

**TOWNSHIP OF EAST HEMPFIELD**

Lancaster County, Pennsylvania

**ORDINANCE NO. 2022-\_\_**

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF EAST HEMPFIELD, LANCASTER COUNTY, PENNSYLVANIA, BY MAKING CERTAIN AMENDMENTS TO THE ZONING ORDINANCE AS THEY PERTAIN TO OUTDOOR STORAGE, FARM-BASED BUSINESS, HOME-BASED BUSINESS-IMPACT, PARKING AND EFFECT OF ZONING HEARING BOARD’S DECISION, AND RELATED DEFINITIONS.**

WHEREAS, the Board of Supervisors of East Hempfield Township enacted the East Hempfield Township Zoning Ordinance of 2014, as set forth at Chapter 270 of the Code of the Township of East Hempfield (the “Code”); and

WHEREAS, the Board of Supervisors desires to make certain revisions to the zoning ordinance so as to update and modify the regulations within the Township as they pertain to Outdoor Storage, Farm-Based Business, Home-Based Business-Impact, Parking and Effect of Zoning Hearing Board’s Decision, and related definitions.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of East Hempfield, Lancaster County, Pennsylvania, as follows:

**Section 1.** Section 270-2.2 of the Code (Definitions) is amended to add the following definitions:

**YARD WASTE**

Leaves, grass clippings, garden residue, tree trimmings, chipped shrubbery, and other vegetative material.

**YARD WASTE COMPOSTING FACILITY**

A DEP permitted facility that is used to compost leaf waste, or leaf waste and grass clippings, garden residue, tree trimmings, chipped shrubbery, and other vegetative material. The term includes land affected during the lifetime of the operation, including, but not limited to, areas where composting actually occurs, support facilities, borrow areas, offices, equipment sheds, air, and water pollution control and treatment systems, access roads, associated on-site or contiguous collection and transportation activities, and other activities in which the natural surface has been disturbed as a result of or incidental to operation of the facility. All waste streams accepted for composting shall be non-liquid waste.

**Section 2.** Section 270-2.2 of the Code (Definitions) is amended to replace the definition of Home-Based Business, Impact with the following:

**HOME-BASED BUSINESS, IMPACT**

A home-based business or occupation administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling that involves customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with a residential use.

**Section 3.** Section 270-2.2 of the Code (Definitions) is amended to replace the definition of Recreation Vehicles in its entirety with the following definition for Recreational Vehicles:

**RECREATIONAL VEHICLES**

A vehicle of any size, which may be designed as temporary living quarters or living unit for travel, recreation, and vacation uses. In addition to the above, recreational vehicles may also include motorized vehicles designed to be self-propelled or non-motorized vehicles designed to be towed or carried by another vehicle including campers, pickup coaches, travel trailers, all-terrain vehicles, motorcycles, dirt bikes, snowmobiles, boats, and similar vehicles.

**Section 4.** Section 270-3.2 of the Code (Agriculture Zone (A)) is amended to allow Home-based business, impact as a permitted use rather than a special exception use, with material which is underlined representing new material and material with strikeouts representing deleted material:

270-3.2.B.(5)(f) Home-based business, impact

~~270-3.2.D.(5) Home-based business, impact~~

**Section 5.** Section 270-3.3 of the Code (Rural Business Zone (RB)) is amended to allow Home-based business, impact as a permitted use rather than a special exception use, with material which is underlined representing new material and material with strikeouts representing deleted material:

270-3.3.B.(5)(e) Home-based business, impact

~~270-3.3.D.(4) Home-based business, impact~~

**Section 6.** Section 270-3.5 of the Code (Low Density Residential Zone (RL)) is amended to allow Home-based business, impact as a permitted use rather than a special exception use, with material which is underlined representing new material and material with strikeouts representing deleted material:

270-3.5.B.(5)(d) Home-based business, impact

~~270-3.5.D.(6) Home-based business, impact~~

**Section 7.** Section 270-3.6 of the Code (Medium-Density Residential Zone (RM)) is amended to allow Home-based business, impact as a permitted use rather than a special exception use, with material which is underlined representing new material and material with strikeouts representing deleted material:

270-3.6.B.(5)(d) Home-based business, impact

~~270-3.6.D.(8) Home-based business, impact~~

**Section 8.** Section 270-3.7 of the Code (Village Residential Zone (VR)) is amended to allow Home-based business, impact as a permitted use rather than a special exception use, with material which is underlined representing new material and material with strikeouts representing deleted material:

270-3.7.B.(5)(d) Home-based business, impact

~~270-3.7.D.(5) Home-based business, impact~~

**Section 9.** Section 270-3.8 of the Code (Village Center Zone (VC)) is amended to allow Home-based business, impact as a permitted use rather than a special exception use, with material which is underlined representing new material and material with strikeouts representing deleted material:

270-3.8.B.(5)(d) Home-based business, impact

~~270-3.8.D.(7) Home-based business, impact~~

**Section 10.** Section 270-3.9 of the Code (Community Business Center Zone (CBC)) is amended to allow Home-based business, impact as a permitted use rather than a special exception use, with material which is underlined representing new material and material with strikeouts representing deleted material:

270-3.9.B.(5)(d) Home-based business, impact

~~270-3.9.D.(5) Home-based business, impact~~ Reserved

**Section 11.** Section 270-3.10 of the Code (Regional Commerce Center Zone (RCC)) is amended to allow Home-based business, impact as a permitted use rather than a special exception use, with material which is underlined representing new material and material with strikeouts representing deleted material:

270-3.10.B.(5)(d) Home-based business, impact

~~270-3.10.D.(2) Home-based business, impact~~ Reserved

**Section 12.** Section 270-3.14 of the Code (Agriculture Holding Zone (AH)) is amended to allow Home-based business, impact as a permitted use rather than a special exception use, with material which is underlined representing new material and material with strikeouts representing deleted material:

270-3.14.B.(5)(e) Home-based business, impact

~~270-3.14.D.(5) Home-based business, impact~~

**Section 13.** Section 270-4.7.B of the Code (Outdoor storage) is amended to delete the current section in its entirety and to replace it with the following material:

270-4.7.B. Outdoor storage of recreational vehicles, boats, campers, trailers and trucks upon lots containing or adjacent to residential dwellings is prohibited except for the following instances:

- (1) For purposes of this section, the storage of commercial trucks and commercial trailers shall be permitted in the Rural Business Zone (RB) when parked at a lawful business.
- (2) Upon any lot used principally for a single-family detached dwelling or an adjacent lot owned by the same landowner as the dwelling lot, the outdoor storage of recreational vehicle and trailers used solely for the transport of the residents' recreational vehicle(s) is permitted only according to the following requirements.
  - (a) The temporary parking of one recreational vehicle for periods not exceeding 72 hours during any seven-day period is permitted on a paved or gravel surface in any yard, so long as the vehicle is set back no less than 10 feet from any street right-of-way, and five feet from adjoining lot lines.
  - (b) The storage of a recreational vehicle for periods of time exceeding the limit outlined in section 270-4.7.B.(2)(a) shall be subject to the following: the outdoor storage of one recreational vehicle shall be permitted per lot, the recreational vehicle must be located outside of the required front yard, and the recreational vehicle ~~is~~ must be set back no less than five feet from any adjoining side or rear lot line.
    - [1] For developments consisting of more than 20 single-family semidetached dwellings, townhouses, multifamily dwellings, or any combination thereof, a common storage area for such vehicles shall be provided at a minimum rate of 100 square feet per dwelling unit. Such common storage area shall be designed according to the design standards required for off-street parking lots.
    - [2] In no case shall the recreational vehicle occupy more than a three-hundred-twenty-square-foot space, as measured to the vehicle's outermost edges, nor exceed a height of 13 feet, as measured from the ground to the highest point of the vehicle's main body. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, antennas, masts, out rigging fishing poles, etc.), but will be measured to the highest point of any fly bridge or other boat console.
    - [3] No recreational vehicle shall be stored in front of the front yard setback line. On vacant lots, the vehicle must be stored behind the required front yard setback line, as specified for principal uses.

- (3) All areas used for the storage of recreational vehicles shall be maintained so as to keep vegetation properly trimmed and debris or litter disposed of regularly.
  - (a) All recreational vehicles shall maintain required licensure and prevent the leakage of fuels and/or lubricants into the ground.
- (4) The storage or parking of any commercial truck upon any residentially zoned lot used principally for residential purposes, or upon any public rights-of-way, is permitted for periods not to exceed five consecutive business days.
  - (a) For purposes of this section, commercial trucks shall include those that exceed a gross vehicle weight (truck plus payload) of 10,000 pounds.
  - (b) In addition, the parking or storage of any trailer other than that accessory to a principal residential use is expressly prohibited on any residentially zoned lot, a lot used principally for residential purposes, or any public right-of-way.

**Section 14.** Section 270-5.2.Y of the Code (Farm-based business) is amended to delete the current section in its entirety and to replace it with the following material:

270-5.2.Y. Farm-based business.

- (1) The applicant must provide evidence that the proposed use is important to agricultural operations.
- (2) Some examples of farm-based businesses (if suitably sized) include, but need not be limited to:
  - (a) Sales or repair of agricultural equipment.
  - (b) Blacksmith shops, furriers.
  - (c) Butcher shops.
  - (d) Grain mills.
  - (e) Processing of locally produced agricultural products.
  - (f) Veterinary clinics that primarily treat animals from farms, stables, and kennels.
  - (g) Feed supply, fuel and fertilizer distributors.
  - (h) Yard waste composting facility.
  - (i) Bio-digesters and other alternative energy systems.
- (3) The farm-based business shall occupy no more than two acres with the exception of a yard waste composting facility farm-based business located in the Agriculture Holding (AH) Zone which shall be allowed to occupy no more than fifteen (15) acres. The applicant shall show that the size of the site is the minimum needed to conduct the farm-based business.

- (4) The design of a farm-based business shall be governed by the design standards for the E Enterprise Zone as listed in Article 3 of this chapter, except as follows:
- (a) The maximum lot coverage shall be 40%.
  - (b) No part of a farm-based business shall be within 300 feet of any residential zone with the exception of a yard waste composting facility farm-based business located in the Agricultural Holding (AH) Zone which shall be not be within 100 feet of any residential zone.
  - (c) The length of any on-site access drives shall be sufficient to allow the stacking of delivery and/or customer vehicles. Furthermore, any use that potentially involves the movement of vehicles through mud and/or manure shall provide a paved apron of at least 50 feet from the street right-of-way. In addition, another fifty-foot gravel section shall be located just beyond the paved apron.
  - (d) Any outdoor storage of supplies, materials and products shall be screened from adjoining streets and lots. Screening shall be provided in compliance with Article 4 and a farm-based business shall be classified as a business use when applying the landscaped buffer requirements of section 270-4.13.A.4(a). The display of farm equipment for sale shall be excluded from this provision.
  - (e) Signs shall comply with Article 7 of this chapter.

**Section 15.** Section 270-5.2.GG of the Code (Home-based business, impact) is amended to delete the current section in its entirety and to replace it with the following material:

270-5.2.GG Home-based business, impact.

- (1) No more than two nonresidents shall be employed by the home-based business, impact, and at least one resident of the dwelling unit must be engaged in the home-based business, impact. In addition, the applicant must reside in the dwelling where the home-based business, impact is to be conducted. A home-based business, impact shall be clearly incidental and secondary to the residential use of the dwelling.
- (2) Retail sales of goods must be directly related to the advertised nature of the business. Retail sales accessory to any service provided on the site (such as hair care products sold as an accessory to hair cutting) must relate directly to the service provided.
- (3) Shall not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations.
- (4) All activities must be in completely enclosed structures. Exterior storage or display of goods, equipment, or materials is prohibited.

- (5) The dwelling and site must remain residential in appearance and characteristics. Internal or external changes which will make the dwelling appear less residential are prohibited.
- (6) Hazardous substances are prohibited, except at the consumer commodity level.
- (7) No more than one vehicle may be used in association with the home occupation. Deliveries or pick-ups of supplies or products may not be made in trucks weighing over 10,000 lbs.
- (8) Customers may only visit the site Monday through Saturday during the hours of 7:00 a.m. to 9:00 p.m.
- (9) Parking and sign regulations in Articles 7 and 8 shall apply.
- (10) The applicant must obtain an occupancy permit. This permit can be revoked by the Zoning Officer if the above standards or any additional Zoning Hearing Board-imposed conditions of use are not complied with.
- (11) The business activity shall be conducted only within the dwelling unit and may not occupy more than 25% of the habitable floor area of the dwelling unit or 500 square feet of gross floor area, whichever is less. No more than one home-based business, impact, is permitted per lot.
- (12) No accessory building or structure shall be utilized as a home based business, impact, except that an accessory building or structure may be used as storage area for the home based business, impact, provided that said area shall be included in the total area permitted for a home based business, impact, use and further, that no such accessory building or structure shall be accessible to the public for business purposes.
- (13) The business may not involve any illegal activity.
- (14) In addition to the required parking spaces for the dwelling unit, one parking space per nonresident employee, plus one parking space per potential customer on site at one time, shall be provided and designed in accordance with the provisions found in the East Hempfield Township Subdivision and Land Development Ordinance. All customer and nonresident employee parking spaces shall be off-street parking spaces.

**Section 16.** Article 8 of the Code (On- and Off-Street Parking and Loading) is amended to add the following provisions:

270-8.4 Proximity of parking to lot lines and uses.

- A. Within the Village Residential Zone and Village Center Zone, the location and proximity of parking, including the parking spaces and interior aisles, is subject to the following:

- (1) A minimum of 25% of the required parking spaces must be located on the lot of the use with the remaining parking to be located on a lot not more than 300 feet from the subject property.
  - (2) If the land is leased, the applicant shall provide a copy of the annual lease to verify use of the land for parking.
  - (3) On-site parking lots containing five or more parking spaces shall not be located within 10 feet of a street right-of-way line.
  - (4) On-site parking lots containing five or more parking spaces shall not be located within five feet of any side or rear lot line unless the parking lot is a permitted shared parking lot.
- B. Within all other zones, the location and proximity of parking, including the parking spaces and interior aisles, is subject to the following:
- (1) Parking lots containing five or more parking spaces shall not be located within 10 feet of a street right-of-way line.
  - (2) Parking lots containing five or more parking spaces shall not be located within 10 feet of any side or rear lot line unless the parking lot is a permitted shared parking lot.
- C. On-site parking lots shall not be located within any buffer planting strip required by § 270-4.13.

270-8.5 Uses of parking lots.

- A. Vehicle parking lots are generally for the purposes of accommodating the passenger vehicles of persons associated with the use which requires them. Parking lots shall be used for the following activities:
- (1) Parking/storage of vehicles accessory to the use;
  - (2) Twenty percent of any parking lot can be used for the periodic outdoor sale events directly related to the primary use of the lot. These events will be no longer than five days in duration and limited to four events per year.
  - (3) Events in parking lots not related to the primary use will be reviewed by the Zoning Officer and temporary use permits will be required. See also temporary uses in Article 4.



B. Parking lots shall not be used for the following activities:

- (1) Performing services (including service/repair to vehicles).
- (2) The long term sale, display or storage of vehicles or other merchandise.

270-8.6 On-site loading space requirements.

On-site loading spaces, if needed and provided, shall be shown on a site plan. The Township must review the loading space design, prepared by the applicant, prior to the occupancy of any building or use, so as to alleviate any safety concerns, roadway conflicts, sizing for vehicles unloading, and traffic congestion anticipated on any existing and/or proposed streets. Loading space design shall meet the following minimum design criteria:

A. Loading space size.

Type of Vehicle	Loading Space Size (Feet)	
	Length	Feet
4-axle truck	30	12
5-axle truck	55	14

- B. The turning radius for any loading space shall be designed in accordance with the standards set forth in the current edition of Transportation and Land Development, Institute of Transportation Engineers (ITE).
- C. Within the Village Residential Zone and Village Center Zone, the location and proximity of on-site loading spaces, including truck maneuvering areas, is subject to the following:
  - (1) Loading spaces shall not be located within the required front setback area.
  - (2) Loading spaces shall not be located within five feet of any side or rear lot line.
- D. Within all other Zones, the location and proximity of on-site loading spaces, including truck maneuvering areas, is subject to the following:
  - (1) Loading spaces shall not be located within the required front setback area.
  - (2) Loading spaces shall not be located within 15 feet of any side or rear lot line.
- E. On-site loading spaces shall not be located within any buffer planting strip required by Article 4.

**Section 17.** Section 270-9.1.D.(13) of the Code (Effect of ZHB’s Decision) is amended to replace the subsections (a), (e), and (f) with the following:

- (a) If the variance or special exception is granted or the issuance of a permit is approved or other action by the appellant is authorized, the necessary permit shall be secured and

the authorized action begun within one year 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 is authorized, and the building or alteration, as the case may be, shall be completed within one year of beginning the authorized action. For good cause, the ZHB may, upon application in writing stating the reasons therefor received by the Township's Zoning Officer prior to the expiration of such time period, extend either one-year period.

(e) For Zoning Hearing Board approvals which are required as part of the subdivision and land development process, the above-stated time restrictions do not apply so long as a subdivision or land development plan is filed with the Township within one year from the date of authorization thereof by the ZHB or by the Court, if such special exception or variance has been granted after an appeal, and the final approval and recording of a subdivision or land development plan occurs within one year from the date of authorization thereof by the ZHB or by the Court, if such special exception or variance has been granted after an appeal. In such cases, the ZHB approval shall be valid for as long as the approved final subdivision or land development plan is valid, in accordance with the Pennsylvania Municipalities Planning Code.

(f) For good cause, the ZHB may, upon application in writing stating the reasons therefor received by the Township's Zoning Officer prior to the expiration of such time period, extend the time restrictions of this section.

**Section 18.** In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

**Section 19.** This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of East Hempfield as provided by law.

DULY ORDAINED AND ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by the Board of Supervisors of the Township of East Hempfield, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF EAST HEMPFIELD  
Lancaster County, Pennsylvania

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

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

[TOWNSHIP SEAL]

I, Cindy A. Schweitzer, Secretary of the Board of Supervisors of East Hempfield Township, Lancaster County, Pennsylvania, hereby certify that the foregoing is a true and correct copy of an ordinance duly adopted at a legally constituted meeting of the Board of Supervisors of East Hempfield Township held on \_\_\_\_\_, 2022, at which meeting a quorum was present and voted in favor thereof.

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Cindy A. Schweitzer, Secretary