industrial Use.** The production, manufacturing, processing, assembling, packaging and storing of finished products from raw materials and/or components.

**Integrity.** Historic integrity is the composite of seven qualities: location, design, setting, materials, workmanship, feeling, and association. All seven qualities do not need to be present as long as the overall sense of past time and place is evident. All properties change over time. The retention of integrity depends upon the nature and degree of alteration or change. It is not necessary for a property to retain all the physical features or characteristics that it had during its period of significance. However, the property shall retain the essential physical features that enable it to convey its past identity or character, and therefore its significance.

**Junk.** Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, stored, baled, disposed of, or for other use or disposition.

**Junkyard.** A parcel of land on which waste material, junk, or inoperative vehicles and/or other

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machinery are collected, stored, salvaged, or sold.

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**Kennel, Commercial.** A business offering housing or boarding of domestic animals and which is operated for a profit.

**Laboratory.** An establishment or other facility equipped for testing and analysis, or for experimental study in the natural, physical or social sciences, which may include engineering and product development.

**Lancaster County Wide Communications.** The Lancaster County agency responsible for 911 emergency system service, and the dispatching of emergency services agencies within Lancaster County.

**Land development.** Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
  - A. a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - B. the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.

**Land Use Ordinance.** Any ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI, VII, and VII-A of the Pennsylvania Municipalities Planning Code.

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

**Landscaping.** The non-agricultural planting of turf, trees, shrubs, and other appropriate vegetative materials and ground cover within the open areas of a lot, and including the maintenance and replacement thereof, for the purposes of soil erosion control, retention of precipitation, protection against the elements and promotion of human comfort and welfare.

**Lane.** See Alley.

**Laundry, Self-Service.** A business that provides home-type washing, drying and/or ironing machines for hire to be used by customers on the premises.

**Liner Shop.** Smaller stores and service businesses that are connected and form the frontage of a building, typically in conjunction with a larger building.

**Lititz Historic District.** The Historic District depicted on the Historic Resources Map (originally designated as the Lititz-Moravian Historic District).

**Live-Work Unit.** A ground floor business use, such as an office, studio, shop, café, or personal service establishment, or other place of business in combination with an office and a dwelling unit located above such place of business. A person or persons other than the proprietor of the ground floor business may occupy the dwelling unit portion of a Live-Work Unit.

**Loading Space.** An off-street space on the same lot with, and contiguous to, a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street or other appropriate means of access.

**Lot.** A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit, and having frontage on a dedicated street or road. (See Appendix).

**Corner lot:** A lot at the junction of and abutting on two or more intersecting streets where the interior angle of intersection does not exceed 135 degrees. A lot abutting a curved street shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135 degrees.

<p><b>NOTE:</b> The following definition of "Lowest Floor" should be used only if Partially Enclosed Space Below the Lowest Floor (Section 4.02 C.2.) will be <u>permitted</u>.</p>
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**Lowest floor.** The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant, and partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.

**Flag lot:** A lot or parcel that has been approved with access provided to the bulk of the lot by means of a narrow corridor. Said lot has less frontage on a public street than is normally required.

**Interior lot:** Any lot other than a corner lot.

**Through lot:** A lot extending between and having frontage on two streets.

**Lot Area.** The total horizontal area within the lot lines of a lot following exclusion of:

- A. Areas within an existing or proposed, public or private, easement or right-of-way the terms or conditions of which restrict or limit the nature, dimensional characteristics, or intensity of development or development activities within the said easement or right-of-way; and
- B. In the case of an interior lot, any right-of-way, easement or accessway connecting such interior lot to a road or street.

**Lot Coverage.** The total percentage of a lot that includes all non-vegetated surfaces. This includes Building Coverage, pavement (pervious or impervious), stone, or other impervious surfaces. This shall not include planting beds or tree wells.

**Lot Depth.** A mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.

**Lot - Developable Area.** The gross area of a tract of land excluding any area that includes the following natural features: wetlands, steep slopes, floodplains, streams and waterbodies. Natural features do not include any manmade conditions.

**Lot Frontage.** The lot dimension measured along the street line of any street abutting a lot.

**Lot Line.** A line dividing one lot from another lot or from a street or alley. (See Appendix).

**Lot Line, Front:** On an interior lot, the lot line abutting the street; on a corner or through lot, each lot line which abuts a street; on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

**Lot Line, Rear:** A lot line which does not intersect a front lot line and is most distant from, and most parallel to, a front lot line. Corner lots shall not have a rear lot line. For the purposes of this Ordinance, where the side lot lines of an interior lot meet in a point, the rear lot line shall be assumed to be a line not less than 10 feet long drawn within the lot between the two side lot lines, which is parallel to, or in the event of a curved front lot line, equidistant to, to the front lot line.

**Lot Line, Side:** Any lot line that is not a front or rear lot line.

**Lot Width.** In the case of an interior lot, lot width shall be the horizontal distance measured at the minimum building setback line between the side lot lines. In the case of a corner lot, lot width shall be the horizontal distance measured at the minimum building setback line between each front lot line and its opposite side lot line. Such distance shall be measured along a straight line which is at right angles to the axis of a lot. The mean lot width shall not be less than the required lot width. (See Appendix).

**Maintenance.** To keep in its existing state; to upkeep; to preserve from failure or decline.

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**Manufactured Home.** A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation and attachments to the required utilities. The term includes manufactured home, park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days. Substitute the term manufactured home for the term mobile home.

**Manufactured Home Park.** A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use. Substitute the term manufactured home park for mobile home park

**Manufacturing.** Any process whereby the nature, size or shape of articles or raw materials are changed, or where articles are assembled or packaged.

**Maximum Flood Elevation.** The water surface elevations of a flood which would completely fill the floodplain to the boundaries of the floodplain area.

**Mean Sea Level.** The average height of the sea for all stages of the tide, using the National Geodetic Vertical Datum of 1929.

**Medical Center/Clinic.** The use of land and/or a building for examination, diagnosis, and treatment of ill or afflicted human outpatients, including office, laboratory and dispensaries for the use of physicians, dentists, technicians and pharmacists.

**Medical Laboratory.** A laboratory specializing in testing and analysis, or research and experimentation specifically related to the medical sciences.

**Microwave Antenna for Satellite Communication.** A reflector, together with its pedestal and any other attachments and parts thereof, used or intended to receive or transmit radio or electromagnetic waves from an overhead satellite or other sources. A microwave antenna for satellite communication, as herein defined, does not include federally licensed communication services.

**Minor Repair.** The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

**Mixed Occupancy.** Occupancy of a building for more than one use.

**Mixed-Use.** Two (2) or more principal uses on a lot, that are permitted in specified districts, such as Live-Work Units, Apartments Above Commercial Use, and multiple non-residential

**Mixed-Use Building.** A vertically integrated building, such as a Live-Work Unit, and Apartments Above Commercial Use.

**Mixed-Use Neighborhood.** Two (2) or more principal uses on a block that are permitted in specified districts, such as: a Traditional Neighborhood Development (TND) in the TNDO District; or in the Downtown; or the NSD.

**Modular Housing Unit.** A structure designed primarily for family dwelling, eating, sleeping and with complete year-round facilities. It is constructed at a location other than the building lot and transported to the building lot in one or more segments where it is permanently set upon a foundation. The means of transporting a modular housing unit is not an integral part of the structure.

**Monopole.** A WCF or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications antennas and connecting appurtenances.

**Motel.** A building or group of buildings, whether detached or in connected units, used as individual sleeping or living units with direct outside access, designed primarily for transient vehicle travelers, and provided with accessory off-street parking facilities. The term includes buildings designed as tourist courts, motor lodges, auto courts, and other similar facilities, but shall not be construed to include Mobile Home Parks or Manufactured Home Parks.

**Motor Vehicle.** A motorized, self-propelled means of transportation of passengers or cargo, including, but not limited to automobiles, trucks, motorcycles and buses.

**Motor Vehicle Body Shop.** A building or structure on a lot that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers and/or accessories of automobiles, trucks and other vehicles for conveyance.

**Motor Vehicle Repair Garage.** A building or structure on a lot designed and/or used primarily for mechanical and/or body repairs, storage, or servicing to automobiles, trucks and similar vehicles.

**Motor Vehicle Sales.** The use of a building or structure on a lot that is used for the sale of automobiles, trucks, and similar vehicles.

**Motor Vehicle Service Station.** A building or lot or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail direct from pumps and storage tanks and which may include accessory facilities for rendering vehicle services such as lubrication, washing and minor repairs.

**Motor Vehicle Wash.** A building on a lot, designed and used primarily for the washing and polishing of motor vehicles and which may provide accessory services as set forth herein for

**Municipality.** The Borough of Lititz, Lancaster County, Pennsylvania.

**NOTE:** The date to be used in the following definition of "New Construction" shall be the effective date of the first floodplain management ordinance/regulations enacted by a municipality for the purpose of complying with the requirements of the National Flood Insurance Program.

**New construction.** Structures for which the start of construction commenced on or after October 15, 1980, and includes any subsequent improvements thereto.

**Multi-Use.** A form of Mixed-Use, where a combination of principal uses are horizontally integrated, such as a Mixed-Use Neighborhood.

**National Register of Historic Places.** The official federal list of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering and culture.

**Nightclub.** A bar, restaurant, coffee house, or similar establishment where a dance floor or entertainment is provided.

**No-Impact Home-Based Business.** A business or commercial activity administered or conducted as an accessory use (permitted by right), which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premise, in excess of those normally associated with a residential use. The business is also known as a home occupation and shall be in accordance with Section 401 herein.

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

**Nonconforming Structure.** A structure or part of a structure which does not comply with the applicable provisions in a zoning ordinance or any amendment thereto, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

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

**Nursery, Greenhouse.** Any lot, parcel of land, building, or structure used to cultivate,

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propagate, and grow trees, shrubs, vines, and other plants.

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**Nursing or Convalescent Home.** A building designed and used for the full-time care of human beings and which may include housing or lodging, meals, and nursing.

**Object.** A construction primarily artistic in nature or relatively small in scale and simply constructed, such as a monument, pier, wall, and the like.

**Occupancy.** The act of being inside of and sheltered by a building or structure, whether in a professional capacity or as a resident.

**Off-Street Parking.** Parking on a lot, away from the street.

**One-Hundred Year Flood.** A flood that, on the average, is likely to occur once every 100 years (i.e. that has one (1) percent chance of occurring each year, although the flood may occur in any year).

**One-Hundred Year Flood Boundary.** The outer boundary of an area of land that is likely to be flooded once every 100 years (i.e., that has a one (1) percent chance of being flooded each year). A study of the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, or a licensed professional engineer registered by the Commonwealth of Pennsylvania is necessary to define this boundary.

**One-Hundred Year Flood Elevation.** The water surface elevations of the One-Hundred Year Flood.

**On-Lot Utilities:**

**Sewage Disposal System:** Any septic system or structure designed to biochemically treat sewage within the boundaries of an individual lot.

**Water Distribution System:** A system for supplying and distributing potable water to a single dwelling or other building from a source located on the same lot.

**On-Street Parking.** Parking along the street, typically parallel to the curb line.

**Open Space.** An area that is intended to provide light and air, and is designed for either environmental, scenic or recreational purposes. Open space may include, but is not limited to, lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, civic space, greens, fountains, swimming pools, wooded areas and watercourses. Open space shall not be deemed to include driveways, parking lots or other surfaces designed or intended for vehicular travel.

**Open Space, Common.** (See Common Open Space)

**Outdoor Storage.** The keeping, in an unenclosed area, of any goods, material, merchandise, junk, or vehicles in the same place for more than 24 hours.

**Park, Playground or Recreation Area.** An open air recreational facility which is not accessory to any other use on the same or any other lot, but excluding amusement parks, and further defined below:

**Park, Playground, or Recreation Area, Commercial** - Recreational facilities operated as a business and open to the general public for a fee.

**Park, Playground or Recreation Area, Restricted** - Recreational facilities operated for restricted use in conjunction with (1) a particular non-profit organization, and open only to its members and guests or (2) a particular housing development or private residences, and open only to the residents and guests of said developments or private residences.

**Park, Playground or Recreation Area, Public** - Recreational facilities operated as a nonprofit enterprise by a governmental or nonprofit organization, and open to the general public.

**Parking Area.** An area on a lot utilized for the parking of vehicles for a single unit of occupancy.

**Parking Area, Internal.** An off-street parking lot located behind a building, or on-street parking between buildings in the case of a Close.

**Parking Compound.** An area on a lot containing any use other than agricultural or one (1) single-family detached dwelling for the parking of three (3) or more vehicles. Also known as a "parking lot".

**Parking Location.** The required parking position, either on-street, behind buildings, and/or to the side of buildings, as specified in certain districts.

**Parking Lot.** See "parking compound".

**Parking Space.** An off-street space available for the parking of a motor vehicle and which, in this Ordinance, is held to be an area 18 feet in length and at least one hundred-sixty-two (162) square feet, exclusive of passageways and driveways appurtenant thereto and giving access thereto; and an on-street parking space that is typically parallel to a curb line and 7 feet wide by 22 feet long .

**Parking Structure.** A parking deck that has two (2) or more levels.

**Pedestrian Continuity.** The interconnectedness of features such as sidewalks, crosswalks, walkways, pathways, pedestrian promenades, and the like.

**Pedestrian Gathering Area.** A plaza, green, square, park, playground, or pedestrian pocket

within which pedestrians can sit, relax, dine, and/or engage in other leisure time activities.

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

**Personal Services.** Includes such uses as barber shops, beauty salons, photographic studios, tailor, dress-making, millinery shops, self-service laundry, and dry cleaning / laundry drop-off points.

**Pesticide.** Any substance or mixture of substances intended for use in preventing, destroying, repelling, sterilizing or mitigating any insects, rodents, nematodes, predatory animals or other forms of animal life.

**Petroleum Product.** Oil or petroleum of any kind and in any form, including crude oil and derivatives of crude oil. It may exist singularly, as a sludge, as oil refuse or as a mixture with other wastes.

**Place of Worship.** A nonprofit use of land or a building or buildings as a place of worship, convent, monastery or similar religious institution, including rectory and parish houses for an organization solely or primarily used as a religious institution when located on the same premise.

**Plan.** The map or plan of a subdivision or land development, whether preliminary, tentative or final.

**Planning Code.** The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, Act 247, as amended, abbreviated as "MPC".

**Planning Commission.** Borough of Lititz Planning Commission.

**Plat.** Same as "Plan."

**Playground.** An active recreational area with play equipment and playfield or play court areas.

**Plaza.** A public gathering place and pedestrian gathering area that is designed and maintained with pavers, benches, plantings, and other landscape features as depicted in the Form-Based Code provisions.

**Pocket Park.** A small public gathering place, that is designed and maintained with features such as benches, plantings, and other landscape features as depicted in the Form-Based Code provisions.

**Porch.** An unenclosed extension of a building typically six (6) feet deep by twelve (12) feet wide, but no less than five (5) feet deep by ten (10) feet wide.

**Portico.** A porch or walkway with a roof supported by columns, often leading to the entrance of

**Premises.** The area occupied by a business or other commercial, professional or industrial enterprise. When more than one such enterprise occupies a building, each business area shall be considered a separate premises.

**Preservation Planning.** A series of activities through which goals, priorities, and strategies of identification, evaluation, classification and protection of historic buildings, districts, sites and objects are developed.

**Primary Frontage.** The façade of a building where the front entrance door is located. On a corner lot, there shall be two primary facades, one of which shall be designed with a front entrance door.

**Processing.** A function involved in the manufacturing of goods or products in which the material used is not physically changed except for packaging or sizing.

**Production.** A function involved in the manufacturing of materials, goods, or products in which they are physically changed.

**Professional Office.** See Business Office.

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

**Public Building.** A building owned, operated or controlled by a governmental agency (Federal, State or Local) including a corporation created by law for the performance of certain specialized governmental functions, or the School District.

**Public Grounds.** Includes the following:

- A. parks, playgrounds, trails, paths and other recreational areas and other public areas;
- B. sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- C. publicly owned or operated scenic and historic sites.

**Public Hearing.** A formal meeting held pursuant to public notice by the Borough Council, Zoning Hearing Board or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

**Public Meeting.** A forum held pursuant to notice under the act of July 3, 1986 (P.L.388, No.84), known as the "Sunshine Act."

**Public Notice.** Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall

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be not more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

**Public Realm.** The space between buildings along and within the Streetscape.

**Radioactive Material.** Any natural or artificially produced substance which emits radiation spontaneously.

**Rail Line.** A right-of-way with structures currently or previously used for transportation by trains.

**Raised Crosswalk.** A type of crosswalk, whereby the paving is raised to be flush to the top of curb and an adjoining sidewalk or walkway.

**Recreation, Active.** Leisure activities, usually of a more formal nature and performed with other individuals, often requiring equipment and taking place at prescribed places, sites or fields. Such areas usually require physical site alterations, are intensively used, and may include facilities such as playgrounds, ball courts and swimming pools.

**Recreation, Passive.** Leisure activities, usually of an informal nature such as hiking and picnicking which can be carried out with little alteration or disruption to the area in which they occur.

**Recreational Vehicle.** A vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or able to be towed by a light-duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Recycle or Salvage.** When used in connection with historic resources shall mean retention of reusable building materials for reuse.

**Recycling Center.** A facility that is not a junkyard and in which recoverable resources, such as plastics, newspapers, glassware, and metal cans, are collected, stored, flattened, crushed, and/or bundled, essentially by hand, within a completely enclosed building.

**Recycling Collection Point.** An accessory use which serves as a collection point for the temporary storage of refuse items, such as bottles, cans, and newspapers, from which resources are recovered at another location.

**Recycling Plant.** A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, and other paper products, glassware, metal cans, and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

**Redevelopment.** The re-use, alteration, enlargement or extension of a building by 20% or more of the gross floor area of the building, or the alteration, enlargement or extension by 20% or more

of any other site characteristics, i.e., parking, pavements or other structures; provided, however, Redevelopment in the General Business Gateway District shall be invoked as follows:

- A. 15% when the building has more than 5,000 square feet on the ground floor.
- B. 20% when the building has between 3,000 and 5,000 square feet on the ground floor.
- C. 25% when the building has less than 3,000 square feet on the ground floor.

**Regulatory Flood Elevation.** The one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1 ½) feet.

**Rehabilitation.** The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

**Related Equipment.** Any piece of equipment related to, incidental to, or necessary for, the operation of a Telecommunications Tower or Telecommunications Antenna. By way of illustration, not limitation, Related Equipment includes generators and base stations.

**Renewable Energy Source.** Any method, process or substance for which supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy, but excluding those sources of energy used in the fission and fusion processes.

**Repair Services.** Includes such uses as radio, television and appliance repair shops, plumbing shops, carpenter shops, and shoe repair shops.

**Repetitive Loss.** Flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

**Required Clear Sight Triangle.** An area of unobstructed vision at the intersection of two (2) or more streets, access drives or alleys. It is defined, depending on street type, by lines of sight between points at a given distance from the intersection of the centerlines of both streets. No obstructions lower than seven (7) feet nor higher than four (4) feet as measured from the nearest street shall be permitted.

**Restaurant.** A business establishment where the principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in non-disposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

**Restaurant, Drive-In.** An establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

**Restaurant, Fast Food.** An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, or griddled quickly, or heated in a device such as a microwave oven. Orders are not served at the same table or counter where the items are consumed.

**Retail Business.** Includes such uses as variety stores, apparel stores, drug stores, grocery stores, eating establishments, antique shops, music shops, sporting good stores, and book, stationery, magazine, candy and tobacco shops.

**Right-of-Way.** The total width of any land reserved or dedicated as a street, road, or other public or semi-public purposes.

**Scale.** The size, massing and proportion of buildings in relation to the dimensions of yards, lots, and/or streetscapes, and typically in context with human proportions.

**School, Elementary.** Any school licensed by the Commonwealth of Pennsylvania and which meets the requirements for elementary education.

**School, Nursery.** Any place licensed by the Commonwealth of Pennsylvania to provide regular instruction and daytime care for children younger than elementary school-age.

**School, Secondary.** Any school licensed and authorized by the Commonwealth of Pennsylvania and which is authorized to award diplomas for secondary education.

**School, Trade and/or Commercial.** An establishment or organization that offers specialized training or instruction in a specific technical field, and which may or may not be operated for profit.

**Screening.** The use of plant or landscaping materials, fencing, walls and/or earthen berms to aid in the concealment of one element of a development from other elements or from adjacent or contiguous development.

**Screen Planting.** A landscape planting with the primary purpose of providing a visual barrier to the sight of one or more elements of a neighboring development.

**Self-service Storage Facility.** A building or group of buildings that contains individual, compartmentalized, and controlled access stalls or lockers for the storage of goods or wares of customers.

**Setback.** The setback of a building from a particular lot line is the horizontal distance from such

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lot line to the building line nearest such lot line.

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**Service Lane.** A type of thoroughfare servicing non-residential development, typically in the form of a drive.

**Shared Parking.** Off-street parking that two (2) or more landowners or tenants share within 500 feet of a lot that is served in the Central Business District, the standards for which are derived from the ULI – Urban Land Institute publication titled “Shared Parking Second Edition”, 2005, or the most recent version thereof.

**Shopping Center.** A group of stores planned, designed and constructed to function as a unit for the lot on which it is located with off-street parking provided as an integral part of the unit.

**Short-Term Rental.** An owner-occupied dwelling or an accessory unit thereof, that provides rooms or the entirety of the unit for Transient Residence to individuals unrelated to the owners of the dwelling unit.

**Sidewalk.** A pedestrian thoroughfare that is built and maintained in accordance with the Lititz Borough Subdivision and Land Development Ordinance, and this Zoning Ordinance.

**Sidewalk Sale.** A seasonal and temporary event limited in duration in the Central Business District on sidewalks in front of shops and stores.

**Sign.** Any device or medium used for the purpose of naming, identifying, illustrating or displaying information to the general public, which is affixed to, painted upon or incorporated into a structure or building, or is freestanding upon a lot, which directs attention to an object, product, place, name, activity, facility, service, event, attraction, person, institution, organization or business, and which is visible from the public right-of-way, or from public property, or is located within a building and is obviously intended to be seen and understood from the public right-of-way. Customary displays of merchandise or other objects, either behind store windows or outdoors, are not signs. Specific sign types are defined as follows:

**Animated Sign:** Any sign that uses movement or change of lighting to depict action or to create a visual effect or scene.

**Banner:** Any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges. National flags, state or municipal flags, or official flags of any institution or business shall not be considered banners.

**Beacon:** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

**Building Marker:** Any sign indicating the name of a building and data and incidental information about its construction, which sign is cut into a masonry surface or made of

bronze or other permanent material.

**Building Sign:** Any sign attached to any part of a building, as contrasted to a freestanding sign.

**Business Identification Sign:** A sign which contains elements which identify the official name of a business and which may contain the minimal references necessary to products or services which help to clarify the type of business being conducted on the premises.

**Canopy Sign:** Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outside service area. A marquee is not a canopy.

**Changeable Copy Sign:** A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign, including either a Manual Changeable Copy Sign, or an Electronic Message Center Sign.

**Commercial Message:** Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.

**Electronic Message Center Sign:** A sign type characterized by internally illuminated, changeable copy that includes electronically changing alphanumeric text typically used for time and temperature displays, advertising the prices of retail products, and the like.

**Flag:** Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

**Freestanding Sign:** Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure. (See Appendix).

**Ground Sign:** A freestanding sign, other than a pole sign, in which the entire bottom is in contact with the ground.

**Informational Signage:** Window Signs of a permanent or temporary nature which display information about business activities on the premises, such as business hours, products or brands carried, services available, credit cards accepted and commercial and professional affiliations.

**Luminous Sign:** Any sign which contains a light shining from any source within the body of the sign.

**Manual Changeable Copy Sign:** A sign in which the copy or symbols are changed

manually through placement of characters of symbols on a sign face.

**Marquee Sign:** Any sign attached to, in any manner, or made part of a marquee.

**Nonconforming Sign:** Any sign which does not conform to the requirements of this Ordinance.

**Pennant:** Any lightweight plastic, fabric, or other material with or without a message, typically existing in series, designed to move in the wind, and suspended from a rope, wire, or string.

**Pole Sign:** A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is 6 feet or more above grade.

**Portable Sign:** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A-frames or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to, or painted on, parked vehicles visible from the public right-of way, unless said vehicle is used in the normal day-to-day operations of a business.

**Projecting Sign:** Any sign affixed to a building or wall in such a manner that its leading edge extends more than twelve (12) inches beyond the surface of such building or wall. (See Appendix).

**Promotional Signage:** Window Signs of a temporary nature which advertise sales events, product or service promotions, or new product or service introductions related to the business being conducted on the premises.

**Real Estate Sign:** A sign relating to the property on which it is located offering such property for sale, lease or rent, including open house signs.

**Residential Sign:** Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of this Ordinance.

**Roof Sign:** Any sign erected and constructed wholly on and over the roof of building supported by the roof structure, and extending vertically above the highest portion of the roof. (See Appendix).

**Roof Sign, Integral:** Any sign erected or constructed as an integral or essentially integral part of a normal roof structure or design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

**Suspended Sign:** A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

**Temporary Sign:** Any sign that is not permanently mounted on or affixed to the ground, a building or display window.

**Wall Sign:** Any sign attached parallel to, but within twelve (12) inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface. (See Appendix).

**Window Sign:** Any sign, pictures, symbol, or combination thereof that is placed inside a window, upon a window pane, and where visible from a window exterior to communicate information about an activity, business, commodity, event, sale, or service. (See Appendix).

**Sign Setback.** The distance from the property line or street right-of-way to the nearest part of the applicable sign, measured perpendicularly to the property line or street right-of-way line.

**Site.** The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historic, cultural, or archaeological value regardless of the value of any existing structure.

**Site Plan.** A plan of a lot or subdivision on which is shown the locations of all buildings, structures, roads, rights-of-way, and boundaries in addition to topography, all essential dimensions, bearings and any other information deemed necessary in unusual or special cases by the Borough Council, Planning Commission or Zoning Hearing Board.

**Small Wireless Facility.** The equipment and network components, including antennas, transmitters and receivers, used by a wireless provider that meet the following qualifications:

- (1) Each antenna associated with the deployment is no more than three cubic feet in volume.
- (2) The volume of all other equipment associated with the wireless facility, whether ground-mounted or pole-mounted, is cumulatively no more than 28 cubic feet. Any equipment used solely for the concealment of the small wireless facility shall not be included in the calculation of equipment volume under this paragraph.

**Soil Survey.** The latest published version of the United States Department of Agriculture's Soil Survey for Lancaster County, Pennsylvania.

**Solar Collector.** A device, or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal energy. Solar collectors harvest solar energy in the form of heat.

**Solar Energy System.** A system and all associated equipment which converts solar energy into a usable electrical energy, heats water or produces hot air or other similar function through the use of solar panels.

**Solar Panel.** A structure containing one or more receptive cells, the purpose of which is to convert solar energy into usable electrical energy by way of a solar energy system.

**Solid Waste.** Garbage, sludge, refuse, trash, rubbish, debris, and other discarded materials, including but not limited to solid and liquid waste materials resulting from industrial, commercial, agricultural, residential, and community activities.

**Special Exception Use.** A use in one or more districts for which the Zoning Hearing Board may grant a special use permit pursuant to the provisions of this Ordinance.

**Special permit.** A special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions (including substantial improvements to such existing parks) when such development is either partially or fully located in a designated floodplain.

**Speed Table.** A type of traffic calming device, such as a raised crosswalk.

**Stealth Technology.** Camouflaging methods applied to wireless communications facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

**Stoop.** An unenclosed structure typically with a roof and columns, at the front door of a building, typically with a step or steps.

**Story.** A story is that part of a building between the surface of any floor and the next floor above it or, in its absence, then the finished ceiling or roof above it. A "split level" story shall be considered a second story if its floor level is six (6) feet or more above the level of the line of the finished floor next below it. Any floor under a sloping roof at the top of a building which is more than two (2) feet below the top plate shall be counted as a story; and, if less than two feet below the top plate, it shall be counted as a half-story. A basement shall be counted as a story if its floor level is six (6) feet or more below the level of the line of the finished floor next above it and has one-half or more of its height above the average level of the adjoining ground. (See Appendix).

**Stream Restoration.** Stream restoration work, including, but not limited to: efforts to control erosion and sedimentation; floodplain management techniques; efforts to promote groundwater recharge; efforts to lower flood stages; efforts to reduce nutrient loads; and the placement of in-stream habitat structures to improve fisheries habitat

**Street.** Any public or private right-of-way, set aside for public travel. The word "street" shall

include, but not be limited to, the words "road", "highway", "thoroughfare," "alley," or service lane. The word "street" includes the entire right-of-way and is not limited to the cartway area.

**Streetscape.** The space between buildings and/or street walls along a street that forms the "public realm", and within which street trees and sidewalks are located.

**Street Line.** The street line is that line determining the limit of the street or highway right of the public, either existing or contemplated. Where a definite right-of-way width has not been established, the street line shall be assumed to be at a point twenty-five (25) feet from the centerline of the existing street.

**Street Tree.** A deciduous canopy tree along a street that is installed and maintained in accordance with the Form-Based Code provisions of this Ordinance, and the Lititz Borough Subdivision and Land Development Ordinance.

**Street Wall.** The wall of a building adjoining a sidewalk near the street right-of-way; or in the case of where an existing building is set back from the Street Wall line, and where a Close is created, the street wall is the street edge feature that is created through the use of architectural elements such as walls, piers, pillars, and colonnades, in lieu of a building wall.

**Street Wall Line.** The Build-To Line, or the line formed by architectural elements when the building is not located at the Build-To Line.

**Structure.** Anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.

**Structure, Accessory.** A subordinate structure from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure. (See Appendix).

**Structure, Principal.** A structure or, where the context so indicates, a group of structures in or on which is conducted the principal use of the lot on which such structure is located. (See Appendix).

**Structure, Temporary.** A structure which is not permanently affixed to the land. Such a structure shall have a given use for a specified time, after which it shall be removed. (An example is an office trailer located on or at a construction site.)

**Subdivision.** The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**Substantial Damage.** Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

**Substantial Improvement.** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" (*or "repetitive loss" when repetitive loss language is used*) regardless of the actual repair work performed. The term does not, however, include either:

- Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or;
- Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**Substantially Change or Substantial Change.** A modification to an existing wireless communications facility Substantially Changes the physical dimensions of a tower or base station if it meets any of the following criteria: (1) for Telecommunications Tower outside the public rights-of-way, it increases the height of the facility by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna, not to exceed twenty (20) feet, whichever is greater; for Telecommunications Tower in the rights-of-way, it increases the height of the facility by more than ten percent (10%) or ten (10) feet, whichever is greater; (2) for Telecommunications Tower outside the public rights-of-way, it protrudes from the edge of the WCF by more than twenty (20) feet, or more than the width of the Tower structures are the level off the appurtenance, whichever is greater; for those Telecommunications Tower in the public rights-of-way, it protrudes from the edge of the structure by more than six (6) feet; (3) it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; (4) it entails any excavation of deployment outside the current site of the Telecommunications Tower; or (5) it does not comply with conditions associated with prior approval of construction or modification of the Telecommunications Tower unless the non-compliance is due to an increase in height, increase in width, or addition of cabinets.

**Telecommunications Antenna.** All non-tower Wireless Communications Facilities, including but not limited to, antennas and Related Equipment attached to the wireless support structure. Telecommunications Antennas shall not include support structures for antennas or any Related Equipment that is mounted to the ground or at ground-level.

**Telecommunications Tower.** Any structure that is used for the purpose of supporting one or more Antennas, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, utility poles and light poles. Distributed antenna system hub facilities are considered to be Telecommunications Towers.

**Temporary Occupancy.** Occupancy established for a limited duration with the intent to discontinue the Occupancy upon the expiration of the time period; or Occupancy that becomes

permanent after a Certificate of Occupancy is issued by Lititz Borough.

**Temporary Use.** A Use established for a limited duration with the intent to discontinue such use upon the expiration of the time period specified by Lititz Borough; or a Use that becomes permanent after a Certificate of Use and Occupancy is issued by Lititz Borough.

**Theater.** A building or part of a building devoted to the showing of moving pictures or theatrical productions on a commercial basis.

**Total Floor Area.** The area of all floors measured from the exterior face of the structure of a building, including finished attics and finished basements.

**Traditional Neighborhood Development.** A form of land development consistent with TND as per Article VII-A of the Pennsylvania Municipalities Planning Code (MPC), wherein a TND is defined as follows: An area of land typically developed for a compatible mixture of residential units for various income levels and non residential commercial and workplace uses, including some structures that provide for a mix of uses within the same building. Residences, shops, offices, workplaces, public buildings and parks are interwoven within the neighborhood so that all are within relatively close proximity to each other. Traditional Neighborhood Development is relatively compact and oriented toward pedestrian activity. It has an identifiable center and discernible edge. The center of the neighborhood is in the form of a public park, commons, plaza, square or prominent intersection of two or more major streets. Generally, there is a hierarchy of streets laid out with an interconnected network of streets and blocks that provides multiple routes from origins to destinations and is appropriately designed to serve the needs of pedestrians and vehicles equally.

**Traffic Calming.** The art and science of taming vehicular traffic in accordance with “Pennsylvania’s Traffic Calming Handbook, Publication No. 383, January 2001, or the most recent version thereof.

**Transient Residence.** Any dwelling unit or part thereof which is rented or leased for a period of less than 30 days.

**Transitional Housing.** A dwelling that provides for temporary occupancy for unrelated adults, typically in the form of a rental unit with shared kitchen facilities, whereby there is at least 250 square feet of housing space per person.

**Travel Lane.** The area on which vehicles travel , as part of a street or driveway, typically described as a cartway or access drive.

**Uniform Construction Code (UCC).** The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the Commonwealth floodplain construction. For

coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

**Use.** The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

**Variance.** Relief from any provisions of this Ordinance which is granted by the Zoning Hearing Board pursuant to the provisions of Article IX of the Municipalities Planning Code.

**Veterinary Clinic.** See "Animal Hospital".

**Walking Path.** A sidewalk, or other pedestrian thoroughfare that enables non-motorized travel.

**Wall.** A man-made structure typically made of brick, stone, or other masonry material, typically located to screen, enclose, or separate areas.

**Warehousing.** The storage, wholesale, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

**Watercourse.** A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake, or other body of surface water, carrying or holding surface water, whether natural or manmade.

**Watershed.** All land from which water drains into a particular watercourse.

**Water Feature.** A civic amenity, such as a water fountain, reflecting pool, or waterfall that is typically located in a plaza, square or other like type public space.

**Water Survey.** An inventory of the source, quantity, yield and use of groundwater and surface-water resources within a municipality.

**WBCA.** Pennsylvania Wireless Broadband Collocation Act (53 P.S. §11702.1 *et. seq.*)

**Well Grout.** Neat cement, cement plus Bentonite, Bentonite, Bentonite plus silica sand, or other low-permeability sealing material. Grout is to be mixed and applied according to specifications (e.g., water content and viscosity) for use in grouting (i.e., sealing) wells and/or geothermal boreholes.

**Wetlands.** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include, but are not limited to, swamps, marshes, bogs, and similar areas.

**Wholesaling.** The selling of merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers.

**Wind Energy System.** An energy conversion system consisting of a wind turbine, a tower, blades associated controls and appurtenances that convert wind energy to a usable form of energy to meet all or part of the energy requirements of the on-site user and which has a rated capacity that does not exceed the rated capacity appropriate to the on-site user.

**Wind Energy System Height.** The distance measured from the ground surface of the wind energy system tower base to the highest point of the extended blade tip or highest point of the wind energy system.

**Wind Energy System Turbine.** The parts of a wind energy system including the blades, generator and tail.

**Windmill.** A machine that runs on the energy generated by a wheel of adjustable blades or slats rotated by the wind.

**Wind Rotor.** A structure which contains the blades and hub that are used to capture wind for purposes of energy conversion. The wind rotor is usually located on a tower, and along with other generating and electrical storage equipment, forms the Wind Energy Conversion System.

**Wireless.** Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

**Wireless Communications Facility (WCF).** The antennas, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.

**Wireless Communications Facility Applicant (Applicant).** Any person that applies for a wireless communication facility building permit, zoning approval and/or permission to use the public right-of-way (ROW) or other Borough owned land or property.

**Wireless Support Structure.** A freestanding structure, such as a Telecommunications Tower or any other support structure that could support the placement or installation of a wireless communications facility if approved by the Borough.

**Yard.** A required open space on a lot adjoining a lot line, containing only landscaping or other uses as provided by this Ordinance. Distances which represent minimum yards throughout this Ordinance shall include all portions of a lot which are within such distances as measured at right angles from the respective lot line. (See Appendix).

- A. **Front Yard:** A yard extending along the full width of a front lot line between side lot lines and from the front lot line to the front building setback line in depth.
  - B. **Rear Yard:** A yard extending across the full width of the lot and lying between the rear lot line and the rear building setback line. Rear yard depth shall be measured at right angles to the rear lot line.
  - C. **Side Yard:** A yard lying between the side lot line and the nearest side building setback line and extending from the front yard to the rear yard, or in the absence of either of such
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front or rear yards, to the front or rear lot lines. Side yard width shall be measured at right angles to side lines of the lot.

**Yard Sale.** See Garage Sale.

**Zoning District.** A portion of the Borough or adjacent municipality(s) within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance (or the adjacent municipality's Zoning Ordinance).

**Zoning Hearing Board.** The Zoning Hearing Board of and for the Borough of Lititz.

**Zoning Map.** The Zoning Map of Lititz Borough adopted hereunder, together with all amendments thereto subsequently adopted.

**Zoning Officer.** The duly constituted municipal official designated to administer and enforce this Ordinance. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms. The Zoning Officer may also serve as the Building Inspector and the Code Enforcement Officer of the Borough.

ARTICLE II

ZONING DISTRICT REGULATIONS

**SECTION 200. Establishment of Districts.** For the purpose of this Ordinance, the territory of Lititz Borough is hereby divided into the following districts:

Base Districts

- R-S Residential Districts
- R-1 Residential Districts
- R-2 Residential Districts
- R-2A Residential Districts
- R-A Residential Districts
- Office and Professional Districts
- Commercial Districts
- Neighborhood Storefront District (NSD)
- Neighborhood Storefront District-1 (NSD-1)
- General Business Districts
- Industrial Districts
- Lititz Run Revitalization District

Overlay Districts

- Historical Resource Protection Overlay District
- Floodplain Districts
- Traditional Neighborhood Development Overlay District (TNDO)
- Downtown Overlay District (DOD)

**SECTION 201. Zoning Map.** The boundaries of said districts shall be shown upon the map attached to and made a part of this Ordinance which shall be designated "Borough of Lititz Zoning Map." The said map and all the notations, references and other data shown thereon are hereby incorporated by reference into this Ordinance as if all were fully described herein. A copy of said map, indicating the latest amendments, shall be kept up to date and displayed for the use and benefit of the public at the Lititz Borough Municipal Building.

**SECTION 202. Interpretation of District Boundaries.** Where uncertainty exists as to the boundaries of the districts shown on the Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines;
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- C. Boundaries indicated as approximately following municipality limits shall be construed as following municipality limits;
- D. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines;
- E. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- F. Boundaries indicated as approximately following municipality limits shall be construed as following municipality limits;
- G. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- H. Boundaries indicated as following shore lines shall be construed to follow such shore lines and, in the event of change in the shore line, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be construed to follow such centerlines;
- I. Boundaries indicated as parallel to or extensions of features indicated in sub-sections A. through H. above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map;
- J. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or in circumstances not covered by sub-sections A. through I. above, the Zoning Hearing Board shall interpret the district boundaries.

**SECTION 203. Use Adjustment on District Boundaries.** In unsubdivided land where a district boundary line divides a lot held in single and separate ownership, the permitted use of the more restrictive district shall apply.

**SECTION 204. Application of District Regulations.** The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind

of structure or land, except as hereinafter provided.

- A. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all the regulations herein specified for the district in which it is located.
- B. No building or other structure shall hereafter be erected or altered:
  - 1. To exceed the height,
  - 2. To accommodate or house a greater number of families,
  - 3. To occupy a greater percentage of lot area, or,
  - 4. To have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required except in conformance with the provisions of this Ordinance.
- C. No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building or use.
- D. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein except in conformance with the provisions of this Ordinance. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

**SECTION 205. Uses Not Provided For.** Whenever a use is not specifically permitted under the provisions of this Ordinance, the Zoning Officer shall refer the matter to the Zoning Hearing Board to hear and decide such use as a special exception request. The party seeking the use determination is required to file a special exception request with the Board. The Board shall have the authority to permit the use or deny the use in accordance with the standards governing special exception applications. The use may be permitted if it is similar to and compatible with the permitted uses in the zoning district, and in no way is in conflict with the general purposes and intent and the Supplementary Regulations of this Ordinance, and is not in conflict with the Form-Based Code Regulations of Article VIII. The burden of proof shall be upon the applicant to demonstrate that the proposed use would not be detrimental to the public health, safety and welfare of the neighborhood. No zoning permit shall be issued by the Zoning Officer for any such unspecified use until this determination has been made by the Zoning Hearing Board.

**SECTION 206. R-S Residential District.**

- A. Purpose. The purpose of this District is to promote the continuation of low density residential neighborhoods and to protect such neighborhoods from incompatible land uses. Single-family detached dwellings represent the most prevalent land use throughout this District. The minimum lot sizes required within this District are larger than those required in other residential districts to ensure compatibility with existing neighborhoods.
- B. Permitted Uses.
1. Single-family detached dwellings.
  2. Customary accessory uses, buildings, and structures incidental to the above permitted uses subject to Section 301.
  3. Gardening.
  4. Public Parks, Playgrounds or Recreation Areas subject to Section 410.
  5. Essential Services Structures subject to Section 408.
  6. Animals and Animal Shelters subject to Section 415.
  7. Home Occupations (no-impact home-based businesses as defined herein) in accordance with Section 401.
- C. Special Exception Uses.
1. Public/Municipal Buildings and Uses subject to Section 412.
  2. Essential Services Buildings subject to Section 408.
  3. Restricted Parks, Playgrounds or Recreation Areas subject to Section 410.
  4. Accessory Apartments subject to Section 416.
  5. Short-Term Rental subject to Section 430.
- D. Conditional Uses
1. Demolition of an existing structure subject to Section 322
- E. Lot and Yard Requirements.
1. New Construction shall follow the Lot and Yard Requirements Presented in the Form Based Codes. The minimum lot and yard requirements shall be determined by the following table as well as all other applicable provisions contained in this Section. Within the following table "square feet" and "feet" are abbreviated as "S.F." and " ft " respectively.

Minimum Lot Area (S.F.)	12,500
Minimum Lot Width (ft)	90
Minimum Side Yard (ft)	12
Minimum Rear Yard (ft)	20
Maximum Lot Coverage (%)	35

2. If the block on which the lot is located is more than fifty percent (50%) developed, the average setback of the existing structures on that block may be used as the minimum front yard building setback line. Otherwise, the setbacks within the Form-Based Code in Article VIII shall apply.

F. Height Requirements.

All principal structures shall have a maximum height of 35 feet. All accessory structures shall have a maximum height of 20 feet.

G. Application of Supplementary Provisions.

All uses, structures, and lots shall comply with all applicable Supplementary Provisions as provided in Article III, as well as all other pertinent provisions of this Ordinance.

**SECTION 207. R-1 Residential District.**

- A. Purpose. The purpose of this District is to promote the continuation of medium density residential neighborhoods and to protect such neighborhoods from incompatible land uses. Single-family detached dwellings represent the most prevalent land use throughout this District. Certain nonresidential uses, which are compatible with the Borough's medium density residential neighborhoods, are permitted by special exception.

B. Permitted Uses.

1. Single family detached dwellings.
2. Customary accessory uses, buildings, and structures incidental to the above permitted uses subject to Section 301.
3. Gardening.
4. Public Parks, Playgrounds or Recreation Areas subject to Section 410.
5. Essential Services Structures subject to Section 408.
6. Animals and Animal Shelters subject to Section 415.
7. Home Occupations (no-impact home-based businesses as defined herein) in accordance with Section 401.

C. Special Exception Uses.

1. Public/Municipal Buildings and Uses subject to Section 412.
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2. Essential Services Buildings subject to Section 408.
3. Home Businesses subject to Section 401.
4. Day Care Home subject to Section 402.
5. Restricted Parks, Playgrounds or Recreation Areas subject to Section 410.
6. Places of worship subject to Section 405.
7. Public libraries subject to Section 412.
8. Short-Term Rental subject to Section 430.
9. Schools (General Education) subject to Section 407.
10. Cemeteries subject to Section 414.
11. Bed and breakfast inns subject to Section 404.
12. Hospitals, Nursing/Convalescent Homes subject to Section 417.
13. Social and Fraternal Clubs and Organizations subject to Section 411.
14. Boarding of Horses subject to Section 415.
15. Accessory Apartments subject to Section 416.

D. Conditional Uses

1. Demolition of an existing structure subject to Section 322

E. Lot and Yard Requirements.

1. New Construction shall follow the Lot and Yard Requirements Presented in the Form Based Codes. The minimum lot and yard requirements shall be determined by the following table as well as all other applicable provisions contained in this Section. Within the following table "square feet" and "feet" are abbreviated as "S.F." and " ft " respectively.

Minimum Lot Area (S.F.)	8400
Minimum Lot Width (ft)	70
Minimum Side Yard (ft)	10
Minimum Rear Yard (ft)	20
Maximum Lot Coverage (%)	50

2. If the block on which the lot is located is more than fifty percent (50%) developed, the average setback of the existing structures on that block may be used as the minimum front yard building setback line. Otherwise, the setbacks within the Form-Based Code in Article VIII shall apply..

F. Height Requirements.

All principal structures shall have a maximum height of 35 feet. All accessory structures shall have a maximum height of 20 feet.

G. Application of Supplementary Provisions.

All uses, structures, and lots shall comply with all applicable Supplementary Provisions as provided in Article III as well as all other pertinent provisions of this Ordinance.

**SECTION 208. R-2 Residential Districts.**

A. Purpose. The purpose of this District is to promote the continuation of high density residential neighborhoods and to protect such neighborhoods from incompatible land uses. Single-family detached dwellings represent the most prevalent land use throughout this District. Certain nonresidential uses, which are compatible with the Borough's high density residential neighborhoods, are permitted by special exception.

B. Permitted Uses.

1. Single-family detached dwellings.
2. Single-family semi-detached dwelling.
3. Customary accessory uses, buildings, and structures incidental to the above permitted uses subject to Section 301.
4. Gardening.
5. Public Parks, Playgrounds or Recreation Areas subject to Section 410.
6. Essential Services Structures subject to Section 408.
7. Animals and Animal Shelters subject to Section 415.
8. Home Occupations (no-impact home-based businesses as defined herein) in accordance with Section 401.

C. Special Exception Uses.

1. Public/Municipal Buildings and Uses subject to Section 412.
2. Essential Services Buildings subject to Section 408.
3. Home Businesses subject to Section 401.
4. Day Care Homes subject to Section 402.
5. Restricted Parks, Playgrounds or Recreation Areas subject to Section 410.
6. Places of worship subject to Section 405.
7. Public libraries subject to Section 412.
8. Schools (General Education) subject to Section 407.
9. Funeral homes subject to Section 413.
10. Cemeteries subject to Section 414.
11. Bed and breakfast inns subject to Section 404.
12. Hospitals, Nursing/Convalescent Homes subject to Section 417.
13. Social and Fraternal Clubs and Organizations subject to Section 411.
14. Accessory Apartments subject to Section 416.
15. Conversion Apartments subject to Section 406.
16. Short-Term Rental subject to Section 430

D. Conditional Uses

1. Demolition of an existing structure subject to Section 322

E. Lot and Yard Requirements.

1. New Construction shall follow the Lot and Yard Requirements Presented in the Form Based Codes. The minimum lot and yard requirements shall be determined by the following table as well as all other applicable provisions contained in this Section. Within the following table "square feet" and "feet" are abbreviated as "S.F." and " ft " respectively.

Minimum Lot Area (S.F.)	6,000
Minimum Lot Width (ft)	50
Minimum Side Yard (ft)	8
Minimum Rear Yard (ft)	20
Maximum Lot Coverage (%)	65

2. If the block on which the lot is located is more than fifty percent (50%) developed, the average setback of the existing structures on that block may be used as the minimum front yard building setback line. Otherwise, the setbacks within the Form-Based Code in Article VIII shall apply.

F. Height Requirements.

All principal structures shall have a maximum height of 35 feet. All accessory structures shall have a maximum height of 20 feet.

G. Application of Supplementary Provisions.

All uses, structures, and lots shall comply with all applicable Supplementary Provisions as provided in Article III as well as all other pertinent provisions of this Ordinance.

**SECTION 208.1 R-2A Residential Districts.**

- A. Purpose. The purpose of this District is to promote the continuation of high density residential neighborhoods that provide a mixture of housing types that are interspersed throughout the neighborhood rather than concentrated in a particular section. Certain nonresidential uses, which are compatible with the Borough’s high-density residential neighborhoods, are permitted by special exception. Central goals for the district are compatibility with the Neighborhood Storefront district, and with the general pattern and visual character of historic Lititz. All structures shall conform to the Design Regulations of the Form-Based Code, Article VIII.

B. Permitted Uses.

- 1. Single-family detached dwellings.
- 2. Single-family semi-detached dwelling.
- 3. Townhouses.
- 4. Apartments.
- 5. Customary accessory uses, buildings, and structures incidental to the above permitted uses subject to Section 301.
- 6. Private swimming pools, in accordance with Section 312.
- 7. Private garages, playhouses, gardens, garden houses or green houses not used for commercial purposes, in accordance with Section 301.
- 8. Home occupations (no-impact home-based businesses as defined herein), in accordance with Section 401.
- 9. Parking lots and structures accessory to multi-family uses, in accordance with Section 307 and as stipulated herein.
- 10. Animals and Animal Shelters subject to Section 415.
- 11. Public Parks, Playgrounds or Recreation Areas, including neighborhood greens, civic space, and other common open space subject to Section 410.
- 12. Essential Services Structures subject to Section 408.

C. Special Exception Uses.

- 1. Public/Municipal Buildings and Uses subject to Section 412.
- 2. Home Businesses subject to Section 401.
- 3. Day Care Homes subject to Section 402.
- 4. Restricted Parks, Playgrounds or Recreation Areas subject to Section 410.
- 5. Schools (General Education) subject to Section 407.
- 6. Bed and breakfast inns subject to Section 404.
- 7. Hospitals, Nursing/Convalescent Homes subject to Section 417.
- 8. Accessory Apartments subject to Section 416.

D. Conditional Uses

- 1. Demolition of an existing structure subject to Section 322

E. Lot Requirements.

- 1. New Construction shall follow the Lot and Yard Requirements Presented in the Form Based Codes. The minimum lot and yard requirements shall be determined by the following table as well as all other applicable provisions contained in this Section.

Area Requirement	Detached Units	Semi-Detached Units	Interior Townhouse Units	Exterior Townhouse Units	Multiple-Family	Non Residential Uses
Minimum Lot Area (S.F.)	5,000	4,000	2,000	3,500	20,000	12,500
Minimum Lot Width (ft)	50	40	20	35	100	80
Minimum Side Yard (ft.)	8	8	0	15	25	20
Minimum Rear Yard (ft)	20	20	20	20	20	30
Minimum Front Yard (ft)	10	10	10	10	10	10
Maximum Front Yard (ft)	25	25	25	25	25	25
Maximum Lot Coverage (%)	65	70	80	65	65	65
Amount Permitted of Each Dwelling Type (Max % of Total Dwelling Types).	60	25	20	-	20	N/A
Amount Permitted of Each Dwelling Type – Min. % of Total Dwelling Types	25	10	10	-	10	N/A

\* Note: Porches may encroach within the setback.

- 2. If the block on which the lot is located is more than fifty percent (50%) developed, the average setback of the existing structures on that block may be used as the minimum front yard building setback line. Otherwise, the setbacks within the Form-Based Code in Article VIII shall apply.

F. Height Requirements.

All principal structures shall have a maximum height of fifty (50) feet. Buildings shall be one and one half-story minimum to two and one-half stories, to a maximum of fifty (50) feet. All accessory structures shall have a maximum height of eighteen (20) feet, unless the second story is used for housing. If so, the maximum height shall not exceed twenty- eight (28) feet.

G. Signage Requirements.

All signage shall conform to the requirements as listed for the RS Residential District.

H. Application of Supplementary Provisions.

All uses, structures, and lots shall comply with all applicable Supplementary Provisions as provided in Article III as well as all other pertinent provisions of this Ordinance.

**SECTION 209. R-A Residential Districts.**

A. Purpose. The purpose of this District is to promote high density residential neighborhoods with a wide range of housing types and to protect such neighborhoods from incompatible land uses. Single-family semi-detached dwellings, townhouses, and apartments are permitted to encourage a variety of dwelling types and to advocate affordable housing. Certain nonresidential uses, which are compatible with these neighborhoods, are permitted by special exception.

B. Permitted Uses.

1. Single-family detached dwellings.
2. Single-family semi-detached dwellings.
3. Apartments.
4. Condominiums.
5. Townhouses.
6. Customary accessory uses, buildings, and structures incidental to the above permitted uses subject to Section 301.
7. Gardening.
8. Public Parks, Playgrounds or Recreation Areas subject to Section 410.
9. Essential Services Structures subject to Section 408.
10. Animals and Animal Shelters subject to Section 415.
11. Home Occupations (no-impact home-based businesses as defined herein) in accordance with Section 401.

C. Special Exception Uses.

1. Public/Municipal Buildings and Uses subject to Section 412.
2. Essential Services Buildings subject to Section 408.
3. Restricted Parks, Playgrounds or Recreation Areas subject to Section 410.
4. Places of worship subject to Section 405.
5. Public libraries subject to Section 412.
6. Social and Fraternal Clubs and Organizations subject to Section 411.
7. Accessory Apartments subject to Section 416.
8. Conversion Apartments subject to Section 406.
9. Transitional Housing subject to Section 424.
10. Short-Term Rental subject to Section 430.

D. Conditional Uses

1. Demolition of an existing structure subject to Section 322

E. Lot and Yard Requirements.

1. New Construction shall follow the Lot and Yard Requirements Presented in the Form Based Codes. The minimum lot and yard requirements shall be determined by the following table as well as all other applicable provisions contained in this Section. Within the following table "square feet" and "feet" are abbreviated as "S.F." and " ' " respectively.

WITH PUBLIC SEWER AND PUBLIC WATER	MINIMUM LOT AREA (S.F.)	MINIMUM LOT WIDTH	MINIMUM SIDE YARD	MINIMUM REAR YARD	MAXIMUM LOT COVERAGE
Single-family detached	6,000	50'	8'	20'	65%
Single-family semidetached (per unit)	5,000	40'	10'	20'	65%
Townhouses					
Interior Units	2,000	20'	0'	20'	80%
End Units	4,000	35'	15'	20'	65%
Multiple-Family	20,000	100'	25'	20'	65%
Non-residential uses	12,500	80'	20'	30'	65%

2. If the block on which the lot is located is more than fifty percent (50%) developed, the average setback of the existing structures on that block may be used as the minimum front yard building setback line. Otherwise, the setbacks within the Form-Based Code in Article VIII shall apply.

F. Height Requirements.

All principal structures shall have a maximum height of 35 feet. All accessory structures shall have a maximum height of 20 feet.

G. Application of Supplementary Provisions.

All uses, structures, and lots shall comply with all applicable Supplementary Provisions as provided in Article III as well as all other pertinent provisions of this Ordinance.

**SECTION 210. Office and Professional Districts.**

- A. Purpose. The purpose of this District is to provide an environment which is conducive to professional office businesses. These areas are intended to function as distinct office centers without retail sales or other such uses which are incompatible with professional office uses. Uses which are consistent with the intent of this District, yet require a higher level of scrutiny, are permitted by special exception.
- B. Permitted Uses.
1. Medical clinics and dental clinics.
  2. Business offices and professional offices/studios.
  3. Banks and other financial institutions.
  4. Medical laboratories.
  5. Non-profit clubs.
  6. Customary accessory uses, buildings, and structures incidental to the above permitted uses subject to Section 301.
  7. Gardening.
  8. Public Parks, Playgrounds or Recreation Areas subject to Section 410.
  9. Essential Services Structures subject to Section 408.
  10. Business conversions subject to Section 418.
  11. Home Occupations (no-impact home-based businesses as defined herein) in accordance with Section 401.
  12. Single family detached dwellings.
- C. Special Exception Uses.
1. Public/Municipal Buildings and Uses subject to Section 412.
  2. Essential Services Buildings subject to Section 408.
  3. Home Businesses subject to Section 401.
  4. Accessory apartments subject to Section 416.
  5. Day Care Center as accessory use to a permitted use subject to Section 402.
  6. Schools subject to Section 407.
  7. Funeral homes subject to Section 413.
  8. Social and Fraternal Clubs and Organizations subject to Section 411.
  9. Short-Term Rental subject to Section 430.
- D. Conditional Uses
1. Demolition of an existing structure subject to Section 322

E. Lot and Yard Requirements.

1. New Construction shall follow the Lot and Yard Requirements Presented in the Form Based Codes. The minimum lot and yard requirements shall be determined by the following table as well as all other applicable provisions contained in this Section. Within the following table "square feet" and "feet" are abbreviated as "S.F." and " ft " respectively.

Minimum Lot Area (S. F.)	No Minimum
Minimum Lot Width (ft.)	No Minimum
Minimum Side Yard (ft.)	No Minimum
Minimum Rear Yard (ft.)	20
Maximum Lot Coverage (%)	85

2. If the block on which the lot is located is more than fifty percent (50%) developed, the average setback of the existing structures on that block may be used as the minimum front yard building setback line. Otherwise, the setbacks within the Form-Based Code in Article VIII shall apply.

F. Height Requirements.

All structures shall have a maximum height of fifty (50) feet. All principal buildings shall have a minimum height of twenty (20) feet.

G. Application of Supplementary Provisions.

All uses, structures, and lots shall comply with all applicable supplementary provisions as provided in Article III as well as all other pertinent provisions of this Ordinance.

**SECTION 211. Commercial District.**

- A. Purpose. The regulations for this District are intended to preserve and enhance the sense of place which is experienced within the Borough's central business district through the encouragement of a mixture of commercial uses, accompanied by upper story residential, which continues and compliments the Borough's historic character. Commercial uses are generally limited by size and intensity to prevent the establishment of intensive commercial uses which exceed the historic scale of the District. Residential uses are permitted within the district as upper story apartments, accessory apartments, and a limited number of single-family homes. Uses which are consistent with the intent of this District, yet require a higher level of scrutiny, are permitted by special exception.

B. Permitted Uses.

1. The following business uses shall be permitted in the Commercial District provided that the use shall not exceed one thousand five hundred (1,500) square feet of floor area when in a building of two stories, or four thousand (4,000) square feet of floor area when in a building of three or more stories.
  - a. Personal Services
  - b. Retail Businesses
  
2. The following business uses shall be permitted in the Commercial District provided that the use shall not exceed four thousand (4,000) square feet of floor area when in a building of two stories, or ten thousand (10,000) square feet of floor area when in a building of three or more stories. However, the use may exceed the above square footage as a special exception, but shall be designed to the satisfaction of the Zoning Hearing Board that the exterior of the building will continue to give the appearance of a small storefront area.
  - a. Banking and other financial institutions.
  - b. Business and professional offices and studios, including medical and dental offices.
  - c. Restaurants, Taverns, and Cafes.
    1. Outdoor seating for eating establishments shall maintain a minimum six-foot clear zone for pedestrian movements.
  
3. Hotels subject to Section 420.
4. Public garages.
5. Conversion apartments subject to Section 406.
6. Essential Services Structures subject to Section 408.
7. Customary accessory uses, buildings, and structures incidental to the above permitted uses subject to Section 301.
8. Business conversions subject to Section 418.
9. Home Occupations (no-impact home-based businesses as defined herein) in accordance with Section 401.
10. Event Space
11. Upper story apartments above another permitted non-residential use.

C. Special Exception Uses.

1. Public/Municipal Buildings and Uses subject to Section 412.
2. Essential Services Buildings subject to Section 408.
3. Day Care Center subject to Section 402.
4. Social and Fraternal Clubs and Organizations subject to Section 411.
5. Bed and breakfast inns subject to Section 404.
6. Adult-oriented businesses subject to Section 403.
7. Home Businesses subject to Section 401.
8. Single Family Homes, not to exceed 20% of the principal uses in the district.
9. Accessory Apartments subject to Section 416.

- 10. Theatres in accordance with Section 428.
- 11. Short-Term Rental subject to Section 430.

D. Conditional Uses

- 1. Demolition of an existing structure subject to Section 322

E. Lot and Yard Requirements.

- 1. New Construction shall follow the Lot and Yard Requirements Presented in the Form Based Codes. The minimum lot and yard requirements shall be determined by the following table as well as all other applicable provisions contained in this Section. Within the following table "square feet" and "feet" are abbreviated as "S.F." and " ft " respectively.

Minimum Lot Area (S. F.)	No Minimum
Minimum Lot Width (ft.)	No Minimum
Minimum Side Yard (ft.)	No Minimum
Minimum Rear Yard (ft.)	20
Maximum Lot Coverage (%)	85

- 2. If the block on which the lot is located is more than fifty percent (50%) developed, the average setback of the existing structures on that block may be used as the minimum front yard building setback line. Otherwise, the setbacks within the Form-Based Code in Article VIII shall apply.

F. Height Requirements.

All structures shall have a maximum height of fifty (50) feet. All principal buildings shall have a minimum height of twenty (20) feet.

G. Application of Supplementary Provisions.

All uses, structures, and lots shall comply with all applicable Supplementary Provisions as provided in Article III as well as all other pertinent provisions of this Ordinance.

**SECTION 211.1 Neighborhood Storefront District. (NSD)**

- A. Purpose. The regulations for this District are intended to provide for business enterprises and commercial needs while preserving and enhancing the sense of place, which is experienced within the Borough. This District encourages commercial uses, which

- B. primarily function to serve the needs of the local neighborhood and not compete with the function of the Borough's historic downtown. The Neighborhood Storefront District, in combination with the adjacent residential districts, provides the mixture of uses and the expansion of service and retail activities set forth in the Lititz-Warwick Joint Strategic Comprehensive Plan.

Commercial uses are generally limited by size and intensity to allow a mixture of uses and to prevent the establishment of intensive commercial uses, which exceed the neighborhood orientation of this District. Residential uses are permitted, when combined with a commercial use in the same structure, to allow access to local goods and services. Uses are encouraged to be developed in ways that control traffic ingress and egress, provide convenient and adequate off-street parking and promote pedestrian access through the use of sidewalks and walking paths.

- 1. The following elements characterize the district:
  - a. The inclusion of a public square or plaza as a central organizing feature;
  - b. The inclusion of residential living units above street-level shops;
  - c. A mix of office with some civic and retail uses;
  - d. Compatibility with the historic character, architectural styles and pattern of the existing community;
  - e. The protection of significant natural, cultural, and historic features.

- C. Permitted Uses. Drive-in facilities; drive-in service place; restaurant, drive-in; and adult-oriented uses are not permitted. Mixed-use structures are encouraged.

- 1. The following business uses shall be permitted in the NSD provided that the use shall not exceed four thousand (4,000) square feet of floor area when in a building of one and one-half story, or ten thousand (10,000) square feet of floor area when in a building of two or more stories. However, the use may exceed the above square footage as a special exception, but shall be designed to the satisfaction of the Zoning Hearing Board that the exterior of the building will continue to give the appearance of a small storefront area. Outdoor seating for eating establishments shall maintain a minimum six-foot clear zone for pedestrian movements.
  - a. Banking and other financial institutions.
  - b. Business and professional offices and studios, including medical and dental offices.
  - c. Restaurants and cafes.
- 2. The following business uses shall be permitted in the NSD provided that the use shall not exceed one thousand five hundred (1,500) square feet of floor area when in a building of one and one-half story, or four thousand (4,000) square feet of

floor area when in a building of two or more stories. Outdoor seating for eating establishments shall maintain a minimum six-foot clear zone for pedestrian movements.

- a. Personal services, including but not limited to barber, beauty, tanning and health salons, tailors, off-site dry cleaning, self-service laundry, and repair shops.
  - b. Retail business, including but not limited to pharmacies, music and video shops, news centers and book stores, bakery and delicatessens, convenience store without gasoline service, confectionary stores, dry goods and art supply shops, flower shops, photographic studios and supply shops, electronic supply stores, office supply shops, and sporting good stores.
3. The following residential uses shall be permitted in the NSD area:
- a. Multiple family dwellings
  - b. Nursing/convalescent homes in accordance with Section 417.
  - c. Upper-story residential uses to be located over shops and/or offices.
  - d. Single-family attached dwelling units, including quadraplexes.
4. Public parks, playgrounds or recreation areas, including greens, neighborhood squares, civic space, and botanical gardens subject to Section 321 and 410.
5. Customary accessory uses, buildings, and structures incidental to the above permitted uses subject to Section 301, including:
- a. Private swimming pools, in accordance with Section 312.
  - b. Private garages, playhouses, garden houses or green houses not used for commercial purposes, in accordance with Section 301.
  - c. Home occupations (no-impact home-based businesses as defined herein), in accordance with Section 401.
  - d. Parking lots and structures accessory to multi-family and nonresidential uses, in accordance with Section 307 and as stipulated herein.

D. Special Exception Uses.

- 1. Public/Municipal Buildings and Uses subject to Section 412.
- 2. Day care center in accordance with Section 402.
- 3. Elementary and secondary schools in accordance with Section 407.
- 4. Churches and similar places of religious worship. These uses shall be in accordance with the dimensional requirements of the NSD and not Section 405.
- 5. Bed and breakfast inns subject to Section 404.
- 6. Home businesses subject to Section 401.

E. Conditional Uses

1. Demolition of an existing structure subject to Section 322

F. Lot Requirements.

1. New Construction shall follow the Lot and Yard Requirements Presented in the Form Based Codes. The minimum lot and yard requirements shall be determined by the following table as well as all other applicable provisions contained in this Section.

Minimum Lot Area (S.F.)	No minimum - add twenty (20) percent to the land area needed for the structure, on-lot parking, ingress/egress, and any other on-site infrastructure that is required. The additional twenty (20) percent shall constitute setbacks and landscaped buffers
Minimum Lot Width (ft)	20
Maximum Front Yard (ft)	10
Minimum Side Yard (ft)	5
Minimum Rear Yard (ft)	20 feet, except for structures along alleys in which case the minimum setback shall be ten (10) feet from the edge of pavement
Maximum Lot Coverage (%)	85

2. A thirty-five (35) foot wide side yard is required on the side abutting a residential district without an intervening street, alley, and lane or railroad right-of-way.
3. Parking shall be placed to the rear of the lot.

G. Height Requirements.

Principal buildings shall be between one-and-one half and four stories above grade as seen from their front sides with a maximum height of fifty feet (50'), and a minimum height of 20 feet. The height limit shall not apply to bell or clock towers, cupolas, steeples, or similar architectural features in accordance with Section 304 herein.

H. Signage Requirements.

All signage shall conform to the requirements as listed for the Commercial District.

I. Application of Supplementary Provisions.

All uses, structures, and lots shall comply with all applicable Supplementary Provisions as provided in Article III as well as all other pertinent provisions of this Ordinance.

**SECTION 211.2 Neighborhood Storefront District – 1 (NSD-1)**

- A. Purpose. The regulations for this District are intended to provide for business enterprises and commercial needs while preserving and enhancing the sense of place, which is experienced within the Borough. This District encourages commercial uses, which primarily function to serve the needs of the Borough residents. The Neighborhood

Storefront District - 1, in combination with the adjacent commercial districts of the historic Downtown, provides the mixture of uses and the expansion of service and retail activities set forth in the Lititz-Warwick Joint Strategic Comprehensive Plan.

The Neighborhood Storefront District - 1 provides a compatible mixture of residential and nonresidential uses that is suitable in areas along Main Street and in close proximity to residential neighborhoods, but prevents the establishment of intensive commercial uses, which would negatively impact the flow of traffic and access through these areas. Residential uses are permitted, when combined with a commercial use in the same structure, to allow access to local goods and services. Uses are encouraged to be developed in ways that control traffic ingress and egress and provide convenient and adequate off-street parking.

- B. Permitted Uses. Drive-in facilities; drive-in service place; restaurant, drive-in; and adult-oriented uses are not permitted. Mixed-use structures are encouraged.
1. The following business uses shall be permitted in the NSD-1 provided that the use shall not exceed four thousand (4,000) square feet of floor area when in a building of one and one-half story, or ten thousand (10,000) square feet of floor area when in a building of two or more stories. However, the use may exceed the above square footage as a special exception, but shall be designed to the satisfaction of the Zoning Hearing Board that the exterior of the building will continue to give the appearance of a small storefront area. Outdoor seating for eating establishments shall maintain a minimum six-foot clear zone for pedestrian movements.
    - a. Banking and other financial institutions.
    - b. Business and professional offices and studios, including medical and dental offices.
    - c. Restaurants and cafes.
  2. The following business uses shall be permitted in the NSD-1 provided that the use shall not exceed one thousand five hundred (1,500) square feet of floor area when in a building of one and one-half story, or four thousand (4,000) square feet of floor area when in a building of two or more stories. Outdoor seating for eating establishments shall maintain a minimum six-foot clear zone for pedestrian movements.

- a. Personal services, including but not limited to barber, beauty tanning and health salons, tailors, off-site drycleaning, self-service laundry, and repair shops.
  - b. Retail business, including but not limited to pharmacies, music and video shops, news centers and book stores, bakery and delicatessens, convenience store without gasoline service, confectionary stores, dry goods and art supply shops, flower shops, photographic studios and supply shops, electronic supply stores, office supply shops, and sporting good stores.
3. The following residential uses shall be permitted in the NSD-1 area:
- a. Attached dwelling units over shops and/or offices.
  - b. Nursing/convalescent homes in accordance with Section 417.
4. Customary accessory uses, buildings, and structures incidental to the above permitted uses subject to Section 301, including:
- a. Home occupations (no-impact home-based businesses as defined, herein), in accordance with Section 401.
  - b. Parking lots and structures accessory to multi-family and nonresidential uses, in accordance with Section 307 and as stipulated herein.

C. Special Exception Uses.

- 1. Churches and similar places of religious worship in accordance with Section 405
- 2. Day care center in accordance with Section 402.
- 3. Public/municipal buildings and uses subject to Section 412.
- 4. Social and fraternal clubs and organizations subject to Section 411.
- 5. Accessory apartments subject to Section 416.
- 6. Conversion apartments subject to Section 406.
- 7. Home businesses subject to Section 401.
- 8. Bed and Breakfast inns subject to Section 404.

D. Conditional Uses

- 1. Demolition of an existing structure subject to Section 322

E. Lot and Yard Requirements.

- 1. New Construction shall follow the Lot and Yard Requirements Presented in the Form Based Codes. The minimum lot and yard requirements shall be determined by the following table as well as all other applicable provisions contained in this Section.

Minimum Lot Area (S.F.)	No minimum – add twenty (20) percent to the land area needed for the structure, on-lot parking, ingress/egress, and any other on-site infrastructure that is required. The additional twenty (20) percent shall constitute setbacks and landscaped buffers
Minimum Lot Width (ft)	20
Maximum Front Yard (ft)	20
Minimum Side Yard (ft)	5
Minimum Rear Yard (ft)	20 feet, except for structures along alleys in which case the minimum setback shall be ten (10) feet from the edge of pavement
Maximum Lot Coverage (%)	85

2. Parking shall be placed to the rear of the lot.

F. Height Requirements.

Principal buildings shall be between one-and-one half and four stories above grade as seen from their front sides with a maximum height of fifty (50') feet, and a minimum height of 20 feet. The height limit shall not apply to bell or clock towers, cupolas, steeples, or similar architectural features in accordance with Section 304 herein.

G. Signage Requirements.

All signage shall conform to the requirements as listed for the Commercial District.

H. Application of Supplementary Provisions.

All uses, structures, and lots shall comply with all applicable Supplementary Provisions as provided in Article III as well as all other pertinent provisions of this Ordinance.

**SECTION 212. General Business Gateway District.**

A. Purpose. The regulations for this District are intended to:

1. provide suitable locations for commercial uses, including both small-scale and large-scale businesses, as well as vertical mixed-use with residential uses above ground floor non-residential uses.
2. enable Uses that serve local residents as well as motorists passing through the Borough, and pedestrians walking in the District.
3. promote a Gateway character as a graceful transition to the Downtown.
4. advocate for streetscape enhancements to link the Gateway to the Downtown.
5. advocate for context-sensitive infill development and redevelopment.
6. promote uses that are consistent with the intent of this District, which require a higher level of scrutiny, as Uses by Special Exception.

B. Permitted Uses.

1. Retail business up to 5,000 square feet on the ground floor per retail space.
2. Medical clinics and dental clinics.
3. Business offices and professional offices/studios.
4. Banks and other financial institutions.
5. Hotels and motels subject to Section 420.
6. Restaurants and taverns, including restaurants with drive-in facilities.
7. Public garages.
8. Bed and breakfast inns subject to Section 404.
9. Commercial recreation.
10. Amusement arcades. 11. Motor vehicle service stations.
12. Self-service laundry.
13. Dry cleaners.
14. Night clubs.
15. Convenience stores.
16. Non-profit clubs.
17. Business conversions subject to Section 418.
18. Customary accessory uses, buildings, and structures incidental to the above permitted uses subject to Section 301.
19. Essential services structures, subject to Section 408.
20. Home Occupations (no-impact home-based businesses as defined herein) in accordance with Section 401.
21. Personal services.
22. Civic Space.
23. Live-Work Unit, or Attached Dwelling Unit over shops and offices, or Mixed-Use Building.

C. Special Exception Uses.

- Public/Municipal Buildings and Uses subject to Section 412.
- Essential services buildings subject to Section 408.
- 3. Recreational, health, or fitness clubs conducted for profit.
- 4. Commercial kennels subject to Section 409.
- 5. Veterinary clinics and animal hospitals subject to Section 409.
- 6. Day Care Centers subject to Section 402.
- 7. Home Businesses subject to Section 401.
- 8. Theatres in accordance with Section 428.

D. Conditional Uses.

- 1. Demolition of an existing structure subject to Section 322.
- 2. Retail business of 5,000 square feet and greater on the ground floor per retail space, subject to the Form-Based Code Regulations of Article VIII.
- 3. Parking Structure, subject to the Form-Based Code Regulations of Article VIII, Sections 812.2 to 812.4.

E. Lot and Yard Requirements.

- 1. The minimum lot and yard requirements shall be determined by the following table as well as all other applicable provisions contained in this Section. Within the following table "square feet" and "feet" are abbreviated as "S.F." and " ft " respectively.

Minimum Lot Area S. F.	No Minimum
Minimum Lot Width ft.	No Minimum
Minimum Side Yard ft.	No Minimum
Maximum Front Yard ft.	40
Minimum Rear Yard ft.	20
Maximum Impervious Area %	85

- 2. The front yard building setback line within the Form-Based Code in Article V III shall apply; provided, however, a Build-To Line of 20 feet shall be achieved for new construction.
- 3. A thirty-five (35) foot wide side yard is required on the side abutting a residential district without an intervening street, alley, lane or railroad right-of-way.

Pedestrian Gathering Areas shall be in accordance with Section 713.A.3.f. of the Article VI Design Standards of the Subdivision and Land Development Ordinance, and shall be provided around Bus Stops to the maximum extent possible. Pedestrian Gathering Areas shall be provided at the minimum sizes set forth below; provided, however, that specific Bus Stop space shall not be included as part of the required area calculation:

- a. 2,000 square feet for lots greater than two (2) acres in gross lot area.
- b. 1,000 square feet for lots one (1) to two (2) acres in gross lot area.
- c. 400 square feet for lots less than one (1) acre in gross lot area.

F. Height Requirements.

1. All structures shall have a maximum height of forty-two (42) feet. All principal buildings shall have a minimum height of twenty (20) feet.

G. Application of Supplementary Provisions and Form Based Code Provisions.

1. All uses, structures, and lots shall comply with all applicable Supplementary Provisions as provided in Article III as well as all other pertinent provisions of this Ordinance.
2. All uses, structures, and lots shall comply with the General Manual of Written and Graphic Design Standards of Article VIII for the General Business Gateway District of this Zoning Ordinance.
3. All uses, structures, and lots shall also comply with the General Manual of Written and Graphic Design Standards for the General Business Gateway District of Article VI of the Subdivision and Land Development Ordinance.

**SECTION 213. Industrial Districts.**

A. Purpose. This District is intended to strengthen the Borough's economy and employment base by accommodating a wide range of industrial uses. Railroads and major roads provide access to the majority of the areas within this District.

B. Permitted Uses.

1. Manufacturing businesses.
2. Businesses involved with processing and assembling operations.
3. Recycling centers/plants subject to Section 421.
4. Warehouses and wholesaling.

- 5. Self-service storage facilities.
- 6. Building materials sales rooms.
- 7. Contractors' equipment yards.
- 8. Laboratories and medical laboratories.
- 9. Essential services buildings and structures subject to Section 408.
- 10. Public garages.
- 11. Motor vehicle service stations.
- 12. Motor vehicle washes.
- 13. Motor vehicle repair garages and body shops.
- 14. Motor vehicle sales.
- 15. Business conversions subject to Section 418.
- 16. Non-profit clubs.
- 17. Customary accessory uses, buildings, and structures incidental to the above permitted uses subject to Section 301.
- 18. Home Occupations (no-impact home-based businesses as defined herein) in accordance with Section 401.

C. Special Exception Uses.

- 1. Public/Municipal Buildings and Uses subject to Section 412.
- 2. Greenhouses/nurseries subject to Section 419.
- 3. Recreational, health, or fitness clubs conducted for profit.
- 4. Commercial kennels subject to Section 409.
- 5. Veterinary clinics and animal hospitals subject to Section 409.
- 6. Day Care Centers as an accessory use to a permitted use subject to Section 402.
- 7. Home Businesses subject to Section 401.

D. Conditional Uses

- 1. Demolition of an existing structure subject to Section 322

E. Lot and Yard Requirements.

- 1. New Construction shall comply with the Building Location & Size regulations set forth in the Form Based Code. The minimum lot and yard requirements shall be determined by the following table as well as all other applicable provisions contained in this Section. Within the following table "square feet" and "feet" are abbreviated as "S.F." and " ft " respectively.

Minimum Lot Area (S. F.)	No Minimum
Minimum Lot Width (ft.)	No Minimum
Minimum Side Yard (ft.)	No Minimum
Minimum Rear Yard (ft.)	20
Maximum Lot Coverage (%)	85

2. If the block on which the lot is located is more than fifty percent (50%) developed, the average setback of the existing structures on that block may be used as the minimum front yard building setback line. Otherwise, the setbacks within the Form-Based Code in Article VIII shall apply.
3. A thirty-five (35) foot wide side yard is required on the side abutting a residential district without an intervening street, alley, lane or railroad right-of-way.
4. No setback is required adjacent to a railroad right-of-way.

F. Height Requirements.

All structures shall have a maximum height of 60 feet, and a minimum height of 20 feet.

G. Application of Supplementary Provisions.

All uses, structures, and lots shall comply with all applicable Supplementary Provisions as provided in Article III as well as all other pertinent provisions of this Ordinance.

**SECTION 214. Historical Areas and Historic Overlay.**

A. Applicability of Regulations.

1. Within the Historical Areas, the Zoning Officer shall review all applications in accordance with Article VI and the Historic Overlay District regulations of Section 426.
2. The Historical Areas are as shown on the Historic Resources Map in Article VIII.

**SECTION 215. Floodplain District.**

Ordinance C-544, adopted by Borough Council on March 29, 2016, established a standalone Flood Plain ordinance. Article II, Section 2.01.B of C-544 states that this ordinance and the Zoning Ordinance are to be consistent. When provisions of the two ordinances cannot be interpreted in a consistent fashion, the provisions of C-544 shall be controlling regarding floodplain issues.

A. Purpose.

1. The Floodplain District shall include the areas of the Borough of Lititz which are subject to periodic inundation by floodwaters. This inundation results in loss of life and property; health and safety hazards; disruption of commerce and governmental services; extraordinary public expenditures for flood protection and

relief; impairment of the tax base; and other adverse effects on the public health, safety and general welfare.

2. In the interest of public health, safety and welfare, the regulations of the Floodplain District are designed and intended to protect floodplains subject to and necessary for floodwaters, to permit and encourage the retention of open landuses so located and utilized and to guide incompatible development into more appropriate zoning districts.
3. In advancing these principles and the general purposes of this Zoning Ordinance and the Comprehensive Plan, and as a supplement to Section 101 of this Ordinance, the specific intent of these regulations include the following:
  - a. Regulating uses, activities and development, which, acting alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities, and frequencies.
  - b. Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding.
  - c. Requiring all those uses, activities and developments that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage. Informing individuals when buying lands and structures which are unsuited for intended purposes because of flood hazard.

B. District Boundaries.

1. The identified floodplain area shall be those areas of the Borough of Lititz, Lancaster County, which are subject to the one hundred (100) year flood, as identified in the Flood Insurance Study (FIS) dated April 19, 2005 and the accompanying maps as prepared for by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof.
2. Where the complete and definite information necessary to delineate the boundary of the Floodplain District or to determine the 100-year flood elevation (approximate zones) is not available to the Zoning Officer in his consideration of an application for a permit, he shall require such on-site studies and/or surveys to be made as necessary to fix the precise boundaries of the Floodplain District and the elevation of the 100-year flood as defined in this Section. Such studies and surveys shall be signed, sealed and certified by a licensed, professional engineer registered by the Commonwealth of Pennsylvania to perform such studies and surveys. Such certification shall acknowledge the accuracy of the study or survey and the qualifications of the individual to perform such study or survey. Copies of such studies and surveys may be submitted by the Zoning Officer to the Borough Engineer and the United States Department of Agriculture's Soil Conservation Service, who shall have 30 days to comment. Any property owner whose property is so studied and/or surveyed to justify an application for a permit shall pay all

costs of these studies and surveys.

3. All changes to the boundaries of the Floodplain District are subject to the review and approval of the Federal Insurance Administrator for compliance with the Rules and Regulations of the National Flood Insurance Program.

C. Boundary Disputes.

1. Should any person dispute the initial boundary determination of the Floodplain District as determined by the Zoning Officer from the information referred to in Section 215.C., an appeal may be made to the Zoning Hearing Board. The burden of proof in such an appeal shall be on the property owner. The property owner shall pay costs in accordance with established procedures for a Zoning Hearing Board appeal.
2. The provisions of this Section create an overlay zoning district which is applicable within floodplains in all zoning districts established by this Ordinance, as defined and delineated by this Section. To the extent that the provisions of this Section are applicable and more restrictive, they shall supersede conflicting provisions within all other Articles of this Ordinance, and all other ordinances of the Borough of Lititz shall remain in full force and effect.

D. Permitted Uses. The following uses and no others are permitted in the Floodplain District, and they are permitted only if accomplished under and in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 394 of 1937, as amended, the Rules and Regulations of the Pennsylvania Department of Environmental Protection, and all other provisions of this Article and other applicable provisions of this Ordinance.

1. Agriculture, horticulture, and forestry, all excluding any fill or structures and excluding any grading or filling which would cause any increase in flood heights or frequency.
  2. Erosion and sedimentation control measures, facilities and structures, provided that no unhealthful ponding or other unsanitary conditions shall occur.
  3. Public recreational uses, such as parks, play areas, picnic groves, lawns, gardens, fishing, paved bicycle paths, and hiking and horseback riding trails, all excluding any fill or structures except as provided in this Section and excluding any grading or filling which would cause any increase in flood heights or frequency.
  4. Activities related to the preservation of natural amenities, including wildlife sanctuaries, nature preserves, woodland preserves, botanical gardens, or arboretums, excluding any grading or filling which would cause any increase in flood heights or frequency.
  5. Open space and front, side or rear yards required by other Articles of this Ordinance. Floodplain land may be used to meet minimum open space, yard and
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lot area requirements, provided that the purpose and intent of this Section, as set forth in this Section, together with the requirements of any other pertinent municipal regulations, is complied with.

6. Stream improvements whose sole purpose is to improve aquatic life habitat and which are approved by the Pennsylvania Fish Commission and reviewed by the Lancaster County Conservation District and subject to the provisions of Section 215.I.2.c.
  7. One- or two-strand wire fences and rail-type fences consisting of one or two rails.
  8. Picnic tables, park benches, fireplaces, grills, and playground equipment, all if anchored to prevent flotation.
  9. Circuses, carnivals and similar transient enterprises, provided that natural vegetative ground cover is not destroyed, removed or covered in such a way as to create erosion or sedimentation.
  10. Farm ponds which are constructed in accordance with a conservation plan reviewed by the Lancaster County Conservation District and which do not create any increase in flooding, and subject to the provisions of Section 215.I.2.c.
  11. Floodproofing and flood hazard reduction structures to protect only lawfully existing nonconforming structures and lawfully existing nonconforming uses within structures.
  12. Public utility facilities, except buildings, under the exclusive jurisdiction of the Pennsylvania Public Utility Commission and specifically exempted from control by Municipal Zoning Ordinances, subject to the provisions of Section 215.I.7.
  13. Water monitoring devices.
  14. Culverts, bridges and approaches to public and private culverts and bridges, provided that the same meet all the following conditions:
    - a. Review and/or approval by the Lancaster County Planning Commission, if required.
    - b. Approval by the Susquehanna River Basin Commission, if required.
    - c. Approval by the Pennsylvania Department of Environmental Protection, if required. Approval by the Pennsylvania Department of Transportation (PennDOT), if required.
    - d. If approval by PennDOT is not required, the proposed use must still meet all of the appropriate minimum design standards of PennDOT.
    - e. Approval by the United States Army Corps of Engineers, if required.
    - f. The proposed structure must be designed in such a way as to have the capacity to allow the unrestricted passage of waters of maximum flood elevation below and through it without any upstream or downstream
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increase in water surface elevation.

E. Special Exception Uses.

1. The following uses in the Floodplain District are permitted only when special exceptions are granted by the Zoning Hearing Board as provided for herein and in Article VI, and when permitted by the underlying zoning district as permitted uses or special exception uses, provided that they are accomplished under and in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 394 of 1937, as amended, the Rules and Regulations of the Pennsylvania Department of Environmental Protection, and all other provisions of this Zoning Ordinance:
  - a. Parking lots, loading areas and driveways for vehicle use only.
  - b. Public utility facilities not under the exclusive jurisdiction of the Pennsylvania Public Utility Commission, subject to the following conditions:
    - (1) Facilities such as pipe lines, gas lines, storm sewers, sanitary sewers, water lines, outlet installations for sewage treatment plants, sealed public and private water supply wells, pumping stations, and underground communication facilities shall, together with associated structures, but excepting necessary vents, be designed and installed underground so as to be at or below the existing natural surface grade within the floodplain and in such a manner as will prevent flotation, minimize or eliminate flood damage, and not alter the cross-sectional areas of the floodplain.
    - (2) All new or replacement water supply facilities and/or sanitary sewage facilities shall be designed to minimize or eliminate infiltration of floodwaters into the facilities and discharges from the facilities into floodwaters.
    - (3) All gas lines shall have a system of shutoff valves for service to the Floodplain District to allow positive control during flood emergencies.
  - c. Fish hatcheries, including uncovered ponds and raceways, which are approved by the Pennsylvania Fish Commission, but excluding other structures.
  - d. Extraction of sand, gravel and other mineral resources.
  - e. Expansion of existing structures and the construction of additional buildings for existing industrial and commercial uses; provided, however, that the expansion of existing structures and/or the construction of additional buildings shall not be constructed in the floodway.
  - f. Other uses similar to the above, provided that the use will not reduce the cross-sectional area of the floodplain.
  - ~~g. Storage of petroleum products for industrial heating or processes, provided~~

that any aboveground structures are located outside the floodway and elevated or floodproofed to remain dry up to at least 1½ feet above the 100-year flood elevation.

2. Standards and criteria for special exceptions within the Floodplain District. In addition to the provisions of Article VI, the Zoning Hearing Board, when deciding upon special exceptions to be granted or denied under the provisions of this Section shall also determine that the following standards and criteria have been complied with:

- a. That danger to life and property due to increased flood heights, velocities or frequencies caused by encroachment is minimized.
- b. That no or a minimum of floodwaters or materials will be swept onto other lands or downstream to cause injury to others.
- c. That the possibility of disease, contamination and unsanitary conditions is minimized.
- d. That the proposed facility needs a waterfront or floodplain location.
- e. That available alternative locations not subject to flooding for the proposed use or the expansion of the existing structure and use do not exist.
- f. That the proposed use is compatible with existing anticipated development.
- g. That the proposed use is consistent with the Borough of Lititz Comprehensive Plan and any floodplain management program for the area.
- h. That safety of access to the property in times of flood for ordinary and emergency vehicles will be assured.
- i. That the expected area, height, depth, velocity, pressure, frequency, duration, rate of rise, seasonality and sediment debris, and pollutant load of floodwaters expected at the site is not inconsistent with the proposed use.
- j. That the proposed activity will not unduly alter natural water flow or water temperature.
- k. That archeological or historic sites and structures endangered or threatened species of animals or plant, high-quality wildlife habitats, scarce vegetation types, and other irreplaceable land uses will not be degraded or destroyed.
- l. That the natural, scenic and aesthetic values at the proposed site will be conserved.
- m. That a minimal amount of danger, damage and injury to all adjoining properties on both sides of any watercourse, regardless of municipality, will occur. In this regard, any proposal affecting an adjacent municipality shall be submitted to that municipality's planning commission and governing body for review and comment.
- n. That the grant of the special exception shall not cause:
  - (1) Increases in flood heights.

- (2) Additional threats to public safety.
  - (3) Extraordinary public expense.
  - (4) Creation of nuisances
  - (5) Conflicts with local laws or ordinances.
3. In hearing and deciding upon special exceptions to be granted or denied under the provisions of this Section, the burden of proof shall be on the applicant. The Zoning Hearing Board may require the applicant to submit such plans, specifications and other information as it may deem necessary to assist it in arriving at a fair and impartial determination. Such required information may include but not be limited to the following:
    - a. Plans drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, floodproofing measures, and the relationship of the above to the location of the channel.
    - b. A typical valley cross-section showing the channel of the watercourse, elevation of land areas adjoining each side of the channel and cross-sectional areas to be occupied by the proposed development and high water information.
    - c. A plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply facilities and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types; and other pertinent information.
    - d. A profile showing the slope of the bottom of the channel or flow line of the watercourse.
    - e. Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvement, storage of materials, water supply facilities, and sanitary facilities.
  4. In hearing and deciding upon special exceptions to be granted or denied under the provisions of this Section, the Zoning Hearing Board may call upon any experts or authorities as it may deem necessary to assist it in arriving at a fair and impartial determination.
  5. In granting any special exceptions, the Zoning Hearing Board may attach some reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purpose of this Ordinance.
  6. Variances from the provisions of this Section are discouraged. Where, however, a variance is essential, the following requirements of the National Flood Insurance Program must be complied with in addition to all other variance provisions of this Ordinance and the Pennsylvania Municipalities Planning Code, as amended. In all variance proceedings, the burden of proof shall be on the applicant.

- a. No variance shall be granted for any development, structure, use or activity within the floodway which would cause any increase in flood levels during the 100-year flood as defined by this Section.
- b. Variances shall only be granted upon a:
  - (1) Showing of good and sufficient cause.
  - (2) Determination that failure to grant the variance would result in exceptional hardship to the applicant.
  - (3) Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with any other applicable laws, ordinances or regulations.
  - (4) Determination that the grant of a variance will not jeopardize the flood insurance program of the Borough of Lititz.
- c. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- d. Whenever a variance is granted, the Board shall notify the applicant in writing that:
  - (1) The granting of the variance may result in increased premium rates for flood insurance.
  - (2) Such variance may increase the risks to life and property.
- e. A complete record of all variance requests and actions, including justifications for granted variances, shall be maintained by the Board.

F. Prohibited Uses.

The following uses are prohibited in the Floodplain District:

- 1. All uses prohibited expressly or implicitly in the underlying zoning district for the land in question.
- 2. All structures, with the exception of those specifically allowed in Sections 215.E. and F.
- 3. Sanitary landfills, dumps, junk and salvage yards, and outdoor storage of vehicles and/or materials.
- 4. Placing, depositing and dumping any spoil, fill or solid waste, except such grading, filling or depositing necessary to accomplish and carry out the permitted uses and uses by special exception specified in Sections 215.E. and F.; provided, however, that no grading or filling is permitted which would cause any increase in

flood heights or frequency.

5. Removal of topsoil, excluding sod production and nursery activities as allowed in Sections 215.E. and F and except such removal of topsoil as is necessary to accomplish and carry out the permitted uses and uses by special exception specified in Sections 215 E. and F.; provided, however, that no grading or filling is permitted which would cause any increase in flood heights or frequency.
6. Damming or relocation of any watercourse, except as provided for in Sections 215 E. and F.
7. Any parts of any on-site sewage disposal systems.
8. Swimming pools.
9. Stockpiling, storage, or disposal of buoyant materials, logging slash, herbicides, domestic or industrial waste, flammable materials, explosives, poisonous materials or other materials which, if flooded, would pollute the watercourse or be injurious to human, animal or plant life.
10. Cemeteries for humans or animals.
11. Zoo, menagerie, wild animal farm or domestic or farm animal enclosures which will not allow all animals to escape floodwaters of maximum flood elevation without human intervention while remaining safely confined.
12. The construction of new residential structures.
13. Any development, structure or use which may, whether alone or in combination with others:
  - a. Endanger human life.
  - b. Obstruct, impede, retard, change or increase the velocity, direction or flow of floodwaters.
  - c. Increase the surface elevation of floods or the frequency of floods.
  - d. Catch or collect debris carried by floodwaters.
  - e. Be placed where the natural flow of the stream or floodwaters would carry it downstream to the damage or detriment of property within or adjacent to the Floodplain District.
  - f. Degrade the water-carrying capacity of any watercourse, channel or floodplain.
  - g. Degrade the quality of surface water or the quality or quantity of groundwater.
  - h. Be susceptible to flotation and subsequent movement which would cause damage to other property.
  - i. Not be in harmony with the intent and purpose of this Section as set forth

in Section 215.A.

14. Feedlots.
15. Any new or substantially improved structure or activity which will involve the production, storage, use or disposal of any of the following dangerous materials and substances or require the maintenance of a supply on the premises of any amount of radioactive substances or more the 550-gallons (or other comparable volume) of any other of these dangerous materials or substances: acetone, ammonia, benzene, calcium carbide, carbon disulfide, celluloid, chlorine, hydrochloric acid, hydrocyanic acid, magnesium, nitric acid, and oxides of nitrogen, petroleum products (except as provided for in Section 215.F.), phosphorous, potassium, sodium, sulphur, and sulphur products, pesticides, (including insecticides, fungicides, and rodenticides), radioactive substances, insofar as such substances are not otherwise regulated.
16. The commencement of any of the following uses or the construction, enlargement or expansion of any structure used, or intended to be used, for any of the following activities: hospitals, nursing homes, jails or prisons.
17. The commencement of, or any construction of, a new mobile home park, or the substantial improvement to an existing mobile home park.
18. Fully and partially enclosed space below the lowest floor (including basement) are prohibited.
19. The commencement of any of the following activities; or the construction enlargement, in accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:
  - a. will be used for the production or storage of any of the following dangerous materials or substances; or,
  - b. will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
  - c. will involve the production, storage, or use of any amount of radioactive substances;
20. Shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered

dangerous to human life:

- a. Acetone
- b. Ammonia
  - (1) Benzene
  - (2) Calcium carbide
  - (3) Carbon disulfide
  - (4) Celluloid
  - (5) Chlorine
  - (6) Hydrochloric acid
  - (7) Hydrocyanic acid
  - (8) Magnesium
  - (9) Nitric acid and oxides of nitrogen
  - (10) Petroleum products (gasoline, fuel oil, etc.)
  - (11) Phosphorus
  - (12) Potassium
  - (13) Sodium
  - (14) Sulphur and sulphur products
  - (15) Pesticides (including insecticides, fungicides, and rodenticides)
  - (16) Radioactive substances, insofar as such substances are not otherwise regulated.

21. The expansion of any structure used, or intended to be used, for any of the following activities:

- a. hospitals
- b. nursing homes
- c. jails or prisons

G. Nonconforming Uses and Structures.

1. Continuation. All uses or structures in the Floodplain District lawfully existing on the effective date of this Ordinance which are not in conformity with the provisions of this Section shall be deemed nonconforming uses or structures. Such nonconforming uses or structures may be continued, maintained, repaired, and floodproofed, except as otherwise provided for in this Section. However, such nonconforming uses or structures may at any time be improved to comply with existing Pennsylvania or Borough of Lititz health, sanitary or safety code specifications which are solely necessary to assure safe living and working conditions.
2. Abandonment. Nonconforming uses or structures which have been discontinued or vacated for 12 consecutive months shall be considered abandoned. Vacation of

land or structures or the non-operative status of the use normally carried on by the property shall be evidence of discontinuance. No abandoned use or structure may be re-established, repaired or reoccupied. The Lititz Borough Council may require the removal of any abandoned nonconforming use or structure upon proper notice to the owner of the property on which an abandoned nonconforming use or structure exists. If the owner has not completely removed the abandoned use or structure within a reasonable amount of time, not to exceed nine months, or an additional three months' extension which may be granted by Lititz Borough Council upon documentation of just cause, the Lititz Borough Council shall have the authority itself cause the removal to be accomplished, the costs of such removal to be paid by the property owner.

3. Expansion and modification. A nonconforming use or structure may not be expanded or modified except as provided for in Section 215.F., subject to further provisions of Section 215.G. No nonconforming use or structure shall be expanded, enlarged or altered in any way which increases its nonconformity with respect to height, area, yard, and other requirements established in other Articles of this Ordinance.
4. Replacement and rebuilding. A nonconforming use or structure may be replaced, repaired or rebuilt if it is damaged or destroyed by any means, including floods. In such a case, however, the nonconformity of the new use or structure with respect to requirements as expressed in provisions of this Section shall not exceed that of the original use or structure which was damaged or destroyed. Nothing shall be done which would otherwise violate any of the provisions of this Section. When the structure is replaced, repaired or rebuilt, consideration shall be given to providing facilities for improving stormwater flow.
5. Historic structures. The Zoning Hearing Board shall have the right to waive, as a special exception, any of the requirements of this Section and Section 215.I. for any structure listed on the National Register of Historic Places or the Pennsylvania Register of Historic Places; provided, however, that the provisions of Sections 215.F.2., 3., 4., and 5. shall be applied in such a case.

#### H. Design and Performance Standards.

1. Applicability. Unless otherwise specified in this Section, the standards and criteria included in this Section are to be used, together with the provisions of all other Articles and all other ordinances in force in the Borough of Lititz, by the Zoning Officer and Zoning Hearing Board in their administration of this Section.
2. Regulations and reviews by other agencies.

- a. Where applicable and where possible, all necessary permits or other written approvals must be obtained from all other agencies before any approvals of plans, special exceptions, variances or permits may be granted by the Borough of Lititz or its agencies, officials or employees.
  - b. Where necessary permits or written approvals from other agencies cannot be obtained prior to action by the Borough of Lititz, any approval of plans, special exceptions, variances or permits by the Borough of Lititz or its agencies, officials or employees shall be conditioned upon receiving such other agencies' permits or written approval.
  - c. No regulations of the commonwealth governing watercourses are amended or repealed by this Section. Prior to any proposed alteration or relocation of any watercourse, a permit shall be obtained from the Pennsylvania Department of Environmental Protection Dams and Encroachment Division, and notification of any such proposal shall be given to all affected adjacent municipalities. Copies of such permit, application and municipal notifications shall be forwarded to the Federal Insurance Administration and to the PA Department of Community Affairs.
3. Place and construction of authorized uses and structures.
- a. All uses and structures shall be designed, constructed and placed so as to offer the minimum obstruction possible to the flow of water and shall be designed to have a minimum effect upon the flow, velocity or height of floodwaters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and so far as is practicable, structures shall be placed approximately on the same flood lines as those of nearby structures.
  - b. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage and shall be constructed by methods and practices that minimize flood damage.
  - c. All new or replacement drains, water supply facilities or sanitary sewage facilities shall be designed to preclude infiltration or backup of sewage or floodwaters into the facilities or structures and discharges from the facilities into floodwaters.
  - d. All new construction and substantial improvements of permanent nonresidential structures shall either have the lowest floor, including basement, elevated to one foot above the 100-year flood elevation as defined by Section 215.C.1. or, together with attendant utility and sanitary

facilities, be floodproofed so that below one foot above the 100-year flood elevation as defined by Section 215.C.1. the structure is watertight, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

- e. All authorized improvements or additions to existing residential structures shall, to the greatest extent possible, be elevated. Any portion of the structure not elevated to one foot above the 100-year flood elevation as defined by Section 215.C.1. shall be floodproofed.
4. Floodproofing. Where floodproofing is authorized by this Section, it shall be done according to the standards and provisions for floodproofing classes W-2, W-3 or W-4 as contained in Floodproofing Regulations published by the Office of the Chief of Engineers, United States Army, publication EP 1165 2 314 (June 1972 and as subsequently amended) where such standards and provisions do not conflict with other provisions of this Section. Where reference is made in Floodproofing Regulations to the "RFD" (Regulator Flood Datum), it shall be interpreted to mean the 100-year flood elevation as defined by this Section.
  5. Anchoring. All structures, including buildings, air ducts, large pipes and storage tanks, within the Floodplain District shall be firmly anchored to prevent flotation, movement or collapse, thus reducing the possibility of the blockage of bridge openings and other restricted sections of the watercourse.
  6. Surface drainage. Adequate drainage shall be provided for all new development to reduce exposure to flood hazards.
  7. Public utility facilities and structures. Public utility facilities and structures, except buildings, subject to the jurisdiction of the Pennsylvania Public Utility Commission are requested to comply with the following standards in the interest of achieving the purpose and intent of this Section:
    - a. Public utility facilities and associated structures such as pipe lines, gas lines, storm sewers, sanitary sewers, water lines, outlet installations for sewage treatment plants, sealed public and private water supply wells, pumping stations, and underground communications facilities should, except for necessary vents, be designed and installed underground so as to be at or below the existing natural surface grade within the floodplain and in such a manner as will prevent flotation, minimize or eliminate flood damage and not alter the cross-sectional area of the floodplain. All new or replacement water supply facilities and/or sanitary sewage facilities should be designed to minimize or eliminate infiltration of floodwaters into the

facilities and discharges from the facilities into floodwaters. All gas lines should have a system of shutoff valves for service to the Floodplain District to allow positive control during flood emergencies.

- b. Public utility electrical transmission lines and supporting structures should be installed so as to minimize or eliminate flood damage.

8. Agricultural standards.

- a. A filter strip is required between any watercourse and any tilled land. Such strip shall be a minimum of 15 feet in width measured from the bank of the watercourse channel. The filter strip shall be planted and maintained in natural riparian vegetation.
- b. Within the Floodplain District, a cover crop, such as annual rye grass, is required whenever the land is not being tilled for major crops.

9. Uniform Construction Code Coordination.

- a. The Standards and Specifications contained 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this ordinance, to the extent that they are more restrictive and/or supplement the requirements of this ordinance.
- b. International Building Code (IBC) 2003 or the latest edition thereof: Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.
- c. International Residential Building Code (IRC) 2003 or the latest edition thereof: Secs. R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

I. Building Permits.

- 1. Irrespective of the provisions of Section 701 of this Ordinance, within the Floodplain District a building permit shall be required for all proposed development, construction, reconstruction, placement, replacement, expansion, renovation, extension, repair or other improvement of uses or structures, regardless of value, including the placement of mobile homes and activities such as filling, grading, paving, and excavation. Building permits shall not be required for normal maintenance other than as required by Borough of Lititz Code.
- 2. Every building permit application for work or uses within the Floodplain District

shall include or be accompanied by all information necessary for the Zoning Officer to determine that the proposal meets all the provisions of this Section and all other Articles of this Ordinance.

3. The following information is specifically required to accompany all building permit applications involving structures within the Floodplain District:
  - a. The elevation (in relation to mean sea level) of the lowest floor, including basement.
  - b. Whether or not the structure includes a basement.
  - c. If the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed.
4. Where floodproofing is proposed to be utilized for a particular structure, the building permit application shall be accompanied by a document certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania or a licensed professional architect registered by the Commonwealth of Pennsylvania certifying that the floodproofing methods used meet the provisions of Section 215.I. and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the 100-year flood as defined by Section 215.C., and indicating the specific elevation (in relation to mean sea level) to which such structure is floodproofed.
5. A copy of all plans and applications for proposed construction or other improvements within the Floodplain District to be considered for approval may be submitted by the Zoning Officer to any other appropriate agencies and/or individuals for review and comment.

J. Municipal Liability.

The lawful granting of a permit or the making of any other administrative decision under this Section shall not constitute a representation, guaranty or warranty of any kind by the Borough of Lititz, or by any official, agent or employee thereof, of the practicability or safety of any structure, use or other plan proposed with respect to damage from flood or otherwise and shall create no liability upon or cause of action against such public body, official, agent or employee for any flood damage that may result pursuant thereto or as a result of reliance on this Section. There is no assurance that lands not included in the Floodplain District are now or ever will be free from flooding or flood damage.

K. Specific Provision.

All references to the Federal Insurance Administration (FIA) shall be changed to the Federal Emergency Management Agency (FEMA). All references to the Department of Community Affairs, Bureau of Community Planning shall be changed to the Department of Community and Economic Development. All references to the Department of Environmental Resources, Bureau of Dams and Waterway Management shall be changed to the Department of Environmental Protection.

**SECTION 216. Traditional Neighborhood Development Overlay District. (TNDO)**

A. Purpose. The TNDO - Traditional Neighborhood Development Overlay District is intended to allow for higher density and higher intensity, mixed-use development designed according to special Design Regulations and Form-Based Code Regulations to ensure that the resulting form incorporates design principles that will be compatible with the Borough's traditional character, form, and function. All buildings and structures shall conform to the applicable sections of the Downtown Lititz Master Plan, September 2008, and to the Form-Based Code Regulations. The Purposes of TNDO are:

1. To implement Article VII-A, Traditional Neighborhood Development of the Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247, as amended).
2. To implement the Lititz/Warwick Strategic Comprehensive Plan Design Guidelines Strategy, Opportunity Site #2, as amended.
3. To enable TNDO to overlay eligible properties in the R-1, R-2, R-A, R-2A and NSD Districts.
4. To provide for a range of complementary residential and nonresidential uses.
5. To provide for diversity necessary to maximizing human interactions and opportunities.
6. To meet daily retail, office, and service needs within walking distance of residences.
7. To contain a variety of housing types and related uses.
8. To continue to protect environmentally sensitive areas.
9. To support preservation and expansion of green spaces.
10. To provide open spaces that will provide opportunities for physical activity, and promote civic identity.
11. To continue to actively develop safe pedestrian connections to activity nodes, neighborhoods, recreational amenities, and civic spaces.

B. Applicability.

1. The Traditional Neighborhood Development Overlay District (TNDO) applies to areas shown on the Zoning Map of Lititz Borough.

2. The TNDO applies to properties of ten (10) acres and greater in the R-1, R-2, R-A, R-2A and NSD Districts unless the Borough Council determines that a property between 5 and 10 acres could be developed as a complete TNDO.

C. Permitted Use Areas and Uses.

1. The TNDO shall have a Neighborhood Residential Area (NRA), a Central Residential Area (CRA), and a Neighborhood Storefront Area (NSA) as described below.
2. The Neighborhood Residential Area is reserved for single-family dwellings. The following residential uses shall be permitted in the NRA:
  - a. Single-family detached dwelling units.
  - b. Single-family semi-detached dwelling units.
3. The Central Residential Area is reserved for a broad range of housing types and ownership options. The following residential uses shall be permitted in the CRA.
  - a. Multiple-family dwellings.
  - b. Attached dwelling units (Townhouse or Row).
  - c. Single-family detached dwelling units.
  - d. Single-family semi-detached dwelling units.
  - e. Two-family detached or semi-detached dwelling units.
4. The Neighborhood Storefront Area is intended as mixed-use area to provide uses that meet the retail and service needs of the residents within the TNDO and to provide compatible public (civic) and institutional uses of community-wide importance. Drive-in facilities; drive-in service place; restaurant, drive-in; and adult-oriented uses are not permitted. Mixed-use buildings are encouraged.
  - a. The following residential uses shall be permitted in the NSA area:
    - (1) Bed and breakfast inns in accordance with Section 404.
    - (2) Multiple family dwellings
    - (3) Nursing/convalescent homes in accordance with Section 417.
    - (4) Upper-story residential uses to be located over shops and/or offices.
    - (5) Single-family attached dwelling units.
  - b. The following uses shall be permitted in the NSA provided that the use shall not exceed one thousand five hundred (1,500) square feet of floor area when in a building of one and one-half story, or four thousand (4,000) square feet of floor area when in a building of two or more stories. Outdoor seating for eating establishments shall maintain a minimum sixfoot

clear zone for pedestrian movements.

- (1) Personal services, including but not limited to barber, beauty tanning and health salons, tailors, off-site dry cleaning, self-service laundry, and repair shops.
  - (2) Retail business, including but not limited to pharmacies, music and video shops, news centers and book stores, bakery and delicatessens, cafes, convenience store without gasoline service, confectionary stores, dry goods shops, art supply shops, flower shops, photographic studios and supply shops, electronic supply stores, office supply shops, and sporting good stores.
- c. The following uses shall be permitted in the NSA provided that the use shall not exceed four thousand (4,000) square feet of floor area when in a building of one and one-half stories or ten thousand (10,000) square feet of floor area when in a building of two or more stories. Outdoor seating for eating establishments shall maintain a minimum four (4) foot clear zone for pedestrian movements.
- (1) Banking and other financial institutions.
  - (2) Business and professional offices and studios, including medical and dental offices.
  - (3) Restaurants and cafes.
- d. The following public and utility uses shall be permitted in the NSA.
- (1) Public utility uses and facilities, excluding material and truck storage.
  - (2) Public libraries, municipal and community activity buildings in accordance with Section 412
- e. The following institutional uses shall be permitted in the NSA.
- (1) Day care center in accordance with Section 402.
  - (2) Elementary and secondary schools in accordance with Section 407.
  - (3) Churches and similar places of religious worship.  
These uses shall be in accordance with the dimensional requirements of the NSA and not Section 405.
- f. A use permitted in Sections (c) and (d) of this Section may exceed the maximum permitted floor area within the NSA if Borough Council agrees that the proposed building façade reflects an appearance of compliance

with the Ordinance. The applicant shall supply architectural elevations of any building that includes a use(s) that exceed(s) the maximum square footage permitted in Sections (c) and (d) of this Section. The architectural elevations shall demonstrate that the building façade design gives the appearance of tenant spaces that comply with the maximum permitted square footage requirements for a use within the NSA.

5. The following list of uses shall be allowed in all areas of the TNDO.
  - a. Open space land in accordance with Section 216.F herein.
  - b. Botanical gardens.
  - c. Community maintenance, storage, and service facilities.
  - d. Customary accessory uses and buildings incidental to any permitted uses including:
    - (1) Private swimming pools, in accordance with Section 312.
    - (2) Private garages, playhouses, garden houses or green houses not used for commercial purposes, in accordance with Section 301.
    - (3) Home occupations (no-impact home-based businesses as defined, herein) and home businesses, in accordance with Section 401.
    - (4) Parking lots and structures accessory to multi-family and nonresidential uses, in accordance with Section 307 and as stipulated herein.
  - e. Continuing Care Retirement Community (CCRC) in accordance with Section 427.

D. General Tract Requirements. The design of the TNDO shall be governed by the following tract standards:

1. **Ownership:** The tract of land may be held in single and separate ownership or in multiple ownership; however, when a tract is held in multiple ownership, it shall be planned as a single entity with common authority and common responsibility.
2. **Sensitive Area Disturbance:** The proposed design shall strictly minimize disturbance of environmentally sensitive areas, including wetlands, steep slopes (greater than 25%), floodways and 100-year floodplains. Demonstration by the applicant that these features will be protected by the proposed developer shall be prerequisite to approval of the preliminary and final plan. These areas shall not be calculated as part of the minimum required open space.
3. The minimum land area required for a TNDO shall not be less than ten (10) acres.

4. Each sub-area (NRAs, CRAs, and NSAs) of the TNDO shall be delineated and the area and residential density shall be specified for each.
  - a. Under no circumstances shall the NSA exceed thirty percent (30%) of the entire tract.
  - b. At least two percent (2%) of the entire tract shall be NSA if the gross tract area is 25 acres and greater. If the gross tract area is less than 25 acres, the NSA may be 0%.
  - c. A minimum of seventy percent (70%) of the tract shall be in NRA or CRA use.
  - d. No more than fifty-five percent (55%) of the housing units may be within the same housing type.
  - e. A mix of housing types shall be provided in each sub-area.
5. If the project is phased, under no circumstances shall more than eighty-five percent (85%) of all housing units be built prior to the development of the mixed-use area.
6. The gross density for the tract shall be a minimum of four (4) and a maximum of eight (8) dwelling units per acre, except as provided in Section 216.E.4. This density does not include units within nursing or convalescent homes, but shall include independent-living apartments, and does not include areas devoted to non-residential use.
7. No more than six (6) attached dwelling units or townhouses shall be built in a row.
8. The minimum open space requirement for the tract shall be fifteen percent (15%) of the tract.
9. The maximum front yard setback and build-to line shall:
  - a. be measured from the street right-of-way to the building facade.
  - b. be measured (whenever a Street or Close does not have a right-of-way) from the interior edge of the sidewalk, which shall be a maximum of 10 feet from the back of curb or edge of pavement, to the building facade.
  - c. not apply whenever an approved Green, Square, Plaza, Pocket Park, or other Pedestrian Gathering Area is created, but shall be measured at the edge of such features to the building facade.
  - d. be interpreted to permit architectural features such as porches, steps, bay windows, and the like to be located within the maximum front yard setback, provided that a minimum sidewalk width of 4'-6" is maintained.
  - e. be interpreted to permit relief of on-street parking requirements, and

thereby result in a reduction in the street right-of-way width; provided however, if a street or a Close does not have a right-of-way, the maximum setback shall be measured from the predominant interior edge of the sidewalk, which edge shall be a maximum of ten (10) feet from the back of curb, or edge of pavement in areas without curbing.

E. Bulk, Area, Dimensional and Related Regulations for NRA, CRA and NSA.

1. Neighborhood Residential Area. The following bulk, area, and dimensional regulations shall apply to the NRA.
  - a. Minimum lot requirements for single-family detached dwellings.
    - (1) Minimum area: Five thousand (5,000) square feet. Up to twenty percent (20%) of the lots may be reduced to a minimum of three thousand (3,000) square feet to provide design flexibility.
    - (2) Minimum lot width: Thirty (30) feet.
  - b. Minimum lot requirements for single-family semi-detached dwellings.
    - (1) Minimum area: Four thousand (4,000) square feet. Up to twenty percent (20%) of the lots may be reduced to a minimum of three thousand (3,000) square feet to provide design flexibility.
    - (2) Minimum lot width: Thirty (30) feet.
  - c. Maximum front yard setback and build-to line shall comply with Section 216.D.9, and the following:
    - (1) Principal building shall be twelve (12) feet (six feet to front porches/steps). The developer is urged to consider variations in the principal building position and orientation, particularly as it relates to solar orientation, and architectural design.
    - (2) Attached garages and carports (front-loaded / facing the street) shall be twenty (20) feet behind the front plane of the house.
    - (3) Detached garages (front loaded) shall be forty (40) feet from the street right-of-way.
  - d. Minimum side yard setback: Twelve (12) feet aggregate, five (5) feet minimum and ten (10) feet each side on a corner lot.
  - e. Minimum rear yard setback:

- (1) Principal building: Twenty (20) feet.
  - (2) Accessory buildings or structures: Six (6) feet.
  - (3) Detached garages (rear-loaded): Eight (8) feet from alleyway when the driveway apron is parallel to the alley, and eighteen (18) feet when the driveway is perpendicular to the alley.
- f. Maximum impervious lot coverage.
- (1) Single-family detached dwelling units: Sixty-five (65%) percent.
  - (2) Single-family semi-detached dwelling units: Seventy (70%) percent.
- g. Minimum lot width at streets or alleys: Lots shall have a minimum lot width of thirty (30) feet either on a street or a alley.
- h. Frontage on parks or greens. Dwellings served by rear alleys may front directly onto parks or greens, which shall be designed with perimeter sidewalks. The minimum green frontage shall be no less than the minimum lot width.
- i. Maximum height: Thirty-five (35) feet.
2. Central Residential Area. The following bulk, area, and dimensional regulations shall apply to the CRA.
- a. Dimensional lot characteristics for single-family detached and single-family semi-detached dwellings shall meet the requirements for Neighborhood Residential Areas with the exception that up to thirty percent (30%) of the lots may be reduced to a minimum lots size of five thousand (5,000) square feet for single-family detached and four thousand (4,000) square feet for single-family semi-detached to provide design flexibility.
  - b. Dimensional lot characteristics for single-family attached and multiple family dwellings shall meet the requirements for the Neighborhood Storefront Areas, E.3.b below.
3. Neighborhood Storefront Area. The following bulk, area, and dimensional regulations shall apply to the NSA.
- a. Maximum tract area for commercial buildings. Commercial buildings shall not occupy more than five percent (5%) of the developable area of the Traditional Neighborhood Development, unless ground floor space is reserved for pedestrian-oriented retailing, offices, and services, with offices and housing above, in which case the following commercial area bonus shall apply. Under no circumstances shall the commercial buildings

exceed fifteen percent (15%) of the total TNDO developable area.

- (1) An additional five percent (5%) of the area shall be granted if at least half of the new commercial building coverage (foundation footprint) shall be of at least two-story construction and at least twenty-five percent (25%) of the upper-story space is designed for office use.
  - (2) An additional five percent (5%) of the TNDO developable area shall be granted if at least half of the new commercial building coverage (foundation footprint) shall be of at least two-story construction with at least twenty-five percent (25%) of the upper-story space designed for residential use.
- b. Dimensional characteristics for Neighborhood Storefront Areas shall be in accordance with the following requirements.
- (1) Minimum lot size. The minimum lot size shall be determined by adding twenty percent (20%) to the land area needed for the structure, on-lot parking, ingress/egress, and any other on-site infrastructure that is required and private amenity areas designed for the units by the developer. The additional twenty percent (20%) shall constitute setbacks and landscaped buffers.
  - (2) Minimum lot width at streets or alley: Lots must have a minimum lot width of twenty (20) feet either on a street or a backalley.
  - (3) Frontage on parks or greens. Dwellings served by rear alleys may front directly onto parks or greens, which shall be designed with perimeter sidewalks. The minimum green frontage shall be no less than the minimum lot width.
  - (4) Minimum lot width at building line. The minimum lot width at the building line shall be twenty (20) feet.
  - (5) Yard regulations. New buildings in this subdistrict shall have a maximum front setback rather than a minimum setback in order to maintain a strong sense of streetscape. A minimum of seventy-five percent (75%) of the building façade shall be on the Build-to-Line, as defined by the maximum building setback, and shall be subject to the provisions of Section 216.D.9:
    - (a) Maximum front yard setback for the NSA: Five (5) feet
    - (b) Maximum front yard setback for the CRA: Ten (10) feet.
    - (c) Minimum side yard setback. Five (5) feet.
-

- (d) Minimum rear yard setback. Twenty (20) feet, except for structures along alleys in which case the minimum setback shall be ten (10) feet from the edge of pavement.
  - (6) Maximum impervious lot coverage: Eighty-five percent (85%).
  - (7) Minimum and maximum height. Buildings shall be between one- and-one half (1 ½) and four (4) stories above grade as seen from their front sides with a maximum height of fifty (50) feet, with the exceptions listed in Section 304.B herein.
4. Residential density bonuses. The density may be increased at the discretion of the Council to meet Borough objectives of affordable housing and public greenways and trails, and conservation land endowments in accordance with the following density bonuses.
- a. Affordable housing. A density increase is permitted where the subdivision/land development proposal provides opportunities for low- or moderate-income units to be sold or leased. For each affordable housing unit provided, three (3) additional building lots or dwelling units shall be permitted up to a fifteen percent (15%) increase in the maximum density.
- For affordable housing to be available for purchase, the applicant shall demonstrate that the affordable housing shall initially be sold to households where the gross annual income is less than or equal to 115 percent of the most recent median family income ("MFI") for Lancaster County, Pennsylvania, as issued by the United States Department of Housing and Urban Development as adjusted for family size and updated annually.
- For affordable housing to be available for lease, the applicant shall demonstrate that each affordable housing unit shall be leased to tenant households whose gross annual income is less than or equal to 80 percent of the most recent MFI. Notwithstanding the income limit, affordable housing rental rates, including tenant-paid utilities, shall not exceed 30 percent of the income of a tenant earning less than 80 percent of the most recent MFI. In order to obtain the density bonus for leased affordable housing, the applicant must certify that the dwelling units shall be leased for a period of not less than 15 years.
- (1) To utilize this density bonus, the applicant shall, as part of the application, provide documentation to show how the affordable housing program will be funded and implemented and agree that the affordable housing program conditions and requirements shall be a condition of approval.
  - (2) Affordable housing units shall blend into the neighborhood in design and appearance.

- b. Public access to common open space and trails. A density bonus for public usage of greenway land in new subdivisions shall be computed on the basis of a maximum of four (4) dwelling units per acre of common open space or per 2,500 feet of trail that becomes publicly accessible. The decision whether to accept an applicant's offer to dedicate land to public usage shall be at the discretion of the Borough Council.

F. Open Space Land and Design Standards. The greenway and open space land shall meet the following location and design standards. In addition all TNDO shall meet the design and ownership and maintenance regulations in accordance with Section 320 of this Ordinance.

1. The following uses and combination thereof are permitted in the designated greenway / open space areas.
  - a. Active recreation areas such as: playfields or tennis courts; however, no more than thirty percent (30%) of the minimum required open space area may be comprised of these areas in total.
  - b. Agriculture buffer areas or perimeter areas. A fifty (50) feet building setback shall be required where the tract abuts an agriculture parcel, whether the agriculture tract is located within or outside the Borough.
  - c. Central greens, neighborhood squares, plazas or commons.
  - d. Community parks.
  - e. Conservation of open land in its natural state.
  - f. Easements for drainage, access, sewer or water lines, or other public purposes.
  - g. Greenbelts.
  - h. Stormwater detention areas designed, and available for use as an integral part of the greenway trails and footpaths.
  - i. Underground utility rights-of-way.
2. Conservation Easement. The required open space land shall be subject to permanent conservation easements prohibiting future development and defining the range of permitted activities.
3. Not less than fifteen percent (15%) of the open space shall be in a form useable to and accessible by the residents. These areas shall include the following special places and shall be designed in accordance with the following:
  - a. A main TNDO green from four to forty thousand (4,000 to 40,000) square feet, located within the Neighborhood Storefront Area and adjacent to or as a terminal vista to the principal street running through the NSA. Commercial buildings, public and institutional uses shall be located either adjacent to or across the street from the central green.

- b. Smaller greens shall be dispersed throughout the remainder of the TNDO so that no residential lot is more than a short walking distance (generally 1,500') from a green, square, or park that is a minimum of four thousand (4,000) square feet.

G. Traditional Neighborhood Design Standards. The following standards shall be applied to all TNDOs in the Borough. Additional design requirements are found in the Lititz Borough Subdivision and Land Development Ordinance.

- 1. The following design standards shall apply to single-family attached and multiple family dwellings.
  - a. Single-family attached and multiple family buildings shall be designed to fit within the same streetscape of single-family dwellings and nonresidential buildings in both architecture and scale.
  - b. Single-family attached and multiple-family buildings shall be integrated into the neighborhood.
  
- 2. The following standards shall apply to the physical layout of the TNDO.
  - a. Residential lots shall not be located within five hundred (500) feet of any arterial highway having four or more lanes, nor within two hundred (200) feet of any existing two-lane state-numbered highway, unless effectively screened from the public viewshed by virtue of topography, dense vegetation, or physical or visual barriers such as a wall or fence.
  - b. The Neighborhood Storefront Areas shall be located within walking distance of Central Residential Areas and at least one-quarter of the lots in the Neighborhood Residential Areas (walking distance is generally 1,500' feet from the houses).
  - c. Nonresidential uses intended to serve an area beyond the TNDO itself shall be located to permit vehicular access from outside the neighborhood without the traffic passing through the Neighborhood Residential Areas.
  - d. The required greenway/open space shall be located and designed to add to the visual amenities of the TNDO and to the surrounding area by maximizing the visibility of internal open spaces as terminal vistas and external open space as perimeter greenbelts.
  - e. New major collector roadways that serve the development shall be constructed prior to completion of fifty percent (50%) of the development.
  
- 3. The following standards shall apply to parking areas in the TNDO.
  - a. Non-residential off-street parking shall be to the side or rear, or located

within internal parking areas screened from the street.

- b. On-street parking spaces along the street frontage of a lot shall be counted toward the minimum number of parking space required for the use.
  - c. On-street parking spaces shall be designed to be parallel to the curb, and angled parking may be provided for a Close.
  - d. Off-street parking may be located with six hundred (600) feet (measured along a publicly accessible route) from the lot containing the use to which the parking is accessory. Said lot containing the parking shall be owned or leased to the owner of the principal use, or the lot containing the parking shall be dedicated to parking as long as the use to which it is accessory shall continue and it is owned by an entity capable of assuring its maintenance as accessory parking. Shared parking shall be in accordance with Section 307.G, herein.
  - e. On-street parking within a Close may be permitted in accordance with Article VIII, Form Based Code Regulations.
4. All buildings shall meet the following tract setback requirements.
    - a. Setback from all external road ultimate right-of-way: Fifty (50) feet.
    - b. Setback from the tract boundary: Fifty (50) feet, unless the use(s) proposed along the TNDO tract boundary is permitted in the adjoining Zoning District. If the TNDO use(s) is permitted in the adjoining Zoning District the tract boundary setback may be reduced to the adjoining Zoning District setback requirements.
    - c. Setback from active recreation areas, with the exception of tot-lots: One hundred fifty (150) feet.
  5. All Traditional Neighborhood Developments shall have an interior interconnected street system, which provides access to all sub-areas and lots.
  6. A landscaping plan for the entire tract shall be required and shall be in accordance with Section 609 of the Lititz Borough Subdivision and Land Development Ordinance. It is recommended that a Landscape Architect licensed by Commonwealth of Pennsylvania be retained to complete such a plan to ensure the proper species, use and arrangement of plant materials. The preservation of existing vegetation is strongly encouraged for landscaping purposes.
    - a. Earthen berms may be incorporated into the landscaping plan along public street frontage and along property lines abutting existing dwellings when approved by the Borough.
    - b. Landscaped areas shall be continually maintained by the landowner, or a

homeowner’s association, or a property owners association, or a condominium association. Care, grooming, and replacement of plants shall be included as part of the required maintenance. Failure to adequately maintain landscaped areas shall be subject to a citation issued by the Borough.

- c. Parking areas within a TNDO shall be adequately landscaped in order to provide shade, to screen vehicles from public streets, and to reduce glare and noise within the development itself and shall be designed in accordance with Section 603 of the Lititz Borough Subdivision and Land Development Ordinance.
  - d. Buffers and screens shall be in accordance with Section 609 of the Lititz Borough Subdivision and Land Development Ordinance.
7. All signage within the NSA shall conform to the requirements list for the Borough’s Commercial District.
  8. The design principles and design guidelines in the Downtown Lititz Master Plan shall apply when applicable to the planning, design, and implementation of a TNDO in the NSA, CRA, and NRA.
  9. The Form-Based Code Regulations of Article VIII, shall apply.

**SECTION 217. Form-Based Code Regulations for Districts.**

- A. The Form-Based Code Regulations of Article VIII shall apply to the Zoning Districts that are overlaid by the boundary of the Downtown area depicted in the Downtown Overlay District.
- B. The Form-Based Code Regulations of Article VIII shall apply to Redevelopment in all Zoning Districts.
- C. The Form-Based Code Regulations of Article VIII shall apply to the TNDO Overlay District.
- D. The Form-Based Code Regulations of Article VIII shall apply to any new development or redevelopment on a property of 8,400 square feet or larger within any zoning district.

**SECTION 218. Downtown Overlay District.**

- A. All Form-Based Code Regulations of Article VIII shall apply to the Downtown Overlay District.
- B. Whenever an existing lot is proposed for Redevelopment, the Form-Based Code Regulations of Article VIII shall apply.

### C. Development Incentives

1. **Parking:** As an incentive to business activities in the Downtown Overlay District, the parking required under the provisions of Section 307., Off-Street and On-Street Parking Requirements, may be reduced as follows:
  - a. Only thirty percent (30%) of the required parking shall be provided for buildings with 20,000 square feet or greater of gross floor area.
  - b. Only twenty percent (20%) of the required parking shall be provided for restaurants and facilities with liquor licenses up to 100 seats. Additional seats beyond 100 shall have parking provided at standard rate. The parking reduction for full-time employees will remain regardless of size.
  - c. Only ten percent (10%) of the required parking shall be provided for all other uses in the Downtown.
2. **Floodplain Restoration & Reduction of Impervious Surfaces:** A large portion of the underutilized land in the Downtown District lies within the floodplain, much of which is paved. As an incentive to restore the floodplain and increase the natural areas adjacent to Lititz Run, projects undertaking restoration activities can take advantage of height bonuses and will be permitted to cluster the gross allowable density into a smaller footprint.
  - a. A 45% reduction in existing impervious surfaces and/or a floodplain restoration on 45% of the site permits an increase of 10 feet to the maximum allowable height and permits the applicant to cluster the total allowable density onto the remaining 55% of the site.
3. **Affordable Housing:** The affordable housing residential density bonuses in §216.4.a shall apply to any development within the Downtown Overlay District.

- D. **Open-Space, Lititz Run, & the Lititz Rail Trail** – Any development adjacent to either Lititz Run or the Lititz Rail Trail (either identified on the Borough’s Official Map or its subsequent implemented alignment) shall orient required open space towards either or both of these features to the greatest extent practical. Additionally, part of this required open space shall provide ground for the trail if such ground would help extend the trail towards Lititz Springs Park. Whenever possible, buildings shall be oriented to overlook these features while vehicular access shall be provided on the opposite side.

**SECTION 219. Lititz Run Revitalization District****A. Purpose**

Lititz Run has been the heart of our community since its earliest days. However, generations of industrial use have left the stream corridor to be underutilized and impacted by an overabundance of paved surfaces. While the corridor presents the Borough's largest redevelopment opportunity, the stream's floodplain and industrial heritage presents challenges to conventional development.

The purpose of the Lititz Run Revitalization District is to allow for appropriate commercial and residential development that achieves the vision set forth in the Downtown Redevelopment Plan. Such development would connect and complement both Downtown and the residences along Front Street while incentivizing the restoration of Lititz Run.

**B. Permitted Uses**

1. The following business uses shall be permitted in the LRRD provided that the use shall not exceed one thousand five hundred (1,500) square feet of floor area when in a building of two stories, or four thousand (4,000) square feet of floor area when in a building of three or more stories.
    - a. Personal Services
    - b. Retail Businesses
  
  2. The following business uses shall be permitted in the LRRD provided that the use shall not exceed four thousand (4,000) square feet of floor area when in a building of two stories, or ten thousand (10,000) square feet of floor area when in a building of three or more stories. However, the use may exceed the above square footage as a special exception, but shall be designed to the satisfaction of the Zoning Hearing Board that the exterior of the building will continue to give the appearance of a small storefront area.
    - a. Banking and other financial institutions.
    - b. Business and professional offices and studios, including medical and dental offices.
    - c. Restaurants, Taverns, and Cafes.
      - (1) Outdoor seating for eating establishments shall maintain a minimum six-foot clear zone for pedestrian movements.
  
  3. Apartments and Condominiums
  4. Single-Family Attached including quadraplexes
  5. Breweries or Distilleries
    - a. Outdoor seating for eating establishments shall maintain a minimum six-foot clear zone for pedestrian movements.
  6. Live Music Venues
  7. Business conversions subject to Section 418
  8. Hotels subject to Section 420
  9. Public Garages, Private Garages, and Parking Structures
-

- 10. Public Parks, Playground, Recreation Areas or Trails, including greens and civic space, subject to Section 410
- 11. Stream Restoration in accordance with Section 427
- 12. Conversion Apartments subject to Section 406.
- 13. Commercial Recreation
- 14. Customary accessory uses, buildings, and structure incidental to the above permitted uses subject to Section 301.
- 15. Event Space

Drive-in facilities and adult-oriented uses are not permitted in this District. Mixed-use structures are encouraged in this District.

C. Special Exception Uses

- 1. Theatre in accordance with Section 428
- 2. Home Businesses
- 3. Day Care center in accordance with Section 402.
- 4. Short-Term Rental subject to Section 430.

D. Conditional Uses

- 1. Demolition of an existing structure subject to Section 322

E. Lot Requirements

- 1. The minimum lot and yard requirements shall be determined by the following table as well as all other applicable provisions contained in this Section.

Minimum Lot Area (S.F.)	No Minimum
Minimum Lot Width (ft)	No Minimum
Maximum Front Yard (ft)	10, unless the front yard incorporates restoration work. New structures shall be oriented to new or existing streets and shall be placed on the right-of-way whenever possible.
Minimum Side Yard (ft)	No Minimum
Minimum Rear Yard (ft)	20 feet, except for structures along alleys in which case the minimum setback shall be ten (10) feet from the edge of pavement
Maximum Lot Coverage	85%

F. Height Requirements

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By right, principal buildings shall be between two and five stories above grade with a maximum height of sixty (60') feet and a minimum of twenty (20') feet. The height limit shall not apply to bell or clock towers, cupolas, steeples, or similar architectural features in accordance with Section 304 herein. Heights in this district, including heights increased through Downtown Overlay incentives, shall take precedence over the heights noted in the Form Based Code.

G. Signage Requirements

All signage shall conform to the requirements as listed for the Commercial District

H. Frontage on N. Broad, N. Cedar, and N. Water

New development along these streets shall be massed so as to present a streetscape between downtown and the residential neighborhoods to the north. To achieve this goal new structures shall be built on the right-of-way. Furthermore, no more than 20% of the new streetscape shall be residential on the first floor.

I. Redevelopment of Existing Buildings

The redevelopment of existing buildings on parcels of one acre or greater shall be a mixed-use. The buildings shall be redeveloped so that a single use does not comprise more than 80% of the redevelopment.

J. Residential Density

The maximum gross residential density in this zone, prior to the application of incentives, shall be twenty-five (25) dwelling units per acre.

## ARTICLE III

## SUPPLEMENTARY REGULATIONS

**SECTION 300. Supplementary Regulations.**

The provisions of this Ordinance shall be subject to such exceptions, additions or modifications as herein provided by the following Supplementary Regulations.

**SECTION 301. Accessory Buildings and Structures.**

- A. An accessory building attached to a principal building shall comply in all respects with the yard requirements of this Ordinance for the principal building.
- B. Detached accessory buildings.
1. Detached accessory buildings shall be located to the rear of the front building line of the principal building.
  2. Accessory buildings for principal uses other than residential shall be located not closer than eight (8) feet to any side or rear property line abutting a residential district or lot used for residential purposes.
  3. Detached accessory buildings shall not be located in the flood plain.
  4. Detached accessory buildings in residential districts.  
In the R-S, R-1, R-2, R-2A and R-A Districts, the following additional regulations apply:
    - a. Detached private garages.
      - (1) Maximum capacity - three (3) automobiles.
      - (2) Maximum height - twenty (20) feet.
      - (3) No temporary garage structures shall be permitted.
      - (4) Detached private garages shall be located a minimum of six (6) feet from any side property line. Rear setback shall be a minimum of eight (8) feet from an alley right of way line or twenty (20) feet from any rear property line that directly abuts another parcel.
    - b. Other detached accessory buildings. Other detached accessory buildings may be located in any required rear yard provided:
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(1) Such building shall not exceed one story or be more than fifteen (15) feet in height.

(2) All such buildings in the aggregate shall not occupy more than thirty (30) percent of the area of the required rear yard where so located.

(3) Such building shall not exceed 144 square feet in floor area.

(4) Detached accessory buildings in rear yards shall be located a minimum of eight (8) feet from any property line.

c. Detached accessory buildings for permitted attached and semi-detached dwellings shall be located no closer than six (6) feet from any side lot line formed by a building party wall.

5. Detached accessory buildings in nonresidential districts.

In the nonresidential districts, the following additional regulations apply:

a. In any nonresidential district, an accessory building on that portion of a lot not included in any required yard shall conform with the height regulations for principal buildings.

b. Accessory buildings located in a rear yard area shall be a minimum of twenty (20) feet from the rear property line.

c. Accessory buildings shall be a minimum of ten (10) feet from any side property line.

C. Accessory Structures.

1. Driveways shall be at least three (3) feet from a side property line. Only one driveway shall be permitted per property in the R-S, R-1, and R-2 Districts. Requests for an additional driveway shall be considered by variance for properties that exhibit severe topographic conditions.

2. Fish ponds, fountains, and like type structures shall be at least six (6) feet from a property line.

3. Swimming pools shall be at least ten (10) feet from any property line.

4. Any other structure not addressed above, shall be at least six (6) feet from any property line, or as determined by the Zoning Hearing Board

**SECTION 302. Temporary Structures for Dwelling Purposes.**

No cabin, mobile home, garage, basement without a full story above, or other temporary structure, whether of a fixed or mobile nature, may hereafter be erected or established for anydwelling purpose for any length of time unless approval for temporary use is granted as a special exception by the Zoning Hearing Board.

**SECTION 303. Water Supply and Sewage Facilities Required.**

In the interest of protecting the public health, safety and welfare, every building or part thereof intended for human occupation or inhabitation hereafter erected, altered or moved shall be provided with public water and public sewer service.

**SECTION 304. Exceptions.**

- A. Public Utility Corporations. The provisions 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. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Borough have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.
- B. Exceptions to Height Limitations. Exceptions to Height Limitations. All buildings and structures shall be subject to the maximum height regulations specified within each zoning district except chimneys, church spires, belfries, cupolas and domes not intended for human occupancy, monuments, public utility lines, smokestacks, poles, antennas, towers, water storage tanks, signs, elevators, penthouses, flagpoles, silos, windmills, farm accessory buildings or other similar structures. However, no penthouse, roof structure nor any space above the height limit specified in the applicable zoning district shall be allowed for the purpose of providing additional habitable floor space for residential, commercial or industrial use. The height of any such structure or projection shall not exceed seventy (70) feet in height unless the following criteria can be satisfied:
- C. Certification from a professional engineer that the proposed height of said use does not extend above the permitted height ceiling depicted on the Airport Hazard Area for Lancaster Airport Map.
- D. The applicant shall furnish a letter from the Lancaster Airport Authority indicating that the proposed use has been reviewed and would not violate the permitted height restrictions listed in the Federal Aviation Regulations No. 77.

Should a disagreement between the applicant's engineer and the Lancaster Airport Authority occur as to the satisfaction of a proposed use's height, the Zoning Hearing

§ 304.

Board shall conduct a hearing and render a decision regarding the matter in accordance with Article VI of this Ordinance. The provisions of this Section 304 (B) shall not apply to wireless or cellular communication towers, antennas and cell sites.

§ 306.

**SECTION 305. Required Street Access.**

- A. All uses and parking shall be provided with adequate access to an abutting improved public or private street. Such access shall be part of an approved Land Development Plan.
- B. No more than two (2) lots shall share a private lane, alley or unpaved thoroughfare. Whenever, three (3) or more lots are created, an improved thoroughfare, paved with all-weather material, shall exist or shall be created.

**SECTION 306. Yard and Lot Requirements.**

A. Corner Lots:

- 1. Front yards are required on all street frontages, and the other yards shall be deemed to be side yards.
- 2. No obstructions to vision exceeding four (4) feet in height above curb level shall be erected or maintained within the required clear-sight triangles.

B. Projections Into Required Yards:

- 1. Cornices, canopies, eaves or other architectural features may project into side yards a distance not exceeding two (2) inches per one (1) foot of side yard width but may not exceed a total of three (3) feet.
- 2. Bay windows, balconies, fireplaces, uncovered stairways and necessary landings, and chimneys may project a distance not exceeding three (3) feet into a required side yard.
- 3. Patios and paved terraces may be located in side and rear yards provided that they do not extend closer than five (5) feet from any property line. In case of a corner lot, no such structures shall extend into the required yard adjoining each street.
- 4. Front porches, by Special Exception in accordance with Section 422.

C. Through Lots:

Where a lot extends through from street to street, the applicable front yard regulations shall apply on both street frontages. However, in the event of a complete system of through lots which are designed for reversed frontage, the front yard need only be along the more minor street of the subdivision.

**SECTION 307. Off-Street and On-Street Parking Requirements.**

Accessory off-street parking spaces, open or enclosed, shall be provided for any use where specified in the District Regulations, in this Section, or in any other regulations found in this Ordinance, subject to the following provisions:

- A. Location of Parking Areas. Enclosed off-street parking spaces, including public and private garages, shall conform to the applicable building setback requirements of this Ordinance.
- B. Areas Computed as Parking Spaces. Areas which may be computed as open or enclosed off-street parking spaces include any private garage, carport, or other area available for parking, other than a street or driveway. However, a driveway within a required front yard for a single-family or two-family residence may count as one parking space per every 162 square feet of area, provided such space is at least 18 feet deep.
- C. Size of Spaces in Parking Compounds/lots. 162 square feet shall be considered one parking space. Entrance and exit lanes shall not be computed as parking space.
- D. Large Parking Lots. Parking lots designed for ten (10) or more spaces shall be part of an approved Land Development Plan.
- E. Adequate Access. Unobstructed access to and from a street shall be provided.
- F. Drainage and Surfacing. All open parking areas shall be drained in a manner that does not create a hazard or damage other properties and paved in accordance with the following minimum standards:
  - 1. Crushed aggregate base course with a minimum thickness of six (6) inches, as specified in PennDOT Specifications, Form 408, and its latest revisions.
  - 2. The bituminous surface shall consist of a minimum of one and one-half (1-1/2) inches of ID-2 binder course and one (1) inch ID-2 wearing course. Material shall be equal or superior to PennDOT Specifications, Form 408, as amended, and shall be applied in accordance with those same specifications.
  - 3. In the alternative, a pervious surfacing material approved by the Borough Engineer may be used.
- G. Minimum Number of Spaces Required. Except as partially exempted in the Downtown Overlay District, as per Section 218.D., the minimum number of off -street parking spaces by type of use shall be determined in accordance with the following provisions. When the computation to determine the number of required parking spaces results in a

requirement of a fractional space, any fraction up to and including one-half (0.5) shall be disregarded, and fractions over one-half (0.5) shall equal one (1) space.

1. Parking Requirements for Residential Uses

- a. Apartment houses: The total number of parking or garage spaces shall be one and a half (1.5) times the number of dwelling units in the building. An additional 10% of the required spaces will be provided to accommodate guests.
- b. Apartment units in combination with permitted commercial uses shall provide parking spaces as required if both uses were established separately unless meeting the requirements of §307.G.
- c. Hotels, Motels, and Bed and Breakfast Inns: At least one (1) parking space for each guest room, plus one additional space for every two (2) full- time employees. If a restaurant in connection with the above is open to the public, the off-street parking facilities shall be not less than those required for restaurants, in addition to those required for guest rooms.
- d. Dwellings: Two (2) parking spaces for each dwelling unit.

2. Parking Requirements for Commercial Uses

- a. Beauty shops and barber shops: Three (3) parking spaces for each chair to be utilized in the business. If, however, the beauty shop or barber shop is legally part of a residence, two (2) spaces for each chair provided there are two (2) parking spaces for the residents.
- b. Bowling Alleys: At least four (4) spaces per bowling lane.
- c. Commercial Kennels: One (1) space per employee plus three (3) spaces for customer parking.
- d. Commercial Recreation: One (1) space per five (5) seats or similar accommodation; or one (1) space per two (2) lockers or similar accommodation, whichever yields the larger parking requirement.
- e. Commercial Vehicles: Space shall be provided at the rear of each commercial or business building for the parking of commercial vehicles

- f. Dance Halls, Roller Rinks, Clubs, Lodges and Other Similar Places: At least one (1) parking space for each one hundred (100) square feet of floor area.
- g. Department/Variety Stores: Not less than one (1) parking space per every three hundred (300) square feet of floor area, or fraction thereof.
- h. Drive-in Restaurants or similar establishments: At least two (2) spaces for each fifty (50) square feet of building floor area.
- i. Food Stores and Pharmacies: At least one (1) space for every two hundred (200) square feet of floor area.
- j. Medical, Dental and Veterinary Offices and Clinics: At least four (4) parking spaces per practitioner.
- k. Mortuaries, Funeral Homes and Undertaking Establishments: At least one parking space for each three (3) seats for public use. Such space shall be in addition to employee parking needs, and service area for mobile equipment such as hearses and ambulances.
- l. Office Buildings: At least one (1) parking space for each three hundred (300) square feet of floor area, or fraction thereof.
- m. Open Areas Used For Commercial Purpose: At least one (1) parking space for each one thousand five hundred (1,500) square feet of area, or fraction thereof.
- n. Personal service establishments (not otherwise provided for): One (1) space for each two hundred (200) square feet of floor area or fraction thereof devoted to such use plus one (1) space per employee.
- o. Restaurants and Bars: At least one (1) parking space for each four (4) customer seats, plus one (1) additional space for every two (2) full-time employees.
- p. Retail Stores: At least one (1) parking space for each three hundred (300) square feet of floor area, exclusive of areas not used for sale or display of merchandise.
- q. Self-Service Laundries: One (1) space per every 1.5 washing machines.
- r. Shopping Centers: Not less than 4.5 parking spaces per every one thousand (1000) square feet of floor area, or fraction thereof.

- s. Motor Vehicle Sales and Service or Motor Vehicle Body Shops and Repair Garages: At least one (1) parking space for each one hundred (100) square feet of floor area devoted to sales, repairs, or service facilities, in addition to display and storage spaces.
- t. Motor Vehicle Service Stations: At least one (1) parking space for every three (3) service bays plus one (1) parking space for every two (2) fuel pumps, or fraction thereof. In no case shall there be fewer than five (5) parking spaces provided.
- u. Motor Vehicle Washes: No less than four (4) spaces per wash lane.
- v. All other commercial uses: One (1) space per employee plus such space as may be determined by the Zoning Hearing Board on a case by case basis. The Board shall make an attempt to set the required number of spaces by reviewing this ordinance for comparable uses.
- w. In addition to all of the above minimum requirements, additional spaces for visitor parking and salesmen shall be provided according to the specific requirements of each use as determined by the ZHB.

### 3. Parking Requirements for Industrial Uses.

- a. Bus and Trucking Terminals: Sufficient parking to accommodate employees and visitors, subject to the approval of the Borough.
- b. Manufacturing, Printing or Publishing, and other Industrial Establishments: At least one (1) parking space for each two (2) employees on the largest shift, or each five hundred (500) square feet of floor area, whichever is greater.
- c. Wholesale Sales, Storage or Distribution: At least one (1) space for each one thousand (1,000) square feet of sales and storage area or each two (2) employees working on the largest shift.
- d. In addition to all of the above minimum requirements, additional spaces for visitor parking and salesmen shall be provided according to the specific requirements of each use.

### 4. Parking Requirements for Public and Quasi-Public Uses.

- a. Day Care Centers and Nursery schools: One (1) space per employee plus three (3) spaces for a drop-off area.

- b. Elementary Schools: Two and one half (2.5) spaces for each classroom plus one (1) space for each five (5) seats in any auditorium or other place of public assembly.
- c. Golf Course: At least six (6) parking spaces for each tee.
- d. Golf Driving Range: At least one (1) parking space per tee.
- e. Hospitals, Nursing or Convalescent Homes: Parking space shall be provided for visitors at the rate of at least one (1) parking space for each three (3) accommodations (beds) for patients, plus one (1) space for each employee on largest shift.
- f. Miniature Golf Courses: At least two (2) parking spaces per hole.
- g. Park or Recreation Area; Private Club for Hunting, Horseback Riding, Tennis or other Racquet Sports; or Other Outdoor Recreational Use: Variable, depending upon proposed intensity of use, and subject to the approval of the Borough.
- h. Secondary Schools and Similar Educational Establishments: Four (4) spaces for each classroom plus one (1) space for each five (5) seats in any auditorium or other place of public assembly.
- i. Swimming pools: Where a swimming pool is the principal use at least one parking space for each four (4) persons based upon the designed capacity of the pool.
- j. Theaters, Auditoriums (excluding schools), Places of Worship, Stadiums, or any other place of public or private assembly: At least one (1) parking space for each four (4) seats or two hundred (200) square feet of floor space provided for public or private assembly, whichever is greater.

5. All Other Uses

For other uses which do not fit into one of the above categories, determination of the required number of off-street parking spaces shall be made by the Zoning Hearing Board. It is the intent of these regulations that adequate off-street parking and loading facilities be provided for each land use.

- H. Combined Spaces. When any lot or structure contains two (2) or more uses having different parking requirements, the parking requirements for each use shall apply to the extent of that use. Where it can be conclusively demonstrated that one (1) or more such uses will be generating a demand for parking spaces primarily during periods when the

other use or uses is not or are not in operation, the Zoning Hearing Board may reduce the total parking spaces required for that use with the least requirement.

- I. Location and Ownership. Required accessory parking spaces, open or enclosed, shall be located within 500 feet walking distance of the use which they serve. In all cases such parking spaces shall conform to all the regulations of the District in which the parking spaces are located; and in no event shall such parking spaces be located in any Residential District unless the use to which the spaces are accessory is permitted in such Residential Districts. If the proposed parking spaces are under separate ownership, the applicant shall provide a written agreement, acceptable to the Borough, establishing permission to use said parking spaces.
- J. On Lots Divided by District Boundaries. Parking spaces on lots divided by zoning district boundaries may be located without regard to district lines, provided that no such parking spaces shall be located in any Residential District, unless the use to which they are accessory is permitted in such district.
- K. Regulations for Parking Spaces Adjacent to Lots in Any Residential District. Buffer planting shall be provided for parking compounds and access drives which are adjacent to lots in residential districts, lots in existing residential use and public rights-of-way.
- L. Regulations for Parking Spaces in the Commercial District. Required off-street parking spaces in the Commercial District shall not be located closer to the front lot line than the face of the principal building. Off-street parking located in any side yard or in the building area to the side of the principal building shall be screened so as to not create a nuisance to neighboring properties.
- M. Handicapped Parking. Handicapped parking spaces shall be provided in accordance with the applicable requirements of the Americans with Disabilities Act (ADA).
- N. On-Street Parking. Except as set forth below, On-Street Parking shall be provided on both sides of all streets in accordance with Article VIII, Form-Based Code Regulations and the Lititz Borough Subdivision and Land Development Ordinance.
  - 1. On-street parking may be provided along streets only when approved as part of the Land Development Plan approval process.
  - 2. On-street parking may be counted toward the required parking as set forth in Section 307.G., only if such parking is located along the frontage owned by the applicant or landowner, exclusive of any curb cut.
  - 3. A bona-fide on-street parallel parking area shall measure seven (7) feet in width and twenty-two (22) feet in length, and shall be parallel to the curb line or other

edge of pavement.

4. Within a Close, on-street angled parking may be permitted.
  5. All eligible on-street parking areas shall be clearly depicted on a plan. Such parking areas shall not conflict with any turning movements off the cartway or obstruct access to any street, driveway, sidewalk, crosswalk, other accessway, or fire hydrant.
- O. Deferred Parking Areas. The total number of required parking spaces shall receive all required approvals and permits. ~~At~~The construction of a maximum of twenty five percent (25%) of the number of parking spaces required by this Ordinance may be deferred during the initial construction of a project. The Recorded Plans for any project where parking is deferred shall include the design of the deferred parking area on the plan and the following note “The Borough has the right at any time to direct the current and/or future owner of the property to install a portion or all of the deferred required parking spaces. The owner of the property shall construct any deferred parking area within six (6) months of receiving a written request of the Borough”.

**SECTION 308. Off-Street Loading Requirements.** Off-street loading spaces (loading spaces), open or enclosed, are permitted accessory to any use (except one-or two-family residences) subject to the following minimum provisions:

- A. Uses for Which Required. Accessory off-street loading spaces shall be provided for any use specified below. Any land which is developed as a unit under single ownership and control shall be considered a single lot for the purpose of these minimum loading requirements.
  1. For a public library, museum, or similar quasi-public institution, or governmental building, community center, hospital or sanitarium, nursing or convalescent home, institution for children or the aged, or school with floor area of up to 10,000 square feet, one (1) loading space; for each additional 25,000 square feet or fraction thereof, one (1) additional loading space.
  2. For buildings with professional, governmental, or business offices, or laboratory establishments, with floor area of 10,000 to 25,000 square feet, one (1) loading space; for each additional 25,000 square feet or fraction thereof up to 100,000 square feet, one (1) additional loading space; for each additional 50,000 square feet or fraction thereof, one (1) additional loading space.
  3. For buildings with offices and retail sales and service establishments, one (1) loading space for 8,000 to 25,000 square feet of floor area, and one (1) additional loading space for each additional 25,000 square feet of floor area or fraction

thereof so used.

4. For mortuaries and funeral homes, one (1) loading space for each chapel. (Such loading spaces shall be at least 10 feet wide, 20 feet long, and 14 feet high).
  5. For hotels, motels and resorts, one (1) loading space for each 25,000 square feet of floor area.
  6. For manufacturing, wholesale and storage uses, and for dry -cleaning and rug cleaning establishments and laundries, one (1) loading space for 5,000 to 10,000 square feet of floor area in such use, and one (1) additional loading space for each additional 20,000 square feet of floor area or fraction thereof so used.
  7. Off-street loading requirements for uses not specifically cited above will be determined by the Zoning Officer on a case-by-case basis.
- B. Size of Spaces. Each required loading space shall conform to a dimension of not less than twelve (12) feet by fifty (50) feet, or six hundred (600) square feet in area, with a minimum overhead clearance of not less than sixteen (16) feet in height.
- C. Location and Access. Unobstructed access, at least ten (10) feet wide, to and from a street shall be provided. Such access may be combined with access to a parking lot. All permitted or required loading spaces shall be on the same lot as the use to which they are accessory. Where possible, no off-street loading space shall be located in any front yard. Where possible, off-street loading space shall be located on the face of a building not facing any adjoining land in a residential district. Wherever possible, required off-street parking space shall not be utilized for loading space.
- D. Joint Facilities. Permitted or required loading spaces, open or enclosed, may be provided in spaces designed to serve jointly two (2) or more adjacent establishments on the same lot, provided that the number of required loading spaces in such joint facilities shall not be less than the total required for all such requirements.
- E. On Lots Divided by District Boundaries. Loading spaces on lots divided by zoning district boundaries may not be located in any Residential District, unless the use to which they are accessory is permitted in such district.

### **SECTION 309. Outdoor Storage.**

- A. Outdoor storage shall be completely screened from view of any adjacent residential use. Screening shall consist of evergreen plantings, architectural screen, fence or wall, in accordance with the requirements of Section 313 of this Ordinance.

- B. No storage shall be permitted within the front yard of any lot.
- C. Outside storage of raw materials and/or finished products shall be permitted only within the buildable area of the lot to the rear of the front building wall of the principal building, and shall not exceed ten (10) feet in height in residential districts and twenty (20) feet in height in other districts.
- D. In multiple family, commercial, industrial and other nonresidential developments, garbage storage shall be centralized and enclosed on three sides by architectural screening or a planting strip in accordance with Section 313 of this Ordinance.
- E. In R-S, R-1, R-2, R-2A and R-A districts, no commercial vehicle, truck, trailer, recreational vehicle over four (4) feet in height or similar equipment, shall be regularly parked or stored within any of the required yards for more than 24 hours within a thirty (30) day period.
- F. No flammable or explosive liquids, solids or gases shall be stored in bulk above ground, except for tanks of fuel (1) directly connected to energy or heating devices or (2) used in conjunction with active agricultural or construction activities. A list of such liquids, solids or gases stored on site shall be supplied to the appropriate fire companies serving the Borough. The applicant shall also demonstrate compliance with all applicable regulations of the U.S. Environmental Protection Agency; Pennsylvania Department of Environmental Protection; and the Pennsylvania State Police, Fire Marshall Division, including notification and registration requirements.
- G. No structure or land shall be used or developed, and no structure shall be located, extended, converted or structurally altered unless the applicant takes all reasonable measures to minimize the impacts of the above ground and underground storage of heating oil, gasoline, diesel fuel, chemical solutions or other substances which, if released, would constitute pollutants to surface water or groundwater. The applicant shall also demonstrate compliance with all applicable regulations of the U.S. Environmental Protection Agency; PA Department of Environmental Protection; and the Pennsylvania State Police, Fire Marshall Division, including notification and registration requirements.

**SECTION 310. Fences and Walls.**

- A. In the R-1, R-2, R-S, R-A, and R-2A residential districts, no fences and/or walls shall exceed a total of four (4) feet in height in any front yard or a total of six (6) feet in height in any side yard beyond the front yard setback or front yard build-to line, and any rear yard. A front yard fence or wall shall be located behind the sidewalk. Side and rear yard fences and/or walls may be placed on the property line. Fences and/or walls may be erected to a total height not exceeding eight (8) feet when located beyond the required side and rear yard setbacks of any lot.
  - B. In nonresidential districts, fences or walls may be erected to a height not exceeding eight
-

(8) feet along the side and rear lot lines, with the following exceptions:

1. No fences and/or walls or combination of fences and/or walls shall exceed four (4) feet in height along any side lot line between the front property line and the front setback line, nor across the front of any commercial or industrial property if such location is forward of any abutting property's front setback line.
  2. Where such lots abut property zoned for residential use, fences and/or walls or a combination of fences and/or walls may not exceed six (6) total feet in height along lot lines where so abutting.
- C. Fences surrounding tennis courts shall be erected to a height not exceeding ten (10) feet, per the further requirements of Section 315.
- D. No fences and/or walls shall obstruct any required clear sight triangle.
- E. A Building Permit shall be required for the construction of any fences and/or walls within the Borough.

### **SECTION 311. Sign Regulations.**

- A. Purposes. The purposes of these sign regulations are (1) to regulate the nature and use of signage in order to maintain and enhance the traditional aesthetic environment of the Borough; (2) to promote pedestrian and traffic safety; (3) to minimize the adverse effects of signage on nearby properties; and (4) to enable the fair and consistent enforcement of these Sign Regulations.
- B. Applicability - Effect. Signs may be erected, placed, established, created, altered or maintained only in conformance with the standards, procedures, exemptions and other requirements of this Section and any and all other ordinances and regulations relating to signs. Zoning permits shall be required for the erection, placement, establishment, creation or alteration of all signs, unless otherwise indicated in this Section.

The effect of this Section, as more specifically set forth herein, is as follows:

1. To establish a permit system to allow a variety of types of signs in non-residential districts, and a limited variety of signs in all other districts, subject to the standards and the permit procedures of this Section;
  2. To allow certain signs that are small, unobtrusive and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Section, but without a requirement for permits;
  3. To provide for temporary signs without commercial messages in limited circumstances in the public right-of-way;
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4. To prohibit all signs not expressly permitted by this Section; and
5. To provide for enforcement of the provisions of this Section.

C. Computations. The following regulations shall control the computation of sign area and sign height.

1. Computation of Area of Individual Signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, triangle, rectangle or circle, or combination thereof, that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting bracing, or decorative fence or wall when such fence or wall otherwise meets regulations of this Ordinance and is clearly incidental to the display itself.
2. Computation of Area of Multi-faced Signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces.
3. Computation of Sign Height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign.

D. Design, Construction, and Maintenance. All signs shall be designed, constructed and maintained in accordance with the following standards:

1. All signs shall comply with applicable provisions of any building and electrical codes as adopted by the Borough.
2. Except for banners, flags, temporary signs and window signs conforming in all respects with the requirements of this Section, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure.
3. All signs shall be maintained in good structural condition.

E. Signs Allowable in All Districts.

Signs listed in this Sub-section are allowed in all zoning districts as defined by this Ordinance and shall not require permits and shall not be included in any calculations of total square footage limitations. However, such signs shall conform with all other applicable regulations of this Section.

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1. Name and Address of Resident - Name and address of resident, but not to include any commercial advertising, of not more than two (2) square feet in sign area.
2. No Trespassing Signs - No trespassing signs or other such signs regulating the use of a property, such as "No Hunting" and "No Fishing," of not more than two (2) square feet in sign area in residential districts, and five (5) square feet in all non-residential districts, shall be located no closer than fifty (50) feet apart.
3. Signs Regulating On-Premise Traffic and Parking or Other Functional Subjects - Signs regulating on-premise vehicular and pedestrian traffic and parking (Examples: "In-Out", "Enter-Exit", "One Way", "Do Not Enter", "Handicapped Entrance", "Deliveries in Rear") of not more than two (2) square feet in residential districts and five (5) square feet in non-residential districts. No such signs shall bear any commercial advertising.
4. Signs Erected by a Governmental Body - Signs erected by a governmental body or under the direction of such a body and bearing no commercial advertising, such as traffic signs, railroad crossing signs, safety signs, and signs identifying public schools and playgrounds.
5. Memorial Signs or Tablets - Memorial signs or tablets and signs denoting the date of erection of buildings.
6. Garage or Yard Sales - Such signs shall be limited to a maximum size of five (5) square feet in area and shall be removed within twenty-four (24) hours after the event or activity advertised thereby has occurred. All such signs shall be permitted only on the premises where the event or activity is to take place, and shall not be erected more than forty-eight (48) hours prior to such event and activity. See also Sub-section 311 J. 3.
7. Temporary Signs Announcing Special Events of Charitable or Public Service Groups - Such signs may be window signs or freestanding signs and shall be limited to a maximum size of thirty-two (32) square feet in area, shall not be permitted to exist more than thirty (30) days prior to the event or activity which they advertise, and shall be removed as soon as the related event or activity has concluded.
8. Permanent Residential Development Signs - Permanent residential development signs at major entrances designed to identify a residential subdivision and containing no commercial advertising shall have a maximum area of twenty-five (25) square feet and be limited to one (1) sign per street entrance.

F. Signs Prohibited in All Zoning Districts.

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The following signs shall not be permitted, erected or maintained in any zoning district,

notwithstanding anything else to the contrary contained in this Section or elsewhere:

1. Animated signs and signs which incorporate in any manner any flashing or moving illumination or with illumination which varies in intensity or which varies in color, and signs which have any visible moving part, visible revolving parts, or visible mechanical movement of any description, or other apparent visible movement achieved by electrical pulsations or by action of normal wind currents. Clocks, hanging signs which move with air currents, time and temperature signs and barber poles are exempted, provided they otherwise comply with all other provisions of this part.
2. Light sources which cast light on signs unless shielded by opaque material so that bulbs are not visible from off the property on which the signs are located.
3. Any sign or sign structure which constitutes a hazard to public safety or health.
4. Signs which by reason of size, location, content, coloring, or manner or intensity of illumination, distract or obstruct the vision of drivers, either when leaving a roadway or driveway, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device or public streets and roads.
5. Any sign which obstructs free ingress to or egress from a fire escape, door, window or other required building exit.
6. Signs which make use of the words such as "Stop," "Look," "One-Way," "Danger," "Yield," or any similar words, phrases, symbols, lights or characters, in such a manner as to interfere with, mislead or confuse traffic.
7. Any sign which advertises a defunct business or product no longer sold.
8. Signs on public property or public rights-of-way, unless erected by a governmental body, or unless required to be so located by order of a governmental body.
9. Signs painted on, attached to, or supported by a street sign or street light standard, stone, cliff, or other natural object.
10. Searchlights, pennants, spinners, banners and streamers, inflatable balloons and similar devices, except for temporary occasions not to exceed fifteen (15) days' duration, such as grand openings, and then only with special prior permission of the Zoning Officer, who shall grant such permission only when the request is demonstrated to be harmonious with the proposed location.
11. Manual changeable copy signs not permanently affixed to the ground or business structure, including those on wheels or in moveable frames.
12. Electronic Message Center Signs, whether static or animated.

G. Limit on Height of Signs.

No sign or any part thereof (including braces, supports or lights) shall exceed a height of twenty feet (20') if erected at the right-of-way line of the street, road or highway adjoining the premises on which the sign is located, plus one foot (1') additional height for each three (3) lineal feet that said sign is located from such street, road or highway as measured on a perpendicular line from such right-of-way line to the nearest part of the sign, provided, however, that no sign shall exceed thirty-five feet (35') in height regardless of its distance from the right-of-way line. No freestanding sign shall exceed fifteen feet (15') in height.

H. Signs in the Public Right-of-Way. No signs shall be allowed in the public right-of-way, except for the following:

1. Permanent Signs. Permanent signs, including:
  - a. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information and direct or regulate pedestrian or vehicular traffic;
  - b. Bus stop signs erected by a public transit company;
  - c. Identification signs of a public utility regarding its poles, lines, pipes or facilities.
2. Temporary Signs. Temporary signs, including:
  - a. Public signs erected by or on behalf of a governmental body to post legal notices, convey public information and direct or regulate pedestrian or vehicular traffic;
  - b. Signs announcing special events of charitable or public service groups, provided such signs shall be approved by the Borough and shall:
    - (1) be limited to a maximum size of thirty-two (32) square feet in area; and;
    - (2) be removed as soon as the event or activity thereby has occurred and shall not be permitted to exist more than thirty (30) days prior to such event or activity.
3. Emergency Signs. Emergency warning signs erected by a governmental agency, a public utility company or a contractor doing authorized or permitted work within the public right-of-way.
4. Other Signs Forfeited. Any sign installed or placed on public property, except in

conformance with the requirements of this Section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the Borough shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

I. Signs Allowable By Permit in Zoning Areas and Districts. Signs are allowable by permit in the Borough of Lititz as follows:

1. Historical Area. Signs are subject to the applicable district regulations. In addition, with the exception of Informational and Promotional Signage, the Zoning Hearing Board may approve, as a special exception, the application for a permit to erect, alter or modify any permanent sign in this area. The Board shall determine the size and type of sign so as to protect the appearance and character of the historical area in which it is located.

2. Residential R-S, Residential R-1, Residential R-2 and Residential R-A Districts.

- a. Signs allowed under Sub-section 311.E.
- b. Residential signs. One (1) identification sign per dwelling unit and one (1) sign indicating the private nature of a driveway or premises. If lighted, signs shall be illuminated by incident rays adequately shielded to avoid glare. Luminous signs are prohibited.
- c. Signs for uses allowed by special exception and signs for non-conforming uses. Signs for the identification of those uses allowed by special exception by the Zoning Hearing Board and for the identification of non-conforming uses shall be approved, as a special exception, by the Zoning Hearing Board. The Board shall approve the size and type of sign so as to protect the appearance and character of the district in which it will be located.
- d. Real estate signs shall not exceed twelve (12) square feet [six (6) square feet if single-sided] and shall be removed within a week after settlement on the sale or lease of the property. Such signs shall be limited to one (1) per street frontage.
- e. All signs are also subject to all other applicable regulations of this Section, including those outlined in Sub-section 311 K.

3. Office and Professional District.

- a. Signs allowed under Sub-section 311.E.
- b. Business Identification Signs and Informational Signage
- ~~c. The total area of all signs shall not exceed six (6) square feet. If lighted,~~

signs shall be illuminated by incident rays adequately shielded to avoid glare. Luminous signs are prohibited.

- d. Real estate signs shall not exceed twelve (12) square feet [six (6) square feet if single-sided] and shall be removed within a week after settlement on the sale or lease of the property. Such signs are limited to one (1) per street frontage.
- e. All signs are also subject to all other applicable regulations of this Section, including those outlined in Sub-section 311 K.

4. Commercial District.

- a. Signs allowed under Sub-section 311.E.
- b. Business Identification Signs, Informational Signage and Promotional Signage.
- c. The total area of all signs and signage shall not exceed thirty-two (32) square feet for premises of up to fifteen (15) lineal feet of public street frontage. An additional four (4) square feet of signage area is permitted for every additional five (5) lineal feet or fraction thereof of frontage. No single sign shall exceed sixty-four (64) square feet in area.
- d. Within the total permitted area of signage for any premise, a maximum of five (5) percent of the first floor window area or five (5) square feet, whichever is greater, shall be permitted for Informational Signage, and a maximum of fifteen (15) percent of the first floor window area or fifteen (15) square feet, whichever is greater, shall be permitted for Promotional Signage.
- e. If lighted, signs shall be illuminated by incident rays adequately shielded to avoid glare. Luminous signs are prohibited.
- f. Real estate signs shall not exceed twenty-four (24) square feet and shall be removed within a week after settlement on the sale of the property. Such signs are limited to one (1) per street frontage.
- g. All signs are also subject to all other applicable regulations of this Section, including those outlined in Sub-section 311 K.

5. General Business District.

- a. Signs allowed under Sub-section 311.E.
- b. Business Identification Signs, Informational Signage and Promotional Signage.

- c. The total area of all signs and signage shall not exceed one hundred (100) square feet for the first one hundred linear feet, or fraction thereof, of public street frontage. An additional fifty (50) square feet of sign area is permitted for each additional one hundred (100) linear feet of frontage, or fraction thereof, not to exceed three hundred (300) square feet for the entire property (including doors and windows). Under no circumstances shall the size of any one (1) sign exceed sixty-four (64) square feet; however, the total surface area of any Freestanding Sign shall not exceed thirty-two (32) square feet.
- d. Within the total permitted area of signage for any premise, a maximum of five (5) percent of the first floor window area or five (5) square feet, whichever is greater, shall be permitted for Informational Signage, and a maximum of fifteen (15) percent of the first floor window area or fifteen (15) square feet, whichever is greater, shall be permitted for Promotional Signage.
- e. Projecting signs shall be no higher than the eaveline of the building, and subject to size as stated in Sub-section 311.J.5.c.
- f. If lighted, signs shall be illuminated by incident rays adequately shielded to avoid glare.
- g. Luminous signs are permitted by Special Exception.
- h. Real estate signs shall not exceed twenty-four (24) square feet and shall be removed within a week after settlement on the sale or lease of the property. Such signs are limited to one (1) per street frontage.
- i. All signs are also subject to all other applicable regulations of this Section, including those outlined in Sub-section 311 K.

6. Industrial District.

- a. Signs permitted under Sub-section 311.E.
- b. Business Identification Signs, Informational Signage and Promotional Signage.
- c. The total area of all signs and signage shall not exceed one hundred (100) square feet for the first one hundred linear feet, or fraction thereof, of public street frontage. An additional fifty (50) square feet of sign area is permitted for each additional one hundred (100) linear feet of frontage, or fraction thereof, not to exceed three hundred (300) square feet for the entire property (including doors and windows). Under no circumstances shall the size of any one (1) sign exceed sixty-four (64) square feet;

however, the total surface area of any Freestanding Sign shall not exceed forty-eight (48) square feet.

- d. Within the total permitted area of signage for any premise, a maximum of five (5) percent of the first floor window area or five (5) square feet, whichever is greater, shall be permitted for Informational Signage, and a maximum of fifteen (15) percent of the first floor window area or fifteen (15) square feet, whichever is greater, shall be permitted for Promotional Signage.
- e. Projecting signs shall be no higher than the eaveline of the building, and subject to size as stated in Sub-section 311.K.1.
- f. If lighted, signs shall be illuminated by incident rays adequately shielded to avoid glare.
- g. Luminous signs are permitted by Special Exception.
- h. Real estate signs shall not exceed forty (40) square feet and shall be removed within a week after settlement on the sale or lease of the property. Such signs are limited to one (1) per street frontage.
- i. All signs are also subject to all other applicable regulations of this Section, including those outlined in Sub-section 311 K.

J. Non-Permanent Signs

- 1. Temporary, non-permanent signs of contractors, engineers, architects, mechanics, landscapers, artisans and similar services are allowed without permit, provided that:
  - a. Such signs shall be erected only on the premises where such work has commenced.
  - b. The sign area of any such sign shall not exceed the area permitted for real estate signs in the district where the work is being performed. Larger signs may be permitted when required by government agencies.
  - c. Such signs shall be removed within five (5) days of completion of advertised work.
- 2. Temporary, non-permanent signs are allowed without permit, provided that such signs shall not be displayed in excess of one (1) month. Any sign displayed for longer than one (1) month shall be considered as permanent and will be subject to all applicable provisions of this Section.
- 3. Temporary, non-permanent signs advertising single-day garage, porch and/or yard

or similar types sales may be allowed without permit provided they are placed only on the premises which is the site of the sale and are not placed not more than forty-eight (48) hours prior to nor removed later than twenty-four (24) hours after the sale.

K. Additional Criteria for Certain Sign Types and Uses.

1. Projecting Signs. In addition to the other applicable provisions of this Section, the following regulations shall apply to all projecting signs:

- a. No projecting sign shall project more than five feet (5') beyond the building line in the direction of the street, nor shall any portion of any projecting sign be closer than five feet (5') to the face of the street curb or curb line, or the edge of an alley.
- b. No portion of any projecting sign shall be less than eight feet (8') above normal grade as defined in Sub-section 311 C.3.
- c. No single face of a projecting sign shall exceed fifteen (15) square feet in sign area.
- d. No projecting sign shall have a vertical dimension greater than six feet (6').
- e. There shall be no more than one (1) projecting sign for any premises unless the building is located on a corner lot or has public entrances on two (2) or more public ways, in which case one (1) projecting sign may be erected for and toward each public way.

2. Wall Signs. In addition to the other applicable provisions of this Section, the following regulations shall apply to all wall signs:

- a. No wall sign shall extend above the top of the wall upon which it is placed.
- b. No wall sign, or any part thereof, shall project more than twelve inches (12") from the wall upon which it is mounted. If external lighting is used, reflectors must be at least ten feet (10') above the surface of the ground level, equipped with wire mesh guards and no part of the lighting device may project more than two feet (2') from the wall of the building.
- c. No wall sign shall extend beyond the left and right extremities of the wall to which it is attached.
- d. There shall be no more than two (2) signs per wall on any building or structure, and the aggregate wall sign area shall have a total area of not ~~more than twenty-five percent (25%) of the wall area.~~

3. Freestanding Signs. In addition to the other applicable provisions of this Section, the following regulations shall apply to all freestanding signs.
    - a. Every freestanding sign and all parts, braces and supports thereof shall be located entirely within the property lines of the premises and shall not project over public rights-of-way or other adjoining lands. Freestanding signs may be permitted between the property line and the building setback lines, except where otherwise prohibited by this Ordinance. The base of the sign shall be located behind the street right-of-way. The sign shall be no less than three (3) feet and not more than fifteen (15) feet above the curblin, and shall not project closer than seven (7) feet from the curblin or two (2) feet from the right-of-way, which ever is more restrictive of the two.
    - b. A freestanding sign shall have no more than two (2) faces or advertising sides.
    - c. No freestanding sign face or advertising side shall have any dimension (length, width, diameter, etc.) in excess of ten (10) lineal feet.
    - d. All freestanding signs hereafter erected shall be centrally located within a planted green area at least equal to the allowable area of a single face or advertising side for the subject sign, which area shall also include ornamental evergreen shrubbery to minimize the visibility of poles, supports and braces of such sign.
    - e. Freestanding signs shall not be installed in the Downtown area, except for Pole Signs used as Wayfinding Signs or signs of the State or Borough.
  4. Pole Signs. In addition to the other applicable provisions of this Section, the following regulations shall apply to all pole signs.
    - a. Pole signs shall be no less than eight (8) feet and not more than fifteen (15) feet above the curblin.
    - b. A pole sign shall have no more than two (2) faces or advertising sides, opposite of one another.
    - c. No pole sign face or advertising side shall have any dimension (length, width, diameter, etc.) in excess of nine (9) lineal feet.
    - d. Pole Signs may be used as Wayfinding Signs or signs of the State or Borough.
  5. Roof Signs. In addition to the other applicable provisions of this Section, the following regulations shall apply to all roof signs:
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- a. The highest point of a roof sign shall not exceed the building height limitation as provided in this Ordinance as applicable to the pertinent zoning district.
  - b. Not more than one (1) roof sign may be erected or maintained on a single premises.
6. Shopping Center Signs. In addition to the general provisions of this Section, the following regulations shall apply to shopping centers having more than four (4) individual businesses:
- a. Only freestanding signs which bear the name of the shopping center may be erected on the lands occupied by the center, subject to the provisions of Subsection 311.L.3.
  - b. Each individual business shall be limited to wall signs in accordance with the provisions of Subsection 311.L.2.
7. Luminous Signs. In Zoning Districts where permitted, luminous signs must be approved by the Zoning Hearing Board, as a special exception, to determine that the location, design, type and color of sign will not be detrimental to the character of the district. Only one sign per premises shall be lighted when the business is not open.

L. Non-conforming Signs.

1. The owner of a nonconforming sign which has been nonconforming or becomes nonconforming as a result of the enactment or amendment of this Ordinance shall have five (5) years to remove the sign or replace the sign with a conforming sign. The owner may apply to the Zoning Hearing Board for a variance to continue the use of such sign beyond the five (5) year limitation, for a period of not to exceed an additional five (5) years. The Board shall consider the hardship provisions in making its decision on granting or denying the variance.
2. New signs for businesses existing as non-conforming uses may be permitted as a special exception by the Zoning Hearing Board under the listed regulations, and the Zoning Hearing board may attach certain conditions to its approval which it feels are necessary in order to preserve the character of the district in which the proposed sign would be located.

M. Applications and Permits.

1. Applications for permits to erect, alter or modify permanent signs shall be made to the Zoning Officer. With the exception of signs listed in Sub-section 311 E, permits shall be required for all permanent signs.

2. It shall be unlawful to commence the erection of any permanent sign or to commence the moving or alteration of any permanent sign until the Zoning Officer has issued a sign permit for such work.
  3. In applying to the Zoning Officer for a sign permit, the applicant shall submit a dimensional sketch or scale plan indicating the shape, size, height and location of all signs to be erected, altered or moved and supply such other information as may be required by the Zoning Officer for determining whether the provisions of this Section are being observed. If the proposed sign as set forth in the application is in conformity with the provisions of this Section and other ordinances of the Borough then in force, the Zoning Officer shall issue a sign permit for such sign. If the sign permit is refused, the Zoning Officer shall state such refusal in writing with the cause and shall immediately thereupon mail notice of such refusal to the applicant at the address indicated in the application. The Zoning Officer shall grant or deny the permit within fifteen (15) days from the date the application is submitted. The issuance of a permit shall in no case be construed as waiving any provisions of this Section.
- N. Removal of Certain Signs. After one (1) year, any sign which advertises business or service no longer in existence on the premises shall be considered to be abandoned. Signs that are abandoned shall be removed by the persons responsible for the erection and/or maintenance thereof within thirty (30) days after notice of the abandonment to such persons by the Zoning Officer. If such persons fail or refuse to remove such abandoned signs after the notice aforesaid, the Zoning Officer may remove the signs at the expense of the property owner or the persons responsible for the erection and/or maintenance thereof.
- O. Violations. Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Ordinance and by state law:
1. To install, create, erect or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the premises on which the sign is located;
  2. To install, create, erect or maintain any sign requiring a permit without such a permit;
  3. To fail to remove any sign that is installed, created, erected or maintained in violation of this Ordinance; or
  4. To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this Ordinance.

**SECTION 312. Private Outdoor Swimming Pools.** A building permit shall be required for the installation or construction of a private outdoor swimming pool on the same lot as the principal residence subject to the following conditions:

- A. Such pool and associated paving/decking shall not be erected or installed in any required side yard setback, front yard setback and rear yard setback, or within ten (10) feet of a property line, whichever is greater.
- B. The pool shall not be located closer to the front of the lot than the front wall of the principal building.
- C. Any such pool shall be completely surrounded by a fence or wall that is not less than four (4) feet in height. All gates or doors opening through said fence shall be erected, maintained and provided with a self-closing, lockable gate to prevent unauthorized use of the pool and to prevent accidents. However, if said pool is an above-ground pool with sidewalls extending more than four (4) feet above the ground level, then a fence is not required, provided that all points of access to said pool are adequately protected.
- D. An approved temporary construction fence shall be erected around the excavation site during the construction of an in-ground pool and shall remain in place until the permanent fence is installed.
- E. Water shall not be placed into a swimming pool until a Certificate of Use and Occupancy has been issued.
- F. No swimming pool shall occupy more than twenty-five percent (25%) of the area of the lot on which it is built.
- G. Floodlighting or other illumination used in conjunction with any swimming pool shall be shielded and directed away from adjacent properties.

### **SECTION 313. Landscaping, Screening and Buffering.**

#### **A. Planting Strip/ Buffer Planting Strip.**

All commercial, industrial and nonresidential uses shall be separated from all side property boundaries, all rear property boundaries, and all street right-of-way lines by a planting strip/buffer planting strip. The planting strip/buffer planting strip may be included in the required yard space, and it shall comply with the following criteria:

1. The planting strip/buffer planting strip shall be at least ten (10) feet wide, measured from the property line or street right-of-way line, except where there is approved shared parking and the planting strip is not required along the side or rear boundaries.
2. Said planting strip/buffer planting strip shall be planted in lawn, groundcovers, shrubbery, trees, or other plant materials, but in no case shall this areas-be paved or covered by an impervious surface.

3. Said planting strip/buffer planting strip shall be interrupted only by approved entrances or exits.
4. Vegetation in the planting strip/buffer planting strip shall not obstruct any required clear sight triangle.

**B. Screening and Buffering.**

1. Screening requirements shall be applicable under the following circumstances:
  - a. Where a proposed commercial or industrial use abuts an existing residential use or residential district on the same side of a street.
  - b. Where any proposed multiple family residential use with more than 12 units abuts an existing single-family detached, single-family semi-detached, two-family detached or two-family semi-detached dwelling.
  - c. Any other instance where screening is required by this Ordinance or by the Borough, such as in Article VIII as part of the Form-Based Code Regulations.
2. Screening shall consist of (1) evergreen plantings, (2) architectural screens, or (3) fences/walls, in accordance with the requirements of this Ordinance.

**C. Off-Street Parking Areas. All off-street parking compounds shall be screened from adjoining properties with either plantings or architectural screening, as indicated in the Appendix, and in the Form-Based Code Regulations of Article VIII, as applicable.**

**D. Service, Loading and Trash Disposal Areas.**

1. All service, delivery, loading, outdoor storage and trash disposal areas shall be screened from all residential districts and uses, public streets, and parking lots.
2. These areas shall be totally screened from the above -listed places by the use of opaque fences, walls, berms, evergreen plant material, or a combination of these, not less than six (6) feet in height.

**E. All mechanical equipment not enclosed within a structure shall be fully and completely screened in an architecturally appropriate manner acceptable to the Zoning Officer.**

**F. Water towers, tanks, processing equipment, fans, cooling towers, vents and any other structures or equipment which extend above any roof line shall be effectively shielded from any public or private dedicated street, and such screen shall be approved, in writing, by the Borough before construction or erection of said structures or equipment is initiated.**

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**SECTION 314. Environmental Performance Standards.** No land or building in any District in the Borough shall be used or occupied in such a manner so as to create any dangerous or objectionable elements in such amount as to adversely affect the surrounding area or premises. All uses of land or building shall initially and continuously comply with all applicable performance standards established by Federal and State agencies.

**SECTION 315. Tennis Courts.** Tennis courts are permitted accessory uses in all Residential Zoning Districts, subject to the following:

- A. No facility shall be permitted unless it is protected by a permanent, open mesh, chain link fence ten (10) feet in height behind each baseline extending ten (10) feet beyond the playing area in each direction.
- B. Any such facility, including fence, shall conform to all minimum setbacks.
- C. No facility, including fence, shall be located closer to the front of the lot than the front wall of the principal building.
- D. If lighting is provided, it shall be arranged so that there is no objectionable glare on adjoining properties.

**SECTION 316. Satellite Antennas.** Satellite antennas are permitted accessory structures in all Zoning Districts, subject to the following:

- A. Antennas shall be installed in accordance with manufacturer's specifications and shall not exceed twelve (12) feet in diameter. They may be located only in rear or side yards or on the roof of a building and must adhere to the specified setback requirements for the Zoning District in which they are located.
- B. Ground-mounted antennas shall not exceed fifteen (15) feet in height.
- C. Roof-mounted antennas are subject to the requirements of Section 316 B. except that they may not project more than ten (10) feet above the roofline.

**SECTION 317. Solar Energy Systems.**

- A. Solar Energy Systems.
  - 1. The primary purpose of a solar energy system shall be to provide power for the principal use of the property whereon said system is to be located and shall not be for the generation of power for commercial purposes, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time from a solar energy system designed to meet the energy needs of the principal use.

2. For the purposes of this subsection, the sale of excess power shall be limited so that in no event an energy system is generating more energy for sale than what is otherwise necessary to power the principal use on the property.
3. Solar energy systems shall only be permitted as an accessory use on the same lot as the principal use. Applications for a solar energy system shall include information demonstrating compliance with the provisions of this subsection.
4. All applications for solar energy systems shall require approval of the Zoning Officer and shall be subject to a building permit.
5. Solar panels shall not be permitted in the Historic Resource Protection Overlay District.
6. Solar panels shall be permitted as a rooftop installation in any other zoning district. In Residential Zoning Districts, the solar panels shall not exceed a height of eight inches (8”) from the rooftop. In no event shall the placement of the solar panels result in a total height including building and panels exceeding what is permitted in the Zoning District governing the location of the principal building.
7. Solar panels shall not be permitted as ground arrays.
8. Solar energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the system. In no case shall any identification be visible from a property line.
9. The design of solar energy systems shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.

### **SECTION 318 Lighting Standards.**

- A. Lights shall not shine in an upward direction to create excessive glare.
  - B. “Dusk to Dawn” lights require Special Exception approval by the Zoning Hearing Board when in or abutting residential zones. Where such lights presently exist in locations in or abutting residential zones, they shall not be replaced without Special Exception approval. Replacement of such lighting with properly installed lighting controlled by motion-detecting switchgear shall be permitted by right.
  - C. Lighting Fixture Design.
    1. Dedicated fixtures shall be of a type and design appropriate to the lighting application and aesthetically acceptable to Lititz Borough.
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2. For lighting horizontal tasks such as roadways, sidewalks, entrances, and parking areas, fixtures shall meet IESNA Fully Shielded criteria (no light output emitted above ninety (90) degrees at any lateral angle around the fixture). Individual fixtures whose aggregate lamp output does not exceed one thousand eight hundred (1,800) lumens (typical household outdoor lighting) are exempt from this requirement.
3. The use of floodlighting, spotlighting, wall-mounted fixtures, decorative globes and spheres, and other fixtures not meeting IESNA full-cutoff criteria shall be permitted only with the approval of Lititz Borough, based upon applicability in retaining the Urban character of Lititz Borough and achieving acceptable Glare control.
4. Fixtures shall be equipped with, or be modified to, incorporate light directing and/or shielding devices such as shields, visors, skirts, or hoods to redirect offending light distribution and/or reduce direct or reflected Glare. Glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.

D. Control of Nuisance and Disabling Glare.

1. All outdoor lighting shall be aimed, located, designed, fitted, and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely travel.
2. Unless for safety, security, or all-night operations, lighting shall be controlled by automatic switching devices to permit extinguishing between eleven (11) p.m. and dawn.
3. Lighting proposed for use after eleven (11) p.m., or after the normal hours of operation, shall be reduced by an average of seventy-five percent (75%) from that time until dawn.
4. Vegetation screens shall not be employed to serve as the primary means for controlling Glare.
5. The intensity of illumination projected onto an existing residential use from an existing property boundary shall not exceed the following vertical Footcandle, measured at the existing property line at a height of 5 feet;
  - a. 0.6 Footcandles in the Downtown.
  - b. 0.2 Footcandles in the Districts immediately adjoining the Downtown.

## c. 0.1 Footcandle in other Districts.

6. Directional fixtures, e.g., floodlights and spotlights, shall be so shielded, installed and aimed that they do not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway or pedestrian way.
7. Externally illuminated billboards and signs shall be lighted by fixtures mounted at the top of the billboard or sign and aimed downward. The fixtures shall be designed, shielded and aimed to shield the source from off-site view and to restrict the light output onto and not beyond the sign or billboard. At no point on the face of the sign or billboard shall the illumination exceed 30 initial vertical footcandles with a maximum to minimum uniformity ration not to exceed 6:1.
8. Only the United States and the state flag shall be permitted to be illuminated from dusk till dawn. All other flags shall not be illuminated past 11:00 p.m. Flag lighting sources shall not exceed 7,000 initial lamp lumens per flagpole. The light source shall have a beam spread no greater than necessary to illuminate the flag and shall be fully shielded.
9. Under-canopy lighting, for such applications as gas/service stations, hotel/theater marquees, fast-food/bank/drugstore drive-ups, shall be accomplished using flat-lens full-cutoff fixtures aimed straight down and shielded in such a manner that the lowest opaque edge of the fixture shall be below the light source at all lateral angles. The illumination in the area directly below the canopy shall not exceed 20 average footcandles and the maximum shall not exceed 30 footcandles.
10. The use of white strobe lighting for tall structures such as smokestacks, chimneys and radio/communications/television towers is prohibited during hours of darkness, except as specifically required by FAA.

## E. Installation.

1. Electrical feeds to lighting standards shall be run underground, not overhead.
2. Pole mounted fixtures shall not be mounted in excess of 25 feet height.
3. Lighting standards in parking areas shall be placed outside paved areas or on concrete pedestals at least thirty (30) inches high above the pavement, or by other approved protective means.
4. Except for certain recreational lighting covered elsewhere in this Ordinance, fixtures not meeting IESNA full-cutoff criteria shall not be mounted in excess of sixteen (16) feet above finished grade and fixtures meeting IESNA full-cutoff criteria shall not be mounted in excess of twenty (20) feet above finished grade. For the illumination of greater than 100 contiguous parking spaces, Lititz ~~Borough may permit the use of a mounting height not to exceed twenty-five (25)~~

5. feet for fixtures meeting IESNA full-cutoff criteria when it can be demonstrated to the satisfaction of Lititz Borough that light trespass and glare control requirements in this Ordinance have been met.
- F. A Lighting Plan shall be submitted to demonstrate compliance with above requirements.
- G. Post-Installation Inspection.
1. Lititz Borough reserves the right to conduct a post installation nighttime inspection to verify compliance with the requirements of this Ordinance and, if appropriate, to require remedial action at no expense to Lititz Borough.

**SECTION 319. Radio Broadcasting/Receiving Antennae.** In all districts, the height above grade of any antennae cannot exceed the distance to the nearest property boundary. A building permit shall be required for the placement of any such structure.

**SECTION 320. Ownership and Maintenance of Common Open Space.**

- A. A plan for the ownership and maintenance of the common open space shall be submitted at the time of subdivision and land development. The open space land shall be owned and maintained by the equitable owner or shall be in accordance with Section B below.
- B. Ownership Options.
1. The following methods may be used, either individually or in combination, to own Common Open Space. Common Open Space shall not be transferred to another entity except for transfer to another method of ownership permitted under this section, and then only when there is no change in the common facilities or in the open space ratio of the overall development. Ownership methods shall conform to the following:
    - a. Fee Simple Dedication to the Borough. The Borough Council may, but shall not be required to, accept any portion of the Common Open Space, provided that there is no cost of acquisition to the Borough and the Council agrees to and has access to maintain such facilities. Furthermore, the Council may require adherence to conditions or standards set forth to acceptance of dedication.
    - b. Condominium Association. Common Open Space may be controlled through the use of condominium agreements. Such agreements shall be in accordance with relevant state law. All Common Open Space and common facilities shall be held as "common element."
    - c. Homeowners' Association. Common Open Space may be held in common ownership by a homeowners' association, subject to all of the provisions for homeowners' associations set forth in State regulations and statutes. In addition, the following regulations shall be met:

- (1) The applicant shall provide the Borough a description of the organization of the proposed association, including its by-laws, and all documents governing ownership, maintenance, and use restrictions for Common Open Space;
- (2) The proposed association shall be established by the owner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before the sale of any dwelling units in the development;
- (3) Membership in the association shall be automatic (mandatory) for all purchasers of dwelling units therein and their successors in title;
- (4) The association shall be responsible for maintenance and insurance of Common Open Space;
- (5) The by-laws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in his dues. Such dues shall be paid with the accrued interest before the lien may be lifted;
- (6) Written notice of any proposed transfer of Common Open Space by the association or the assumption of maintenance for Common Open Space shall be given to all members of the association and to the Borough no less than thirty (30) days prior to such event; and
- (7) The association shall have adequate staff to administer, maintain, and operate such Common Open Space.
- (8) Evidence shall be produced as required by the Council to demonstrate the financial viability of the homeowner's association.

d. Private Conservation Organization or the County. With permission of the Council, an owner may transfer either fee simple title of the open space or easements on the open space to a private non-profit conservation organization or to the County provided that:

- (1) The conservation organization is acceptable to the Council and is a bona fide conservation organization intended to exist indefinitely;
- (2) The conveyance contains appropriate provisions for proper reverter or re-transfer in the event that the organization or Lancaster County becomes unwilling or unable to continue carrying out its functions;
- (3) The Common Open Space land is permanently restricted from future development through a conservation easement and the Borough is given the ability to enforce these restrictions; and
- (4) A maintenance agreement acceptable to the municipality is established between the owner and the organization or Lancaster County.
- (5) Evidence shall be provided as required by the Council to demonstrate the financial viability and liability of the private conservation organization.

- e. Dedication of Easements to the Borough. The municipality may, but shall not be required to, accept easements for public use of any portion of the Common Open Space lands. In such cases, the facility remains in the ownership of the condominium association, homeowners' association, or private conservation organization while the easements are held by the Borough. In addition, the following regulations shall apply:
- (1) There shall be no cost of acquisition to the Borough;
  - (2) Any such easements for public use shall be accessible to the residents of the Borough; and
  - (3) A satisfactory maintenance agreement shall be reached between the owner and the Council.
- f. Non-Common Private Ownership. Up to eighty (80%) percent of the Common Open Space may be included within one or more large "conservancy lots" of at least ten (10) acres provided the open space is permanently restricted from future development through a conservation easement and that the municipality is given the ability to enforce these restrictions.

C. Maintenance.

1. Unless otherwise agreed to by the Borough Council, the cost and responsibility of maintaining Common Open Space shall be borne by the property owner, condominium association, homeowners' association, or conservation organization.
2. The applicant shall, at the time of preliminary plan submission, provide a Plan for Maintenance of Common Open Space Lands and Operation of Common Facilities in accordance with the following requirements.
  - a. The Plan shall define ownership.
  - b. The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e. greens, plazas, pedestrian pockets, lawns, playing fields, meadow, pasture, woodlands, detention facilities, etc.).
  - c. The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the Common Open Space and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.
3. In the event that the organization established to maintain the Common Open Space and the common facilities, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the Borough may assume responsibility for maintenance, in which case any escrow funds may

be forfeited and any permits may be revoked or suspended.

4. The Borough personnel may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property owner, condominium association, homeowners association, conservation organization, or individual property owners who make up a condominium or homeowners' association and may include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the Borough in the office of the Prothonotary of Lancaster County.

### **SECTION 321. Supplementary Form-Based Code Regulations**

- A. The Form-Based Code Regulations of Article VIII shall apply to Common Open Space, as applicable.

### **SECTION 322. Demolition**

No structure shall be demolished without a permit obtained under this provision, except for emergency demolitions (see Section 322.I).

- A. Process

An applicant desiring the demolition of an accessory structure that is not listed as Class I or II by the Historic Resources Survey shall apply directly to the Zoning Officer for a permit. All other requests for demolition shall be treated as a conditional use request under the PA Municipalities Planning Code, as amended. As such, the Lititz Borough Planning Commission shall review each demolition request and offer their findings to Borough Council for consideration. Borough Council shall make a decision whether to grant or deny the permit.

- B. Request Procedure

A request for demolition can be filed with the Borough on any business day. However, the Planning Commission may review a request at a particular meeting only if the plan was filed at least twenty-one (21) calendar days prior to the meeting. In the case that the structure is within the Lititz Historic District (Lititz-Moravian Historic District), the request shall concurrently be submitted to the Historic Area Advisory Committee (HAAC) as well.

- C. Request Requirements

A written request shall be submitted to the Borough with the following materials.

1. A description of the structure in question, with the estimated year it was built, and Historic Resource Class designation noted. For any demolition request involving a

2. Principal Structure, this description shall be supplemented with a Historic Significance Review of the property.
3. The reasons for the demolition request
4. A certification from the landowner that the structure cannot be feasibly rehabilitated to meet a permitted use.
5. Reference to a submitted or approved land development plan, where applicable. In the case of a request to demolish a principal structure, the request shall not be considered complete and will not be scheduled for hearing until a sketch plan depicting the subsequent redevelopment of the site is provided to the Borough.

D. Criteria for Review

The burden of proof is on the property owner to demonstrate that the property owner has been deprived any profitable use of the relevant parcel as a whole. The recommendation of the Planning Commission and the decision of Borough Council shall be based upon a review of the information submitted by the Applicant against all criteria and not any one criterion. The Purpose and Community Development Objectives of Section 101 and 102 shall also be considered.

1. It is not feasible to continue the current use.
  2. Other uses permitted within the underlying zoning district, either as permitted uses, special exception uses, or conditional uses, have been denied or are not feasible due to constraints on the building or structure.
  3. Adaptive use opportunities do not exist due to constraints related to the building, structure or property.
  4. The building, it's permitted uses, and adaptive use potential does not provide a reasonable rate of return, based on a reasonable initial investment. Such reasonable rate of return shall be calculated with respect to the property taken as a whole.
  5. The Applicant has not contributed to the existing conditions, either through neglect or prior renovation, conversion, alteration or similar physical action.
  6. The demolition will not adversely affect the character of the property, streetscape, neighborhood or community.
  7. A proposed new building, structure or use (if applicable) on or of the property will not adversely affect the character of the streetscape, neighborhood or community.
  8. The building is structurally unsound.
  9. The denial of demolition would result in unreasonable economic hardship to the owner.
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10. Sale of the building or structure is impossible or impractical.

11. Denial of demolition will deprive the property as a whole of all beneficial use

E. Associated Land Development Plan

If the application for a permit for demolition of one or more principal structure is being requested to facilitate future development of the land, the said permit shall not be issued until the following additional requirements have been satisfied.

1. Approval of the land development plan by the Borough Council;
2. Issuance of any necessary zoning approvals; and
3. The recording of the approved subdivision or land development plan for the parcel where the demolition is proposed.

F. Pre-demolition Requirements

In those instances where an application for demolition is approved, the building(s) to be demolished shall be historically and photographically documented. The extent of the documentation shall be determined by the significance of the building(s). When documentation is complete the building shall be dismantled and recycled to the greatest extent possible.

Electronic copies of all documentation shall be submitted to the Borough and a full set of hard copies shall be forwarded to the Lititz Historical Foundation.

G. Denial of Demolition

All appeals from decisions of the Borough Council in the administration of this Section shall be made in accordance with the provisions of the Municipalities Planning Code, Article X-A.

H. Enforcement

In addition to the enforcement provisions in Section 700, the Zoning Officer, with the authorization of Borough Council, may take other appropriate legal action, which may include equitable and injunctive relief, to enforce the provisions of this Section.

I. Emergency demolitions

Emergency demolitions to protect the health, safety and welfare of the citizens of Lititz Borough are regulated under the Borough Property Maintenance Code, Uniform Building Code, or its successors and the provisions of that Code shall take precedence over the provisions contained herein.

J. Demolition by Neglect

1. General Requirements: Demolition by Neglect is the absence of routine maintenance and repair which leads to structural weakness, decay and deterioration in a building or structure to the point where the building or structure meets the criteria for condemnation.
    - a. Codes Violations: If the Zoning Officer cited a property owner of a principal structure for conditions that has or could lead to structural weakness, decay or deterioration and the property owner fails to correct the condition(s) in the time specified, that property owner may be cited by the Zoning Officer also for demolition by neglect under these provisions and be subject to the penalties contained herein.
    - b. The owner of unoccupied Principal or Accessory Buildings or Structures that have been cited for violations shall develop a written maintenance program for the protection of any and all unoccupied Class I or Class II historic resources. Said maintenance program shall be established in accordance with Lititz Borough Property Maintenance Code. A copy of the maintenance program shall be filed with the Zoning Officer, with Borough Council's authorization, and implementation begun in accordance with an established timetable.
      - (1) The maintenance program shall address measures to assure that structural components are protected and reinforced to stabilize and maintain the essential form of the building or structure. Structural features requiring stabilization include, but may not be limited to: roof, chimney(s), cornice, soffit, fascia, spouting, columns, beams, posts, as well as window and door sills, lintels and jambs.
      - (2) The exterior and interior of the building or structure shall be inspected no less than annually by the Zoning Office with the owner or the owner's agent to determine code compliance with the established maintenance program.
  2. Enforcement
    - a. In addition to the enforcement provisions in Section 700, the Zoning Officer may authorize action to withhold issuance of any and all zoning and building permits for a period of up to two (2) years for any property that at the time of the enactment of these provisions, was occupied by a Building or Structure that was subsequently demolished by neglect.
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- b. Except that permits may be issued for the abatement of any cited condition governed by Lititz Borough.
- c. In addition, the Zoning Officer may take other appropriate legal action, which may include equitable and injunctive relief, to enforce the provisions of this Section.

**SECTION 323. Geothermal Energy Systems.** Geothermal energy systems are permitted accessory uses in all Zoning Districts, subject to the following regulations:

- A. Wellhead protection areas. All Geothermal Energy Systems are prohibited within Zones 1 and 2 of the Borough's wellhead protection area as identified and defined by the Borough's wellhead protection map due to the potential for contamination of the Borough's water supply.
- B. Only Closed Vertical Loop Geothermal Systems are permitted within the Borough.
- C. Design and permitting. The design and installation of Geothermal Energy Systems and related Boreholes for geothermal heat pump systems shall conform to all 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 the Borough's Construction Code and with all other applicable Borough requirements. The manufacturer specifications shall be submitted as part of the zoning permit application. A zoning permit and building permit, under the Pennsylvania Uniform Construction Code, shall be required.
- D. Karst geology and sinkholes. Lititz Borough is underlain by limestone which is particularly prone to sinkholes and other karstic features. As such, all applicants for geothermal energy systems shall acknowledge, and by virtue of the application for and installation of a geothermal energy system agree to the following:
  - 1. In all situations when boreholes or trenches are (or have been) excavated, or natural conditions have otherwise been disturbed the likelihood of sinkhole formation increases;
  - 2. The applicant and subsequent owners of the subject property accepts all responsibility and liability for any sinkholes that do form in association with the applicant's geothermal energy system; and
  - 3. The applicant subsequent owners of the subject property agrees to repair any and all sinkholes that form in association with the geothermal energy system.
- E. Equipment. All mechanical equipment associated with and necessary for the operation of the Geothermal Energy System shall comply with all accessory setbacks for the zoning district in which the system is installed.

- F. Setback requirements. Unless otherwise specified, Geothermal Energy Systems shall be set back a minimum distance of at least 25 feet from any property line.
- G. Construction Standards.
1. Permitted fluids. Unless otherwise specified, for all closed-loop geothermal systems relying upon circulating fluids, the heat transfer fluid shall be potable or beneficial reuse water and may have approved nontoxic antifreeze, such as propylene glycol added, as defined within this ordinance. A permanent sign must be attached to the heat pump specifying that only approved heat-transfer fluids can be used.
  2. Geothermal heating and/or cooling system vertical heat exchange boreholes containing loop pipes shall be tremie grouted for the total depth of the borehole utilizing the IGSHPA Manual Grouting Procedure for Ground Source Heat Pumps.
  3. All materials and construction practices shall conform to all applicable industry standards for closed-loop geothermal heat pump systems, such as, but not limited to, standards for pressure testing, heat transfer fluids, etc. All materials and construction practices shall effectively prevent contamination of groundwater.
  4. The assembled loop system shall be tested at the normal manufacturers operating pressure with no decay of pressure or recorded flow. No leakage shall be observed.
  5. The applicant shall be required to submit complete specifications for the entire system (including well drilling and grouting procedures).
- H. Discharge of Water.
1. Discharge of water from drill boreholes into sanitary sewer systems shall be prohibited.
  2. Discharge of water from drilling boreholes into storm sewers, neighboring properties and onto roads, shall not be permitted.
  3. Discharge of water from drilling boreholes into a watercourse shall comply with all federal, state, county and Borough laws and regulations.
- I. Abandonment or disrepair. If the geothermal energy system is ever abandoned or enters into a state of disrepair, it shall be the responsibility of the property owner to remove, permanently seal, or properly maintain the Geothermal Energy System within six months from the date the system enters such a state.

**SECTION 324. Electric Vehicle Charging Stations** – Electric Vehicle Charging Stations may be installed in all zoning districts subject to the following criteria:

- A. Within Right-of-Way owned by the Borough or the Commonwealth, or on other Borough-owned property.
1. Borough Council may install publicly accessible Electric Vehicle Charging Stations at its discretion.
  2. No extension, cable, or cord used to charge an electric vehicle shall impede ADA accessibility in the Right-of-Way.
  3. All other applications to install an Electric Vehicle Charging Station in these areas shall be treated as a conditional use request under the PA Municipalities Planning Code, as amended. Prior to approval, the applicant shall demonstrate the following:
    - a. Consent of the adjacent landowner if installed within the Right-of-Way.
    - b. The Electric Vehicle Charging Station shall be accessible to the public. Exclusive use of a charging station in the right-of-way is not permitted.
    - c. Adequate space exists to allow for installation without impeding ADA Accessibility Requirements, clear sight triangles, and the growth of street trees.
    - d. The installation of all associated infrastructure, including but not limited to power lines and conduits, shall not interfere with the future replacement of Sidewalks, Street Trees, or utilities.
    - e. All fees for use shall be reviewed and approved by the Borough prior to collection and prior to any increase. The cost of such fees shall directly relate to:
      - i. The cost of electricity per kilowatt/hour.
      - ii. Maintenance and operation costs of the Electric Vehicle Charging Station.
      - iii. Any relevant parking fees, which will be passed onto the Borough

## B. Single-Family Residential

1. An Electric Vehicle Charging Station shall be considered an accessory use by right for single-family dwellings.
2. Only level 1 or level 2 chargers may be installed at Single-Family Residential properties.
3. The property owner is required to obtain all relevant permits for Electric Vehicle Charging Stations prior to installation.
4. Abandonment or disrepair. If the Electric Vehicle Charging Station is ever abandoned or enters into a state of disrepair, it shall be the responsibility of the property owner to remove or properly maintain the Electric Vehicle Charging Station. Upon notification by the Borough, the property owner must repair or remove the Electric Vehicle Charging within two months. Failure to do so shall subject the property owner to enforcement remedies in accordance with §703.D.

## C. Multi-Family Residential

1. Electric Vehicle Charging Stations shall be considered a by-right accessory use for multi-family residential developments.
  2. Electric Vehicle Charging Stations shall be oriented in such a way to not impede pedestrian or vehicle travel on site.
  3. Electric Vehicle Charging Stations at multi-family residential developments are intended for the use of the residents and their guests. Off-site advertising of the Electric Vehicle Charging Stations to the public shall be prohibited.
  4. All parking spaces served by Electric Vehicle Charging stations shall count towards minimum parking requirements. Providing additional parking spaces to offset those served by Electric Vehicle Charging Stations is discouraged.
  5. The property owner is required to obtain all relevant permits for Electric Vehicle Charging Stations prior to installation.
  6. A number of ADA accessible Electric Vehicle Charging Stations, as determined by the current building code, shall be provided.
  7. Installation of Electric Vehicle Charging Stations shall require the parking area to be screened from public streets and adjacent properties in accordance with §313.
  8. Abandonment or disrepair. If the Electric Vehicle Charging Station is ever abandoned or enters into a state of disrepair, it shall be the responsibility of the property owner to remove or properly maintain the Electric Vehicle
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Charging Station. Upon notification by the Borough, the property owner must repair or remove the Electric Vehicle Charging within two months. Failure to do so shall subject the property owner to enforcement remedies in accordance with §703.D.

D. Non-Residential Parking Lots

1. Charger Density

- a. Up to 20% of parking spaces are allowed to be served by Electric Vehicle Charging Stations by-right as an accessory use.
- b. The service of 20%-50% of parking spaces shall be considered by Special Exception based on the following:
  - i. The parking lot and chargers shall be an accessory to a permitted use.
  - ii. No off-site promotion of the chargers.
  - iii. Any fees for charger use shall be clearly shared with the public.
- c. Over 50% of parking spaces served by Electric Vehicle Charging Stations shall be regulated as a Motor Vehicle Service Station.

2. All parking spaces served by Electric Vehicle Charging stations shall count towards minimum parking requirements. Providing additional parking spaces to offset those served by Electric Vehicle Charging Stations is discouraged.
3. The property owner is required to obtain all relevant permits for Electric Vehicle Charging Stations prior to installation.
4. A number of ADA accessible Electric Vehicle Charging Stations, as determined by the current building code, shall be provided.
5. Abandonment or disrepair. If the Electric Vehicle Charging Station is ever abandoned or enters into a state of disrepair, it shall be the responsibility of the property owner to remove or properly maintain the Electric Vehicle Charging Station. Upon notification by the Borough, the property owner must repair or remove the Electric Vehicle Charging within two months. Failure to do so shall subject the property owner to enforcement remedies in accordance with §703.D.

E. Garage, Public

1. Garages, Public may install Electric Vehicle Charging Stations at any number of spaces.

## ARTICLE IV

## CRITERIA FOR SPECIAL EXCEPTIONS AND OTHER SELECTED USES

**SECTION 400. General Procedures for Special Exceptions.**

It is the intent of this Section to provide special controls and regulations for particular uses which may, under certain conditions, be conducted within the various Zoning Districts established in Article II of this Ordinance.

Each Section of this Article has particular controls and/or requirements which shall be satisfied before the use by Special Exception is permitted; and it is the intent of this Article that these particular controls and requirements are additional to those imposed by the District Use Regulations (Article II) and by the Supplementary Regulations (Article III) of this Ordinance.

A. Applicability, Limitations, Compliance.

1. Applicability. The controls imposed by Article IV are applicable where cited specifically for a use by Special Exception and/or use by right listed in Article II of this Ordinance.
2. Limitations. Special Exception Uses shall be permitted only where specifically cited in the district use regulations, Article II, of Ordinance.
3. The applicant shall bear the burden of proof that the proposed use meets all requirements and objectives of this Ordinance.
4. Compliance. Nothing in this Article shall relieve the Owner or his agent, the developer, or the applicant for a Special Exception from obtaining Subdivision and/or Land Development Plan approval in accordance with the Lititz Borough Subdivision and Land Development Ordinance.
5. Effect of Approval. Any use for which a special exception permit may be granted shall be deemed to be a conforming use subject to the conditions of approval in the District in which such use is located provided that such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.
6. Fees and Other Costs. The applicant shall pay all costs related to any required public hearing including but not limited to: advertising of the hearing, services of the Borough Solicitor and Engineer and/or Planner, public stenographer, transcripts of proceedings, and similar costs.

An applicant by filing for a use by special exception shall then be obligated to pay

all costs hereinabove provided. Payment of such costs shall be promptly submitted to the Borough by the applicant upon the submission of bills therefore from time to time. Payment shall be by check or money order made payable to the Borough of Lititz.

No building permit or other requisite permit shall be issued by the Borough Zoning Officer until all such fees and costs have been paid in full by the applicant.

**B. General Procedures for Special Exceptions.**

Requests for Special Exceptions shall be submitted, together with all required fees, in a written application setting forth in detail the grounds for the request.

A development plan of the total area to be included in the application, which shall be drawn to scale, shall accompany and be part of the Special Exception Application and contain the following:

1. The location, boundaries, dimensions and ownership of the land.
2. In the case of commercial or industrial development, a general description of the activities to take place as may be appropriate such as maximum employment, working hours, customer traffic, delivery services, development schedule staging plan.
3. The location, use, and ground area of such proposed building and other structure.
4. The locations, dimensions, arrangements and proposed use of all open spaces, yards, streets, alleys, accessways, entrances, exits, off-street parking facilities, loading and unloading facilities, pedestrian ways and buffer yards.
5. The capacity arrangement and controls for all areas to be used for automobile access, parking, loading and unloading in sufficient detail to demonstrate that satisfactory arrangements will be made to facilitate traffic movement from the street or highway.
6. The character of the buffer area and screening devices to be maintained including the dimensions and arrangements of all areas devoted to planting, lawns, trees or similar purposes.
7. A description of the proposed methods of control of development in sufficient detail to indicate the noise, glare, air pollution, water pollution, fire hazards, traffic congestion, and other safety hazards to be produced.
8. A description of the methods to be used for water supply treatment and disposal of

sewage, wastes, refuse, and storm drainage.

9. The names and addresses of all adjoining property owners.
- C. **Special Exceptions - Specific Procedures.** The Zoning Hearing Board shall conduct a public hearing on each application for a special exception use. Such hearing shall be conducted in accordance with Section 603 of this Ordinance. The Zoning Hearing Board shall make its final decision based upon findings of fact and upon the specific factors for which a special exception application is filed.

**SECTION 401. Home Occupations and Home Businesses.**

- A. **Background.** The Borough recognizes the need to establish regulations pertaining to home-based occupations and businesses as a result of the increased need for the diversity of income to help offset the rising cost of living. Home occupations and home businesses will particularly benefit individuals with physical disabilities as well as those having to care for children or the elderly within their home. The Borough also recognizes the potential benefits to the local community which could be realized by those seeking services or goods supplied through home occupations. However, these positive aspects must be weighed against the potential impacts of such uses on the residential character of the neighborhood.
- B. **Purpose.** It is the intent of this Section to establish regulations which will permit home occupations and home businesses in a manner which will preserve the peace, quiet, and tranquility of residential neighborhoods and to ensure the compatibility of such uses with other uses permitted within the same zoning district.
- C. **Requirements for Home Occupations.** (also defined as No-Impact Home-Based Businesses.) All businesses shall be allowed as accessory use by right in a residential unit and shall comply with the following:
1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
  2. The business shall employ no employees other than family members residing in the dwelling.
  3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
  4. There shall be no outside appearance of a business use, including but not limited to, parking, signs, or lights.
  5. The business activity may not use any equipment or process which creates noise,

vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
7. The business activity shall be conducted only within the dwelling and shall not occupy more than 25% of the habitable floor area.
8. The business shall not involve any illegal activity.
9. There shall be no increased need for additional off-street parking.
10. Deliveries shall not restrict traffic circulation.
11. Traffic generated by the home occupation(s) shall not exceed volumes normally expected in a residential neighborhood.

D. Regulations for Home Businesses. The Zoning Hearing Board may approve Home Businesses as special exceptions according to the procedures and requirements specified below. All dwellings containing a home business shall comply with the following:

1. The person primarily responsible for the home business shall be a full-time resident of the premises.
2. No more than one (1) person not in residence in the dwelling shall be employed in home business(es).
3. No more than twenty-five (25) percent of the gross floor area of the dwelling unit, excluding attics, garages, and basements, of the dwelling may be used for the practice of home business(es).
4. No displays or change in the building facade, including the dwelling and all accessory buildings, shall indicate from the exterior that the dwelling is being utilized for purposes other than a dwelling.
5. A home business shall limit any external evidence of a business to one (1) non-illuminated sign, subject to Section 312 (sign regulations).
6. Adequate off-street parking facilities shall be provided to reasonably accommodate the normal activity of the home business(es).

7. Storage of materials, products, or machinery used for the home business shall be wholly enclosed by the dwelling or accessory building, within the maximum floor area previously defined, and shall not be visible from any adjacent lot or street.
8. The home business(es) shall be conducted entirely within the dwelling or accessory building.
9. Deliveries shall not restrict traffic circulation.
10. Traffic generated by the home business(es) shall not exceed volumes normally expected in a residential neighborhood.
11. A home business shall not produce noise, obnoxious odors, vibrations, lighting glare, smoke, or fumes detectable to normal sensory perception on any adjacent lots or streets, nor shall it produce detectable electrical interference.
12. The disposal of all materials, fluids, and gases shall be in a manner which complies with all regulations of the Lititz Sewer Authority and all other applicable government codes.
13. Sales of goods on the premises shall be limited to goods made on the premises and goods which are incidental to services performed on the premises.
14. Home businesses utilizing, or proposing to utilize, explosive or highly flammable materials shall require proof of fire department notification and compliance with the Borough Building Code prior to using such materials.
15. Any other reasonable conditions set forth by the Zoning Hearing Board when granting approval.

D. Application Procedure for Home Businesses. Home businesses shall be subject to the following application and approval process:

1. The applicant shall demonstrate compliance with the requirements of this Ordinance and shall request a special exception from the Zoning Hearing Board.
2. The Zoning Officer shall review the application for compliance with the Zoning Ordinance, and visit the dwelling if deemed necessary.

**SECTION 402. Child or Adult Day Care Facilities.**

- A. Purpose. Recognizing the growing need for child and adult day care facilities, it is the intent of the Borough to encourage the establishment of such facilities in a manner which will preserve the character of residential neighborhoods while meeting the operational

and physical standards of the Pennsylvania Department of Public Welfare (DPW). Child and adult day care facilities, operated within a residence, are not subject to the requirements for home occupations contained in Section 401.

- B. Application of Regulations. The provisions of this Section shall apply to child or adult day care facilities providing service for all or part of a 24-hour day for children under 16 years of age, or for persons who are otherwise disabled. Day care facilities shall include day care homes and day care centers as defined by this Ordinance, many of which are subject to Chapter II, Sections 8A, 8B, and 8C of DPW Social Services Manual Regulations, as may be amended from time to time. This Section does not apply to babysitting (as defined by this Ordinance) or child day care service furnished in places of worship during religious services.
- C. General Provisions. The following general provisions apply to all child or adult day care facilities:
1. All child day care facilities shall present to the Borough a copy of their required state license upon request of the Zoning Officer as well as demonstrating compliance with any other applicable state or local building and fire safety codes.
  2. The operator of a day care facility will allow appropriate representatives of the municipality to enter the property to inspect such use for compliance with the requirements of this Ordinance.
  3. No portion of a day care facility shall be located within a 300 foot distance from any potentially hazardous land use or activity which could pose a threat to the safety of the children, staff, or other occupants of the facility.
  4. Hours of outside play shall be limited to the hours of 8:00 a.m. until sunset.
  5. An outdoor play area, as required by DPW regulations, shall be provided for child day care facilities and shall not be located in the frontyard.
  6. Adequate off-street parking and drop-off areas shall be provided.
  7. Fencing shall be provided to restrict children from hazardous areas, such as open drainage ditches, wells, holes, and arterial and major collector roads. Natural or physical barriers may be used in place of fencing so long as such barriers functionally restrict children from these areas.
  8. The expansion of a day care home to a day care center shall require a special exception.
  9. Child and adult day care facilities shall not provide medical or personal care

services which extend beyond assistance with dressing, bathing, diet, and medication prescribed for self administration unless licensed to provide such services.

10. When applying for a special exception, the applicant shall submit a plan showing any existing or proposed outdoor play areas, outdoor play equipment, fencing, access drives, adjacent streets, adjacent hazardous land uses, on-site hazardous areas (as previously defined), merchandise delivery areas, parking spaces, and the child or adult drop-off circulation pattern.
11. Day Care facilities shall give written notice to local police and fire departments as to the scope of their operation, including number of customers, location of sleeping areas and hours of operation.

D. Day Care Homes. In addition to the provisions of Section 402.C., day care homes shall comply with the following:

1. If care is provided to more than three (3) children at any one time, the facility shall have an approved and currently valid DPW registration certificate. Proof of DPW registration renewal must be supplied to the Borough every year.
2. Any external evidence of such use shall be limited to one (1) non-illuminated sign subject to Section 312 (sign regulations).
3. Day care homes shall only be permitted in single-family detached and semi-detached dwellings and shall not be permitted in accessory buildings.
4. The person primarily responsible for the day care home shall be a full-time resident.
5. No more than one (1) person not in residence in the dwelling shall be employed in a day care home.
6. A fence with a minimum height of four (4) feet shall physically contain the children within the outdoor play area. Natural or physical barriers may be used in place of fencing so long as such barriers functionally contain children.

E. Day Care Centers. In addition to the provisions of Section 402.C, day care centers shall comply with the following:

1. The facility shall have an approved and currently valid DPW license. Proof of DPW annual license renewal shall be supplied to the Borough every year.
2. A fence with a minimum height of four (4) feet shall physically contain the

children within the outdoor play area. Natural or physical barriers may be used in place of fencing so long as such barriers functionally contain children.

3. If the facility has access to streets of different classifications, access shall be provided using the street of lesser functional classification.
4. Play equipment shall be located at least ten (10) feet from an abutting property line.
5. All pedestrian pathways shall be adequately lit for safety if utilized during non-daylight hours. Specific areas for lighting are entrance ways, pedestrian access to the outdoor play areas, sidewalks, drop-off areas, merchandise delivery areas, and all parking lots. Such lighting shall not produce objectionable glare on adjacent properties.
6. Day care centers may be permitted as an accessory use to churches, schools, recreation centers, and similar uses by special exception. Accessory day care centers shall comply with all other requirements for day care centers. In addition, evidence must be submitted to document that adequate indoor space, outdoor play space, and safe vehicular access are provided.

F. Application and Permitting Procedure. Child and adult day care facilities shall be subject to the following application and approval process:

1. The applicant shall demonstrate compliance with the requirements of this Ordinance and shall request a special exception from the Zoning Hearing Board. If the day care facility will be subject to DPW requirements, evidence of the ability to comply with said requirements must be presented as part of the special exception request.
2. The Zoning Officer shall review the application for compliance with the Zoning Ordinance, and visit the facility if deemed necessary by the Zoning Hearing Board.

### **SECTION 403. Adult-Oriented Businesses.**

Adult-oriented businesses may only be permitted in the Commercial District and only by special exception by the Zoning Hearing Board of the Borough of Lititz, provided that the following requirements are met to the satisfaction of the Board:

- A. The lot or property line of such business shall not be located within three hundred (300) feet of any residential district (R-S, R-1, R-2, R-2A, R-A, NSD, and NSD-1) nor be located within three hundred (300) feet of any property whose use is principally residential.

- B. The lot or property line of such business shall not be located within three hundred (300) feet of the lot or property line of any religious structure, school, child or adult day care facility or public library.
- C. The lot or property line of such business shall not be located within five hundred (500) feet of the lot or property line of another adult-oriented business.
- D. There shall be no display of adult-oriented materials that can be seen from the exterior of the building.
- E. The Zoning Hearing Board shall review and approve all exterior signs for compatibility with adjacent uses.
- F. Not more than one (1) adult-oriented business or activity shall be permitted within any one (1) building or lot.
- G. No unlawful sexual activity or conduct shall be performed or permitted.
- H. The Zoning Hearing Board must determine that the adult-oriented business
  - 1. Is in general harmony with the immediate neighborhood;
  - 2. Does not create an atmosphere of enticement for minors; or
  - 3. Will not be detrimental to the public health, public safety or general welfare of the Borough.

**SECTION 404. Bed and Breakfast Inns.**

Bed and Breakfast Inns in existing structures are permitted by right in the General Business district and may be approved by special exception from the Zoning Hearing Board in the R-1, R-2, R-2A, NSD, NSD-1 and Commercial districts. In either instance, the following requirements shall apply:

- A. Access should be via an arterial or collector street as designated in the Borough Comprehensive Plan.
- B. The structure shall contain a minimum of 2,000 square feet of gross floor area.
- C. All Bed and Breakfast guest units shall be contained within the principal structure.
- D. There shall be no more than one Bed and Breakfast guest unit per 700 square feet of gross floor area in the principal structure.

- E. All area and bulk regulations of the prevailing zoning district shall apply.
- F. In addition to the two (2) spaces required for the principal dwelling, there shall be one (1) off-street parking space per Bed and Breakfast guest unit.
- G. Dining and other facilities shall not be open to the public but shall be exclusively for the residents and registered Bed and Breakfast guests.
- H. Signs shall conform to the standards for home occupations in residential districts.

**SECTION 405. Places of Worship.**

Area and Bulk Regulations. All area and bulk regulations of the prevailing zoning district shall apply with the following exceptions:

- A. The minimum lot size shall be one (1) acre.
- B. The maximum building height shall be 3 stories, not to exceed the permitted height in the prevailing district.

**SECTION 406. Conversion Apartments.**

In any district where permitted, residential structures existing at the date of the adoption of this Ordinance may be converted into apartments, provided there shall be a minimum of four thousand (4,000) square feet of land area per apartment and the habitable floor area is in accordance with the regulations of this Ordinance for the district in which the structure is located.

**SECTION 407. Educational Institutions.**

- A. Area and Bulk Regulations. All area and bulk regulations of the prevailing Zoning District shall apply.
- B. Supplemental Regulations.
  1. A planted buffer strip shall be required where the site abuts an existing residential use or a residential zoning district.
  2. No parking area shall be permitted within the required front, side or rear yards.
  3. Each site shall be easily accessible from an improved street or highway with safe ingress and egress for both vehicular and pedestrian traffic.
  4. All play areas contiguous to any developed lot shall be fenced.

**SECTION 408. Essential Services.**

Essential Service buildings and structures shall be permitted in any district without regard to the lot, yard and height requirements; provided, however, that buildings erected for these utilities shall be subject to the following regulations:

- A. Where feasible, front, side and rear yards shall be provided in accordance with the regulations of the district in which the building is located.
- B. Height of building or structure shall be as required by the district regulations.
- C. Unhoused equipment shall be enclosed with a decorative metal or solid wooden fence, excluding chain-link fence, six (6) feet in height.
- D. Housed Equipment - When the equipment is totally enclosed within a building, no fence or screen planting shall be required and the yard shall be maintained in conformity with the district in which the facility is located.
- E. Screening in Residential Districts - The required fence for unhoused equipment shall be screened as defined by this Ordinance.
- F. Screening in the Downtown District – Essential Service Structures affixed to the front of buildings in the Downtown Overlay District shall be Screened. The Screening material shall consider the materials of the building, its context, and shall respect the Form Based Code.
- G. The external design of the building shall be in conformity with the buildings in the district.
- H. Storage of Vehicles - In residential districts, the permitted public facilities shall not include the storage of vehicles or equipment used in the maintenance of any utility.
- I. No equipment causing excess noise, vibration, smoke, odor, or hazardous effect shall be installed.

**SECTION 409. Commercial Kennels, Animal Hospitals and Veterinary Clinics.**

Commercial kennels, animal hospitals and veterinary clinics shall be permitted by Special Exception in indicated zoning districts, subject to the following:

- A. The minimum lot size shall be two (2) acres.
- B. Adequate parking shall be required.
- C. Signage shall be permitted which shall not exceed sixty (60) square feet in area and be

- D. located a minimum of twenty (20) feet from the street right-of-way line.
- E. All areas used for exercise shall be securely fenced.
- F. All animals shall be kept within a completely enclosed building which shall be a minimum of thirty-five (35) feet from any property line.
- G. Animals shall be permitted to exercise daily between the hours of 8 A.M. and 8 P.M. (prevailing time). All outdoor exercise areas shall be located at least fifty (50) feet from any property line.

**SECTION 410. Park, Playground or Recreation Areas.**

- A. Public park, playground or recreation areas shall be permitted in any district.
- B. The following shall be permitted by special exception in these districts so designated in this Ordinance:
  - 1. Restricted park, playground or recreation area.
  - 2. Commercial park, playground or recreation area.
- C. Park, playground or recreation areas shall be permitted without regard to the area regulations of the district in which they are located; provided, however that buildings or structures erected shall be subject to the following regulations:
  - 1. Front, side and rear yards shall be provided in accordance with the regulations of the district in which the building or structure is located.
  - 2. Height of building or structure shall be as required by the district regulations.
  - 3. Buffers and/or fencing may be required to protect adjacent property.
  - 4. Consideration shall be given to parking and traffic problems. If the nature of the park, playground or recreational area is such that it will generate a high volume of vehicular traffic, then access should be via an arterial or collector street as designated by the Borough Comprehensive Plan.

**SECTION 411. Social and Fraternal Clubs and Organizations.**

- A. Area and Bulk Regulations. All area and bulk regulations of the prevailing zoning district shall apply.
  - B. Supplemental Regulations.
    - 1. Such club is incorporated pursuant to the provisions of a federal charter,
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2. Membership Corporation or unincorporated associations and catering exclusively to members and their guests.
3. Such use shall not be conducted primarily as a business enterprise.
4. The use of outdoor public address systems for any purpose shall be approved by the Zoning Hearing Board.
5. Exterior lighting, other than that essential for the safety and convenience of the users of the premises shall be prohibited. All exterior lighting shall be shielded from the view of all surrounding streets and lots.
6. A densely planted buffer strip shall be required where the site abuts an existing residential use or a residential zoning district.

**SECTION 412. Public/Municipal Buildings and Uses.**

Public and municipal buildings and uses shall be permitted by special exception in designated districts, subject to the requirements of the district in which they are located. Consideration shall be given to parking and traffic problems. If the nature of the building or use is such that it will generate a high volume of traffic, then access should be via an arterial or collector street as designated in the Borough Comprehensive Plan.

**SECTION 413. Funeral Homes.**

Funeral homes may be permitted by special exception in designated districts, subject to the requirements of the district in which they are located. Consideration shall be given to parking and traffic problems. Since the nature of the use is such that it will generate a high volume of traffic at certain times, adequate provisions must be made to provide for parking. Access should be via an arterial or collector street as designated in the Borough Comprehensive Plan.

**SECTION 414. Cemeteries.**

- A. Area and Bulk Regulations. All area and bulk regulations of the prevailing zoning district shall apply with the following exceptions:
    1. The minimum size of a cemetery shall be five (5) acres.
    2. The minimum front, side and rear yards shall be fifty (50) feet.
  - B. Supplemental Regulations.
    1. An ornamental fence or densely planted buffer strip shall be required where the lot abuts an existing residential use or a residential zoning district.
    2. No grave markers and parking areas shall be located within the required front, ~~side or rear yards.~~
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**SECTION 415. Animals and Animal Shelters.**

Animals and animal shelters shall be permitted as accessory uses and accessory structures to residential uses in any zoning district subject to the following standards:

- A. In all zoning districts, animals which are maintained as accessory to a residential use shall be maintained only on a noncommercial basis.
- B. Any shelter and/or exercise pen which is constructed for the use of the animals shall be located in the rear yard at least ten (10) feet from any lot line and at least thirty (30) feet from the nearest dwelling other than the dwelling of the owner of the animal. Any means of confinement of such animal, including but not limited to chains and tethers, shall be located so that the animal cannot run closer than ten (10) feet to any property line or closer than fifty (50) feet to the nearest dwelling other than the dwelling of the owner.
- C. Any shelter and/or exercise pen shall be screened from adjoining properties by the installation of fencing or a landscape screen.
- D. In the R-1 district, unless regulated by other provisions in this Ordinance, it is permitted to maintain up to two (2) saddle horses provided no building, corral, or stable is less than one hundred (100) feet from any lot line, and is not closer than two hundred (200) feet to the nearest existing dwelling, other than that of the owner. A pasture fence shall be located a minimum distance of ten (10) feet from the property line. A minimum lot size of one (1) maintained acre per horse shall be provided.
- E. No manure storage facility or area shall be established closer than one hundred (100) feet to any property line.

**SECTION 416. Accessory Apartments.** The Zoning Hearing Board may approve Accessory Apartments as special exceptions in the R-1, R-2, R-2A, R-A, R-S, Commercial, Industrial and Office and Professional districts. The following requirements shall apply:

- A. The habitable floor area of the accessory apartment shall not exceed seven-hundred(700) square feet.
- B. Only one (1) accessory apartment may be permitted within a single-family dwelling.
- C. An accessory apartment may only be permitted and may only continue in use as long as the principal building is occupied by a permitted use or a use allowed by special exception.
- D. The lot area for the principal building shall meet the minimum lot area requirement for the applicable district where located. For zones without minimum lot areas, the applicant shall prove adequate space for the creation of the proposed apartment.
- E. The exterior architectural character of the principal dwelling shall not be altered in a manner

which departs from the primary feature of the building. The exterior architectural character for a freestanding Accessory Apartment shall complement the materials and architecture of the principal building and the district, in accordance with the Form-Based Code.

- F. One (1) additional off-street parking space shall be provided for each accessory apartment unit.

**SECTION 417. Hospitals, Nursing/Convalescent Homes.**

- A. Area and Bulk Regulations. All area and bulk regulations of the prevailing zoning district shall apply with the following exception:

1. The minimum lot area shall be two (2) acres or 800 square feet per patient bed whichever is greater.

- B. Supplemental Regulations.

1. No parking area shall be located within the yard requirements.
2. Sufficient exterior nighttime illumination of the parking area shall be required to provide convenience and safety. All such illumination shall be shielded from view of all surrounding streets and lots and shall not send any light skyward.
3. All buildings shall be of fire-proof construction.
4. All permitted uses shall be served by public water and sewer systems.

**SECTION 418. Business Conversions.** Business Conversions are permitted by right in the Commercial, General Business, Industrial, and Office and Professional districts, according to the procedures and requirements specified below:

- A. Area and Bulk Regulations. All area and bulk regulations of the prevailing zoning district shall apply.

- B. Parking Requirements. Off-street parking spaces shall be provided on said lot for each distinct use located on it, in accordance with Section 307.

- C. Supplemental Regulations.

1. If apartment units are proposed, each unit shall be provided with complete kitchen facilities, flush toilet and bathing facilities within the unit.
2. Fire escapes where required shall be located at the rear or an interior side of the building.

**SECTION 419. Greenhouses/Nurseries.**

In zoning districts where designated, commercial greenhouses and nurseries shall be permitted subject to the requirements of the district in which they are located, except as herein modified and provided.

- A. Access must be on an arterial street or collector street as designated in the Borough Comprehensive Plan.
- B. No sale of general hardware, power tools or motorized equipment is permitted. No outdoor display of tools or equipment is permitted.

**SECTION 420. Hotels and Motels.**

- A. A site to be used for a hotel or motel establishment shall include an office and lobby and may include such accessory uses as: restaurants, coffee shops, cafeteria-dining halls providing food and drink; amusement and recreation facilities such as a swimming pool, children's playground, tennis or other game sports; and game or recreation rooms.
- B. The minimum lot area shall be one (1) acre; the minimum lot width shall be 150 feet.
- C. All principal and accessory buildings and structures shall cover a total of not more than 35% of the site. A freestanding restaurant, coffee shop, cafeteria or dining hall shall not cover more than 10% of the site.
- D. The maximum length of any building shall not exceed 150 feet. The total interior floor area of each guest room, inclusive of bathroom and closet space, shall not be less than 250 square feet.

**SECTION 421. Recycling Centers/Plants.** In Zoning Districts where permitted by special exception, the Zoning Hearing Board may approve Recycling Centers/Plants. All recycling operations shall be conducted entirely within a wholly-enclosed building, however, the collection of paper, plastics, glass and/or metal products may be conducted in outdoor containers, provided the following additional requirements, are satisfied:

- A. All outdoor collection facilities shall be screened from view of adjacent properties from ground level to a minimum height of six (6) feet. Such screening may consist of a fence, wall, earthen berm and/or evergreen plantings with trees having a minimum size of six (6) feet in height at the time of planting.
  - B. Materials shall be stored in enclosed containers and shall not be stored outdoors for a period in excess of 48 hours.
  - C. Litter control shall be exercised at outdoor collection facilities to prevent the scattering of wind-borne debris.
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- D. Fencing and gates shall be erected around all recycling facilities in a manner which prevents the scattering of litter off site. Such fencing and gates shall comply with the requirements of Section 310, but have a minimum height of six (6) feet.
- E. The operator of the facility shall limit access to the site to those posted times when an attendant is on duty.
- F. Materials used or generated by the operation shall be stored in a leak and vectorproof manner.
- G. Sufficient stacking lanes into the facility shall be provided to avoid the obstruction of vehicles on public streets.
- H. No use shall emit fumes or gases that constitute a health hazard as defined by the United States Environmental Protection Agency or other appropriate regulatory agency.
- I. Adequate measures shall be provided to mitigate problems with noise, fumes, dust and litter.
- J. No use shall utilize lighting in any manner which produces glare onto public streets or adjacent tracts of land.

**SECTION 422. Front Porch Additions.** The Zoning Hearing Board may authorize the construction of unenclosed front porches as special exceptions in all residential districts subject to sight distance and safety concerns under the following criteria:

- A. The porch shall consist of a floor at or above grade with access to the main level of the residence only and may have a roof supported by columns. Those columns may be connected by railings or banisters of purely decorative nature so as not to materially impede the flow of air across the porch.
- B. An approved porch may not extend more than eight (8) feet beyond the sides of the building as measured against the front façade of the existing building. The porch shall be setback at least six (6) feet from the street right-of-way. District specific setbacks shall apply to porches, unless a porch addition is part of a Redevelopment, in which case the setbacks of the Form-Based Codes shall apply.
- C. An applicant desiring to construct a front porch shall submit plans depicting all appropriate dimensions and an elevation drawing showing the size and location of footers, columns, and architectural features. Plans shall include adequate information to enable the Zoning Officer to determine if any additional obstructions to sight distances from roadways will be created.
- D. Existing front porches may not be fully enclosed to create habitable space.

**SECTION 423. Wireless Communications Facilities****A. Purposes and Findings of Fact.**

1. The purpose of this section is to establish uniform standards for the siting, design, permitting, maintenance, and use of Wireless Communications Facilities in Lititz Borough (referred to herein as the “Borough”). While the Borough recognizes the importance of Wireless Communications Facilities in providing high quality communications service to its residents and businesses, the Borough also recognizes that it has an obligation to protect public safety and to minimize the adverse visual effects of such facilities through the standards set forth in the following provisions.
2. By enacting these provisions, the Borough intends to:
  - a. Accommodate the need for Wireless Communications Facilities while regulating their location and number so as to ensure the provision of necessary services;
  - b. Provide for the managed development of Wireless Communications Facilities in a manner that enhances the benefits of wireless communication and accommodates the needs of both Borough residents and wireless carriers in accordance with federal and state laws and regulations;
  - c. Establish procedures for the design, siting, construction, installation, maintenance and removal of both Telecommunications Towers and Telecommunications Antennas in the Borough, including facilities both inside and outside the public rights-of-way;
  - d. Address new wireless technologies, including but not limited to, distributed antenna systems, data collection units, and other Wireless Communications Facilities;
  - e. Minimize the adverse visual effects and the number of such facilities through proper design, siting, screening, material, color and finish, and by requiring that competing providers of wireless communications services collocate their Telecommunications Antenna and related facilities on existing towers;
  - f. Promote the health, safety and welfare of the Borough's residents.

**B. General and Specific Requirements for Telecommunications Antennas**

1. The following regulations shall apply to all Telecommunications Antennas, except those operated by a federally licensed amateur radio status operator and those that fall under the Pennsylvania Wireless Broadband Collocation Act:

- a. Small Wireless Facilities shall be considered a permitted use in all zoning districts. Telecommunications Antennas that exceed the size of a Small Wireless Facility shall be permitted by Special Exception in all zones. All Telecommunication Antennas are subject to the restrictions and conditions prescribed below and subject to applicable permitting by the Borough. All Telecommunication Antennas shall be located on non-decorative light poles, utility poles and nondecorative traffic lights. If such placement is not possible, Telecommunications Antennas are permitted by Special Exception in all zones subject to the restrictions and conditions prescribed below and subject to applicable permitting by the Borough.
- b. Non-conforming Wireless Support Structures. Telecommunications Antennas shall be permitted to collocate upon non-conforming Telecommunications Towers and other non-conforming structures. Co-location of Telecommunications Antennas upon existing Telecommunications Towers is encouraged even if the Telecommunications Towers are non-conforming as to use within a zoning district.
- c. Standard of care. All Telecommunications Antennas shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any Telecommunications Antenna shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Borough.
- d. Wind. All Telecommunications Antennas structures shall be designed to withstand the effects of wind gusts of at least one hundred (100) miles per hour in addition to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222, as amended).
- e. Aviation safety. Telecommunications Antennas shall comply with all federal and state laws and regulations concerning aviation safety.
- f. Public safety communications and other communications services. Telecommunications Antennas shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- g. Radio frequency emissions. A Telecommunications Antenna shall not, by itself or in conjunction with other Telecommunications Antennas and/or Telecommunications Towers, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled “Evaluating Compliance

with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields,” as amended.

- h. Removal. In the event that use of a Telecommunications Antennas is discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned Telecommunications Antennas or portions of Telecommunications Antennas shall be removed as follows:
- (1) All abandoned or unused Telecommunications Antennas and Related Equipment shall be removed within two (2) months of the cessation of operations at the site unless a time extension is approved by the Borough.
  - (2) If the Telecommunications Antenna or Related Equipment is not removed within two (2) months of the cessation of operations at a site, or within any longer period approved by the Borough, the Telecommunications Antenna and/or Related Equipment may be removed by the Borough. As security, the Borough reserves the right to the salvage value of any removed Telecommunications Antenna and/or Related Equipment, if such Telecommunications Antenna and/or Related Equipment are not removed by the owner within the timeframe enumerated in in this Chapter.
- i. Insurance. Each person that owns or operates a Telecommunications Antenna that is not classified as a Small Wireless Facility shall provide the Borough with a certificate of insurance, naming the Borough as an additional insured, and evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the Telecommunications Antenna.
- j. Financial Security. Prior to the issuance of a special exception authorization, the owner of a Communications Antenna shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond or other form of security acceptable to the Borough, in an amount of \$20,000 to assure the faithful performance of the terms and conditions of this Ordinance, as well as the potential removal of the proposed facility. The bond shall provide that the Borough may recover from the principal and surety any and all compensatory damages incurred by the Borough for violations of this Ordinance, after reasonable notice and opportunity to cure. The owner shall file the bond with the Borough.
- k. Indemnification. Each person that owns or operates a Telecommunications Antenna shall, at its sole cost and expense, indemnify, defend and hold harmless the Borough, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the
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Telecommunications Antenna. Each person that owns or operates a Telecommunications Antenna shall defend any actions or proceedings against the Borough in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a Telecommunications Antenna. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

l. Maintenance. To the extent permitted by law, the following maintenance requirements shall apply:

(1) The Telecommunications Antenna shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.

(2) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Borough's residents.

(3) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.

m. Removal, Replacement and Modification.

(1) The removal and replacement of Telecommunications Antennas and/or Related Equipment for the purpose of upgrading or repairing the Telecommunications Antenna is permitted, so long as such repair or upgrade does not Substantially Change the overall size of the Telecommunications Antenna or the number of antennas.

(2) To the extent permitted by state law, any material modification to a Telecommunications Antenna shall require notice to be provided to the Borough, and possible supplemental permit approval to the original permit or authorization.

2. The following regulations shall apply to collocated Telecommunications Antennas that fall under the Pennsylvania Wireless Broadband Collocation Act:

a. Permit required. Telecommunications Antenna Applicants proposing the modification of an existing Telecommunications Tower shall obtain a building permit from the Borough. In order to be considered for such permit, the Applicant must submit a permit application to the Borough in accordance with applicable permit policies and procedures.

b. Timing of approval for applications that fall under the WBCA. Within thirty (10) calendar days of the date that an application for a Telecommunications Antenna is filed with the Borough, the Borough shall notify the Applicant in writing of any

information that may be required to complete such application. Within sixty (60) calendar days of receipt of a complete application, the Borough shall make its final decision on whether to approve the application and shall advise the Applicant in writing of such decision.

- c. Related Equipment. Ground-mounted Related Equipment greater than three (3) cubic feet shall not be located within fifty (50) feet of a lot in residential use or zoned residential.
- d. Permit fees. The Borough will assess a fee of \$500 for an application of up to five collocated Telecommunication Antennas. An additional \$100 will be assessed for each additional collocated Telecommunication Antenna beyond five.

C. The following regulations shall apply to Telecommunications Antennas that do not fall under the Pennsylvania Wireless Broadband Collocation Act:

1. Prohibited on Certain Structures. No Telecommunications Antennas shall be located on single-family residences, duplexes, multi-family residences, or townhomes.
2. Special Exception Required. Any Applicant proposing the construction of a new Telecommunications Antenna, or the modification of an existing Telecommunications Antenna, shall first obtain a Special Exception from the Borough. New constructions, modifications, and replacements that fall under the WBCA or that involve Small Wireless Facilities shall not be subject to the Special Exception process. The Special Exception application shall demonstrate that the proposed facility complies with all applicable provisions in the Lititz Borough Zoning Ordinance.
3. Historic Buildings. No Telecommunications Antenna may be located upon any property, or on a building or structure that is located in the Borough Historic Overlay District.
4. Retention of Experts. The Borough may hire any consultant(s) and/or expert(s) necessary to assist the Borough in reviewing and evaluating the application for approval of the Telecommunications Antenna and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these Telecommunications Antenna provisions. The Applicant and/or owner of the Telecommunications Antenna shall reimburse the Borough for all costs of the Borough's consultant(s) in providing expert evaluation and consultation in connection with these activities.
5. Permit Fees. The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of a Telecommunications Antenna, as well as related inspection, monitoring and related costs. New Small Wireless Facilities that require the installation of a new or replacement utility pole shall be assessed \$1,000.
6. Development Regulations. Telecommunications Antennas shall be collocated on existing Wireless Support Structures, such as existing buildings or Telecommunications Towers, subject to the following conditions:

- a. The total height of any Wireless Support Structure and mounted Telecommunications Antenna shall not exceed the maximum height permitted in the underlying zoning district, unless the Applicant applies for, and subsequently obtains, a variance. New Small Wireless Facilities proposed to be located on existing utility poles shall not require a variance.
  - b. In accordance with industry standards, all Telecommunications Antenna Applicants must submit documentation to the Borough justifying the total height of the Telecommunications Antenna. Such documentation shall be analyzed in the context of such justification on an individual basis.
  - c. If the Applicant proposes to locate the Related Equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district, and landscaping shall be required to screen as much of the equipment building as possible. An evergreen screen shall surround the site. The evergreen screen shall be a minimum height of six (6) feet at planting and shall not exceed ten (10) feet on center.
7. A security fence with a height of eight (8) feet, with openings no greater than four (4) inches shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.
  8. Non-commercial usage exemption. Borough residents utilizing satellite dishes and antennas for the purpose of maintaining television, phone, radio and/or internet connections at their respective residences shall be exempt from the regulations enumerated in this section of the Zoning Ordinance. Amateur radio operators are exempt from the regulations enumerated in this ordinance.
  9. Design Regulations. Telecommunications Antennas shall employ Stealth Technology and be treated to match the Wireless Support Structure in order to minimize aesthetic impact. The application of the Stealth Technology chosen by the Applicant shall be subject to the approval of the Borough Zoning Hearing Board. Stealth Technology for Small Wireless Facilities shall be reviewed by the Zoning Officer.
  10. Inspection. The Borough reserves the right to inspect any Telecommunications Antenna to ensure compliance with the provisions of the Zoning Ordinance and any other provisions found within the Borough Code or state or federal law. The Borough and/or its agents shall have the authority to enter the property upon which a Telecommunications Antenna is located at any time, upon reasonable notice to the operator, to ensure such compliance.

D. Regulations Applicable to all Telecommunications Antennas located in the Public Rights-of-Way. In addition to the Telecommunications Antenna provisions listed in Section B of Section No. 423 the following regulations shall apply to Telecommunications Antennas located in the public rights-of-way:

1. Co-location. Telecommunications Antennas in the ROW shall be collocated on existing

poles, such as existing utility poles or light poles. If co-location is not technologically feasible, the Applicant, with the Borough's approval, shall locate its Telecommunications Antennas on existing poles or freestanding structures that do not already act as Wireless Support Structures. Telecommunications Antennas shall not be co-located or located on decorative traffic lights or decorative light poles. Telecommunication Antennas located on non-decorative traffic lights shall be independent of the signal's electric and signal systems.

2. Design Requirements:

- a. Telecommunications Antenna installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
- b. Telecommunications Antennas and Related Equipment shall be treated by the Telecommunications Antenna owner or Applicant to match the Wireless Support Structure and may be required to be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.

3. Time, Place and Manner. The Borough shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Telecommunications Antennas in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Borough and the requirements of the Public Utility Code.

4. Equipment Location. Telecommunications Antennas and Related Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Borough. In addition:

- a. Ground-mounted Related Equipment shall be located between the sidewalk and the curb. For reasons of safety and aesthetics, such equipment shall neither protrude onto the curb, nor obstruct the sidewalk.
- b. Ground-mounted Related Equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Borough.
- c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Borough.

d. Any graffiti on any Wireless Support Structures or any Related Equipment

shall be removed at the sole expense of the owner.

- e. Any proposed underground vault related to Telecommunications Antennas shall be reviewed and approved by the Borough.

5. Relocation or Removal of Facilities. Within two (2) months following written notice from the Borough, or such longer period as the Borough determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a Telecommunications Antenna in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any Telecommunications Antenna when the Borough, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

- a. The construction, repair, maintenance or installation of any Borough or other public improvement in the right-of-way;
- b. The operations of the Borough or other governmental entity in the Right-of-Way;
- c. Vacation of a street or road or the release of a utility easement; or
- d. An Emergency as determined by the Borough.

E. General and Specific Requirements for All Telecommunications Towers.

1. The following regulations shall apply to all Telecommunications Towers, excluding any Telecommunications Tower that is owned and operated by a federally licensed amateur radio status operator.
  - a. Standard of Care. Any Telecommunications Towers shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any Telecommunications Towers shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Borough.
  - b. Notice. Upon submission of an application for a Telecommunications Tower and the scheduling of the mandatory public hearing in front of the Borough Zoning Hearing Board, the Applicant shall mail notice to all owners of every property within five hundred (500) feet of the proposed facility. The Applicant shall provide proof of the notification to the Borough.
  - c. Special Exception Authorization Required. Telecommunications Towers are permitted by Special Exception in certain districts, at a height necessary to satisfy

their function in the Applicant's wireless communications system. No Applicant shall have the right under these regulations to erect a tower to the maximum height specified in this section unless it proves the necessity for such height. The Applicant shall demonstrate that the proposed Telecommunications Tower is the minimum height necessary for the service area.

- i. Prior to the Zoning Hearing Board's approval of a Special Exception authorizing the construction and installation of Telecommunications Tower, shall be incumbent upon the Applicant for such Special Exception approval to prove to the reasonable satisfaction of the Borough Zoning Hearing Board that the Applicant cannot adequately extend or infill its communications system by the use of equipment such as redoes, repeaters, antenna(s) and other similar equipment installed on existing structures, such as utility poles or their appurtenances and other available tall structures. The Applicant shall further demonstrate that the proposed Telecommunications Tower must be located where it is proposed in order to serve the Applicant's service area and that no other viable alternative location exists.
  - ii. The Special Exception application shall be accompanied by a propagation study evidencing the need for the proposed tower or other communication facilities and equipment, a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the Applicant, the power in watts at which the Applicant transmits, and any relevant related tests conducted by the Applicant in determining the need for the proposed site and installation.
  - iii. The Special Exception application shall be accompanied by documentation demonstrating that the proposed Telecommunications Tower complies with all state and federal laws and regulations concerning aviation safety.
  - iv. Where the Telecommunications Tower is located on a property with another principal use, the Applicant shall present documentation to the Borough Zoning Hearing Board that the owner of the property has granted an easement for the proposed Telecommunications Tower and that vehicular access will be provided to the facility.
  - v. The Special Exception application shall be accompanied by documentation demonstrating that the proposed Telecommunications Tower complies with all applicable provisions in this section.
- d. Engineer Inspection. Prior to the Borough's issuance of a permit authorizing construction and erection of a Telecommunications Tower, a structural engineer registered in Pennsylvania shall issue to the Borough a written certification of the proposed Telecommunications Tower's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the structure. This certification shall be provided during the special exception proceedings before the Borough Zoning Hearing

Board, or at a minimum, be made as a condition attached to any approval given such that the certification be provided prior to issuance of any building permits.

- e. Visual Appearance. Telecommunications Towers shall employ Stealth Technology. All Telecommunications Towers and Related Equipment shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible. The Borough Zoning Hearing Board shall consider whether its decision upon the subject application will promote the harmonious and orderly development of the zoning district involved; encourage compatibility with the character and type of development existing in the area; benefit neighboring properties by preventing a negative impact on the aesthetic character of the community; preserve woodlands and trees existing at the site to the greatest possible extent; and encourage sound engineering and land development design and construction principles, practices and techniques.
- f. Co-location and siting. An application for a new Telecommunications Tower shall demonstrate that the proposed Telecommunications Tower cannot be accommodated on an existing or approved structure or building or on land owned and maintained by Lititz Borough. The Borough Zoning Hearing Board may deny an application to construct a new Telecommunications Tower if the Applicant has not made a good faith effort to mount the Telecommunications Antenna on an existing structure. The Applicant shall demonstrate that it contacted the owners of tall structures, buildings, and towers within a one quarter ( $\frac{1}{4}$ ) of a mile radius of the site proposed, sought permission to install a Telecommunications Antenna on those structures, buildings, and towers and was denied for one of the following reasons:
  - (1) The proposed antenna and Related Equipment would exceed the structural capacity of the existing building, structure or tower, and its reinforcement cannot be accomplished at a reasonable cost.
  - (2) The proposed antenna and Related Equipment would cause radio frequency interference with other existing equipment for that existing building, structure, or tower and the interference cannot be prevented at a reasonable cost.
  - (3) Such existing buildings, structures, or towers do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.
  - (4) A commercially reasonable agreement could not be reached with the owner of such building, structure, or tower.
- g. Permit Required for Modifications. To the extent permissible under applicable state and federal law, any Applicant proposing the modification of an existing Telecommunications Tower, which increases the overall height of such Wireless Support Structure, shall first obtain a building permit from the Borough. Non-routine modifications shall be prohibited without such permit.
- h. Gap in Coverage. An Applicant for a Telecommunications Tower must demonstrate that a significant gap in wireless coverage or capacity exists in the applicable area and

that the type of Telecommunications Tower being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the Borough Zoning Hearing Board's decision on an application for approval of Telecommunications Tower.

- i. Additional Antennas. As a condition of approval for all Telecommunications Tower, the WCF Applicant shall provide the Borough with a written commitment that it will allow other service providers to collocate Telecommunications Antennas on Telecommunications Towers where technically and economically feasible. The owner of a Telecommunications Tower shall not install any additional Telecommunications Antennas without obtaining the prior written approval of the Borough.
  - j. Wind. Any Telecommunications Tower structures shall be designed to withstand the effects of wind gusts of at least one hundred (100) miles per hour in addition to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA/TIA-222), as amended.
  - k. Height. Any Telecommunications Tower shall be designed at the minimum functional height. In all Zoning Districts the maximum height of any new Telecommunications Tower shall be one hundred seventy-five (175) feet.
  - l. Related Equipment. Either a one single-story wireless communications equipment building not exceeding five hundred (500) square feet in area or up to five metal boxes placed on a concrete pad not exceeding ten (10) feet by twenty (20) feet in area housing the receiving and transmitting equipment may be located on the site for each unrelated company sharing space on the Telecommunications Tower.
  - m. Public Safety Communications and Other Communications Services. No Telecommunications Tower shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
  - n. Maintenance. The following maintenance requirements shall apply:
    - (1) Any Telecommunications Tower shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
    - (2) Such maintenance shall be performed to ensure the upkeep of the Telecommunications Tower in order to promote the safety and security of the Borough's residents, and utilize the best available technology for preventing failures and accidents.
  - o. Radio Frequency Emissions. A Telecommunications Tower shall not, by itself or in conjunction with other Telecommunications Towers or Telecommunications Antennas, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering
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Technology Bulletin 65 entitled “Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields,” as amended.

- p. Historic Buildings or Districts. A Telecommunications Tower shall not be located upon a property, and/or on a building or structure that is located in the Borough Historic Overlay District.
- q. Signs. All Telecommunications Towers shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. The only other signage permitted on the Telecommunications Tower shall be those required by the FCC, or any other federal or state agency.
- r. Lighting. No Telecommunications Tower shall be artificially lighted, except as required by law. If lighting is required, the Applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. Automatic lighting is prohibited and all lighting must be controlled manually by an on-site switch. The Applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities and to the Borough Manager.
- s. Noise. Telecommunications Towers shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Borough Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
- t. Aviation Safety. Telecommunications Towers shall comply with all federal and state laws and regulations concerning aviation safety.
- u. Retention of Experts. The Borough may hire any consultant and/or expert necessary to assist the Borough in reviewing and evaluating the application for approval of the Telecommunications Tower and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these provisions. The Applicant and/or owner of the Telecommunications Tower shall reimburse the Borough for all costs of the Borough’s consultant(s) in providing expert evaluation and consultation in connection with these activities.
- v. Timing of Approval. Within thirty (30) calendar days of the date that an application for a Telecommunications Tower is filed with the Borough, the Borough shall notify the Applicant in writing of any information that may be required to complete such application. All applications for Telecommunications Towers shall be acted upon within one hundred fifty (150) days of the receipt of a fully completed application for the approval of such Telecommunications Towers and the Borough shall advise the Applicant in writing of its decision. If additional information was requested by the Borough to complete an application, the time required by the Applicant to provide the information shall not be counted toward the one hundred fifty (150) day review period.

- w. Non-conforming Uses. Non-conforming Telecommunications Towers which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this section.
- x. Removal. In the event that use of a Telecommunications Tower is planned to be discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned Telecommunications Towers or portions of Telecommunications Towers shall be removed as follows:
  - (1) All unused or abandoned Telecommunications Towers and Related Equipment shall be removed within two (2) months of the cessation of operations at the site unless a time extension is approved by the Borough.
  - (2) If the Telecommunications Tower and/or Related Equipment is not removed within two (2) months of the cessation of operations at a site, or within any longer period approved by the Borough, the Telecommunications Tower and Related Equipment may be removed by the Borough and the cost of removal assessed against the owner of the Telecommunications Tower. As security, the Borough reserves the right to the salvage value of any removed Telecommunications Tower and/or Related Equipment, if such Telecommunications Tower and/or Related Equipment are not removed by the owner within the timeframe enumerated in this Chapter.
  - (3) Any unused portions of Telecommunications Towers, including antennas, shall be removed within two (2) months of the time of cessation of operations. The Borough must approve all replacements of portions of a Telecommunications Tower previously removed.
- y. Permit Fees. The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of a Telecommunications Tower, as well as related inspection, monitoring, and related costs.
- z. FCC License. Each person that owns or operates a Telecommunications Tower over thirty-five (35) feet in height shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility.
- aa. Insurance. Each person that owns or operates a Telecommunications Tower greater than thirty-five (35) feet in height shall provide the Borough with a certificate of insurance naming the Borough as an additional insured, and evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the Telecommunications Tower. Each person that owns or operates a Telecommunications Tower thirty-five (35) feet or less in height shall provide the Borough with a certificate of insurance naming the Borough as an additional insured, and evidencing general liability coverage in the minimum amount of \$1,000,000 per

occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering each Telecommunications Tower.

- bb. Indemnification. Each person that owns or operates a Telecommunications Tower shall, at its sole cost and expense, indemnify, defend and hold harmless the Borough, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Telecommunications Tower. Each person that owns or operates a Telecommunications Tower shall defend any actions or proceedings against the Borough in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of the Telecommunications Tower. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.
  - cc. Engineer signature. All plans and drawings for a Telecommunications Tower shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.
  - dd. Financial security. Prior to receipt of a zoning permit for the construction or placement of a Telecommunications Tower, the Applicant shall provide to the Borough financial security sufficient to guarantee the construction and maintenance of the Telecommunications Tower. Said financial security shall remain in place until the Telecommunications Tower is removed.
- F. The following regulations shall apply to Telecommunications Towers located outside the Public Rights-of-Way:
- 1. Development Regulations.
    - a. Telecommunications Towers shall not be located in, or within seventy-five (75) feet of an area in which all utilities are located underground.
    - b. Telecommunications Towers outside the public Rights-of-Way in the Industrial District are subject to the prohibitions in Section 213 of the Lititz Borough Zoning Code.
    - c. Sole use on a lot. A Telecommunications Tower may be permitted by special exception as a sole use on a lot, provided that the underlying lot meets the minimum size specifications set forth in the Borough Zoning Code and is set back from all adjacent property lines by one hundred and ten percent (110%) of the height of the Telecommunications Tower

- d. Combined with another use. A Telecommunications Tower may be permitted by special exception on a property with an existing use, or on a vacant parcel in combination with another use, except residential, subject to the following conditions:
  - (1) The existing use on the property may be any permitted use in the applicable district, and need not be affiliated with the Telecommunications Tower.
  - (2) Minimum lot area. The minimum lot shall comply with the requirements for the applicable zoning district and shall be the area needed to accommodate the Telecommunications Tower and guy wires, the equipment building, security fence, and buffer planting if the proposed Telecommunications Towers is greater than thirty-five (35) feet in height.
  - (3) Minimum setbacks. The minimum distance between the base of a Telecommunications Tower and any adjoining property line or street right-of-way line shall be equal to one hundred and ten percent (110%) of the height of the Telecommunications Tower. The underlying lot must be large enough to accommodate Related Equipment, storm water runoff mechanisms, and all other features typically found within the immediate area of a Telecommunications Tower.

2. Design Regulations.

- a. The Telecommunications Tower shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. Application of the Stealth Technology chosen by the Applicant shall be subject to the approval of the Borough Zoning Hearing Board.
- b. Height. Any Telecommunications Tower shall be designed at the minimum functional height. In all Zoning Districts the maximum height of any new Telecommunications Tower shall be one hundred seventy-five (175) feet.
- c. To the extent permissible by law, any height extensions to an existing Telecommunications Tower shall require prior approval of the Borough.
- d. Any proposed Telecommunications Tower shall be designed structurally, electrically, and in all respects, to accommodate both the Applicant's Telecommunications Antennas and comparable Telecommunications Antennas, for the maximum amount of future users based on the size of the proposed Telecommunications Tower.
- e. Any Telecommunications Tower over thirty-five (35) feet in height shall be equipped with an anti-climbing device, as approved by the manufacturer.

3. Surrounding Environs.

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- a. The Applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the Telecommunications Tower shall be preserved to the maximum extent possible. If trees are to be removed, they must be replaced at a ratio of 1:1.
  - b. The Applicant shall submit a soil report to the Borough complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA-222, as amended, to document and verify the design specifications of the foundation of the Telecommunications Tower, and anchors for guy wires, if used.
4. Fence/Screen.
- a. A security fence with a height of eight (8) feet, with openings no greater than four (4) inches shall completely surround any Telecommunications Tower greater than thirty-five (35) feet in height, as well as guy wires, or any building housing Related Equipment.
  - b. The Applicant shall comply with the requirements for buffer yards and screening enumerated in the Borough Zoning Code.
5. Related Equipment.
- a. Ground-mounted Related Equipment associated to, or connected with, a Telecommunications Tower shall be placed underground or screened from public view using Stealth Technologies, as described above.
  - b. All Related Equipment shall be architecturally designed to blend into the environment in which it is situated and shall meet the minimum setback requirements of the underlying zoning district.
6. Access Road. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to Telecommunications Towers. The access road shall be a dust-free all-weather surface for its entire length. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the Telecommunications Tower owner shall present documentation to the Borough that the property owner has granted an easement for the proposed facility.
7. Parking. For each Telecommunications Tower greater than thirty-five (35) feet in height, there shall be two off-street parking spaces.
8. Inspection. The Borough reserves the right to inspect any Telecommunications Tower to ensure compliance with the Zoning Ordinance and any other provisions found within the Borough Code or state or federal law. The Borough and/or its agents shall have the authority to enter the property upon which a Telecommunications Tower is located at any time, upon reasonable notice to the operator, to ensure such compliance.
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G. The following regulations shall apply to Telecommunications Towers located in the Public Rights-of-Way.

1. Location and development standards.
    - a. Telecommunications Towers in the ROW are prohibited in areas in which utilities are located underground.
    - b. Telecommunications Towers in the ROW shall be constructed at an equivalent height as light poles and/or utility poles located on the same block as the proposed Telecommunications Tower.
    - c. Telecommunications Towers shall not be located in the front façade area of any structure.
    - d. Regardless of the underlying zoning district, Telecommunications Towers shall be permitted by Special Exception along all streets and roads other than those contained within, or within seventy-five (75) feet of, the Borough Historic Overlay District. The placement of Telecommunications Towers in the Borough Historic District, or along streets that outline the perimeter of the Borough Historic District, is prohibited.
  2. Time, Place and Manner. The Borough shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Telecommunications Towers in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Borough and the requirements of the Public Utility Code.
  3. Equipment Location. Telecommunications Towers and Related Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Borough. In addition:
    - a. Ground-mounted Related Equipment shall be located between the sidewalk and the curb. For reasons of safety and aesthetics, such equipment shall neither protrude onto the curb, nor obstruct the sidewalk.
    - b. Ground-mounted Related Equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Borough Zoning Hearing Board.
    - c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Borough Zoning Hearing Board.
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- d. Any graffiti on the tower or on any Related Equipment shall be removed at the sole expense of the owner.
- e. Any underground vaults related to Telecommunications Towers shall be reviewed and approved by the Borough Zoning Hearing Board.

4. Design regulations.

- a. The Telecommunications Tower shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the Applicant shall be subject to the approval of the Borough Zoning Hearing Board.
- b. Telecommunications Towers in the public ROW shall not exceed thirty-five (35) feet in height.
- c. To the extent permissible under state and federal law, any height extensions to an existing Telecommunications Tower shall require prior approval of the Borough, and shall not increase the overall height of the Telecommunications Towers to more than thirty-five (35) feet.
- d. Any proposed Telecommunications Towers shall be designed structurally, electrically, and in all respects to accommodate both the Applicant's Telecommunications Antennas and comparable Telecommunications Antennas the maximum amount of future users based on the size of the proposed Telecommunications Tower.

5. Relocation or Removal of Facilities. Within sixty (60) days following written notice from the Borough, or such longer period as the Borough determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of a Telecommunications Tower in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any Telecommunications Tower when the Borough, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

- a. The construction, repair, maintenance or installation of any Borough or other public improvement in the Right-of-Way;
- b. The operations of the Borough or other governmental entity in the right-of-way;
- c. Vacation of a street or road or the release of a utility easement; or
- d. An emergency as determined by the Borough.

6. Reimbursement for ROW Use. In addition to permit fees as described in this section, every Telecommunications Tower in the ROW is subject to the Borough's right to fix

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annually a fair and reasonable fee to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Borough's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Borough. The owner of each Telecommunications Tower shall pay an annual fee to the Borough to compensate the Borough for the Borough's costs incurred in connection with the activities described above.

#### **SECTION 424. Transitional Housing**

- A. Transitional housing may be permitted by Special Exception in the R-ADistrict.
- B. At least 250 square feet of housing space shall be provided and maintained for each person in a Transitional housing unit.
- C. The Transitional housing unit may provide for temporary housing for unrelated adults for a period not to exceed six (6) months.

#### **SECTION 425. Wind Energy Systems**

The Zoning Hearing Board may approve and Wind Energy Systems may be permitted in Industrial Districts as a special exception according to the procedures and requirements specified below:

- A. No more than one windmill or windwheel shall be permitted per property.
  - B. General Standards for Wind Energy Systems: Where these general standards and specific criteria overlap, the specific criteria shall supersede the general standards. The installation and construction of a wind energy system shall be subject to the following design and development standards:
    - 1. A wind energy system shall provide power for the principal use and/or accessory uses of the property on which the wind energy system is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
    - 2. A wind energy system connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connection.
    - 3. The maximum wind energy system height is eighty-five (85) feet. The height shall be measured from the ground surface of the wind energy system tower to the highest point of the extended blade tip or the highest point of the wind energy system. The permitted height limits are also subject to applicable Federal Aviation Administration regulations regarding objects affecting navigable
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airspace. The Applicant shall provide acknowledgement from the Federal Aviation Administration or from a representative from the Lancaster Airport Authority authorized to acknowledge such request indicating that the height of the wind energy system does not adversely affect the airspace of the airport.

C. Setbacks from the wind energy system shall be as follows:

1. Setback from property line – The minimum wind energy system setback distance from the nearest property line shall be a distance no less than the distance from the wind energy system tower base to the tip of the blade or the highest point of the wind energy system.
2. Setback from residential dwellings – The minimum wind energy system setback distance from any residential dwelling excluding the dwelling situated on the property where the wind energy system will be located shall be five hundred (500) feet from the property line and one thousand (1,000) feet from the residential dwelling. The distance shall be measured from the nearest point of the extended tip of the blade or nearest point of the wind energy system to the residential dwelling.
3. The minimum wind energy system setback distance from all above ground utility lines, radio, television or telecommunication towers shall be a distance equal to or greater than the distance from the wind energy system tower base to the tip of the blade or the nearest point from the wind energy system to the above ground utility lines, radio, television or telecommunication towers.
4. The minimum distance from guy wires, accessory structure, and other appurtenances of the wind energy system shall be ten (10) feet from the property lines.
5. Wind energy systems shall not be located within the required front yard setback.

D. The distance between the ground and any part of the rotor or blade system shall be no less than fifteen (15) feet.

E. Wind energy systems shall be equipped with an appropriate anti-climbing device or other similar protective device to prevent unauthorized access to the wind energy system. Such anti-climbing device shall be installed to a minimum height of fifteen (15) from the ground or roof if the wind energy system is situated on the roof. Access doors to wind energy systems and electrical equipment shall be locked to prevent entry by non-authorized person.

F. All power transmission lines from the wind energy system to any building or other structure shall be located underground. There shall be no exposed wiring.

G. Wind energy systems shall be a neutral non-obtrusive color such as white, off-white, ~~gray, brown or earth tone shade unless required by the Federal Aviation Administration~~

- or other regulatory agency to be otherwise.
- H. Audible sound from a wind energy system shall not exceed sixty (60) decibels, as measured at the exterior of any occupied building on the adjacent parcels.
- I. All wind energy systems shall be designed with an automatic brake to prevent over-speeding and excessive pressure on the wind energy system tower structure.
- J. Wind energy systems shall not be artificially lighted unless required by the Federal Aviation Administration or other applicable regulatory authority. If the Federal Aviation Administration requires safety lighting, the use of red beacons is preferred to flashing strobe lighting. Illumination of the wind energy system shall be avoided.
- K. Wind energy systems shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturer's or installer's identification and any appropriate warning signs and placards may be displayed on the wind energy system provided they comply with the prevailing sign regulations.
- L. Mechanical equipment associated with the use of the wind energy system shall comply with the following:
1. Any mechanical equipment associated with and necessary for the operation of the wind energy system that is not enclosed within the wind energy tower or within an accessory structure on the property shall comply with the following:
    - a. Mechanical equipment shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees, or other plant materials which provides a visual screen. In lieu of a planting screen, a decorative fence meeting the requirements of the Zoning Hearing Board may be used.
    - b. Mechanical equipment shall not be located within the minimum front yard setback of the underlying zoning district.
    - c. Mechanical equipment shall be setback at least ten (10) feet from the rear and side property lines.
    - d. All mechanical equipment and buildings associated with the operation shall conform to all minimum building setbacks and shall be enclosed with a six (6) foot fence. Any tower shall also be enclosed with a six (6) foot fence, unless the base of the tower is not climbable for a distance of twelve (12) feet.
- M. A Site Plan including the following information shall be included:
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1. Overall site boundary with sufficient information to show the location of the property in proximity to adjacent properties and existing features located within five hundred feet (500') of the subject property boundaries.
2. Identification of adjacent property owners.
3. Location, dimensions, and types of existing structures on the property, and proximity to structures on adjacent lots within five hundred feet (500') of the subject wind energy system.
4. Location and dimension of driveways, roadways and significant features within and adjacent to the subject property within five hundred feet (500') of the subject property boundaries.
5. Location of the proposed energy system, foundations, guy anchors and associated equipment.
6. Setback requirements as outlined in this ordinance and proposed setbacks.
7. The location of any rights-of-way, easements, floodplains, or other covenants restricting the use of the property.
8. The location of any overhead utility lines, radio transmission lines, cable lines or other overhead lines within five hundred feet (500') of the subject property boundaries.
9. The location of any telecommunication towers within 1,000' of the subject property.
10. Wind energy system specifications, including manufacturer, model, rotor diameter, tower height, tower type.

N. A report from a Professional Engineer, licensed in the State of Pennsylvania, documenting the following shall be submitted for review:

1. Description of the wind energy system including overview, project location, the rated capacity for the on-site user, type and height of facility including generating capacity, dimensions and respective manufacturers and description of the ancillary facilities.
2. Evidence of structural integrity of each tower structure.
3. Structural failure characteristics of the each tower structure and demonstration that site and setbacks are of adequate size to contain debris.
4. Information demonstrating that the proposed wind energy system is for the sole purpose of generating energy for the user of the property with the exception of the

excess energy that may be generated from time to time and sold to the local utility company.

5. The make, model, picture and manufacturer’s specifications shall be provided.
- O. Visual Impact – demonstrations including before and after photo-simulations and elevation drawings showing the height, design, color, and proposed location of the facility as viewed from neighboring areas.
1. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the wind energy system.
- P. Evidence that the Applicant is the owner of the premises involved or that the applicant if he is a tenant of the property has written permission of the owner to make such application.
- Q. Permitting – A wind energy system shall not be constructed until a building permit has been approved and issued.
- R. Maintenance – All wind energy systems shall be maintained in compliance with Township standards contained in the applicable codes and ordinances so as to ensure the structural integrity of such facilities.
1. Before any construction can commence on any wind energy systems the property owner must acknowledge that he/she is the responsible party for owning and maintaining the wind energy system. If the wind energy system is abandoned or is in a state of disrepair it shall be the responsibility of the property owner to remove or maintain the wind energy system.
  2. Any earth disturbance as a result of the removal of the ground mounted wind energy system shall be graded and reseeded.
  3. If the wind energy conversion unit is abandoned from use, any tower and related structures shall be dismantled and removed from the property within ninety (90) days.
- S. Abandonment of wind energy system or solar energy system.
1. Such systems that are out of service for a continuous twelve (12) month period will be deemed to have been abandoned.
  2. The Zoning Officer or Code Official may issue a notice of abandonment to the owner. The notice shall be sent via regular mail and certified mail, return receipt requested, to the owner of record.
  3. Any abandoned system shall be removed at the owner’s sole expense within ~~ninety (90) days after the owner receives the notice of abandonment from the~~

municipality. If the system is not removed within ninety (90) days of receipt of notice from the Borough notifying the owner of such abandonment, the Borough may remove the system as set forth below.

4. When an owner of such systems has been notified to remove same and has not done so ninety (90) days after receiving said notice, then the Borough may remove such system and place a lien upon the property for the cost of the removal. If removed by the owner, a demolition permit shall be obtained and the facility shall be removed. Upon removal, the site shall be cleaned, restored and revegetated to blend with the existing surrounding vegetation at the time of abandonment.

**SECTION 426. Historical Overlay District**

**A. Applicability of Regulation**

1. These Historic Overlay District regulations shall apply to the Lititz Historic District (also see Article VIII).
2. These regulations shall be administered by the Zoning Officer, with consultation by the Historic Area Advisory Committee (HAAC).
3. Boundaries. The Historic Overlay District shall conform to the boundaries shown on the Historic Resources Map (noted as the Lititz-Moravian Historic District). The Overlay District includes each parcel containing one or more historic resource. An inventory of historic resources has been completed and a map and list of those resources is maintained and available for public inspection at Borough Hall and included in Article VIII of this Zoning Ordinance.
  - a. All of the provisions of the applicable underlying zoning districts shall continue to apply in addition to the provisions of this Section. In the event of a conflict between the provisions of this Overlay District and the underlying zoning district, the provisions of this Overlay District shall apply.
  - b. Should the boundaries of the Overlay District be revised as a result of legislative or administrative actions or judicial decision, the underlying zoning requirements shall continue to be applicable.
4. Covenants and Easements. It is not intended by this Section to repeal, abrogate or impair any existing easements, covenants or deed restrictions.

**B. Purpose. The Historic Overlay District is intended to promote the general welfare of Lititz Borough through the following goals:**

1. To promote the retention of community character through preservation of the local heritage by recognition and protection of historic resources.
2. To establish a clear process through which proposed changes affecting historic resources are reviewed by Lititz Borough Zoning Officer and the Lititz Borough Historical Area Advisory Committee (HAAC).
3. To mitigate the negative effects of proposed changes affecting historic resources.
4. To encourage the continued use of historic resources and facilitate their appropriate reuse and/or adaptive reuse.
5. To discourage the demolition of historic resources.
6. To implement the following sections of the Pennsylvania Municipalities Planning Code (MPC):
  - a. Section 603(b)(5) which states that zoning ordinances may permit, prohibit, regulate, restrict and determine protection and preservation of natural and historic resources;
  - b. Section 603(g)(2) which states that “zoning ordinances shall provide for protection of natural and historic features and resources”;
  - c. Section 604(1) which states that “the provisions of zoning ordinances shall be designed to promote, protect and facilitate any or all of the following: ...preservation of the natural, scenic and historic values...”; and
  - d. Section 605(2)(vi) whereby uses and structures at or near places having unique historical, architectural or patriotic interest or value may be regulated.

C. General Provisions

1. Identification. The Inventory of Historic Resources in Lititz Borough contains a listing of parcels within the overlay district that contain one or more historic resources as shown on the Historic Resources Map that is maintained, with the corresponding Historic Resource List, at Borough Hall.
2. Criteria for Determination.

A building, structure, object, site, or district is depicted on the Historic Resources Map, due to the fact that it:

- a. is associated with events that have made a significant contribution to the broad patterns of our local, state, or national history; or
- b. is associated with the lives of people, local, state, or national, who were significant in our past; or
- c. it embodies the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction (a neighborhood or village for example); or
- d. it has yielded or may be likely to yield, information important in history or prehistory (archaeology).

3. Classifications

- a. Class I: Buildings, objects, sites, or districts that are
  - (1) listed on or have received a Determination of Eligibility (DOE) to be listed on the National Register; or
  - (2) resources within a district that contribute to a National Register listed or eligible district.
- b. Class II: Buildings, objects, sites, or districts that are
  - (1) resources that are deemed by the Borough to substantially meet one or more of the criteria at the local level.

c. Class III:

These are buildings that are less than 50 years old or, if more than 50 years old, have lost their integrity. These buildings are not subject to the provisions herein.

4. Revisions. The Historic Resource Inventory List and Map may be revised from time to time by a Resolution from Lititz Borough Council with recommendations from the Lititz Borough HAAC at a public meeting where the proposed changes shall be presented.

- a. Revisions are defined as additions to, deletions from the Historic Resource Inventory List and Map, or changes in classification. Revisions do not include routine list maintenance to update ownership information or to add information about a change that occurred to the

building unless the change alters the historic character of the building.

D. Additions, Alterations, Rehabilitation and Reconstruction

1. General Requirements. No alterations, additions, reconstruction or rehabilitation to a historic resource visible from a public way shall be allowed without approval obtained pursuant to these provisions issued by the Zoning Officer.

Completed applications will be reviewed by the Lititz Borough HAAC. The Applicant will have the opportunity to present the proposed project to the Lititz Borough HAAC. The Lititz Borough HAAC shall review the proposed alterations, additions, reconstruction or rehabilitation, based upon *The Secretary of the Interior's Standards for the Treatment of Historic Properties*. The Lititz

Borough HAAC shall submit written recommendations to the Zoning Officer for his/her review and decision. Challenges to decisions of the Zoning Officer go to the Zoning Hearing Board for review.

Any proposed alteration, addition, reconstruction or rehabilitation within the Historic Overlay District should be in substantial compliance with the standards as stated below:

- a. A property should be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- b. The historic character of a property should be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property should be avoided.
- c. Each property should be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- d. Most properties change over time; those changes that have acquired historic significance in their own right should be retained and preserved.
- e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property should be preserved.
- f. Deteriorated historic features may be repaired or replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features will be substantiated by documentary, physical or pictorial evidence.

- g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.
- j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

3. Application Procedures

- a. Applications for any proposed alteration, addition, reconstruction or rehabilitation of a historic resource shall comply with the provisions in this section. The completed application shall be submitted to the Zoning Officer and shall include:
  - (1) a written description of the proposed alteration, addition, reconstruction or rehabilitation; and, where applicable:
    - (a) A site plan at a scale designated by the Zoning Officer;
    - (b) Schematic architectural drawings of the proposed construction or alterations;
    - (c) Materials list, color samples, and disposition of existing materials;
    - (d) Photographs.

4. Review Procedures.

- a. Completed applications shall be received two (2) weeks before the next regularly scheduled meeting of the Lititz Borough HAAC to be placed on the agenda for review at that meeting.
  - b. Applicant Notification. At the time the completed application is submitted, the Applicant shall be notified of the date, time and place
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at which the Lititz Borough HAAC will review the application. The Applicant or his representative shall attend to explain the application.

- c. Criteria for Deliberation. *The Standards for Historic Properties* as listed above shall be the criteria considered in the review. Any proposed work requiring approval shall be in substantial compliance with the Standards.
- d. The Lititz Borough HAAC recommendations shall include findings of fact related to the specific proposal and shall set forth the reasons for the recommendation for approval, with or without conditions, or for denial.
- e. Within five (5) business days of the meeting, the Lititz Borough HAAC shall submit their written recommendations to the Zoning Officer for his/her decision to:
  - (1) Approve the application.
  - (2) Deny the application.
  - (3) Approve the application subject to specified changes and/or conditions to bring the proposed activity into compliance.

#### E. New Construction

1. Design Guidelines – Basic Principles. In addition to the Form-Based Code regulations of Article VIII, the following shall apply to New Construction.

New construction in the Historic Overlay District has the potential to add to or detract from the surroundings. To retain community character new construction shall achieve compatibility through appropriate massing shape, size, materials, orientation, setback and the like:

- a. Size, Scale, and Proportion. New construction should relate to the dominant proportions, size and scale of the buildings in the surrounding area.
- b. Shape and Massing. New construction should incorporate massing, building shapes, and roof shapes that are present in the surrounding area.
- c. Materials. Building materials should be compatible with those of buildings in the surrounding area. Traditional materials that are common to the area, such as brick, wood, and stone are preferred.
- d. Patterns and Rhythm. The rhythm of facades along the street and the ~~components thereof should be maintained. Large buildings can be divided~~

into bays to reflect rhythms exhibited by smaller structures.

- e. Cornice and Floor-to-Floor Heights. New construction should continue the floor-to-floor and cornice heights that are dominate in the surrounding area, or incorporate detailing to suggest those heights.
- f. Windows and Doors. New construction should use window and door openings of design and size typical of those in the surrounding area.
- g. Orientation. Principal facades of new construction should face the same direction as other existing buildings on the street or as indicated by predominant patterns in the surrounding area.
- h. Location. New construction shall not be placed in a way that adversely affects a historic resource or streetscape in terms of proximity or visually.

**SECTION 427. Continuing Care Retirement Communities (CCRC).**

- A. A minimum of one and a quarter (1.25) parking spaces per unit shall be provided for independent living dwelling units. A CCRC is permitted to submit a shared parking analysis for review by the Borough. The shared parking analysis will identify the anticipated percentage of parking usage on the campus at different times of day. The shared parking analysis shall be updated each time new facilities, dwelling units, or accessory uses are proposed.
- B. CCRCs shall be permitted to have a range of accessory uses that are primarily for the benefit of their residents. Such uses shall include, but are not limited to dining facilities, library, community center, and personal services such as beauty salons or barber shop.
- C. The following provisions shall apply to a CCRC in the Traditional Neighborhood Development Overlay District.
  - 1. A CCRC parcel that is twenty (20) acres or greater in size shall be permitted to have a maximum of seventy percent (70%) of the housing units be one type.
  - 2. On-street parking shall only be required on one side of the street in the Neighborhood Residential Area (NRA).
  - 3. Attached dwelling units (Townhouse or Row) shall be permitted in the Neighborhood Residential Area (NRA).
- D. The following provisions shall apply to a CCRC in the R-1 Residential District

~~1. Every five years a sketch level campus plan shall be submitted detailing future~~

changes of the campus. No subdivision plan shall be considered if it is not consistent with the current sketch plan. A CCRC may update their sketch plan at any time by providing the Planning Commission with an updated copy. A statement of no planned future changes to the campus shall also satisfy this requirement.

2. A CCRC shall consist of a range of housing types and care levels. They include, but are not limited to, single-family detached, single-family attached, apartment, personal care, assisted living and skilled care units.
3. Accessory uses – Accessory uses to the CCRC shall be scaled to serve campus residents and shall be visually and functionally integrated into the campus. Accessory uses open to the public shall not have signage visible off-campus other than at principal gateways to the campus.
4. Total maximum density of the CCRC shall be 14 Dwelling Units per acre (du/ac). For the purpose of this section two skilled care beds shall constitute one dwelling unit.
5. No more than 30% of the total dwelling units shall consist of skilled care beds.
6. No more than 60% of dwelling units shall be comprised of a single housing/care level type.
7. Maximum coverage of a CCRC campus shall be 60%.
8. Setbacks – A minimum setback of 20 feet shall apply to all sides of the campus, excluding those that front upon a public street. Structures that are permitted by the Zoning Hearing Board to exceed the 35-foot maximum height shall be set back an additional foot for every foot allowed above 35 feet.
9. Buffers – A 15-foot vegetative buffer shall be provided between the campus and off-campus building housing apartments, personal care units, assisted living units, or skilled care units on-campus and single-family residential units off-campus.
10. Building Separation – The minimum separation between buildings shall be determined based on the minimum separation required by applicable building code.

**SECTION 428. Theatres**

- A. The Zoning Hearing Board may permit Theatres in the Lititz Run Revitalization District as a special exception if it meets the requirements specified below.
  1. The Theatre must be for either live performances or for movie showings.
  2. The Theatre shall front a new or existing street and shall encourage pedestrian access to the greatest extent practicable.
  3. Incorporation into a larger building and shared parking is strongly encouraged. No parking shall be placed along the street.

**SECTION 429. Stream Restoration**

- A. Any plan for a Stream Restoration shall demonstrate the following:
1. The Restoration would not increase the height or frequency of floodplain water on adjacent properties or contrary to FEMA standards
  2. Any improvements are installed so as to withstand the maximum volume, velocity, and force of floodplain water;
  3. Any improvements shall be flood- and floatation-proof;
  4. The improvements would not create unhealthy or unsanitary conditions;
  5. The improvements would not degrade the quality of surface water, or the quality of groundwater.

Furthermore, prior to any proposed Stream Restoration work, a Water Obstruction & Encroachment Permit, if required, shall be obtained from the Pennsylvania Department of Environmental Protection and authorization, if required, shall be gained from the U.S. Army Corp of Engineers.

**SECTION 430. Short-Term Rental.**

- A. Tenure. – All Short-Term Rentals shall be on a property occupied by the owner for not less than nine months of the year. It shall be the owner's responsibility to provide the Borough with a form detailing when the Short-Term Rental shall be rented without the owner occupying the property.
- B. Registration – All Short-Term Rental Units shall be licensed with the Borough in accordance Chapter 94 of the Borough Code prior to listing for rent. The Borough's rental license number shall be included in any listing for the Short-Term Rental.
- C. Emergency Contact – The property owner shall be the primary emergency contact for the property. If the Short-Term Rental is occupied by a renter and the owner is not staying at the property at that time, an alternative local contact shall be provided in writing by the owner to the Borough Failure to do so shall result in a loss of the property's rental license.
- D. Occupancy Tax – All Short-Term Rentals are required to pay applicable Occupancy Taxes to both the State and County. Each year the owner of a Short-Term Rental shall provide written evidence to the Borough that such taxes were paid as required by no later than September 30. Failure to do so shall result in a loss of the property's rental license.
- E. Parking – All short-term rentals shall demonstrate adequate parking available for their \_\_\_\_\_ guests. One off street parking space shall be provided per Short-Term Rental Unit or every

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two guests, whichever is greater. These spaces are in addition to those required for the property owner if guests will be occupying the property concurrently with the owner.

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- F. Siting – New short-term rentals proposed in any Residential District shall be sited at least 1000’ from existing Bed and Breakfast Inns and existing registered Short-Term Rentals. New Short-Term Rentals in all other Districts shall be sited at least 500’ from existing Bed & Breakfasts or Short-term Rentals.

## ARTICLE V

NON-CONFORMING USES, NON-CONFORMING BUILDINGS AND STRUCTURES AND  
NON-CONFORMING LOTS**SECTION 500. Non-Conforming Uses.**

- A. The following provisions shall apply to all buildings and uses existing on the effective date of this Ordinance which do not conform to the requirements set forth in this Ordinance and to all buildings and uses that become non-conforming by reason of any subsequent amendment to this Ordinance.
- B. Expansion of Non-conforming Uses. No expansion of a non-conforming use shall hereafter be made unless an appeal has been filed with the Zoning Hearing Board and such expansion has been approved as a special exception by the Board. In addition to the qualifications for a special exception enumerated in Article IV of this Ordinance, the Board shall apply the following criteria:
1. Area. The proposed expansion shall be within the lot limits which existed for the property in question at the effective date of this Ordinance.
  2. Changes. The proposed expansion shall include the following changes over existing conditions, wherever possible:
    - a. Improvement of building exterior.
    - b. Improvement of landscaping.
    - c. Elimination or reduction in noise, smoke, dust and/or odors, if present.
  3. Parking. Adequate off-street parking facilities shall be provided.
  4. Effects. The proposed expansion will not cause an increased detrimental effect on surrounding properties.
- C. Continuity of Use. Non-conforming use must be continuous. No non-conforming use may be re-established after it has been discontinued for one (1) year. Vacating the premises or building or non-operative status shall be evidence of a discontinued use.
- D. Any structure damaged or destroyed which involves a nonconforming use may be rebuilt and occupied for the same use as before the damage, provided that the reconstructed building shall not be larger than the damaged building and that the reconstruction shall start within one (1) year from the time of damage to the building.

- E. Substitution of Non-conforming Uses. No existing or discontinued non-conforming use may be changed to any other non-conforming use unless approved as a special exception by the Zoning Hearing Board. In evaluating the application for a special exception, the Zoning Hearing Board shall find that the proposed non-conforming use is not more detrimental to the district than the existing or discontinued non-conforming use of the property. The Zoning Hearing Board may specify such appropriate conditions and safeguards as may be required in connection with such change.
- F. Residences in Industrial Districts. The provisions of this Article shall not apply to residences existing in any industrial district at the date of adoption of this Ordinance. Such residential uses shall be permitted to continue without restrictions.

**SECTION 501. Construction Approved Prior to Ordinance.** Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has heretofore been issued and the construction of which shall have been diligently prosecuted within three (3) months of the date of issue of said permit and ground story framework of which, including the second tier of beams, shall have been completed within six (6) months of the date of the permit and which entire building shall be completed according to such plans as filed within one (1) year from the date of this Ordinance.

**SECTION 502. Non-Conforming Buildings and Structures.**

- A. A non-conforming building or structure is any building or structure which does contain a use permitted in the District in which it is located, but does not conform to the District regulations for: lot area, width or depth; front, side or rear yards; maximum height; lot coverage; or minimum livable floor area per dwelling unit.
- B. Nothing in this Article shall be deemed to prevent normal maintenance and repair, structural alteration in, moving, or enlargement of a non-conforming building or structure provided that such action does not increase the degree of or create any new non-conformity with regards to the regulations pertaining to such buildings or structures.
- C. If any non-conforming building or structure shall be destroyed by reason of windstorm, fire, explosion or other Act of God or the public enemy to an extent of more than 75 percent of the building or structure, then such destruction shall be deemed complete destruction and the building or structure may not be rebuilt, restored or repaired except in conformity with the regulations of this Ordinance. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any wall, floor or roof which has been declared unsafe by the Building Code Official.

**SECTION 503. Non-Conforming Lots of Record.**

Where there is a vacant lot of official record, which lot at the time of the adoption of this Ordinance does not include sufficient land to conform to the yard or other requirements of this Ordinance, an application may be submitted to the Zoning Hearing Board by the owner of said lot for a variance from the terms of this Ordinance in accordance with the provisions of Article VI.

## ARTICLE VI

## ZONING HEARING BOARD AND OTHER ADMINISTRATIVE PROCEEDINGS

**SECTION 600. Zoning Hearing Board Creation and Appointment.**

Pursuant to Article IX of the Pennsylvania Municipalities Planning Code, as amended, the Lititz Borough Council does hereby create a Zoning Hearing Board consisting of five members who shall be residents of the Borough. Members of the Zoning Hearing Board shall hold no other office in the Borough.

- A. Terms of Office. The terms of office shall be five years and shall be so fixed that the term of office of no more than one member shall expire each year.
1. The members of the existing board shall continue in office until their term of office would expire under the prior Zoning Ordinance.
  2. The Zoning Hearing Board shall promptly notify Borough Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term.
- B. Alternate Members. Borough Council may appoint by resolution at least one but no more than three residents of the Borough to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three years. When seated in accordance with Section 601, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Zoning Hearing Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth on this Ordinance and otherwise provided by law. Alternates shall hold no other office in the Borough, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the board unless designated as a voting alternate member pursuant to Section 601 of this Ordinance.
- C. Removal of Members. Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of Borough Council taken after the member has received fifteen days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

**SECTION 601. Organization of the Zoning Hearing Board.**

- A. The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms and as such may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall not be less than a majority of all the members of the board, but the board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action of the Board as provided in Section 603 of this Ordinance.
- B. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.
- C. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Borough of Lititz and laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business, which records shall be the property of the Borough, and shall submit a report of its activities to Borough Council as requested by Borough Council.

**SECTION 602. Expenditures for Services.** Within the limits of funds appropriated by Borough Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.

**SECTION 603. Hearings of the Zoning Hearing Board.** The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

- A. Public Notice. Public notice shall be given and written notice shall be given to (1) the applicant, (2) the Borough Zoning Officer and (3) to any person who has made timely request for same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Zoning Hearing Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.
- B. Fees. Borough Council may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

- C. Conduct of Hearing. The first hearing shall be commenced within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant. Any party aggrieved by the schedule or progress of the hearings may apply to the Court of Common Pleas for judicial relief. The hearings shall be completed no later than one hundred (100) days after the completion of the applicant's case in chief, unless extended for good cause upon application to the Court of Common Pleas. The hearings shall be conducted by the Zoning Hearing Board or the Zoning Hearing Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Zoning Hearing Board; however, the appellant or the applicant, as the case may be, in addition to the Borough, may, prior to the decision of the hearing, waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.
- D. The parties to the hearing shall be the Borough of Lititz, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic or community organizations permitted to appear before the Board. The Zoning Hearing Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- E. The chairman or acting chairman of the Zoning Hearing Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- F. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- G. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- H. The Zoning Hearing Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

- I. The Zoning Hearing Board or hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- J. Decisions. The Zoning Hearing Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Zoning Hearing Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with reasons therefore. Conclusions based on any provisions of this Ordinance or any Borough ordinance, rule or regulation, or the Pennsylvania Municipalities Planning Code, Act 247, as amended, shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. Where the Zoning Hearing Board fails to render the decision within the period required by this subsection or fails to commence or complete the required hearing as provided in subsection C, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the board to meet or render a decision as herein above provided, the Zoning Hearing Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in subsection A of this section. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
- K. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board no later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.
- L. Effect of Board's Decision.
1. If the variance or special exception is granted or the issuance of a permit is finally approved, or other action by the appellant or applicant is authorized, the necessary permit shall be secured and the authorized action begun within six (6) months after the date when the variance or special exception is finally granted, or the issuance of a permit is finally approved or the other action by the appellant or

applicant is authorized and provided further that the building or alteration, as the case may be, shall be completed within twelve (12) months of authorization by the Zoning Hearing Board. For good cause, the Board, upon application by the developer in writing stating the reasons therefore, may grant an extension or extensions of time for the commencement of the authorized in six (6) month increments, or may grant an extension or extensions of time for the completion of the authorized action in six (6) month increments. Where time allowed for the commencement of the authorized action has been granted an extension, the time allowed for the completion of the authorized action shall be automatically extended by an equal amount of time.

2. Should the appellant or applicant fail to obtain the necessary permits within the required period, or having obtained the permit should he fail to commence work thereunder within such period, it shall be conclusively presumed that the applicant has withdrawn or abandoned his appeal or his application, and all provisions, variances, special exceptions and permits granted to him shall be deemed automatically rescinded by the said Board.
3. Should the appellant or applicant commence construction or alteration within the required period but fail to complete such construction or alteration within such period, the Board may, upon ten (10) days' notice in writing, rescind or revoke the granted variance or special exception, or the issuance of the permit or permits, or the other action authorized to the appellant or applicant, if the board finds that no good cause appears for the failure to complete such construction or alteration within such period, and if the Board further finds that conditions have so altered or changed in the interval since the granting of the variance, special exception, permit or action, that revocation or rescission of the action is justified.

#### **SECTION 604. Jurisdiction.**

- A. Zoning Hearing Board's Jurisdiction. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
  1. Substantive challenges to the validity of any land use ordinance, except those brought before Borough Council pursuant to Sections 707.A. (Procedure for Landowner Curative Amendments) and 609 (Validity of Ordinance: Substantive Questions).
  2. Challenges to the validity of any land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance.
  3. Appeals from the determination of the Zoning Officer including, but not limited

to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

4. Appeals from the determination of the Zoning Officer or Borough Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Subdivision/Land Development Ordinance or Planned Residential Development applications.
5. Appeals from the determination of the Zoning Officer or Borough Engineer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
6. Applications for variances from the terms of this Ordinance or any flood plain or flood hazard ordinance, or such provisions within a land use ordinance, pursuant to Section 605.A.
7. Applications for special exceptions under this Ordinance or any flood plain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 605.B.

B. Borough Council's Jurisdiction. Borough Council shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

1. All applications for approval of subdivisions or land developments in accordance with the requirements of the Lititz Borough Subdivision and Land Development Ordinance.
2. Applications for curative amendment to this Ordinance pursuant to Sections 609 and 707.A.
3. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in Section 707.
4. Appeals from the determination of the Zoning Officer or Borough Engineer in the administration of any provision of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to application for development involving Subdivision/Land Development Ordinance applications. Where such determination relates only to development not involving an application for Subdivision/Land Development or Planned Residential Development, the appeal from such determination of the Zoning Officer or Borough Engineer shall be to the Zoning Hearing Board pursuant to Section 604.A.5.

- C. Applicability of Judicial Remedies. Nothing contained in this Article shall be construed to deny the applicant the right to proceed directly to court where appropriate, pursuant to the Pennsylvania Rules of Civil Procedure No. 1091 (relating to action in mandamus).

**SECTION 605. Functions.**

A. Variances.

1. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Zoning Hearing Board may grant a variance, provided that all of the following findings are made where relevant in a given case:
  - a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;
  - b. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
  - c. That such unnecessary hardship has not been created by the appellant;
  - d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
  - e. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
2. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Zoning Ordinance and the Municipalities Planning Code. Once imposed, a violation of those conditions shall be treated as any other violation of the Zoning

## Ordinance.

- B. Special Exceptions. The Zoning Hearing Board shall hear and decide requests for special exceptions in accordance with the standards and criteria set forth in Article IV of this Ordinance. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and of the Municipalities Planning Code. Once imposed, a violation of those conditions shall be treated as any other violation of the Zoning Ordinance.

**SECTION 606. Parties Appellant before Zoning Hearing Board.**

Appeals under Section 604.A. may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Borough, or any person aggrieved. Requests for a variance under Section 605.A., and for special exception under Section 605.B. may be filed with the Zoning Hearing Board by any landowner, equitable owner, or tenant with the permission of such landowner.

**SECTION 607. Time Limitations.**

- A. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after any application for development, preliminary or final, has been approved by an appropriate Borough officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision by the Zoning Officer on a challenge to the validity of the Zoning Ordinance or Zoning Map pursuant to Section 610 shall preclude an appeal from the final approval except in the case where the final submission substantially deviates from the approved preliminary approval.
- B. All appeals from determinations adverse to the landowners shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

**SECTION 608. Stay of Proceedings.**

Upon filing of any proceeding referred to in Section 606 and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate

agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Zoning Hearing Board.

**SECTION 609. Validity of Ordinance: Substantive Questions.**

A landowner who, on substantive grounds, desires to challenge the validity of an ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest shall submit the challenge either (1) to the Zoning Hearing Board or (2) to Borough Council, in accordance with the requirements of the Municipalities Planning Code.

## ARTICLE VII

## ENFORCEMENT AND ADMINISTRATION

**SECTION 700. Enforcement.** For the administration of this Ordinance, a Zoning Officer, who shall not hold any elective office in the Borough, shall be appointed by Borough Council. The Zoning Officer shall meet qualifications established by Borough Council and shall be able to demonstrate to the satisfaction of Borough Council a working knowledge of municipal zoning. The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance and other applicable Borough codes and ordinances. The Zoning Officer shall issue all permits required by this Ordinance. The Zoning Officer may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment by the Borough.

**SECTION 701. Certificates and Permits.**

- A. Building Permits. When required: An application for a permit shall be submitted to the Zoning Officer for the following activities. These activities shall not commence without the issuance of a permit.
1. Construct or alter a structure.
  2. Construct, alter or replace a fence.
  3. Construct an addition.
  4. Demolish or move a structure.
  5. Make a change of occupancy.
  6. Install or alter any equipment which is regulated by this code.
  7. Move a lot line which affects an existing structure.
  8. Store material, machinery or equipment on a lot in connection with a construction project or the placement, reconstruction, demolition, extension, replacement, restoration, or change of a structure or land to another use.
- B. Repairs: A permit is not required for ordinary repair of structures. Repairs do not include the cutting away of any wall, partition or portion thereof or with cutting of any structural beam or load-bearing support or the removal or change of any required means of egress or rearrangements of parts of the structure affecting egress. Ordinary repairs also do not include the addition to, alteration of, replacement or relocation of any standpipe, water

supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

- C. Issuance of Building Permit - In applying to the Zoning Officer for a building permit, the applicant shall submit a dimensional sketch or site plan indicating the shape, size, height and location of all buildings to be erected, altered or moved and of any building already existing on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the Zoning Officer for determining whether the provisions of the Ordinance are being observed. If the proposed work, as set forth in the application, is in conformity with the provisions of this Ordinance and other ordinances of the Borough then in force, the Zoning Officer shall issue a permit for such work. If a building permit is refused, the Zoning Officer shall state such refusal in writing with the cause and shall immediately thereupon mail notice of such refusal to the applicant at the address indicated on the application. The Zoning Officer shall grant or deny the permit as soon as possible and, in no case, shall it be later than fifteen (15) days after the application is submitted. The issuance of a permit shall, in no case, be construed as waiving any provisions of this Ordinance.
1. Expiration of Permit - The building permit shall expire if the work authorized has not commenced within six (6) months after the date of issuance or has not been completed within one (1) year from the date of issuance, provided, however, that the same may be extended every six (6) months for a period not to exceed an additional one (1) year upon written application for such an extension and payment of an administrative fee to the Borough.
  2. Building Permit Fees - Application for a building permit shall be accompanied by payment of a minimum non-refundable fee as established by Borough Council.
- D. Special Exceptions. Applications for any special exceptions as permitted by this Ordinance shall be made to the Zoning Hearing Board through the Zoning Officer. The Zoning Hearing Board may refer the matter to the Planning Commission for report thereon as to its effect on the comprehensive planning of the Borough. After receipt of such report, the Zoning Hearing Board shall hear the application in the same manner and under the same procedure as it is empowered by law and ordinance to hear cases and make exceptions to the provisions of the Zoning Ordinance. The Zoning Hearing Board may thereafter direct the Zoning Officer to issue such permit if, in its judgment, any one of such cases will not be detrimental to the health, safety and general welfare of the Borough and is deemed necessary for its convenience. In approving any such application, the Zoning Hearing Board may impose any conditions that it deems necessary to accomplish the reasonable application of applicable standards as provided in this Ordinance and may deny any such application, but only in accordance with said standards.

E. Temporary Use Permits. It is recognized that it may be in accordance with the purpose of the Ordinance to permit temporary activities for a limited period of time, which activities may be prohibited by other provisions of this Ordinance. If such uses are of such a nature and are so located that, at the time of petition, they will:

1. In no way exert a detrimental effect upon the uses of land and activities normally permitted in the zone or
2. Contribute materially to the welfare of the Borough, particularly in a state of emergency, under conditions peculiar to the time and place involved; then the Zoning Hearing Board may, subject to all regulations for the issuance of special exception elsewhere specified, direct the Zoning Officer to issue a permit for a period not to exceed six (6) months. Such permits may be extended not more than once for an additional period of six (6) months.

F. Certificate of Occupancy. No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the Zoning Officer shall have issued a Certificate of Occupancy stating that such land, building or part thereof and the proposed use thereof are found to be in conformity with Borough requirements. Within three days after notification by the owner or owner's agent that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Zoning Officer to make a final inspection thereof and to issue a Certificate of Occupancy if the land, building or part thereof and the proposed use thereof are found to conform with the provisions of all Borough requirements.; or, if such certification is refused, to state refusal in writing, with the cause, and immediately thereupon mail notice of such refusal to the applicant at the address indicated in the application.

G. Sign Permits.

It shall be unlawful to commence the erection of any permanent sign or to commence the moving or alteration of any permanent sign until the Zoning Officer has issued a sign permit for such work. Applications for permits to erect, alter or modify permanent signs shall be made to the Zoning Officer in accordance with the requirements of Section 311 N. of this Ordinance.

**SECTION 702. Records.** It shall be the duty of the Zoning Officer to keep a record of all applications for permits, a record of all permits issued and a record of all certificates of occupancy which he countersigns, together with a notation of all special conditions involved. He shall file and safely keep copies of all plans submitted and the same shall be available for the use of the Borough Council.

The Zoning Officer shall prepare a monthly report for the Borough Council summarizing for the period since his last previous report all permits issued and certificates countersigned by him and all complaints or violations and the action taken by him consequent thereon. A copy of each such report shall be filed with the Office of the Chief Assessor of Lancaster County at the same time it is filed with the Borough Council.

**SECTION 703. Violations and Penalties.**

A. Enforcement Notice.

1. Whenever the Zoning Officer or other authorized Borough representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, or of any regulation adopted pursuant there to, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section
2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record
3. An enforcement notice shall state at least the following
  - a. The name of the owner of record and any other person against whom the Borough intends to take action
  - b. The location of the property in violation
  - c. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance
  - d. The date before which the steps for compliance must be commenced, not to exceed thirty (30) days from receipt of notice, and the date before which the steps must be completed
  - e. An outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance, or any part thereof, and with any regulations adopted pursuant thereto
  - f. A statement indicating that the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time, in accordance with procedures set forth elsewhere in this Ordinance

- g. A statement indicating that failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described

B. Causes of Action.

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

C. Jurisdiction. District justices shall have initial jurisdiction over proceedings brought under Section 703.D

D. Enforcement Remedies.

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fee collected for the violation of the Ordinance shall be paid over to the Borough
2. The Court of Common Pleas, upon petition, may grant an order of stay, upon

cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment

3. Nothing contained in this Section shall be construed or interpreted to grant any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Section.

#### **SECTION 704. Appeals to Court.**

All appeals from all land use decisions rendered pursuant to Article VI shall be taken in accordance with the applicable requirements of the Municipalities Planning Code, as amended.

#### **SECTION 705. Power of Amendment.**

Borough Council may, from time to time, amend, supplement, change, modify or repeal this Ordinance or any part of this Ordinance, including the Zoning Map. When doing so, Borough Council shall proceed in the manner prescribed in this Article.

#### **SECTION 706. Enactment of Zoning Ordinance Amendments.**

Proposals for amendment, supplement, change, modification, or repeal may be initiated by Borough Council on its own motion, by the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment, subject to the following provisions:

- A. Submission Dates. Proposals for amendment, supplement, change or modification to this Ordinance, including the Zoning Map, will be accepted for review and recommendation by the Planning Commission. The regularly scheduled meetings of the Planning Commission are hereby established as the meetings at which such aforementioned proposals shall be considered. All proposals for amendment, supplement, change or modification to this Ordinance shall be submitted to the Borough Secretary for referral to the Planning Commission not later than fourteen (14) days prior to the regularly scheduled meetings of the Planning Commission
- B. Proposals Originated by Borough Council. Borough Council may on its own motion prepare proposals for amendment, supplement, change, modification or repeal of this Ordinance.
- C. Proposals Originated by the Planning Commission. The Planning Commission may on its own motion prepare proposals for amendment, supplement, change, modification or repeal of this Ordinance.
- D. Proposals Originated by Citizen Petition. Owners of property in the Borough may by petition submit proposals for amendment, supplement, change, modification or repeal of

this Ordinance.

1. A fee shall be paid at the same time to cover costs, and no part of such fee shall be returnable to a petitioner. Said fee shall be in accordance with a fee schedule adopted by Resolution of Borough Council from time to time
  2. On receipt of said petition and the requisite fee the Zoning Officer shall transmit a copy of the petition to the Planning Commission
- E. Within thirty (30) days after receipt of the Planning Commission's report and recommendation, Borough Council shall either fix a time for public hearing or notify the petitioner of its decision not to consider the proposal.
- F. In the case of an amendment other than that prepared by the Planning Commission, Borough Council shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such amendment to provide the Planning Commission an opportunity to submit recommendations.

The Planning Commission shall make a report and recommendation to Borough Council

1. The report shall set forth in detail reasons wherein public necessity, convenience, general welfare, and the objectives of the Lititz Borough Comprehensive Plan do or do not justify the proposed change, and may include any additions or modifications to the original proposal
  2. At its discretion, the Planning Commission may hold a public hearing before making such report and recommendation
- G. Referral to County Planning Commission. At least thirty (30) days prior to the public hearing on the amendment by Borough Council, Borough Council shall submit the proposed amendment to the Lancaster County Planning Commission for recommendations.
- H. Before voting on the enactment of an amendment, Borough Council shall hold a public hearing thereon, pursuant to public notice. Notice shall be given as follows
1. By publication of the notice in a newspaper of general circulation in the Borough. Said notice shall be published one each week for two successive weeks. The first publication shall not be more than thirty days nor less than seven days from the date of the hearing.
    - a. When such hearing concerns a Zoning Map change, written notice shall be given to parties in interest, who shall be at least those persons whose properties adjoin or are across the street from the property in question.

b. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

(1) In addition to the requirement that notice be posted, where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the Borough at least thirty (30) days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within possession of the Borough. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this subsection.

(2) This clause shall not apply when the rezoning constitutes a comprehensive rezoning.

- I. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- J. Enactment of Zoning Ordinance Amendment. The vote on the enactment by Borough Council shall be within ninety (90) days after the last public hearing. Within thirty (30) days after enactment, a copy of the amendment to the Zoning Ordinance shall be forwarded to the County Planning Commission.
- K. The Borough may offer a mediation option as an aid in completing proceedings authorized by this Section. In exercising such an option, the Borough and mediating parties shall meet the stipulations and follow the procedures set forth in Section 611.

#### **SECTION 707. Curative Amendments.**

A curative amendment may be initiated by either a landowner or by Borough Council.

- A. Procedure for Landowner Curative Amendments. A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in Section 609.

1. Borough Council shall commence a hearing thereon within sixty (60) days of the request as provided in Section 609. The curative amendment and challenge shall be referred to the Borough and County Planning Commissions as provided in Section 707 and notice of the hearing thereon shall be given as provided in Section 706.H. and in Section 609.
2. The hearing shall be conducted in accordance with Section 603 and all references therein to the Zoning Hearing Board shall, for the purposes of this Section be references to Borough Council provided, however, that the deemed approval provisions of Section 603 shall not apply and the provisions of Section 609 shall control. If Borough Council does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire zoning ordinance and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
3. If Borough Council determines that a validity challenge has merit, Borough Council may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the alleged defects. Borough Council shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider
  - a. the impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities
  - b. if the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map
  - c. the suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, flood plains, aquifers, natural resources and other natural features
  - d. the impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; an
  - e. the impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare

B. Procedure for Municipal Curative Amendments.

1. If Borough Council determines that this Zoning Ordinance or any portion thereof is substantially invalid, Borough Council shall declare by formal action, this Zoning Ordinance or portions hereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal Borough Council shall
  - a. By resolution make specific findings setting forth the declared invalidity of the Zoning Ordinance which may include
    - (1) references to specific uses which are either not permitted or not permitted in sufficient quantity
    - (2) reference to a class of use or uses which require revision; or
    - (3) reference to the entire ordinance which requires revisions
  - b. Begin to prepare and consider a curative amendment to the zoning ordinance to correct the declared invalidity
2. Within one hundred eighty (180) days from the date of the declaration and proposal, Borough Council shall enact a curative amendment to validate, or reaffirm the validity of the zoning ordinance
3. Upon initiation of the procedures, as set forth in Section 707.B.1., Borough Council shall not be required to entertain or consider any landowner's curative amendment filed under Section 707.A. nor shall the Zoning Hearing Board be required to give a report requested under Section 609 subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by Section 707.B.1.a. Upon completion of the procedures as set forth in 707.B.1. and 2., no rights to a cure shall, from the date of declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended zoning ordinance for which there has been a curative amendment pursuant to this Section
4. Borough Council having utilized the procedures as set forth in Section 707.B.1. and 2. may not again utilize said procedure for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of the zoning ordinance, pursuant to Section 707.B.2.; provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Borough by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Borough may utilize the provisions of this Section to prepare a curative amendment to this Ordinance to

fulfill said duty or obligation.

**SECTION 708. Publication, Advertisement and Availability of Ordinances.**

- A. Proposed zoning ordinance amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Borough where copies of the proposed amendment may be examined without charge or obtained for charge not greater than the cost thereof. Borough Council shall publish the proposed amendment once in one newspaper of general circulation in the Borough not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the Borough Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included
1. A copy thereof shall be supplied to a newspaper of general circulation in the Borough at the time the public notice is published
  2. An attested copy of the proposed ordinance shall be filed in the county law library or other county office designated by the county commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinance
- B. In the event substantial amendments are made in the proposed amendment, before voting upon enactment, Borough Council shall at least ten (10) days prior to enactment re-advertise, in one newspaper of general circulation in the Borough, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments
- C. Zoning ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

**SECTION 709. (Reserved)**

**SECTION 710. Repealer.** All ordinances or parts of ordinances in conflict with this Zoning Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

**SECTION 711. Validity.** If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this Ordinance which is not in itself invalid or unconstitutional.

**SECTION 712. Effective Date.** This Ordinance shall take effect and be in force on \_\_\_\_\_, 2010.

Enacted this \_\_\_ day of \_\_\_\_\_, 2010.

/s/ \_\_\_\_\_  
President of Council

Attest: /s/ \_\_\_\_\_  
Borough Secretary

Approved this \_\_\_ day of \_\_\_\_\_, 2010.

## ARTICLE VIII

## FORM-BASED CODE REGULATIONS

**SECTION 800. Purpose.**

- A. The purpose of the Form-Based Code Regulations is to promote the traditional town and historic village character of Lititz Borough, and to promulgate context-sensitive Redevelopment and new development that emulates the streetscape character of the Borough with such features as blocks, and an interconnected network of streets, alleys, sidewalks, walkways and crosswalks.

**SECTION 801. Manual of Written & Graphic Design Standards.**

- A. The Manual in this Article provides for the following Design Standards:

1. Applicability
2. Overall Goals
3. Building Location and Size
4. Parking Location
5. Streetscape & Street Walls
6. Streets, Alleys, and Blocks
7. Pedestrian Circulation & Connectivity
8. Public/Private Place Typologies Transect
9. Place Design/Enhancement Best Practices
10. Greens
11. Plazas & Squares
12. Pocket Parks
13. Pedestrian Pockets
14. Street Sections Typologies
15. Deck Parking Structure
16. Block Diagrams
17. Single Family Detached
18. Single Family Semi-Attached
19. Single-Family Attached
20. Live/Work Units
21. Multi-Family
22. Multi-Family (with Interior Parking Court)
23. Commercial Store
24. Parking Structure
25. Main Street Environment
26. Anchor Store
27. Mixed-Use & Adaptive Re-Use
28. Historic Resource Protection

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222	Building Location and Size
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251	Anchor Store
252	Mixed-Use & Adaptive Re-Use
254	Historic Resource Protection

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Note: These FBC Design Standards are part of the Zoning Ordinance.

**Overall Goals**

**Legislative Intent**

- 802.1 This Manual is intended to comply with Section 708-A of the Pennsylvania Municipalities Planning Code titled: Manual of Written and Graphic Design Guidelines.
- 802.2 This Manual is intended to help protect and enhance the character of Lititz Borough.



Traditional Lititz Neighborhood to inspire TNDO

**Design Standards**

- 802.3 This Manual shall be utilized, in particular, for development in the Downtown, and in the Traditional Neighborhood Development Overlay District (TNDO).
- 802.4 This Manual shall be utilized to plan, design, construct and maintain buildings, structures, streetscapes, and landscapes.
- 802.5 The places, spaces, buildings, and streetscapes, as shown in this Manual shall be emulated.



Traditional Lititz Neighborhood to inspire TNDO



Traditional Lititz Neighborhood to inspire TNDO

**Overall Goals**

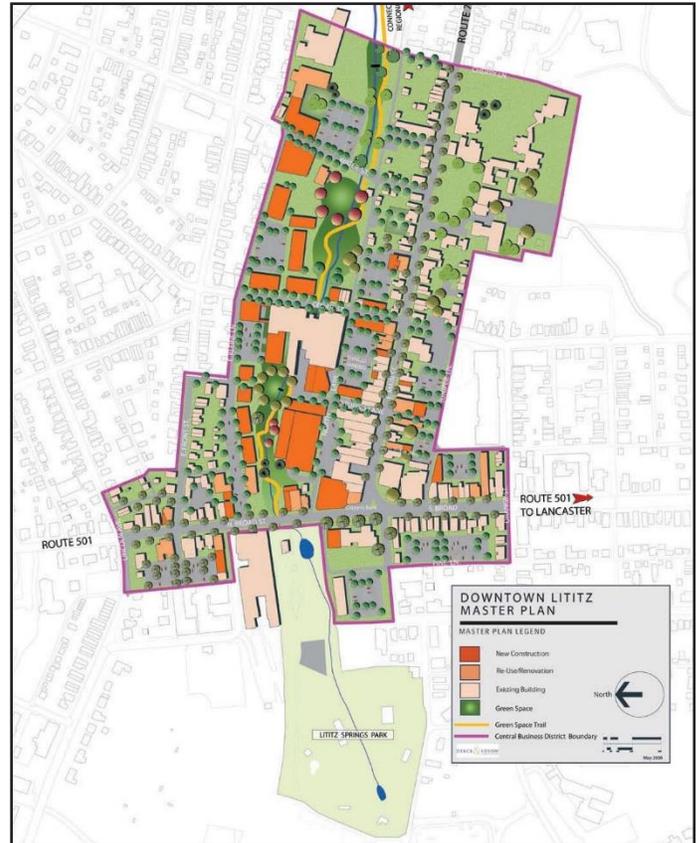
**Legislative Intent**

802.6 This Manual is intended to apply to the area of the Downtown as delineated in the Downtown Lititz Master Plan.

**Design Standards**

802.7 This Manual shall be utilized to plan, design, construct and maintain buildings, structures, streetscapes, landscapes, and hardscapes in the Downtown.

802.8 The applicable places, spaces, buildings, streetscapes, etc. as shown in this Manual shall be emulated in the Downtown.



Downtown Lititz Master Plan



Zum Anker Alley Outdoor Dining



Outdoor Dining Along Broad Street

Note: The above images are from Derck & Edson Associates, Downtown Lititz Master Plan, dated September 1, 2008

## Building Location & Size

### Legislative Intent

- 803.1 Buildings are intended to be located in general alignment with other buildings on a block, close to sidewalks.
- 803.2 A diversity of building sizes is intended to be achieved in every new development.

### Design Standards

- 803.3 Buildings shall be placed at a Build-To Line, as defined in Section 105.
- 803.4 New Buildings shall be in alignment to help form the traditional Streetscape of the Downtown, and new neighborhoods.
- 803.5 New buildings shall adjoin sidewalks at street corners, (and parking shall be located behind buildings), unless a Green, Plaza, or Square is provided at a street corner.
- 803.6 Whenever a Green, Plaza, or Square is provided along a street (such as within a Close, along a curved street, or as a feature that provides a viable pedestrian gathering area), the maximum building setback and build-to line shall be at the edge of a Green, Square, Plaza, or Pocket Park.



Buildings in Alignment, Main Street, Downtown Lititz

— Build-To Line

## Building Location & Size



Small Single-Family Dwelling



Medium Single-Family Dwelling



Larger Single-Family Dwelling



A variety of building sizes is common throughout the Lititz Borough

 Small  Medium  Large

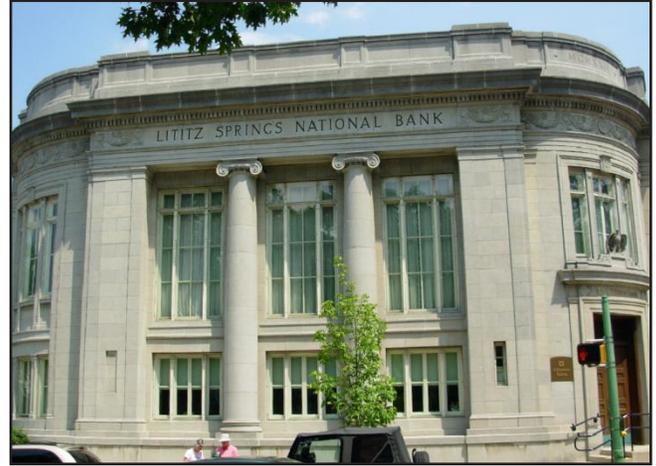
### Design Standards

- 803.6 Small residential buildings shall be less than 1,500 square feet in ground floor area.
- 803.7 Medium residential buildings shall be from 1,500 to 2,500 square feet in ground floor area.
- 803.8 Larger residential buildings shall be 2,500 square feet and greater in ground floor area.
- 803.9 New Neighborhoods shall include a variety and diversity of residential building types and sizes.

**Building Location & Size**



Small Commercial Building along Main Street



Medium Commercial Building along Broad Street



Larger Commercial Building along Broad Street



General Business District, Lititz, PA

**Legislative Intent**

803.10 Non-residential buildings are intended to be sized in proportion to blocks and neighborhood location.

**Design Standards**

- 803.11 Small commercial buildings shall be less than 2,000 square feet in ground floor area.
- 803.12 Medium commercial buildings shall be from 2,000 to 20,000 square feet in ground floor area.
- 803.13 Larger commercial buildings shall be 20,000 square feet and greater in ground floor area.
- 803.14 Non-residential building sizes shall be located in proportion to lot and block sizes.

**Parking Location**



On-Street Parking is vital in commercial areas



Off-Street Parking located to the rear of buildings



On-Street Parking proximate to stores and shops



Curbside, parallel, On-Street Parking, Downtown Lititz

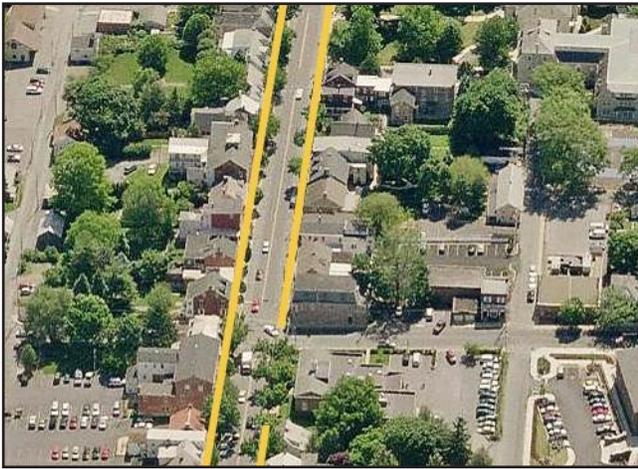
Legislative Intent

- 804.1 On-Street Parking is intended to provide vital parking spaces, as well as to buffer pedestrians from vehicular traffic.
- 804.2 Off-Street Parking is intended to be located at the rear of buildings.

Design Standards

- 804.3 On-Street Parking shall be maintained, and shall be increased where feasible.
- 804.4 Off-Street Parking shall be located at the rear of buildings, except as provided on page 200.1 for a Close, which requires on-street parallel or angled parking and a Green.
- 804.5 Off-Street Parking lots shall not be located at street corners.
- 804.6 Off-Street Parking shall be accessed from Alleys, unless it is impossible to access or construct an alley.

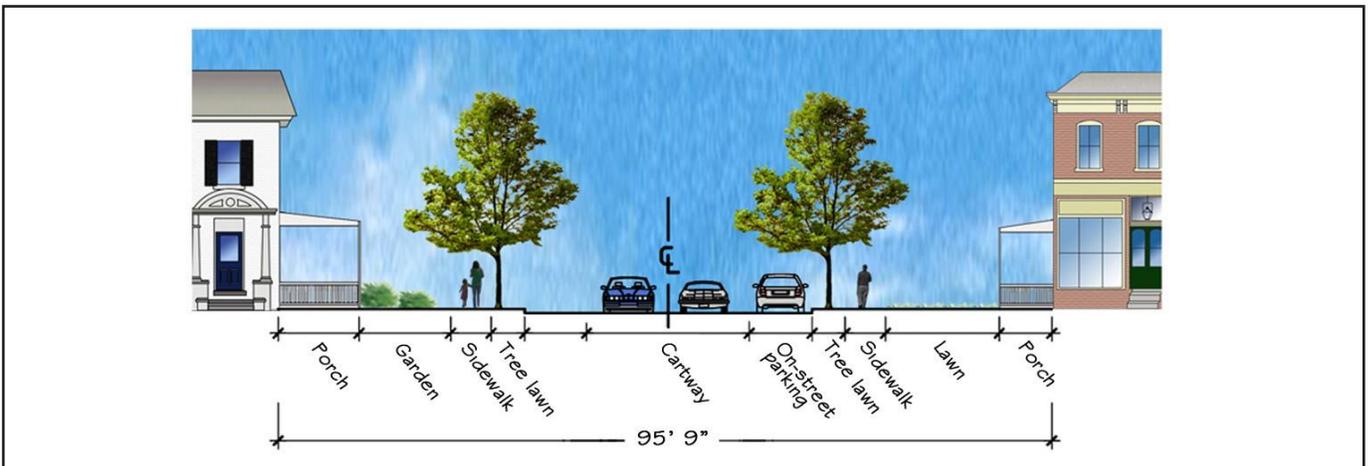
**Streetscape & Street Walls**



Street Wall Line along Main Street



Streetscape Formed by Buildings in Alignment, Downtown Lititz



Streetscape formed by “Bookend Buildings,” and embellished with Street Trees at Spruce Street

**Legislative Intent**

- 805.1 The Streetscape is intended to be formed by buildings that form Street Walls located close to sidewalks.
- 805.2 The Streetscape is intended to be enhanced with such features as street trees, street lights, sidewalks, porches, stoops, and like type amenities.

**Design Standards**

- 805.3 A Streetscape with buildings located close to sidewalks shall be created and maintained.
- 805.4 Street Walls, with buildings in alignment, shall be provided, except that a minimum of seventy five percent (75%) of the building facade shall be on the Build-to Line, as defined by the maximum building setback, and shall be subject to the provisions of Section 216.D.9.
- 805.5 The Streetscape shall be embellished with street trees, street lights, sidewalks, porches, stoops, and other front yard amenities.

**Streets, Alleys & Blocks**



Traditional Network of Streets and Alleys form short blocks in Lititz Borough

 Alley

Legislative Intent

- 806.1 Blocks are intended to be the principal organizing feature of a neighborhood.
- 806.2 Streets and Alleys, with short distances, are intended to form Blocks.

Design Standards

- 806.3 Neighborhoods shall be created using a Block pattern formed by Streets and Alleys.
- 806.4 An interconnected network of Streets and Alleys shall be provided and maintained, except that Alleys shall not be required adjacent to the perimeter of a TNDO. A minimum of seventy percent (70%) of lots and dwellings that are not adjacent to the perimeter of a TNDO shall be serviced by Alleys with rear loaded garages.
- 806.5 The Block length and Block depth dimensions of page 207 shall apply.

## Streets, Alleys & Blocks: Close



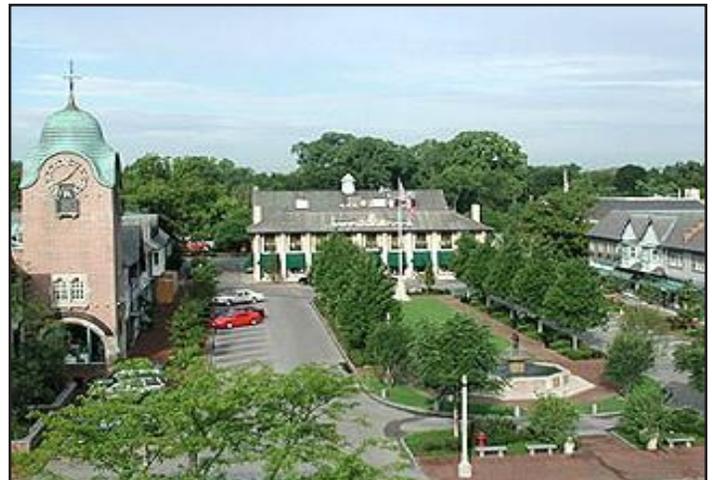
Close at Wyndcrest, Sandy Spring, MD, with On-Street Parallel Parking



Close at Lake Forest, IL, with On-Street Angled Parking



Close at Louella Court, Wayne, PA



Close at Lake Forest, IL

### Legislative Intent

- 806.6 The Close is intended as a feature that provides green space in the center.
- 806.7 The Close is intended to serve as an alternative to a conventional cul-de-sac, and to provide the opportunity for a Pedestrian Gathering Area in the center.
- 806.8 The Close is intended to be enclosed with buildings on three sides.

### Design Standards

- 806.9 The Close shall be designed for one lane of counter-clockwise vehicular travel, with on-street parking on the building sides of the vehicular travel lane.
- 806.10 On-Street parking may be angled or parallel with the curb.
- 806.11 Green space of at least 4,500 square feet shall be created in the center of the Close.
- 806.12 The average width (shorter dimension) of the green space shall not be less than 25% of its average length (longer dimension).
- 806.13 The Close shall be wrapped with buildings on three sides, and the buildings shall be a minimum of two (2) stories or twenty (20) feet in height.
- 806.14 The Close may be utilized for development of tracts of 10 acres and greater.
- 806.15 The Close shall be used in lieu of a cul-de-sac, and for no more than 10% of the total area proposed for development.

## Pedestrian Circulation & Connectivity



Walkway in Lititz Springs Park



Generously proportioned Sidewalk along Main Street



Sidewalk along Main Street



Sidewalk with Outdoor Dining Area

### Legislative Intent

807.1 Sidewalks and walkways are intended to form an interconnected pedestrian network.

### Design Standards

- 807.2 Sidewalks and walkways shall be at least five (5) feet in width.
- 807.3 Sidewalks and Walkways shall be installed and maintained along both sides of all streets.
- 807.4 At least four (4) feet of clear pedestrian walkway shall be maintained when there is outdoor dining.

## Pedestrian Circulation & Connectivity



Crosswalk to Lititz Springs Park



Walkway through Landscaped Median Downtown



Crosswalk, State Street, Media, PA



Pedestrian Crosswalk at Main Street

### Legislative Intent

- 807.5 Pedestrian Connectivity is intended to help create a network for walking and wayfinding.

### Design Standards

- 807.6 Sidewalks and Walkways shall be connected using Crosswalks.
- 807.7 Crosswalks shall be at least six (6) to ten (10) feet in width.

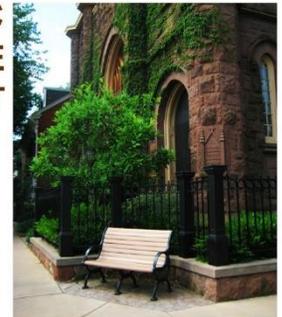
## Site Design Guidelines

### Public & Quasi-Public Spaces - Typologies Transect

#### Legislative Intent

- 808.1 A variety of public spaces are intended to serve diverse community needs for both large and small outdoor gatherings.

#### PUBLIC PLACE TRANSECT



**Pedestrian Pocket**

#### Design Standards

- 808.2 Both Downtown redevelopment and newly constructed neighborhoods shall incorporate a variety of public spaces for outdoor gatherings, solitary enjoyment, and passive recreational opportunities.
- 808.3 The design of such spaces shall be responsive to the unique context of each site which could range in size from a small pedestrian pocket located at a street intersection to a large public park surrounded by and connected to various land uses.



**Quasi-Public Pocket Parks**



**Plaza / Green**



**Public Park**

**Site Design Guidelines**

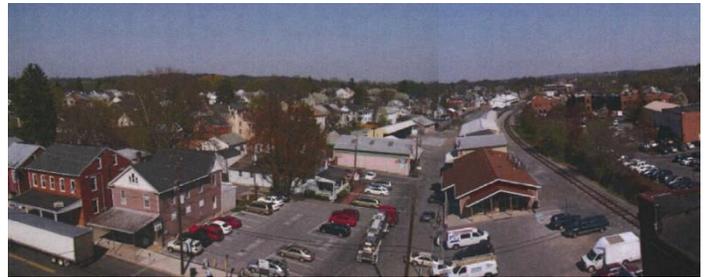
Public & Quasi-Public Spaces - Design/Enhancement Best Practices

Section



Design Standards

808.4 To celebrate and promote the Borough's existing public spaces as models, additional outdoor gathering places shall be created to further enhance the community. Suggested model gathering spaces include Lititz Moravian Church Square and Dosie Dough Bakery's outdoor dining area. While exact replication of such spaces is not encouraged, general space proportions and popular amenities such as moveable site furnishings shall successfully inform future public space designs.



Illustrations Credit: 1 September 2008 Downtown Lititz  
 Master Plan by Derck & Edson Associates

**Greens**



Village Green, Eaglevew TND, Exton, PA



Civic Green, Kentlands TND, Gaithersburg, MD



Civic Green, Lantern Hill TND, Doyelstown, PA



Green Court, Forbes Terrace, Squirrel Hill, PA

Legislative Intent

809.1 Greens are intended to provide vital Civic Space around which buildings are grouped.

Design Standards

809.2 Greens 4,000 to 40,000 square feet in area shall be provided and maintained in all new Traditional Neighborhood Development Overlay District (TNDO) neighborhoods.

809.3 Greens should not exceed 40,000 square feet in area.

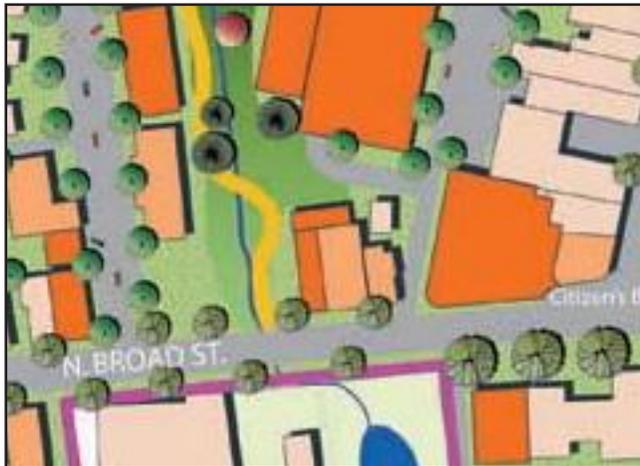
**Greens**



Village Green, Legacy Village, OH



Civic Green, Pittsburgh, PA



Downtown Lititz Master Plan, excerpt showing centrally-located Green



Green, Downtown Lititz

Legislative Intent

809.4 Greens are intended to provide vital Civic Space in the Downtown.

Design Standards

809.5 Greens 2,000 to 10,000 square feet in area shall be provided and maintained in the Downtown.

809.6 Greens should not exceed 10,000 square feet in area in the Downtown.

Note: The above images are from Derck & Edson Associates, Downtown Lititz Master Plan, dated September 1, 2008

**Plazas & Squares**



Lime Street Plaza, Media, PA



Civic Plaza, Kentlands TND, Gaithersburg, MD



Civic Plaza, Cambridge, Massachusetts



Civic Plaza, San Francisco, CA

Legislative Intent

809.7 Plazas and Squares are intended to provide vital civic spaces in Lititz Borough.

Design Standards

- 809.8 Plazas of 500 to 4,000 square feet shall be provided in every new Traditional Neighborhood Development Overlay District (TNDO) neighborhood, and in the Downtown as shown in the Downtown Lititz Master Plan.
- 809.9 Squares of 1,000 to 4,000 square feet shall be provided in every new Traditional Neighborhood Development Overlay District (TNDO) neighborhood, and in the Downtown as shown in the Downtown Lititz Master Plan.

**Pocket Parks**



Sitting Area, State College, PA



Sitting Area along Broad Street



Sitting Wall, Lititz Springs Park



Sitting Wall and Outdoor Dining Area, Lititz Springs Park

Legislative Intent

- 809.10 Pocket Parks are intended to provide small scale public gathering places.
- 809.11 Pocket Parks are intended to have benches for sitting.

Design Standards

- 809.12 Pocket Parks, of 200 to 500 square feet, shall be provided and maintained in every new Traditional Neighborhood Development Overlay District (TNDO) neighborhood, and in the Downtown as shown in the Downtown Lititz Master Plan.
- 809.13 At least one (1) bench shall be provided and maintained for every 500 square feet of Pocket Park.

**Pedestrian Pockets**



Bench and Outdoor Dining Area along Broad Street



Sitting Area, Media, PA



Sitting Wall, Newport, RI



Sitting Wall, San Francisco, California

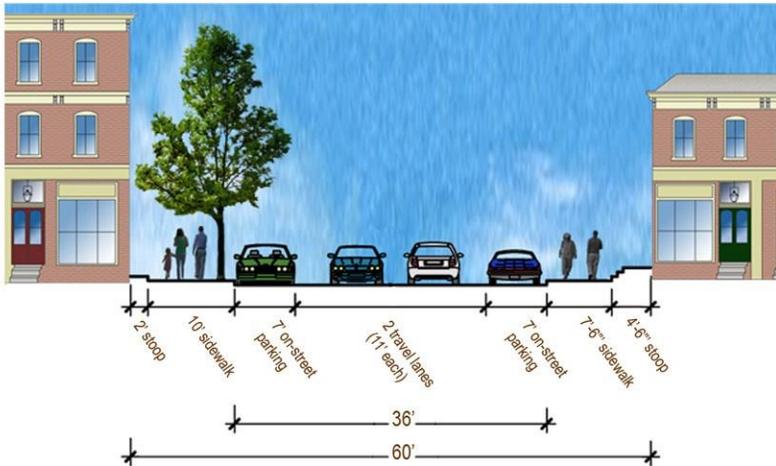
Legislative Intent

810.1 Pedestrian Pockets are intended to have sitting opportunities.

Design Standards

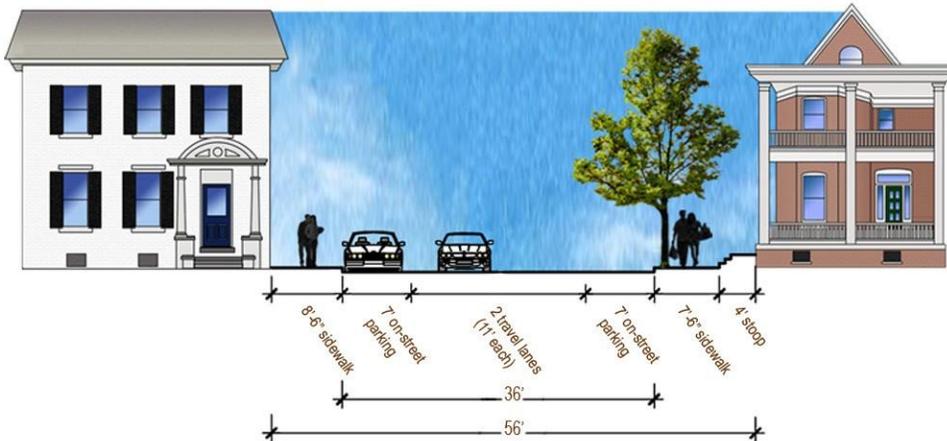
- 810.2 Sitting walls shall be built and maintained in each Pocket Park in excess of 500 square feet.
- 810.3 Benches shall be provided in pedestrian pockets.

**Site Design Guidelines**  
 Street Section Typologies



Commercial/Mixed Use Area Street Section Inspired by the 000 block of East Main Street

- Two-way Vehicular Traffic
- Marked Parallel Parking - Both Sides



Residential Area Street Section Inspired by the 000 block of South Spruce Street

- Two-way Vehicular Traffic
- Un-marked Parallel Parking - Both Sides
- Front Porches Not Included
- Front Lawns Not Included

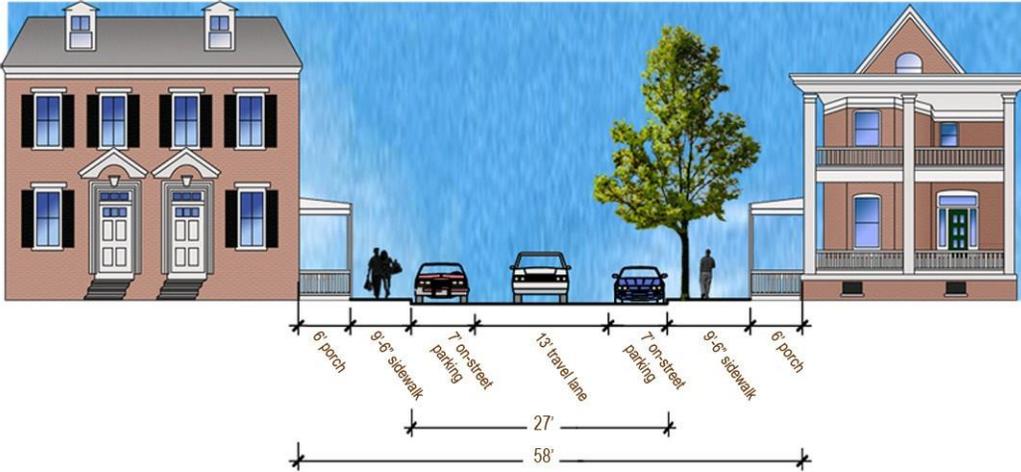
**Legislative Intent**

811.1 Where new neighborhoods are created, it is intended that complete streets be constructed to replicate existing Borough streetscapes.

**Design Standards**

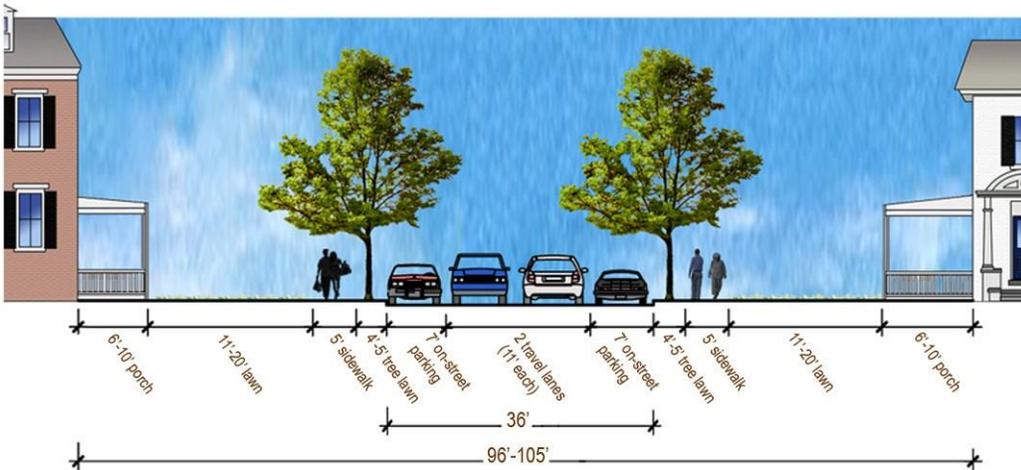
811.2 Proposed streets shall be designed to include travel lanes, on-street parking spaces, sidewalks, and Build-to Lines which resemble existing Borough street sections.

Site Design Guidelines  
 Street Section Typologies



Residential Area Street Section Inspired by Center Street at Cedar Street Intersection

- One-way Vehicular Traffic
- Marked Parallel Parking - Both Sides
- Front Porches Included
- Front Lawns Not Included



Residential Area Street Section Inspired by East New Street & South Spruce Street

- Two-way Vehicular Traffic
- Un-marked Parallel Parking - Both Sides
- Front Porches Included
- Front Lawns Included

Legislative Intent

811.3 Where new neighborhoods are created, it is intended that complete streets be constructed to replicate existing Borough streetscapes.

Design Standards

811.4 Proposed streets shall be designed to include travel lanes, on-street parking spaces, sidewalks, and Build-to Lines which resemble existing Borough street sections.

**Deck Parking Structure**



West Chester Deck Parking Structure with an architectural character consistent with nearby buildings



Liner shops of the West Chester Deck Parking Structure



Grocery Store & Deck Parking, Philadelphia, PA



West Chester Deck Parking Structure in Alignment with other buildings on the Block

**Legislative Intent**

812.1 Deck parking structures are intended to accommodate the parking demand created by retail businesses, multi-family dwellings, and other high intensity uses.

**Design Standards**

- 812.2 Deck parking shall have first floor retail stores, service shops, or offices, as liner shops.
- 812.3 Deck parking shall be architecturally consistent to emulate the character of the neighborhood.
- 812.4 The Lot Diagram on page 208.7 shall apply.

**Block Diagrams**



Block Dimensions - 536 ft. x 400 ft. (200 ft. to Alley)



Block Dimensions - 435 ft. x 310 ft. (155 ft. to Alley)



Block Dimensions - 445 ft. x 430 ft. (215 ft. to Alley)



Block Dimensions - 335 ft. x 210 ft. (210 ft. to Alley)

**Legislative Intent**

- 813.1 Blocks are intended to be short and to emulate those Blocks within and close to the Downtown.
- 813.2 Blocks are intended to be formed by Streets and Alleys.

**Design Standards**

- 813.3 Block length shall be in the range of 400 to 1,200 feet.
- 813.4 Block depth shall be in the range of 200 to 450 feet.
- 813.5 Block depths to Alleys shall be in the range of 100 to 250 feet.

**Lot Diagrams**  
**Single-Family Detached**

814

**Lot Occupation**

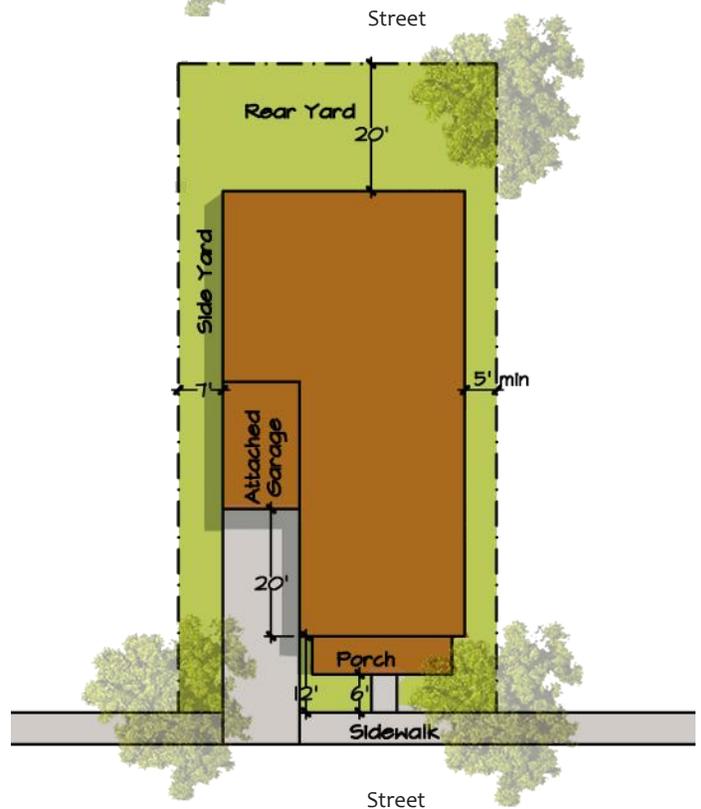
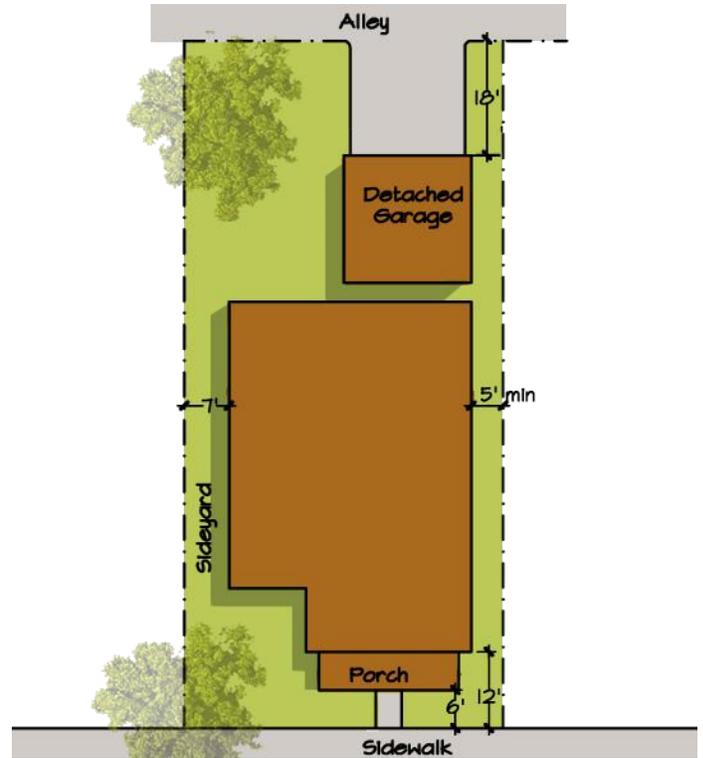
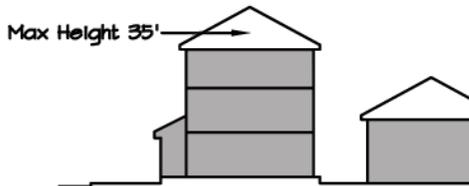
Lot Size	5,000 sf min'
Lot Width	30 ft. min
Lot Coverage	65% max

**Setbacks - Principal Buildings**

Front Setback Principal Building	12 ft. min from street R.O.W.
Front Porch/Steps Setback	6 ft. min from street R.O.W.
Sideyard Setback	5 ft. min, 12 aggregate
Corner lot Sideyard Setback	5 ft. min, 10 aggregate

**Setbacks - Garage Setbacks**

Frontloaded Attached Garage	20 ft. from front of house
Frontloaded Detached Garage	40 ft. from street R.O.W.
Rearloaded Garage for Parking Parallel to Alley	8 ft. minimum from Alley
Rearloaded Garage for Parking Perpendicular to Alley	18 ft. minimum from Alley



Note:  
 1. Up to 20% of Single-Family Detached Lots may be reduced to 3,000 square feet to provide design flexibility.

815

**Lot Diagrams**  
**Single-Family Semi-Attached**

**Lot Occupation**

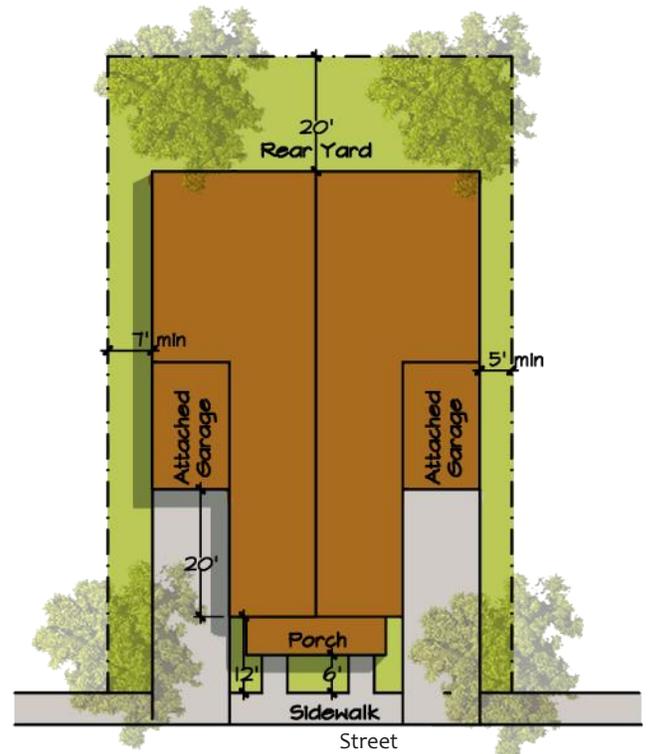
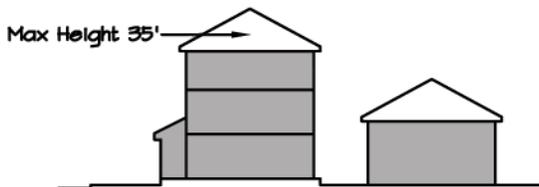
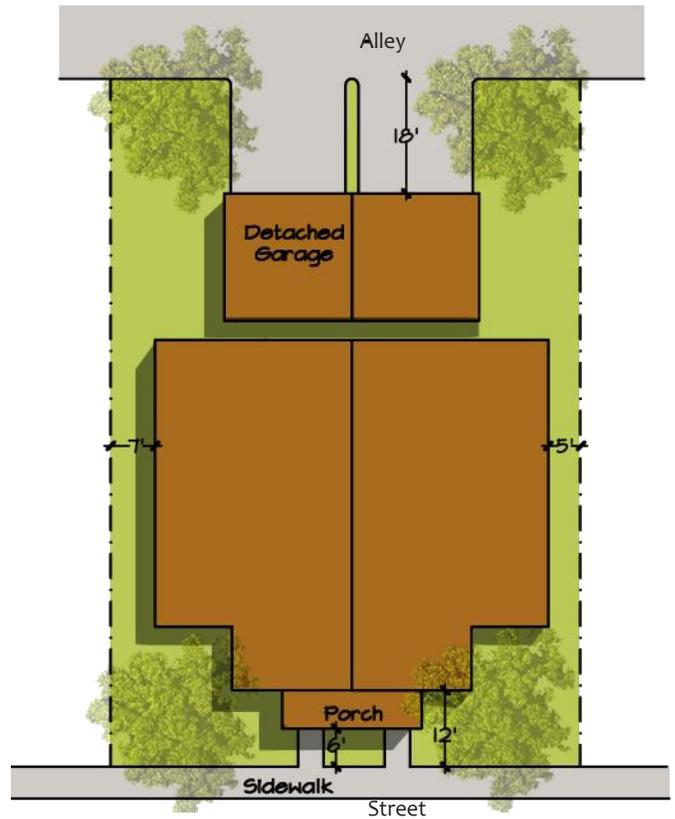
Lot Size	4,000 sf min <sup>1</sup>
Lot Width	30 ft. min
Lot Coverage	70% max

**Setbacks - Principal Buildings**

Front Setback Principal Building	12 ft. min from street R.O.W.
Front Porch/Steps Setback	6 ft. min from street R.O.W.
Sidyard Setback	5 ft. min, 12 aggregate
Corner lot Sidyard Setback	5 ft. min, 10 aggregate

**Setbacks - Garage Setbacks**

Frontloaded Attached Garage	20 ft. from front of house
Frontloaded Detached Garage	40 ft. from street R.O.W.
Rearloaded Garage for Parking Parallel to Alley	8 ft. minimum from Alley
Rearloaded Garage for Parking Perpendicular to Alley	18 ft. minimum from Alley



**Note:**

- Up to 20% of Multi-Family Lots may be reduced to 3,000 square feet to provide design flexibility.

**Lot Diagrams**  
**Single-Family Attached**

816

**Lot Occupation**

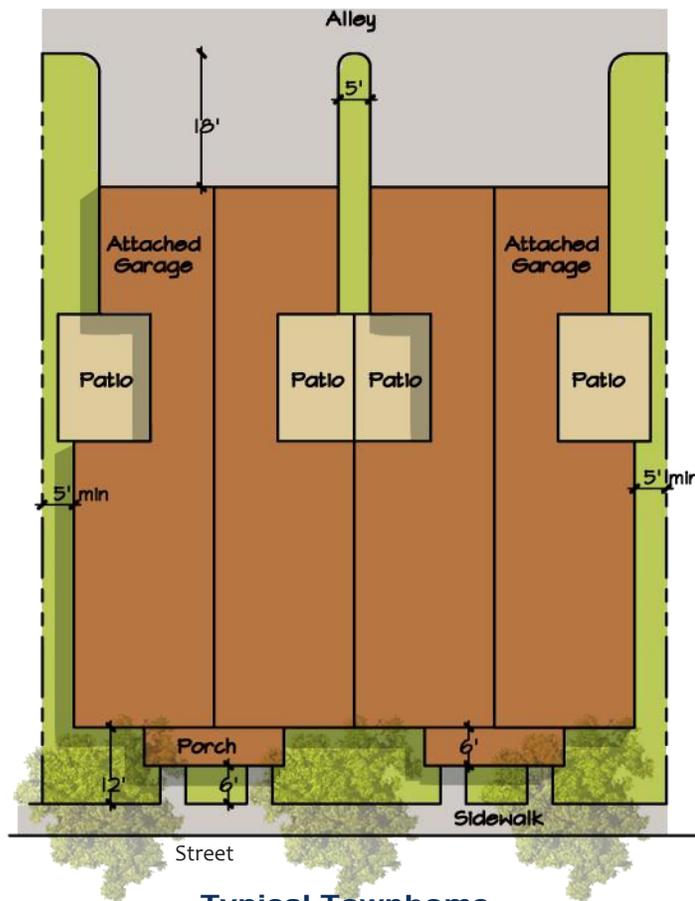
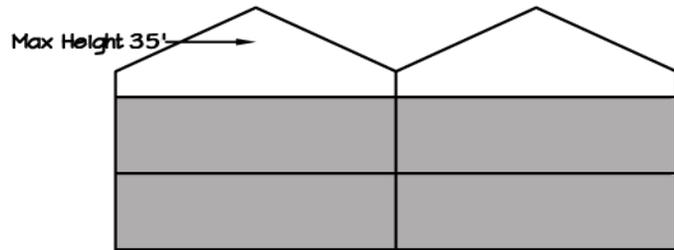
Lot Size	See Note Below
Lot Width	20 ft. min
Lot Coverage	85% max

**Setbacks**

Frontyard Setback	12 ft. max from sidewalk
Sidyard Setback	5 ft. min
Rearyard Principal Building	20 ft. min
Rearyard Accessory Building	10 ft. min

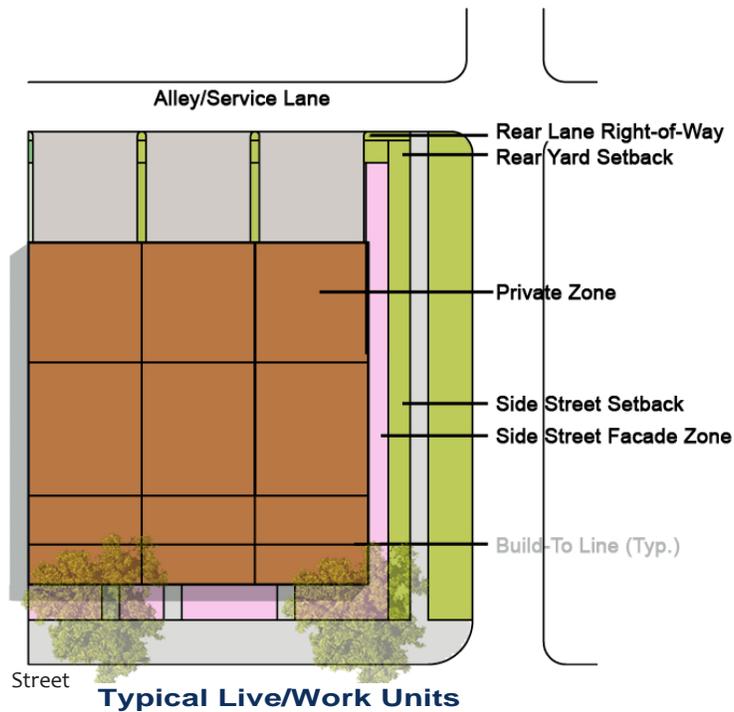
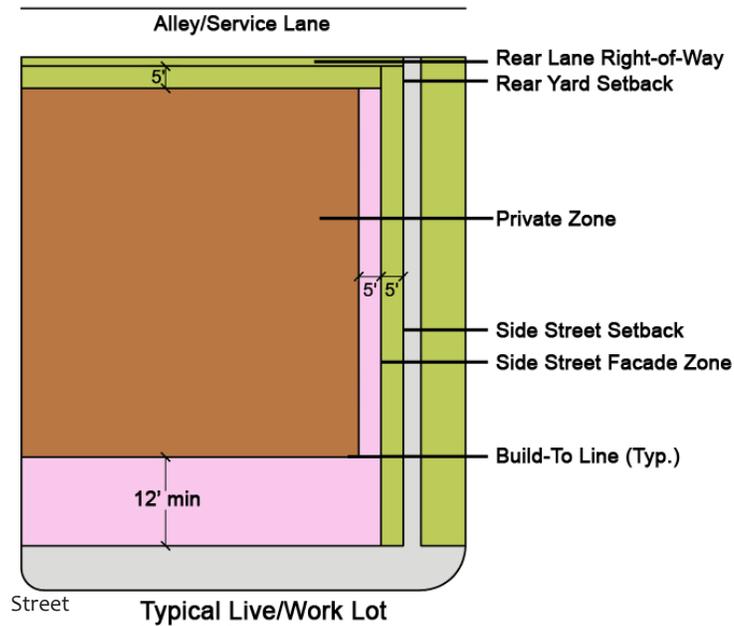
**Building Height**

Minimum Height	1.5 Stories
Maximum Height	4 stories (50 ft.)



**Notes:**

1. Lot Sizes shall be determined by adding 20% to the land needed for structure, parking, and any other necessary infrastructure. The additional 20% is reserved for buffers and landscaping.
2. This Lot Diagram applies to the Central Residential Area (CRA) of the Traditional Neighborhood Development Overlay District (TNDO); and to other Districts where Townhomes are permitted. In other districts, the maximum height for Townhomes shall be 35 feet.



Note:  
 This Lot Diagram applies to: the Neighborhood Storefront Area (NSA); the NSA within a Traditional Neighborhood Development Overlay District (TNDO); and to other Districts where Live/Work Units are permitted.

**Lot Diagrams**  
**Multi-Family**

818

**Lot Occupation**

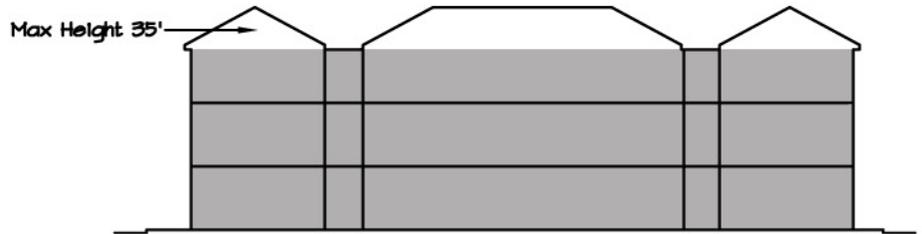
Lot Size	4,000 sf min <sup>1</sup>
Lot Width	30 ft. min
Lot Coverage	70% max

**Setbacks - Principal Buildings**

Front Setback Principal Building	10 ft. min. from sidewalk
Front Porch/Steps Setback	6 ft. min. from sidewalk
Sidyard Setback	5 ft. min, 12 aggregate
Corner lot Sidyard Setback	5 ft. min, 10 aggregate

**Setbacks - Garage Setbacks**

Frontloaded Attached Garage	20 ft. from front of house
Frontloaded Detached Garage	40 ft. from street R.O.W.
Rearloaded Attached Garage	5 ft. min, 12 aggregate sideyards
Rearloaded Detached Garage	18 ft. from alleyway



**Notes:**

1. Up to 20% of Multi-Family Lots may be reduced to 3,000 square feet to provide design flexibility.
2. This Lot Diagram applies to: the Central Residential Area (CRA) of the Traditional Neighborhood Development Overlay District (TNDO); and may apply to the Downtown.



**Multi-Family Residential Block  
 With Interior Parking Court**

**Note:**

This Lot Diagram applies to both the Central Residential Area (CRA) of the Traditional Neighborhood Development Overlay District (TNDO), as well as to infill development or redevelopment in the Downtown.

**Lot Diagrams**  
**Commercial Store**

820

**Lot Occupation**

Lot Size	See Note Below
Lot Width	20 ft. min
Lot Coverage	85% max

**Setbacks**

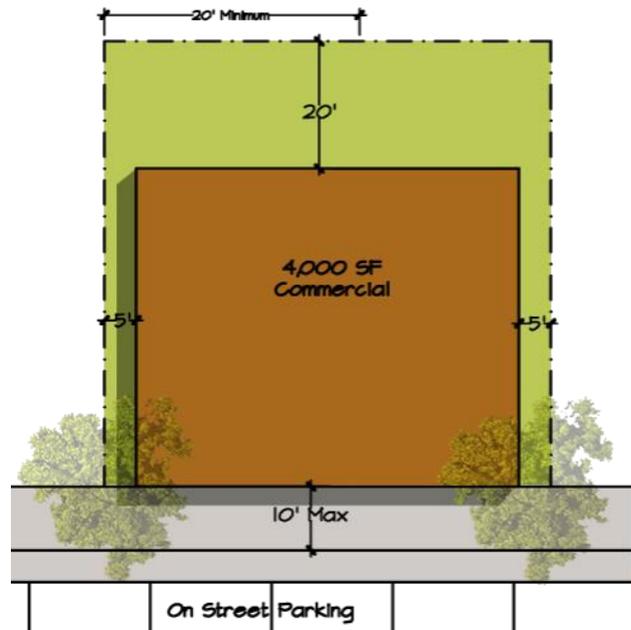
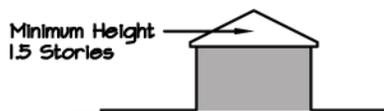
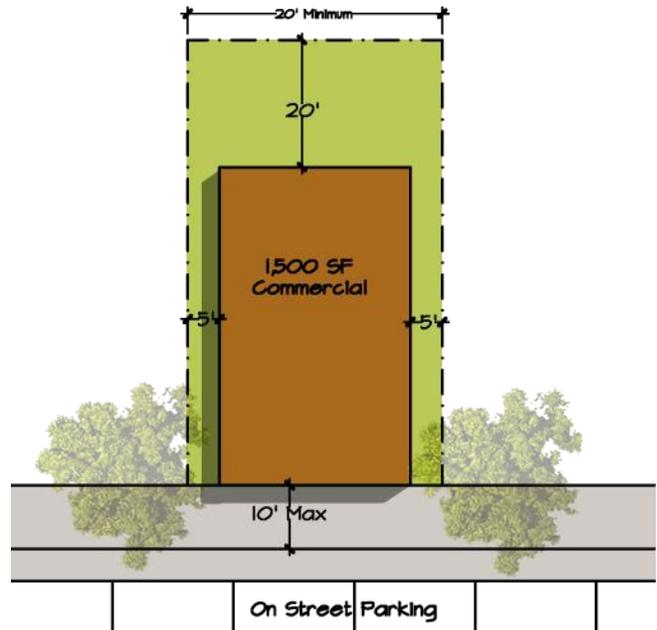
Front Setback	10 ft. max from sidewalk
Sidyard Setback	5 ft. min
Setback	20 ft. minimum
Rearyard Structure Setback	10 ft. minimum

**Building Height**

Minimum Height	1.5 Stories
Maximum Height	4 stories (50 ft.)

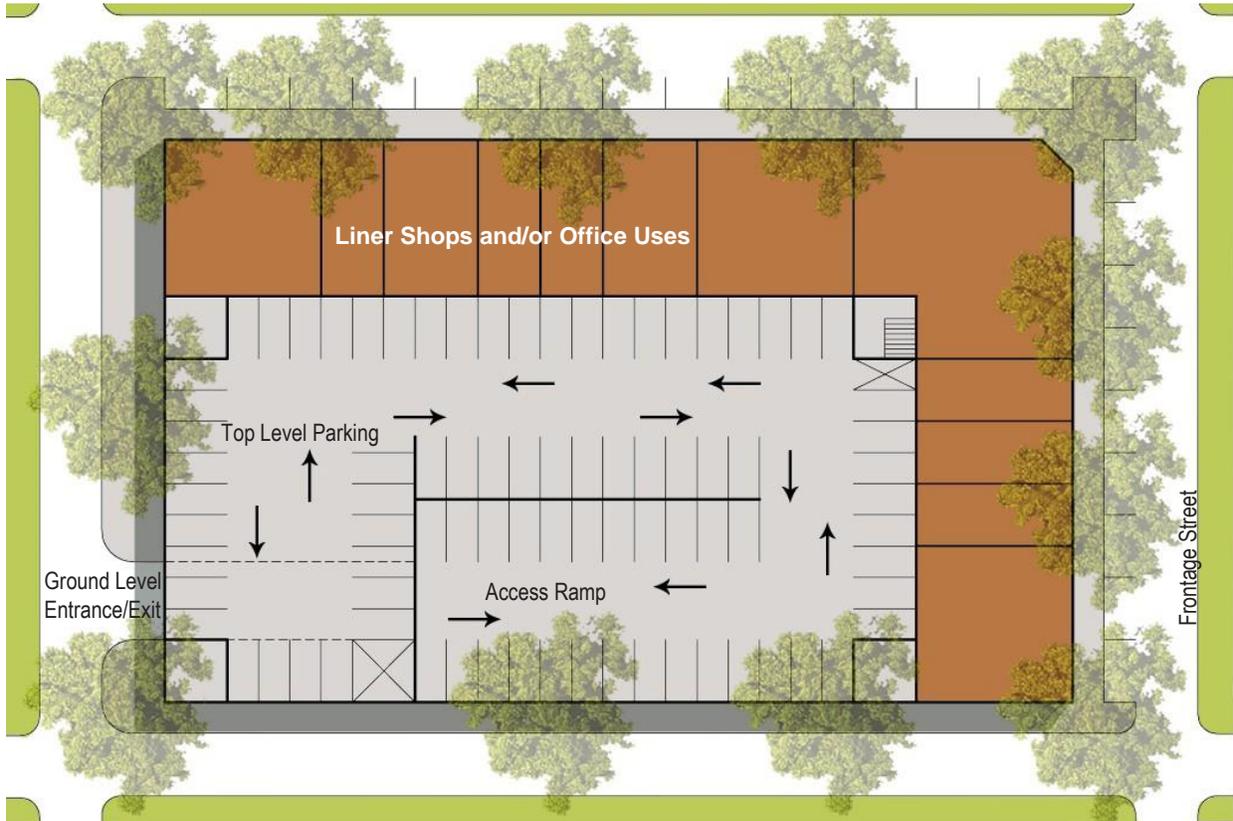
**Building Size**

1 Story Building	1,500 square feet
2 or More Story Building	4,000 square feet



**Notes:**

1. Lot Sizes shall be determined by adding 20% to the land needed for structure, parking, and any other necessary infrastructure. The additional 20% is reserved for buffers and landscaping.
2. This Lot Diagram applies, in particular, to the Neighborhood Storefront Area (NSA) of the Traditional Neighborhood Development Overlay District (TNDO), and may apply to other Districts where applicable.



**Deck Parking Structure, With First Floor Commercial Liner Shops or Office Uses, in Neighborhood Storefront Area (NSA) of Traditional Neighborhood Development Overlay District (TNDO)**

**Note:**

This Lot Diagram applies, in particular, to the Neighborhood Storefront Area (NSA) of a Traditional Neighborhood Development Overlay District (TNDO). However, it shall also apply to the Downtown.



**Main Street Environment of a Neighborhood Storefront Area (NSA)  
 of Traditional Neighborhood Development Overlay District (TNDO)**

**Note:**

This Lot Diagram applies, in particular, to the Neighborhood Storefront Area (NSA) of Traditional Neighborhood Development Overlay District (TNDO). However, it shall also apply to the Downtown.



**Anchor Store of a Neighborhood Storefront Area (NSA)  
 of Traditional Neighborhood Development Overlay District (TNDO)**

**Note:**

This Lot Diagram applies, in particular, to the Neighborhood Storefront Area (NSA) of a Traditional Neighborhood Development Overlay District (TNDO). However, it shall also apply to the Downtown.

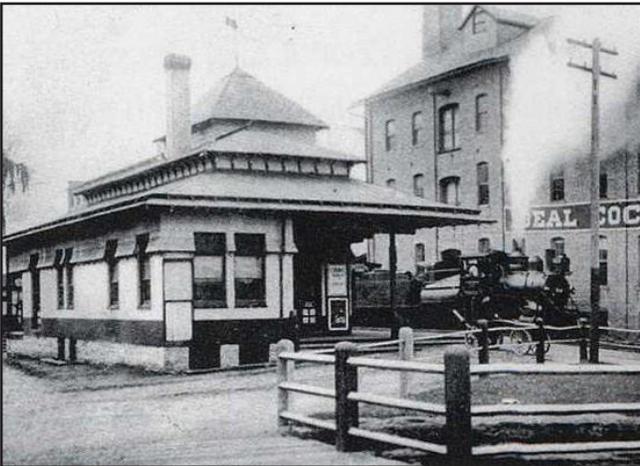
### Mixed-Use & Adaptive Re-Use



Ground Floor Commercial, with Apartments above



Mixed-Use Commercial on Ground Floor, with second/third floor Apartments



Former Lititz Train Station



Lititz Welcome Center

#### Legislative Intent

- 824.1 Mixed-Uses are intended to diversify the land uses of the Downtown and Neighborhoods.
- 824.2 Adaptive Re-Use is intended to protect historic buildings, and serve as an alternative to demolition.

#### Design Standards

- 824.3 Mixed-Uses shall be provided and maintained in the Downtown.
- 824.4 Vertical Mixed-Uses in the form of Live-Work Units, and Apartments Above Ground Floor Commercial Use shall be provided and maintained in new Traditional Neighborhoods.
- 824.5 Existing buildings shall be adaptively reused in the Downtown.

**Mixed-Use & Adaptive Re-Use**



Former Lititz Movie Theater



Shops along Main Street



Former Lititz Paper Box and Printing Company



Susquehanna Bank Building

**Legislative Intent**

824.6 Adaptive Re-Use projects are intended to be consistent with The Secretary of the Interior's Standards for Historic Properties.

**Design Standards**

824.7 Adaptive Re-Use projects shall comply with Section 214., the regulations for Historical Areas and Historic Resource Protection.

## Historic Resource Protection

### Section

825.1 Buildings in Lititz Borough identified in the "Historic Resources Survey Report," dated December 2008, by Rettew Associates, Inc., are intended to be protected, not demolished.



Adaptive Re-Use of Historic Hotel

825.2 Buildings in Lititz Borough that are identified in the "Historic Resources Survey Report" shall not be demolished.

825.3 Property owners shall provide an alternative to demolition through Adaptive Re-use of buildings identified in the "Historic Resources Survey Report."



Historic Shops of Lititz Borough



Building in Lititz Borough Being Adaptively Re-Used



Entrance to Susquehanna Bank Building (former Lititz Paper Box and Printing Company)

## Historic Resource Protection

### Legislative Intent

- 825.4 New construction is intended to be consistent with the character of existing historic resources in Lititz Borough.



New Construction utilizing traditional building materials and proportions

### Design Standards

- 825.5 New construction in a neighborhood of historic buildings, or in an area near historic buildings, shall retain community character and achieve compatibility through context-sensitive form, massing, shape, size, proportion, materials, orientation, setbacks, fenestration, roof lines, recesses, projections, and the like.



Historic buildings with similar form, scale, massing, and setbacks, Downtown



Traditional character of Lititz Borough



Traditional building character

## Historic Resource Protection

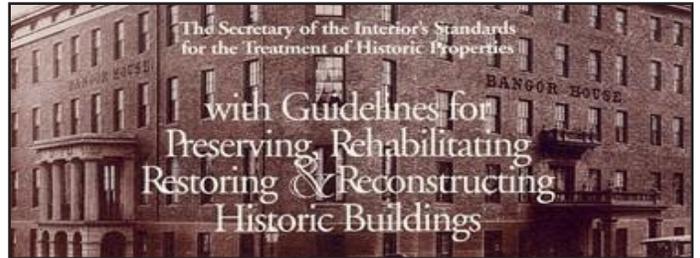
### Section

825.6 Any Rehabilitation, Restoration, or Re-Construction of buildings in Lititz Borough that are identified in the "Historic Resources Survey Report," dated December 2008, by Rettew Associates, Inc., are intended to comply with the Historic Overlay District Regulations of Section 214 and 426.



Re-constructed Lititz Train Station (now Welcome Center)

825.7 Any proposed Rehabilitation, Restoration or Re-Construction of a Class I or Class II resource shall be in compliance with the standards of Section 426.



The Secretary of the Interior's Standards for Treatment of Historic Properties  
<http://www.nps.gov/history/HPS/tps/standards/index.htm>

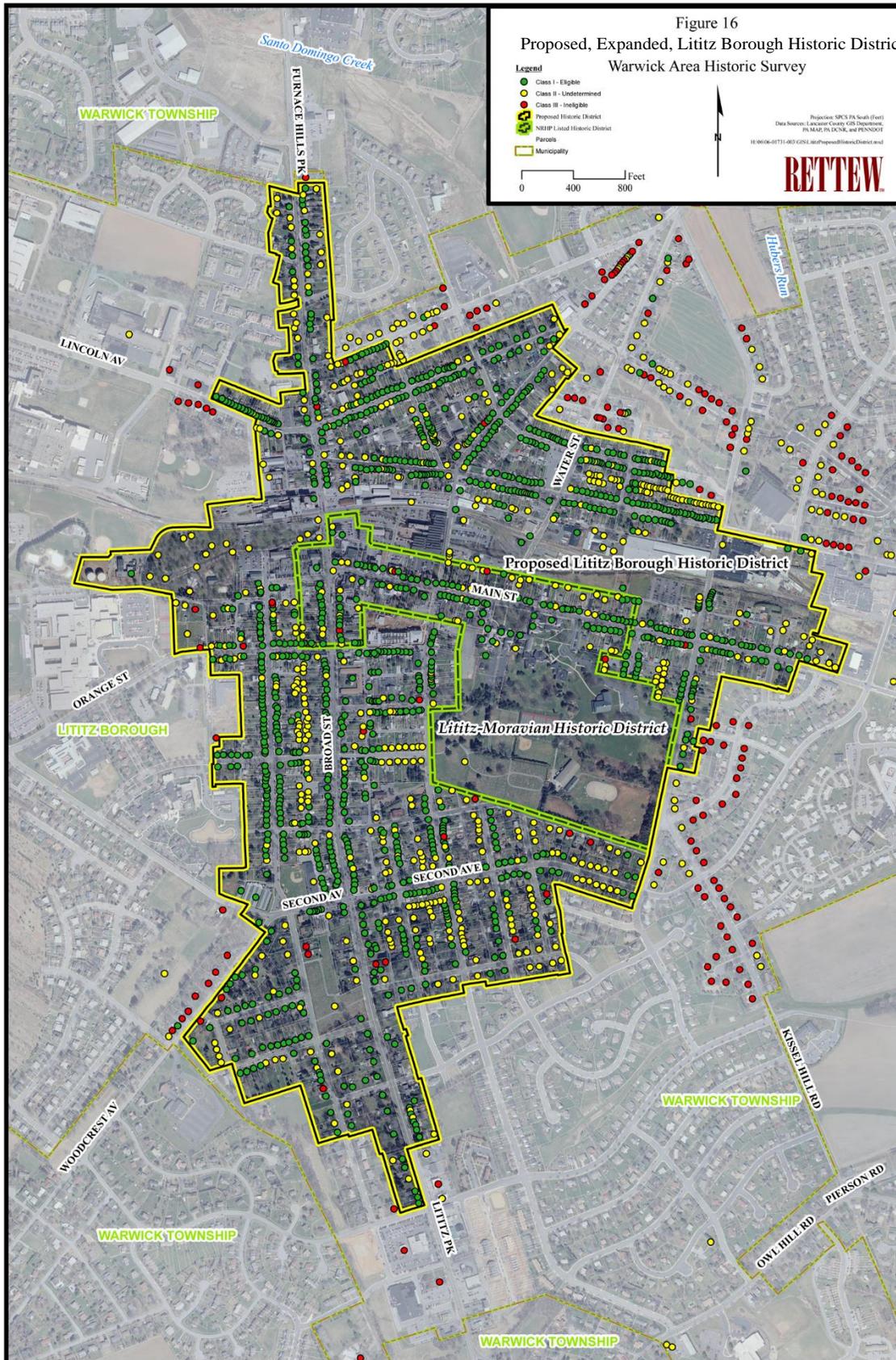
825.8 Rehabilitation shall include repair, alterations, and additions while preserving those features which convey the historical, cultural, and architectural values of the building.

825.9 Alterations shall include a change in the appearance of a building, structure, site, or object that is on a lot that is identified as a Class I or Class II Historic Resource on the map titled Proposed Lititz Borough Historic District, dated December 2008.



Rehabilitation of Historic Building, Downtown

Historic Resource Protection



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Article VIII - Form Based Code

**General Manual  
of Written and  
Graphic Design  
Standards for  
the General  
Business  
Gateway District**

Zoning Ordinance

**Lititz Borough-  
Lancaster  
County, PA**

First Draft: December 20, 2021

Revised: January 27, 2022; February 2, 2022; March 2, 2022; May 3, 2022

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## Table of Contents

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830	Lot Diagrams	265

## 212.G.2.(1)

### Overall Goals & Modifications



Buildings arranged around Pedestrian Gathering Area



Pedestrian Gathering Area



Pedestrian Connectivity

#### Legislative Intent:

##### **212.G.2.(1)(a)**

These Design Standards are intended to provide a framework for the preferred outcomes for the General Business Gateway District.

##### **212.G.2.(1)(b)**

These Design Standards are intended to inform the unified placemaking, in order to create a more functional and attractive Gateway.

##### **212.G.2.(1)(c)**

These Design Standards are intended to provide guidance relative to the proposed materials, form, composition, and character of proposed buildings in the General Business Gateway District.

##### **212.G.2.(1)(d)**

In the event that an Applicant proposes to modify these Design Standards, the Zoning Hearing Board may approve a variance if they believe that equal or better results will occur, and that the variance is in the public interest.

212.G.2.(2)

Building Location & Parking Location



Buildings in alignment along streetscape \*\*

Legislative Intent:

212.G.2.(2)(a)

Buildings are intended be in alignment along the streetscape, at a Build-to Line.

212.G.2.(2)(b)

Parking is intended to be located on the sides and/or rear of buildings.



Hypothetical view facing NW from S. Broad St. at Sixth Street \*\*

Design Standards:

212.G.2.(2)(c)

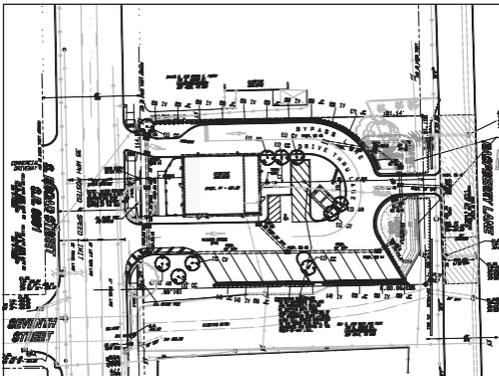
Buildings shall be located in alignment along Broad Street, at a Build-to Line.

212.G.2.(2)(e)

Parking lots shall be located on the side and/or in the rear of buildings.

212.G.2.(2)(f)

Whenever on-street parking is proposed, it shall be in a 7' x 22' space, parallel to and adjoining the curbline.



Parking located to the side of the building

\*\*Photo Source: Lititz Borough South Gateway Vision Plan, prepared by Derck & Edson, 5-1-2021

212.G.2.(3)

Drive-Thrus



Coffee shop with Drive-Thru located in the rear of the building

Legislative Intent:

**212.G.2.(3)(a)**

Drive-Thru Facilities, such as those at Banks, Pharmacies, Coffee Shops, and Fast Food Restaurants, are intended to have the Drive-Thru component in the back or side of the facility, not along Broad Street.

Design Standards:



Drive-Thru facility with stacking in the rear of the building

**212.G.2.(3)(b)**

Drive-Thru Facilities shall not be located along the frontage along Broad Street.

**212.G.2.(3)(c)**

When A Drive-Thru Facility is located on the side of a building, it shall be setback at least 25 feet from the street right-of-way.

**212.G.2.(3)(d)**

Drive-Thru Facilities shall have building materials, colors, and form, complementary to the principal building.



Fast Food with Drive-Thrus located on the side of the building

**212.G.2.(3)(e)**

Stacking lanes shall not be permitted in front of a building.

Lot Diagrams



Existing Lots in the General Business Gateway District

Legislative Intent:

**212.G.2.(4)(a)**

Lots are intended to have buildings located at a Build-to Line.

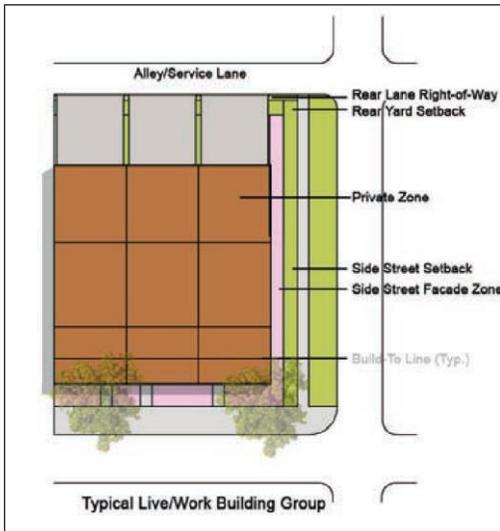
Design Standards:

**212.G.2.(5)(b)**

New buildings shall be positioned on lots at a Build-to Line.

**212.G.2.(5)(c)**

Existing Buildings shall be enhanced with a Pier-Fence Hedge combination of Street Wall, and other streetscape elements whenever redevelopment is propose



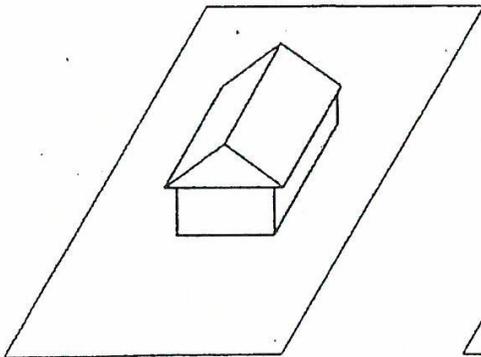
Typical Live-Work Unit Lot Diagram



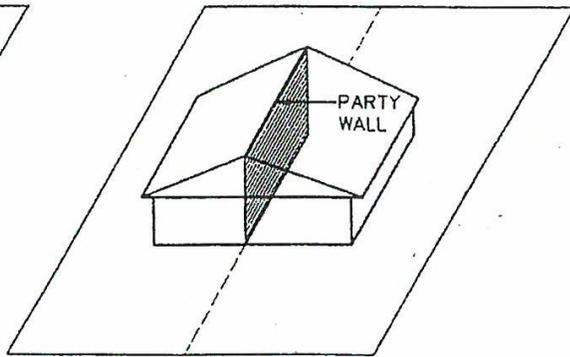
Potential development/redevelopment and infill with buildings located at Build-to Line \*\*

\*\*Photo Source: Lititz Borough South Gateway Vision Plan, prepared by Derck & Edson, 5-1-2021

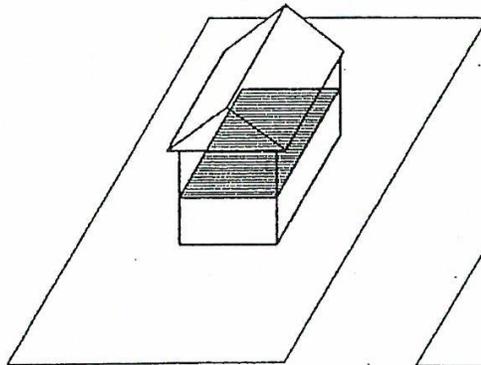
# Appendix



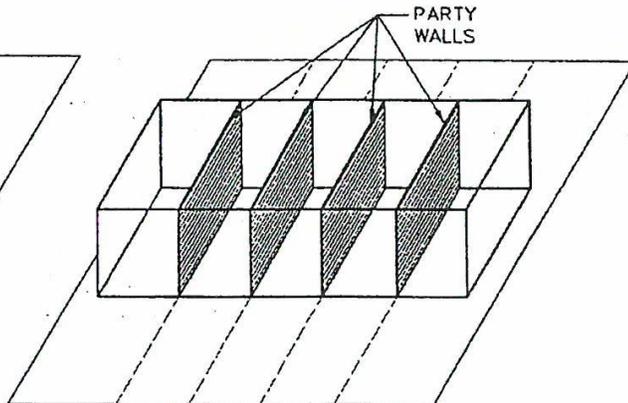
SINGLE FAMILY  
DETACHED



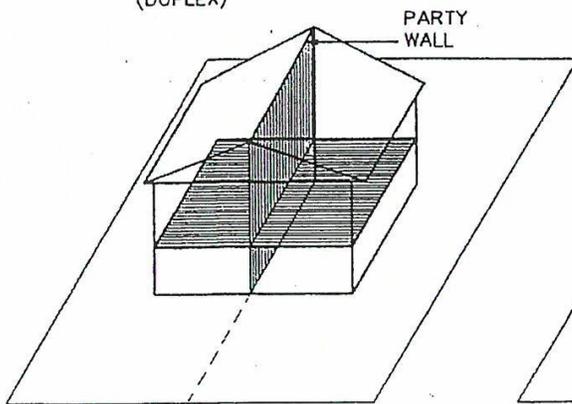
SINGLE FAMILY  
SEMI-DETACHED  
(TWIN)



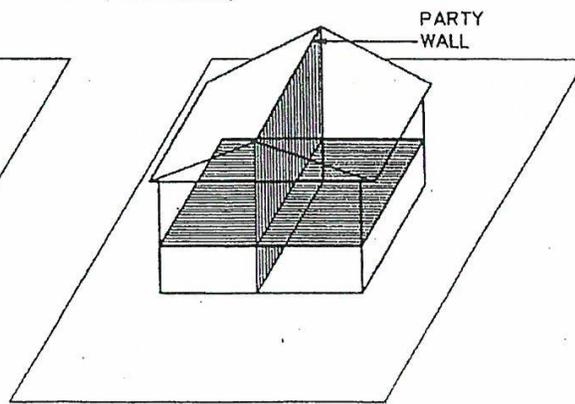
TWO-FAMILY  
DETACHED  
(DUPLEX)



SINGLE FAMILY  
ATTACHED  
(TOWNHOUSE)

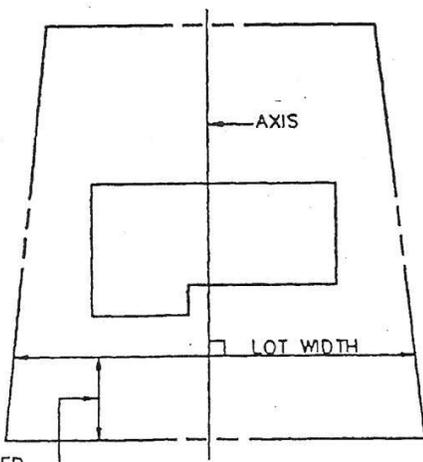
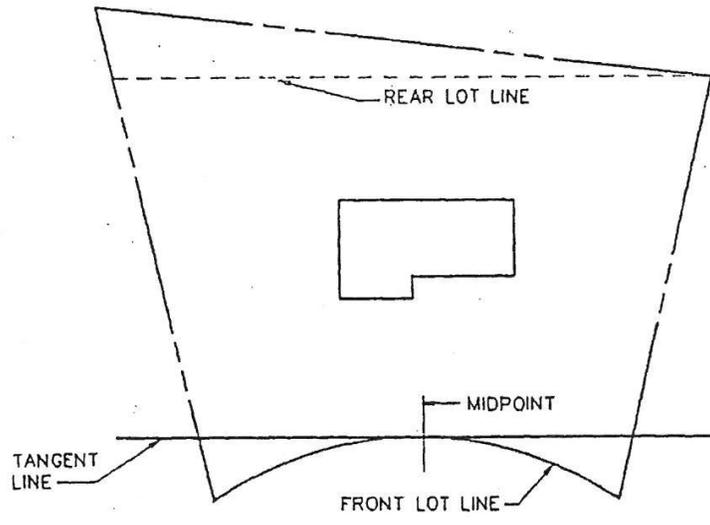


TWO-FAMILY  
SEMI-DETACHED

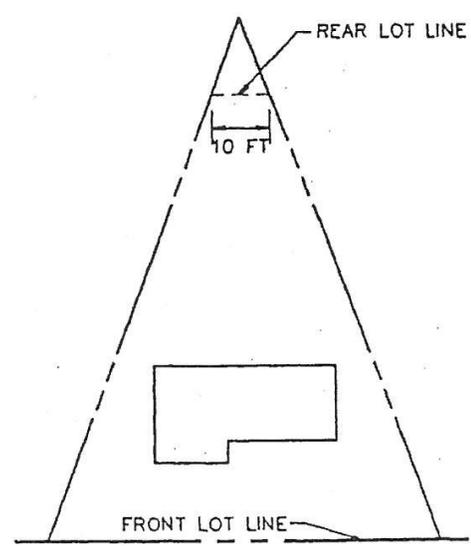


MULTI-FAMILY  
(APARTMENT)

**RETTEW**  
Associates, Inc.

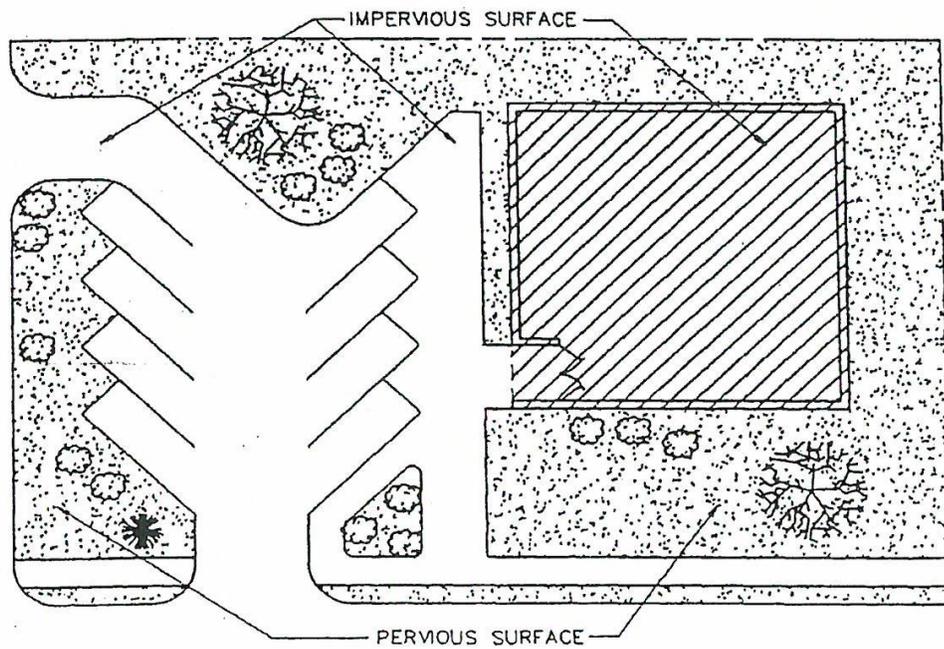
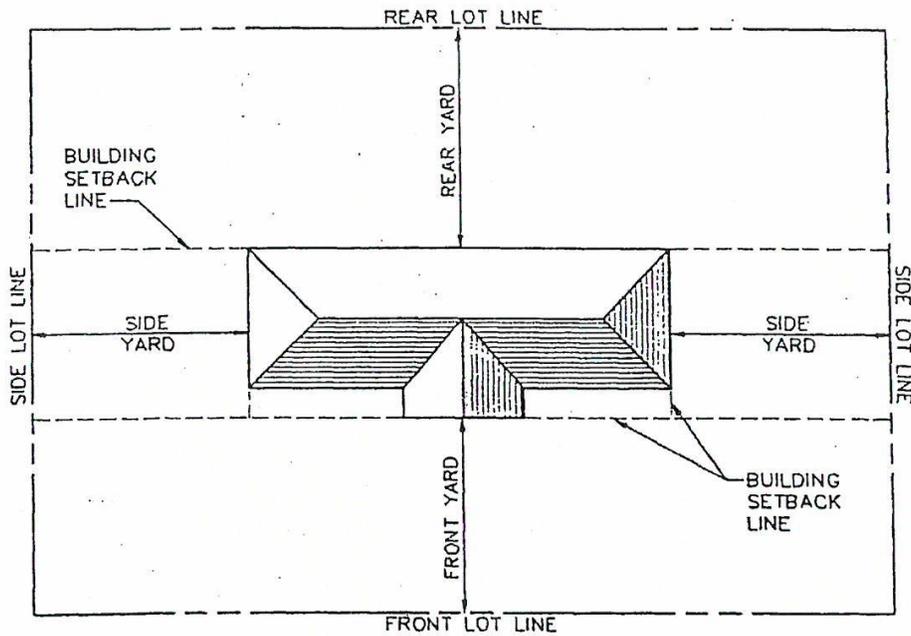


REQUIRED FRONT SETBACK



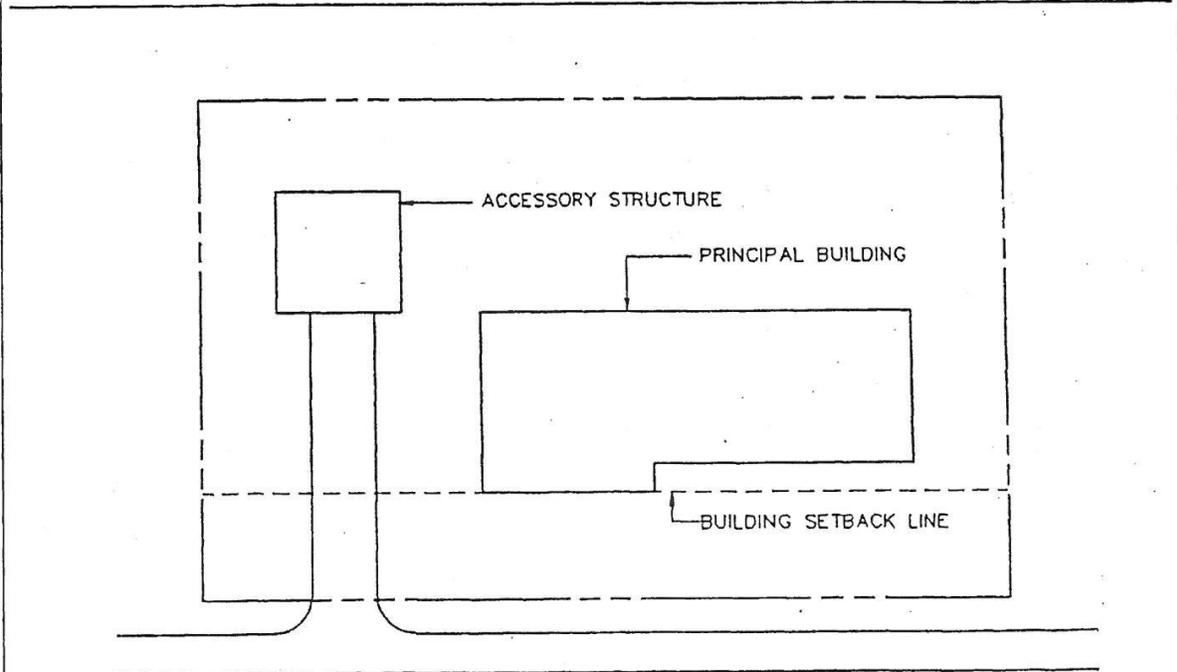
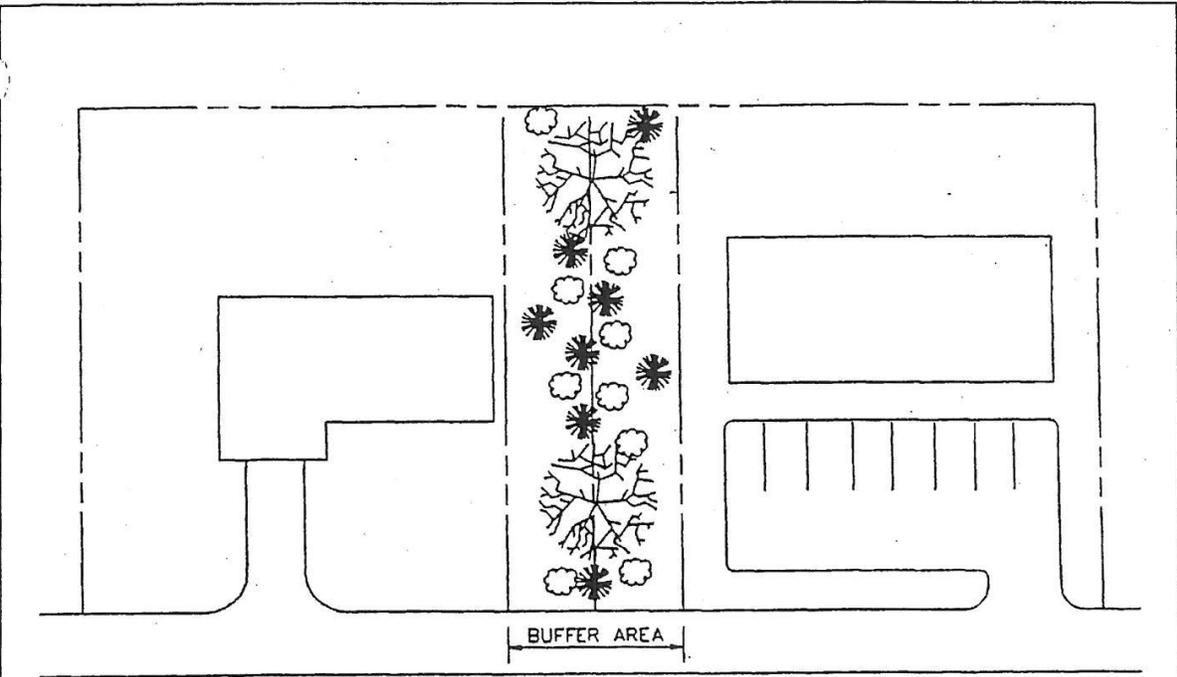
STREET RIGHT-OF-WAY

**RETTEW**  
Associates, Inc.

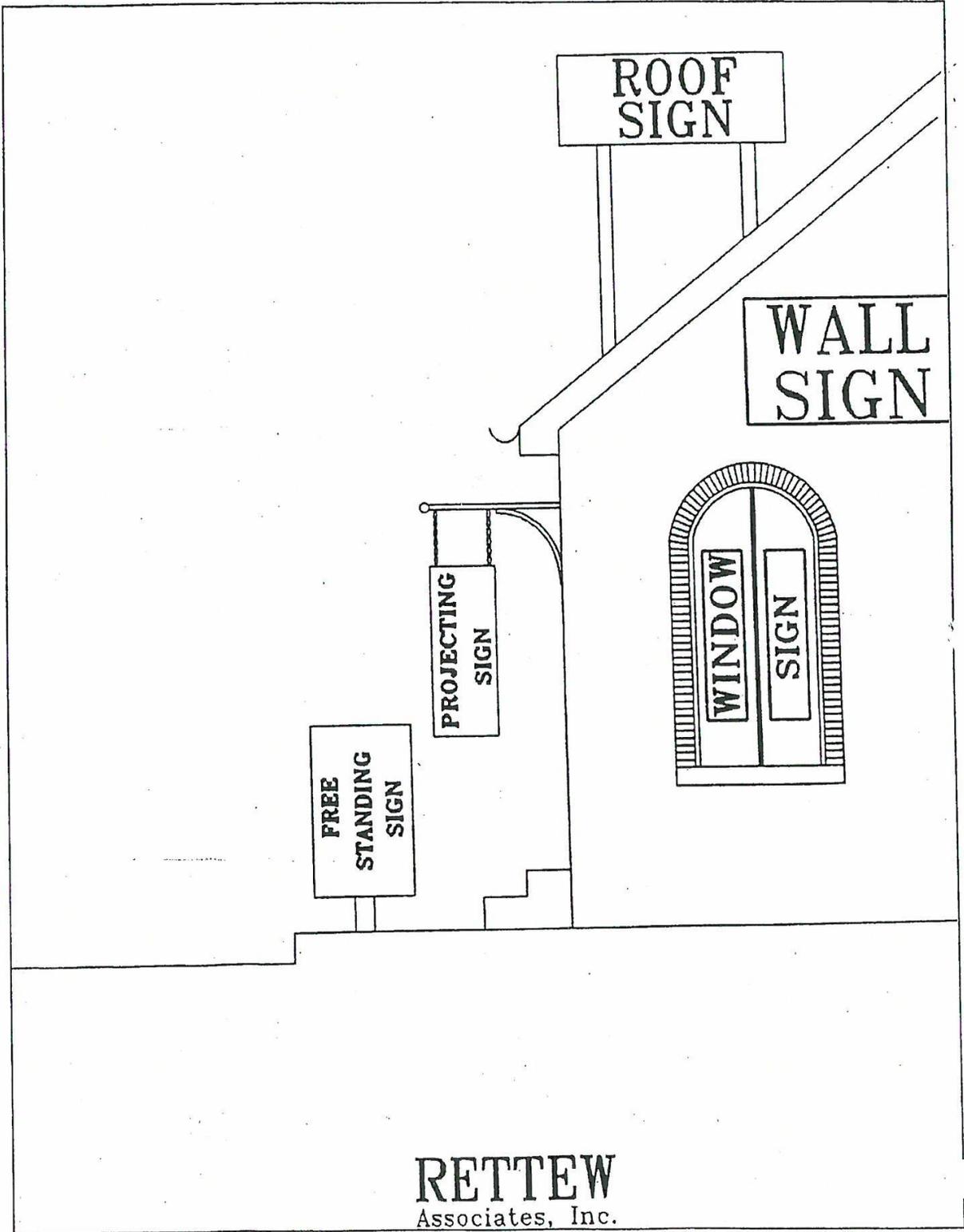


 LOT COVERAGE

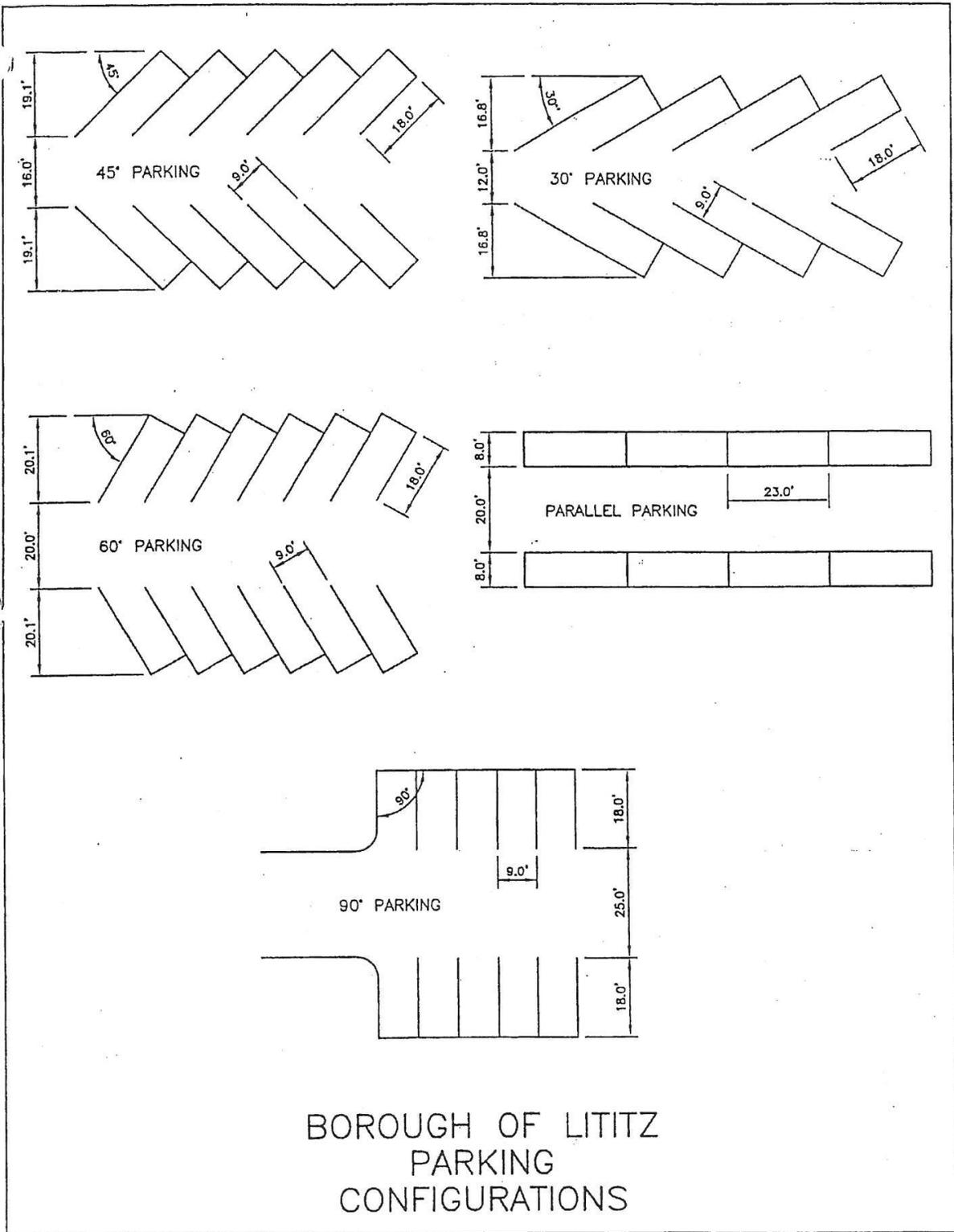
**RETTEW**  
Associates, Inc.



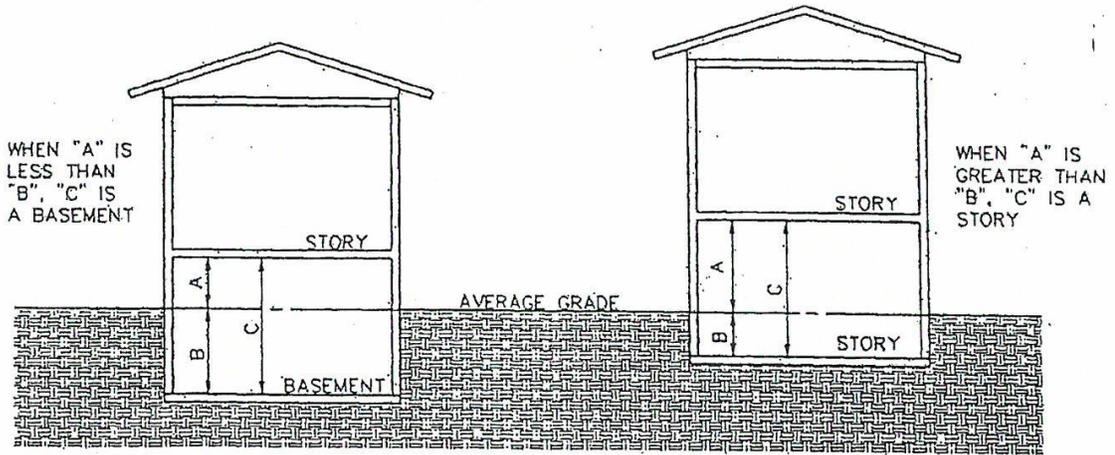
**RETTEW**  
Associates, Inc.



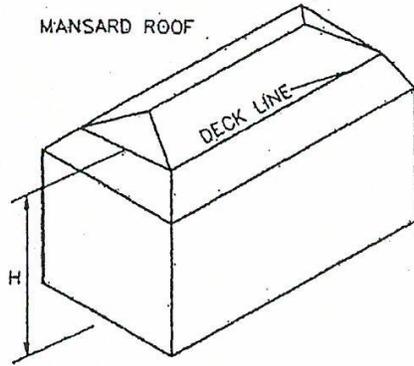
**RETTEW**  
Associates, Inc.



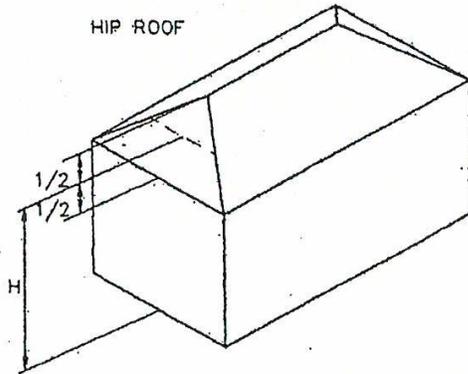
BOROUGH OF LITIZ  
 PARKING  
 CONFIGURATIONS



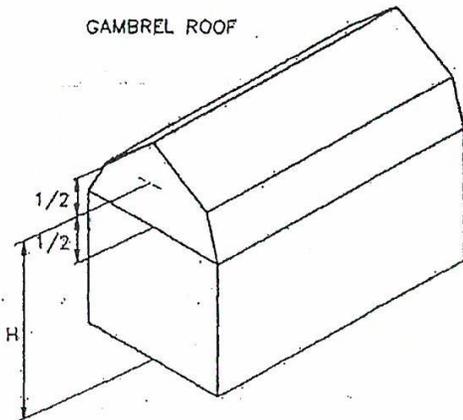
MANSARD ROOF



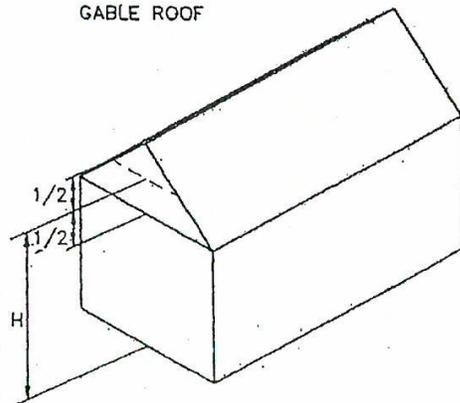
HIP ROOF



GAMBREL ROOF



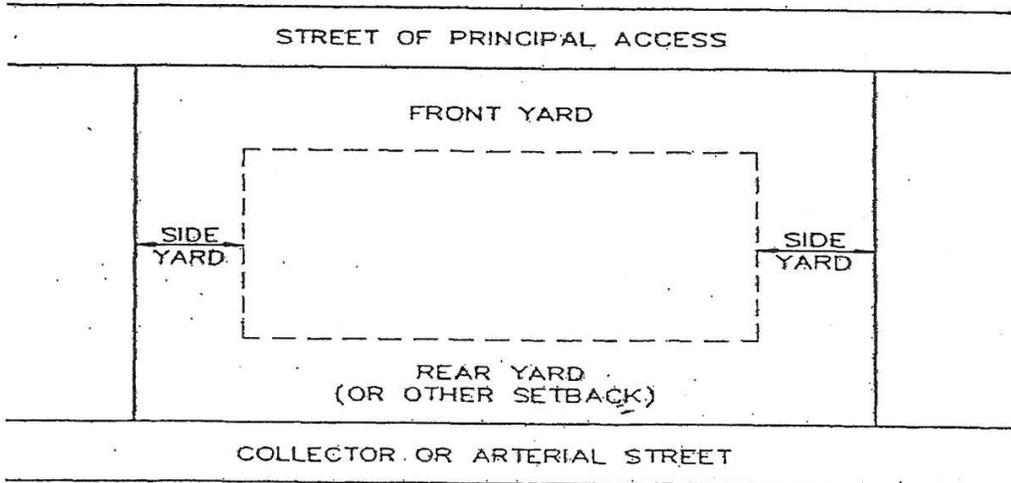
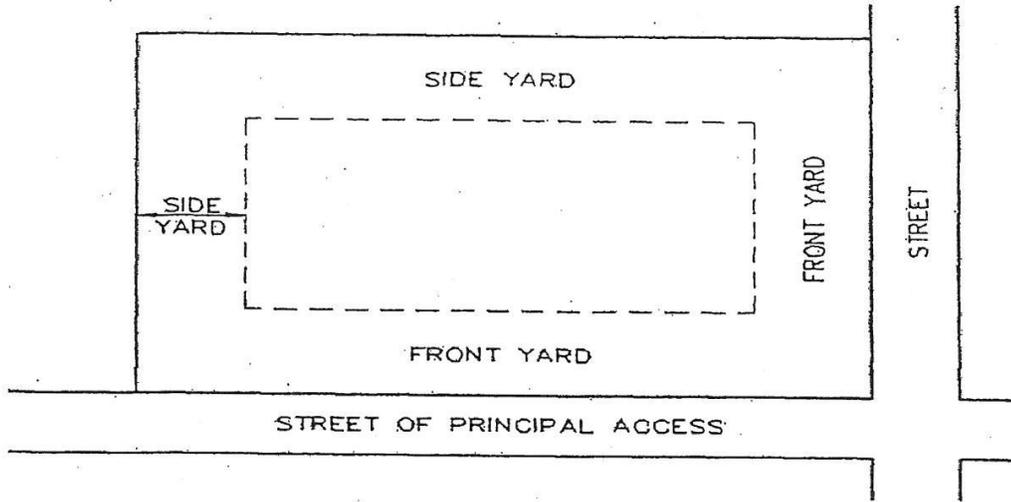
GABLE ROOF



H = HEIGHT OF BUILDING

**RETTEW**  
Associates, Inc.

LOT DESIGN  
CORNER LOT



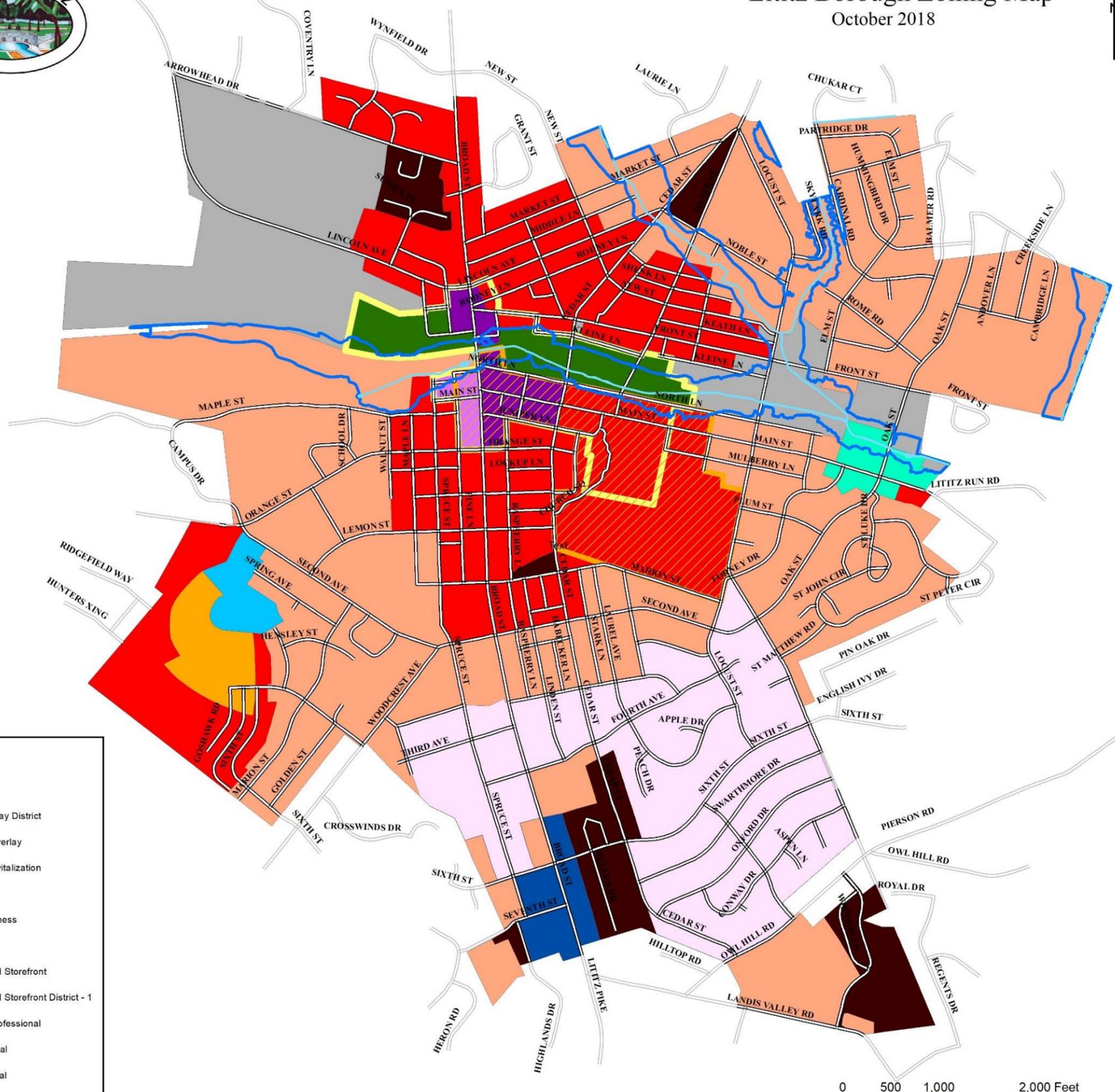
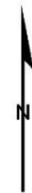
REVERSE FRONTAGE LOT

**RETTEW**  
Associates, Inc.



# Lititz Borough Zoning Map

October 2018

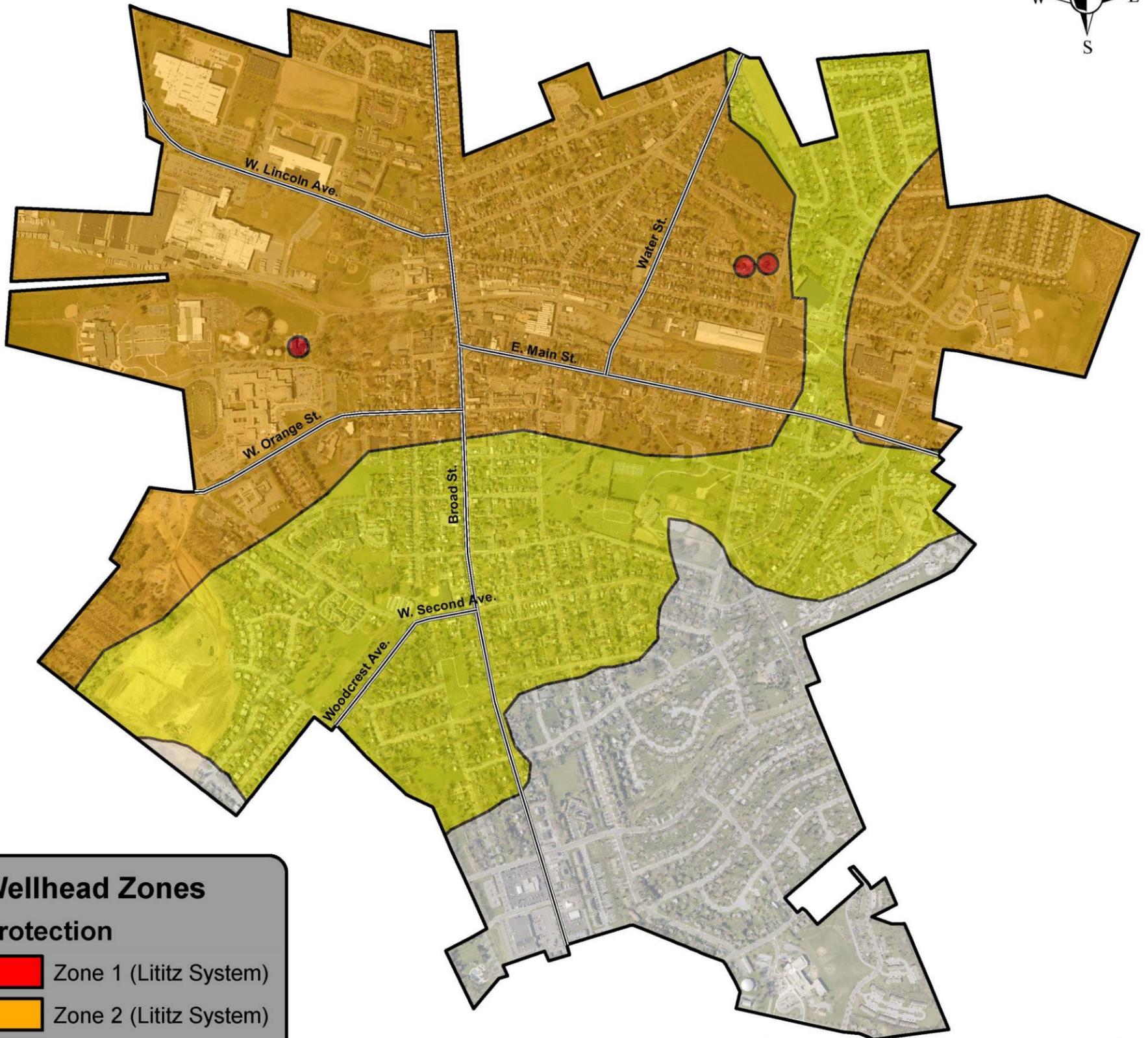


## Legend

- Floodplain
- Historic Overlay District
- Downtown Overlay
- Lititz Run Revitalization
- Commercial
- General Business
- Industrial
- Neighborhood Storefront
- Neighborhood Storefront District - 1
- Office And Professional
- R-A Residential
- R-2 Residential
- R-2A Residential
- R-1 Residential
- R-S Residential



# Lititz Borough Wellhead Protection Zones



**Wellhead Zones**  
**Protection**

-  Zone 1 (Lititz System)
-  Zone 2 (Lititz System)
-  Zone 3 (Lititz System)

