

COLERAIN TOWNSHIP

Lancaster County, Pennsylvania

ORDINANCE NO. 2023-01

AN ORDINANCE TO AMEND THE COLERAIN TOWNSHIP ZONING ORDINANCE, TO: (1) MODIFY REGULATIONS FOR THE FENCES, WALLS AND HEDGES; (2) MODIFY DRIVEWAY DESIGN REQUIREMENTS; (3) MODIFY ADMINISTRATION AND ENFORCEMENT PROVISIONS; (4) MODIFY PROVISIONS FOR THE NUMBER OF PRINCIPAL BUILDINGS ON A LOT; (5) MODIFY THE PROVISIONS FOR THE NUMBER OF PRINCIPAL USES; AND (6) MODIFY REGULATIONS FOR SWIMMING POOLS, TENNIS COURTS OR OTHER RECREATIONAL ACCESSORY STRUCTURES

WHEREAS, Colerain Township adopted and enacted a new Zoning Ordinance in July 2011 (“Zoning Ordinance”). Since that time it has been determined that revisions needed to the Zoning Ordinance to add certain regulations and to amend and correct other sections of the Zoning Ordinance; and

NOW, THEREFORE, it is hereby ordained and enacted by the Board of Supervisors of Colerain Township, Lancaster County, Pennsylvania, that the Zoning Ordinance shall be amended as follows:

1. Amendment to Zoning Ordinance to modify regulations for the fences, walls and hedges. Section 6.20 of the Zoning ordinance shall be amended to read as follows:

6.20 Fences, walls and hedges

6.20.01 Fences shall be permitted by right in all districts.

6.20.02 Fences, walls and hedges shall comply with the following:

- A. Any fence located in the required front yard of a lot in any district shall have a minimum ratio of 1:1 of opening to structural areas (such as a picket fence or split rail fence) and shall be limited to three feet in height.
- B. Any wall or retaining wall located in the required front yard of a lot in any district shall be limited to three feet in height.

- C. Fences may be wooden (such as picket or split-rail), wrought-iron, or material simulating those materials. Chicken wire shall not be permitted.
- D. A fence shall not be constructed out of fabric, junk, junk vehicles, appliances, tanks or barrels or any type of material that may be in a state of disrepair.
- E. As an alternative to a fence, wall, or retaining wall in the required front yard, a hedge not exceeding three feet in height at maturity may be used. Any hedge or landscaping used to enclose a front yard shall be maintained at a maximum of three feet in the area of the required front yard.
- F. Privacy fences (fences with no openings) shall not be permitted in a Front Yard.
- G. The gap from the ground to the bottom of any fence shall not exceed four (4) inches unless the property owner can provide evidence to the Zoning Officer regarding the physical circumstances of the Property or design of a fence requiring otherwise. If the four (4) inches requirement is exceeded, the reasons for such modification shall be evidenced in the Township's records.
- H. Fences shall not exceed six (6) feet in height (unless otherwise stated in this Code). Fences may be extended to a maximum of eight (8) feet when approved by the Zoning Officer to be in compliance with the following:
 - 1. The fence shall not be located within a right-of-way or easement;
 - 2. The Fence may only be located in a side or rear yard and only behind the front façade of the principal building located on the subject property. Any fence located in the required front yard or in front of the front façade of the principal building located on the subject property shall comply with the remaining subsections of this Section 6.20.
- I. A fence, walls and hedges shall not be required to comply with minimum setbacks for accessory structures and may be located on property line. The Township may require a sealed survey prior to issuing a permit for a fence.
- J. The finished side of the fence must face away from the subject property.

- K. A fence or wall shall not be placed within a street right-of-way.
- L. No fence, wall, or hedge shall obstruct the flow of stormwater, except as part of a Township approved stormwater plan.
- M. No fence, wall, or hedge shall obstruct the site line of any street or intersection.
- N. Notwithstanding the above, fences associated with Agricultural uses may be located as follows:
 - 1. Such fence may be located within the street right of way so long as:
 - a. the fence is a one strand or multiple wire strand fence or other type of wire fence allowing for more than 75% visibility through the fence by those utilizing the roadway; and
 - b. the landowner shall remove or relocate the fence at the landowner's cost if the roadway is extended into the right-of-way at any time.
 - 2. Such fences may be located on a property line.
 - 3. The gap from the ground to the bottom of the fence maybe higher than four (4) inches so long as it is designed to retain the agricultural activity within the fenced in area.
 - 4. All other provisions of Section 6.20 not addressed or modified herein shall apply.

2. **Amendment to Zoning Ordinance to modify driveway design requirements.** Section 10.05, shall be amended as follows:

- a. Renumber existing subsection 10.05.05 to 10.05.06; and
- b. Add new 10.05.05, to read as follows:

10.05.05 The improved portion of any driveway shall be a minimum of six (6) feet from any property line. This shall apply to any new driveway or the area of expansion for any existing driveway.

3. **Amendment to Zoning Ordinance to modify Administration and Enforcement provisions.** Section 16.06.04.A shall be amended to read as follows:

- A. The Zoning Hearing Board shall fix a reasonable time and place for the public hearing and shall give notice thereof stating the time and place of the hearing and the particular nature of the matter to be considered as follows:
- 1) By publishing notice thereof once each week for two (2) successive weeks in a newspaper of general circulation in the Township. The first publication shall be not more than thirty (30) days and the second publication shall be not less than seven (7) days from the date of the hearing.
 - 2) By mailing a notice thereof to the applicant.
 - 3) By mailing notice to the owners of all adjacent properties and to the owners of all properties within 500 feet of the property(ies) which is/are the subject of the application.
 - 4) By mailing a notice thereof to the Zoning Officer, the Township Secretary, and to every person or organization who shall have registered with the Zoning Hearing Board for the purposes of receiving such notices.
 - 5) By posting notice conspicuously on the affected tract of land at least one (1) week prior to the hearing.

4. **Amendment to Zoning Ordinance to modify number of principal buildings on a lot.** Section 6.17 shall be amended to read as follows:

6.17 Erection of More Than One Principal Building on a Lot

In any district, more than one building housing a permitted or permissible principal use may be erected on a single lot in accordance with Section 4.05.02 of this Ordinance, and provided that yard area and other requirements of this Ordinance shall be met for each building as though it were on an individual lot. This section shall not apply to the permitting or use of a building as a second dwelling unit on a single property (as either a principal or accessory use) unless the additional building(s) and the additional dwelling unit(s) use are expressly provided for and permitted: (a) in a given zoning district; and (b) as part of the original principal use.

5. Amendment to Zoning Ordinance to modify number of principal uses. Section 4.05.02 shall be amended to read as follows:

4.05.02 Other Principal Uses. Where specifically provided in a given zoning district, more than one principal use may be granted by the Zoning Hearing Board for erection on a lot provided that all lot and yard requirements, standards, and other requirements of this Ordinance shall be met for each structure, as if it were located on a separate lot. This section shall not apply to the permitting or use of a building as a second dwelling unit on a single property (as either a principal or accessory use) unless the additional building(s) and additional dwelling unit(s) use are expressly provided for and permitted: (a) in a given zoning district; and (b) as part of the original principal use. The Zoning Hearing Board, in making its decisions on other principal uses shall, in addition to requiring that the other criteria and standards to be met as set forth in this Ordinance governing the decisions of the Zoning Hearing Board, grant such other uses only in such districts where they are similar to permitted uses in such district or, if there are no similar uses in any districts, where they most nearly meet the intent of a district. In said event, the lot and bulk restrictions applicable for the district in which the Zoning Hearing Board finds the other principal uses most aptly belong, shall apply to such other principal uses, and if there are no clearly applicable restrictions, then reasonable restrictions shall be imposed consistent with those in that district and elsewhere in this Ordinance.

6. Amendment to Zoning Ordinance to modify Swimming Pools, Tennis Courts or Other Recreational Accessory Structures. Section 6.49 shall be amended to read as follows:

6.49 Swimming Pools, Tennis Courts or Other Recreational Accessory Structures

No swimming pools, tennis courts or other recreational accessory structures shall be within the minimum yard setback requirements of the district where located. Every swimming pool, except for any above ground swimming pool with a height equal to or greater than four (4) feet, shall be enclosed by a permanent fence with a self-locking gate with a minimum height of four (4) feet. For any above ground swimming pool which has a ladder or platform/decking for access to the pool, such ladder and platform/decking shall have a

fence with a self-locking gate restricting access to the same. Fences shall be erected immediately after completion of construction of the structures described in this section and in the case of swimming pools fences shall be erected prior to pools being filled with water. Pool fences shall meet the requirements of the Uniform Construction Code (UCC), International Building Code (IBC) or International Residential Code (IRC).

7. SEVERABILITY.

The provisions of this Ordinance are intended to be severable and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

8. ENACTMENT AND EFFECTIVE DATE


This Ordinance shall be effective in five days and shall remain in force until modified, amended or rescinded by Colerain Township, Lancaster County, Pennsylvania.

9. REPEALER

All other Ordinances and Resolutions or parts thereof, insofar as they are inconsistent with this Ordinance are hereby repealed.

ORDAINED AND ENACTED this 7th day of August, 2023,
by the Board of Supervisors of Colerain Township, Lancaster County, Pennsylvania in
lawful session duly assembled.

COLERAIN TOWNSHIP
Lancaster County, Pennsylvania



Attest: Carmen Wiker
Carmen Wiker, Secretary

By: Scott E. Shoemaker
Scott E. Shoemaker, Chairman

By: Robin W. Church
Robin W. Church, Vice Chairman

By: Samuel R. Reinhart
Samuel R. Reinhart, Supervisor