

TOWNSHIP OF WARWICK

Lancaster County, Pennsylvania

ORDINANCE NO. 272

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWNSHIP OF WARWICK, CHAPTER 340, ZONING, TO REVISE REGULATIONS GOVERNING ACCESSORY USES, FLAG LOTS, AND TOWERS.

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

Section 1. The Code of Ordinances of the Township of Warwick, Chapter 340, Zoning, Section 340-10, Definitions, Subsection C, Specific Words and Phrases, shall be amended by adding and/or revising the following definitions in alphabetical order:

DOMESTIC PETS – Animals or birds, including but not limited to dogs and cats, that are locally available for purchase as pets and are accessory to a residential use. Domestic pets shall not include farm animals such as cows, sheep, goats and pigs and shall not include any animal or bird requiring a special license or permit under Chapter 29 of the Game and Wildlife Code, 34 Pa. C.S. §2901 et seq. Domestic pets shall not include reptiles, such as snakes, which are not indigenous to Pennsylvania.

KENNEL – Any lot on which five or more animals that are older than six months (except relating to a farm) are kept, boarded, raised, bred, treated or trained, including, but not limited to, dog or cat kennels.

LOT WIDTH – The horizontal distance measured between side property lines. On corner lots, lot width shall be measured between the right-of-way line for the non-addressed street and the directly opposite property line. Unless otherwise noted, lot width shall be measured at the building setback line and the street frontage. For a flag lot authorized pursuant to §350-46, the minimum lot width shall be measured at the flag portion, parallel to the public street right-of-way.

Section 2. The Code of Ordinances of the Township of Warwick, Chapter 340, Zoning, Section 340-25, Accessory Uses and Structures, Subsection J, Domestic Pets, shall be amended to provide as follows:

- J. Domestic Pets. The noncommercial keeping of domestic pets shall be permitted as of right on any residential lot subject to the following regulations:
- (1) No more than four (4) domestic pets shall be permitted on a residential lot except as set forth in §340-25.J(2) or §340-25.J(3).
 - (2) Chickens, quails, and guinea hens may be maintained on a residential lot in addition to the four domestic pets authorized by §340-25.J(1) provided that no more than four birds shall be allowed and further provided that such birds shall be for egg-laying purposes only. No roosters shall be permitted.
 - (3) Temporary housing of animals and fowl commonly found as part of a 4H or similar agricultural training activity shall be allowed.
 - (4) All animals and birds shall be maintained in a sanitary condition. All feces shall be removed and disposed of as frequently as necessary to prevent odors from being perceptible on neighboring lots.
 - (5) Any area where domestic pets, chickens, quails and/or guinea hens are housed outside of the dwelling shall be located in a rear yard only and shall be at least 25 feet from any dwelling not located on the same lot. The area around any housing shall be enclosed by a fence designed for containment which shall be at least 10 feet from any lot line. The area shall be kept in a suitable grass cover and shall not be allowed to degrade to an erodable condition.
 - (6) The lot owner and the owner of the domestic pets, chickens, quails and/or guinea hens shall be responsible to exercise control over the domestic pets, chickens, quails and/or guinea hens and shall not allow a nuisance condition to exist in terms of excessive noise, dirt or odor.

Section 3. The Code of Ordinances of the Township of Warwick, Chapter 340, Zoning, Section 340-46, Flag Lots, shall be amended to provide as follows:

§340-46. Flag Lots.

Within the A, RE, C, and R-1 Zones, the use of flag lots is permitted by right, subject to the following standards:

- A. Flag lots shall be created for and developed only with single family dwellings.
- B. Flag lots are only permitted for a tract of land that has limited street frontage but does have sufficient area for additional lots that could result in an improved subdivision design.

- C. Flag lots are not permitted in a subdivision where a street could reasonably be designed to serve lots meeting the minimum lot width requirements.
- D. Flag lots may be permitted when such design will enable the preservation of an important natural or cultural features which would otherwise be disturbed by conventional design, as approved by the Board of Supervisors during the subdivision approval process.
- E. A flag lot contains two parts: the flag pole which is the part that accesses the lot, and the flag which is the part that is the location of the permitted structures.
 - (1) The flag pole shall meet the following requirements:
 - (a) The flag pole shall only be used for the access lane and storm water facilities dealing with the access lane.
 - (b) The flag pole shall be a minimum of 25 feet wide at the public right-of-way and extend back at least 60 feet to the flag.
 - (c) A flag pole of 25 feet width can serve up to four flag lots.
 - (d) A flag pole serving more than one lot shall have a driveway or at least 16 feet wide.
 - (e) The edge of a driveway on a flag pole shall maintain a minimum of five feet from an adjoining property line.
 - (f) No flag pole can be longer than 500 feet.
 - (g) No flag pole can be closer than 200 feet to any other flag pole.
 - (2) A flag shall meet the following requirements:
 - (a) The flag can only be used for one single family dwelling and permitted accessory structures.
 - (b) The minimum lot width requirement will be met at the portion of the "flag" parallel to the street.
 - (c) All setback requirements of the zone that the flag is located on shall be met.

Section 4. The Code of Ordinances of the Township of Warwick, Chapter 340, Zoning, shall be amended by adding a new §340-63.1, Communication Antennas, Towers, and Equipment Located Within a Public or Private Street Right-of-Way, which shall provide as follows:

§340-63.1. Communication Antennas, Towers, and Equipment Located Within a Public or Private Street Right-of-Way.

Communication antennas, towers, and equipment shall be permitted by conditional use approval within the rights-of-way of public or private streets within the Agricultural Zone (A), Local Commercial Zone (LC), Community Commercial Zone (CC), Industrial-1 Zone (I-1), and Campus Industrial Zone (I-2), only if the communications tower, antenna, and

equipment meet all of the following requirements:

- A. Towers prohibited in areas served by underground utilities. No communications antennas, towers or equipment shall be installed within a public street right-of-way or a private street right-of-way where utility facilities serving lots abutting such street are located underground. Communications antennas, towers, and equipment shall be installed only within rights-of-way of streets where there are utility poles and overhead wires existing on December 31, 2014.
- B. Co-location. An application for a new communications tower in a street right-of-way shall not be approved unless the Township finds that the proposed wireless communications equipment cannot be accommodated on an existing structure, such as a utility pole or traffic light pole. Any application for approval of a communications tower shall include a comprehensive inventory of all existing towers and other suitable structures within a one-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Township that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.
- C. Time, place and manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all communications towers in the public street right-of-way based on public safety, traffic management, physical burden on the public street right-of-way, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.
- D. Equipment location. Communications towers and accessory 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 public street right-of-way as determined by the Township. In addition:
 - 1. In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb.
 - 2. Ground-mounted equipment that cannot be installed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
 - 3. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
 - 4. Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within 30 business days of notice of the existence of the graffiti.

5. Any underground vaults related to communications towers shall be reviewed and approved by the Township.
- E. Design regulations.
1. The communications antennas and communications 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 Township.
 2. Any substantial change to an existing communications tower shall require prior approval of the Township.
 3. Any proposed communications tower shall be designed structurally, electrically, and in all respects to accommodate both the applicant's antennas and comparable antennae or future users, including antenna for public safety needs by emergency responders.
- F. Additional antennae. The applicant shall allow and encourage other service providers to co-locate antennae on communications towers where technically and economically feasible. The owner of a communications tower shall not install any additional antennae without obtaining the prior written approval of the Township.
- G. Relocation or removal of facilities. Within 60 days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a communications tower and/or equipment in the public street right-of-way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any a communications tower and/or equipment when the Township, 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:
1. The construction, repair, maintenance or installation of any Township or other public improvement in the right-of-way.
 2. The operations of the Township or other governmental entity in the right-of-way.
 3. Vacation of a street or road or the release of a utility easement.
 4. An emergency as determined by the Township.
- H. Compensation for public street right-of-way use. Every communications tower and/or

communications equipment in the public street right-of-way is subject to the Township's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the public street right-of-way. Such compensation for public street right-of-way use shall be directly related to the Township's actual public street right-of-way management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other public street right-of-way management activities by the Township. The owner of each communications tower and/or communications equipment shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above. The annual public street right-of-way management fee for communications towers and/or communications equipment shall be determined by the Township and authorized by resolution of the Board of Supervisors and shall be based on the Township's actual public street right-of-way management costs as applied to such communications tower and/or communications equipment.

Section 5. All other sections, parts and provisions of the Code of Ordinances of the Township of Warwick shall remain in full force and effect as previously enacted and amended.

Section 6. 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 7. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of Warwick as provided by law.

DULY ORDAINED AND ENACTED this 20th day of May, 2015, by the Board of Supervisors of the Township of Warwick, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF WARWICK
Lancaster County, Pennsylvania

Attest: D. J. [Signature]
(Assistant) Secretary

By: [Signature]
(Vice) Chairman
Board of Supervisors

[TOWNSHIP SEAL]