

ZONING ORDINANCE

CLAY TOWNSHIP

LANCASTER COUNTY, PENNSYLVANIA



AS CODIFIED November 11, 2002

**TOWNSHIP OF CLAY
LANCASTER COUNTY, PENNSYLVANIA
ORDINANCE NO. 0-12-16-02**

“AN ORDINANCE APPROVING, ADOPTING AND ENACTING A CONSOLIDATION, CODIFICATION AND REVISION OF THE ZONING ORDINANCES OF THE TOWNSHIP OF CLAY, COUNTY OF LANCASTER, COMMONWEALTH OF PENNSYLVANIA; AND PROVIDING FOR THE PROPER MAINTENANCE OF THE CODE”

Section 1. Adoption. The “Code of Zoning Ordinances of the Township of Clay”, as prepared for the said Township of Clay by Shirk & Ermolovich, LLP, Ephrata, Pennsylvania, is hereby adopted as a consolidation and codification of the Zoning Ordinances of the Township of Clay. Articles I through XI thereof contain the text of the body of all Zoning Ordinances of the Township of Clay. The document is organized as follows:

ARTICLE I. TITLE, PURPOSE, AND LEGAL CLAUSES

Section 101	Title
Section 102	Purpose
Section 103	History
Section 104	Community Development
Section 105	Interpretation
Section 106	Application
Section 107	Repealer
Section 108	Validity & Severance
Section 109	Effective Date

ARTICLE II. ESTABLISHMENT OF ZONING DISTRICTS

Section 201	List of Districts
Section 202	Zoning Map
Section 203	Interpretation of District Boundaries
Section 204	Application of District Regulations
Section 205	Other Uses

ARTICLE III. DISTRICT REGULATIONS

Section 301	Forest Recreation (FR)
Section 302	Agricultural (AG)
Section 303	Rural (R)
Section 304	Residential – 1 (R-1)
Section 305	Residential –2 (R-2)
Section 306	Neighborhood Commercial (NC)
Section 307	Limited Industrial (LI)
Section 308	Floodplain (FP) [<i>Replaced per Ord. 032216; 03/22/16</i>]

ARTICLE IV. NON-CONFORMING USES, BUILDINGS, & STRUCTURES

Section 401	Discontinuance
Section 402	Continuance
Section 403	Expansion
Section 404	Substitution
Section 405	Discontinued Use of Open Land
Section 406	Non-Conforming Lots
Section 407	District Changes

- Section 408 Registration
- Section 409 Conformance With Other Provisions
- Section 410 District Criteria For Non-Conforming Uses & Structures

ARTICLE V. SUPPLEMENTARY DISTRICT REGULATIONS

- Section 501 Accessory Buildings or Structures
- Section 502 Erection Of More Than One Principal Building On A Lot
- Section 503 Structure To Have Access
- Section 504 Signs
- Section 505 Off-Street Parking & Loading requirements
- Section 506 Storage Of Explosives
- Section 507 Mobile Homes
- Section 508 Mobile Home Parks
- Section 509 Private & Public Park & Recreation Areas
- Section 510 Extraction of Natural Resources
- Section 511 Automobile Service Station
- Section 512 Junk Yards
- Section 513 Slope
- Section 514 Detached Private Garages
- Section 515 Swimming Pools, Tennis Courts Or Other Dwelling
Recreational Accessory Structures
- Section 516 Storage/Commercial
- Section 517 Storage/Industrial
- Section 518 Accessory Buildings & Structures Animal Structures
- Section 519 Pollution Control
- Section 520 Visual Obstructions
- Section 521 Land Fills
- Section 522 Intensive Agricultural Production Facilities (See Also 528
and 535)
- Section 523 Disposal of Junk
- Section 524 On-Lot Sewage Disposal
- Section 525 Water Supply
- Section 526 Child Day Care Centers
- Section 527 Residential Non-Conforming Structures-Additions
- Section 528 Farms
- Section 529 Farm House Conversions
- Section 530 Business Residence
- Section 531 Special Requirements For Private Communications
Structures
- Section 532 Temporary Construction Structures
- Section 533 Bed & Breakfast Inns By Special Exception
- Section 534 Directional Signs & Standards
- Section 535 Intensive Ag Facility
- Section 536 Industrial Performance Standards
- Section 537 Flag Lot Setbacks
- Section 538 Public Utility Structures
- Section 539 Division of Farms

ARTICLE VI. SPECIAL EXCEPTION REGULATIONS

- Section 601 General Description
- Section 602 Procedures & Plan Required
- Section 603 General Standards
- Section 604 Home Occupations

Section 605	Cemeteries
Section 606	Communication Antenna Sites
Section 607	Burden of Proof

ARTICLE VII. ENFORCEMENT PROCEDURE

Section 701	Zoning Officer
Section 702	Duties & Responsibilities Of Zoning Officer
Section 703	Violation, Penalties & Enforcement
Section 704	Permits
Section 705	Certificate of Use & Occupancy

ARTICLE VIII. APPEALS

Section 801	Creation of Zoning Hearing Board
Section 802	Organization of Zoning Hearing Board
Section 803	Functions of Zoning Hearing Board
Section 804	Notice
Section 805	Hearing Procedure
Section 806	Burden of Proof
Section 807	Recording of Decisions

ARTICLE IX. AMENDMENTS

Section 901	Powers
Section 902	Definitions
Section 903	Amendment Procedure
Section 904	Hearings

ARTICLE X. DEFINITIONS

Section 1001	Purpose
Section 1002	Terms

ARTICLE XI. MOBILE HOMES AND MOBILE HOME PARKS

Section 1101	Regulation of Mobile Homes
Section 1102	Requirements for Mobile Home Parks
Section 1103	Variances

Section 2. Citation. The Codification referred to in section 1 of this Ordinance shall be known as and cited officially as the “Code of Zoning Ordinances of the Township of Clay”.

Section 3. Saving Clause. The provisions of the Code of Zoning Ordinances of the Township of Clay, so far as they are the same as those ordinances and regulations in force immediately prior to the adoption of said Code, are intended as a continuation of such ordinances and not as a new enactment. The provisions of the Code of Zoning Ordinances shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations.

Section 4. Maps. The Zoning Map of Clay Township “Zoning Map” and the Flood Plain Study dated June 16, 1980 prepared for Clay Township by the Federal Insurance Administration “Flood Plain Map” and all notations, references and data shown thereon are also hereby incorporated into the Code of Zoning Ordinances of the Township of Clay.

Section 5. Responsibility for Code Ordinances. It shall be the responsibility of the Township Secretary to maintain an up-to-date certified copy of the Code of Zoning Ordinances. This copy shall be

the official copy of the Code of Zoning Ordinances of the Township of Clay and shall be available for public inspection.

Section 6. Exclusions. Specifically excluded and preserved are the Subdivision and Land Development Ordinance of the Township of Clay and the Code of Ordinances of the Township of Clay, and amendments thereto.

Section 7. Amending of the Code of Zoning Ordinances. The procedure for amending the Code of Zoning Ordinances shall include the citation of the Article, section, and subsection to be amended, revised, repealed, or added as follows:

A. Amendment or Revision - "Article ____, Section ____, Subsection ____ is hereby amended (revised) to read as follows..."

B. Additions - "Article ____, Section ____, Subsection ____ is hereby amended by the addition of the following..."

C. Repeal - "Article ____, Section ____, Subsection ____ is hereby repealed in its entirety."

Section 8. Penalties. It shall be unlawful for anyone to change, alter, or tamper with the Code of Zoning Ordinances in any manner which will intentionally misrepresent the laws of the Township. Whosoever shall violate this section shall, be subject to a civil enforcement proceeding and may be fined an amount no more than Six Hundred Dollars (\$600.00).

Section 9. Severability of Ordinances of Codification. It is hereby declared to be the intention of the Board of Supervisors that the articles, sections, paragraphs, sentences, clauses, and phrases of this codification are severable. If any section, paragraph, sentence, clause, or phrase of this Code of Zoning Ordinances is declared unconstitutional, illegal or otherwise invalid by the judgement or decree of a court of competent jurisdiction, that invalidity shall not affect any remaining chapters, parts, sections, paragraphs, sentences, clauses, or phrases of this codification.

ENACTED AND ORDAINED THIS 16th DAY OF DECEMBER, 2002.

**BOARD OF SUPERVISORS
OF CLAY TOWNSHIP**

