

Part 4
ES - ECOLOGICALLY SENSITIVE DISTRICT

§ 27-401. Purpose. [Ord. 116, 9/7/2011, § 400]

The ES - Ecologically Sensitive District seeks to protect the wooded hillsides of northern West Cocalico Township within the headwaters of the Cocalico Creek watershed. Existing soil and topographic characteristics severely limit development potential in this area, and the district has been established to prevent unnecessary destruction of the Township's woodland concentrations and related environmental degradation. More than 80% of approximately 5,000 acres of this district contains soils which are classified by the Soil Survey of Lancaster County Pennsylvania as having severe limitations for building site development, sanitary sewage facilities, and shallow excavations due to wetness, slope, or flooding. This soil survey categorizes severe limitations as conditions which are unfavorable and difficult to overcome without special design considerations, significant increases in construction costs, increased maintenance, and/or special feasibility studies. The soil survey also classifies these same soils as having moderately high, high, or very high capabilities for the productivity of important trees.

§ 27-402. Permitted Uses. [Ord. 116, 9/7/2011, § 401; as amended by Ord. 123, 2/6/2014, § 2]

1. Land and buildings in the ES - Ecologically Sensitive District shall be used only for the following purposes:
 - A. Agricultural operations that are not CAFOs and CAOs which have an animal equivalent unit of less than two animal units per acre, subject to the standards found in Part 23 of this chapter.
 - B. Municipal uses.
 - C. Conservation areas for the conservation of open space, water, soil, forest, and wildlife resources.
 - D. Single-family detached dwellings.
 - E. Principal farm dwellings.
 - F. Accessory buildings and uses customarily incidental and secondary to the above permitted uses when located on the same lot.
 - G. No-impact home-based business.
 - H. Day care homes.
 - I. On-farm occupations subject to the standards found in Part 23 of this chapter.
 - J. Accessory buildings and uses customarily incidental and secondary to special exception uses approved under § 27-403 below when located on the same lot.
 - K. Accessory solar energy systems, subject to the requirements of § 27-2306.2.
 - L. Accessory wind energy systems, subject to the requirements of § 27-2306.4.

- M. Closed-loop geothermal energy systems, subject to the requirements of § 27-2306.6.
- N. Outdoor hydronic heating systems, subject to the requirements of § 27-2306.9.

§ 27-403. Special Exceptions. [Ord. 116, 9/7/2011; § 402, amended by Ord. 123, 2/6/2014, § 3; Ord. No. 132, 6/17/2016; Ord. No. 135, 11/2/2017; Ord. No. 141, 5/21/2018]

1. The establishment and/or expansion of the following uses are permitted when special exceptions are granted by the Zoning Hearing Board in conformance with Part 23 and other provisions of this chapter:
 - A. Concentrated animal feeding operations and concentrated animal operations subject to the standards found in Part 23 of this chapter.
 - B. Accessory farm dwellings.
 - C. Agri-venue.
 - D. Bed and breakfast establishments.
 - E. Cemetery.
 - F. Commercial communication antennas and antenna sites.
 - G. ECHO housing.
 - H. Essential services buildings and structures.
 - I. Home occupations which do not qualify as no-impact home-based businesses.
 - J. Kennels.
 - K. Noncommercial day care centers accessory to existing churches.
 - L. Riding school or horse boarding stables.
 - M. Recreational camp.
 - N. Rural occupations.
 - O. Display and sale of agricultural products by a person farming land in this zoning district subject to the standards found in Part 23 of this chapter sale of agricultural products.
 - P. Principal wind energy systems, subject to the requirements of § 27-2306.5.
 - Q. Beekeeping.
 - R. Horticulture.
 - S. Short-term rental subject to the requirements of § 27-2307.

§ 27-404. Area and Height Regulations. [Ord. 116, 9/7/2011, § 403]

1. Minimum Lot Area.

- A. The minimum lot area required for permitted uses and special exception uses in the ES - Ecologically Sensitive District shall be no smaller than is required to meet all applicable setbacks and Pennsylvania Department of Environmental Protection (DEP) requirements for the location of on-site water supply and sewage disposal facilities, including replacement system location. The maximum lot area for all non-farm single-family detached dwellings shall be two acres. The maximum lot area for all other special exception uses except concentrated animal feeding operations and concentrated animal operations shall be four acres. There shall be no maximum lot area for municipal uses, concentrated animal feeding operations, and concentrated animal operations.
- B. Subdivision and Land Development Limitations. It is the intent of the Supervisors to preserve and protect woodlands and to preserve prime agricultural soils through limitations on subdivision and land development.
 - (1) Number of lots, dwellings or other principal non-agricultural buildings permitted. One principal building or use may be established for any unimproved lot that is less than 50 acres subject to compliance with all dimensional and use requirements of this chapter. In every other instance, for each parent tract there shall be permitted by special exception the subdivision of one lot, which shall specifically include, but not be limited to, a subdivision to change lot lines or a "lot add-on" subdivision unless exempted in Subparagraph (2) or the establishment of an additional principal building or use on the parent tract, but not both, with the portion of the existing or newly created lot used for residential purposes limited to the maximum lot size set forth in Paragraph A above, for each 50 acres held on December 24, 1989, or if the parent tract was not classified as ES -Ecologically Sensitive District on December 24, 1989, on the date when such land was first included in the ES - Ecologically Sensitive District after December 24, 1989. A tabular example of this limitation on the creation of lots or the erection of dwellings is as follows:

Size of Parent Tract in Acres	Number of Lots Permitted to Be Subdivided or Additional Permitted Principal Buildings or Uses*
Less than 50 acres	0
50.01-100.0 acres	1
100.01-150.0 acres	2
150.01+ acres	3 plus one additional subdivision or permitted principal building or use for each additional 50 acres after 200 acres

Notes:

- * For purposes of this section, in no case shall parent tracts qualify for any additional lots permitted to be subdivided or additional permitted buildings or uses than those allotted to parent tracts held on December 24, 1989, or if the parent tract was not classified as ES - Ecologically Sensitive District on December 24, 1989, on the date when such land was first included in the ES - Ecologically Sensitive District after December 24, 1989:
 - (a) Any subdivision or land development plan hereinafter filed with the applicable approving body for subdivision or land development or any deed for the conveyance of a lot in this district shall specify which lot or lots shall carry with it a right of further subdivision or erection of accessory farm or non-farm single-family dwellings or principal nonagricultural buildings, if any such right remains from the quota allocated to the parent tract. This right of further subdivision or erection of accessory farm or non-farm single-family dwellings or principal nonagricultural buildings, or an indication that no further subdivision or erection of such dwellings or principal buildings is permissible, shall also be included in the deed to the newly-created lot. This restriction shall remain in effect as long as further subdivision is prohibited under the zoning ordinance then in effect.
 - (b) The number of lots which may be created or accessory farm or non-farm single-family dwellings or other principal non-agricultural buildings which may be erected on the parent tract shall be fixed according to the parent tract. This number shall not be increased by the subdivision of such parent tract. Any subsequent owner of a parent tract or land remaining in a parent tract after subdivision shall be bound by the actions of his predecessor.
 - (c) Any land development, the purpose of which is to permit the erection of a permanent accessory farm or non-farm single-family dwelling on a parent tract which has previously been improved with a dwelling which also will remain on the parent tract or to permit the erection of a structure for an additional principal use on the parent tract shall be considered a subdivision for the purposes of this section. It is the purpose and intent of this section to limit the development of agricultural tracts for non-agricultural purposes regardless of whether such development is accomplished by subdivision or land development as those terms are defined in the Municipalities Planning Code, 53 P.S. § 10101 et seq.
- (2) Exemptions from Limitation on Subdivision of Land. The following types of subdivisions shall not be counted against the subdivision/land development quota established by Subparagraph (1). In addition, the below exemptions do not require a special exception approval:
 - (a) The transfer of land to increase the size of a tract being used for agricultural purposes.

- (b) The transfer of non-prime agricultural land to increase the size of a tract not being used for agricultural purposes.
 - (c) A subdivision to create a lot which will be transferred to the Township or a municipal authority created by the Township.
- (3) Requirements for Plans and Deeds Relating to Lands Within the ES Ecologically Sensitive District. Any subdivision or land development plan hereafter filed with the applicable approving body for subdivision or land development or any deed for the conveyance of land in the ES - Ecologically Sensitive District shall specify on the recorded plan which lot or lots shall carry a right of further subdivision or erection of accessory farm or non-farm single-family dwellings or other principal non-agricultural buildings, if any such right remains from the quota allocated to the parent tract on December 24, 1989, or on the date when such land was first included in the ES - Ecologically Sensitive District, whichever is later. The right of further subdivision or erection of accessory farm or non-farm single farm dwellings or other principal non-agricultural buildings, or a statement that no further subdivision or erection of accessory farm or non-farm single-family dwellings or other principal non-agricultural buildings is permissible, shall also be included in the deed to the newly-created or conveyed lot. If the designation of the right of further subdivision or erection of additional accessory farm or non-farm single-family dwellings or other principal non-agricultural buildings was not included on a subdivision or land development plan of a parent tract or deed of conveyance, it shall be conclusively presumed that the largest lot remaining after subdivision shall carry the right of further subdivision or erection of additional accessory farm or non-farm single-family dwellings or other principal non-agricultural buildings.
- 2. Minimum lot width: 200 feet at the building line.
 - 3. Minimum lot depth: 200 feet.
 - 4. Yard Requirements. All buildings shall be set back from street rights-of-way and lot lines in accordance with the following requirements:
 - A. Front Yard. The minimum front yard required shall be that distance established in Part 19 of this chapter between the right-of-way line of a public or private road and the building line.
 - B. Side Yard. There shall be two side yards each having a minimum width of 50 feet.
 - C. Rear Yard. The rear yard shall be a minimum of 100 feet in depth.
 - 5. Maximum Lot Coverage.
 - A. Lot area of two acres or less: 20%.
 - B. Lot area of greater than two but less than four acres: 15%.
 - C. Lot area of four acres or greater: 10%.

6. Height Regulations. No principal building shall exceed 35 feet in height except as provided in Part 21 of this chapter.
7. Minimum Off-Street Vehicle Parking and Loading Requirements. Off-street parking and loading facilities shall be provided in accordance with the requirements of Part 18.

§ 27-405. Preservation of Existing Woodlands. [Ord. 116, 9/7/2011, § 404]

Existing wooded areas shall be protected as follows: At least 75% of the number of trees (minimum trunk caliper of five inches measured three feet above ground) that exist prior to any earth moving activities requiring a permit pursuant to this chapter shall be maintained or replaced immediately following construction. Replacement trees shall be a minimum trunk caliper of two inches measured three feet above finished grade.

§ 27-406. Setbacks from Agricultural Districts. [Ord. 116, 9/7/2011, § 405]

1. No dwelling unit shall be located within 100 feet of any land within any Agricultural District that is used for agricultural production.
2. No nonresidential building, except residential accessory buildings and agricultural buildings, shall be located within 100 feet of any land within any Agricultural District that is used for agricultural production.
3. In addition, no shrub nor tree shall be planted within 20 feet and 30 feet, respectively, of any land within any Agricultural District which is used for agricultural purposes.

§ 27-407. Siting of Special Exception Uses in ES - Ecologically Sensitive District. [Ord. 116, 9/7/2011, § 406]

Applications for special exception uses in the ES - Ecologically Sensitive District shall meet the siting requirements of § 27-2304 of this chapter.